# SENATE—*Tuesday, June 25, 1996*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

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

Martin Luther said, "The very ablest youth should be reserved and educated not for the office of preaching, but for government. Because in preaching, the Holy Spirit does it all, whereas in government one must exercise reason in the shadowy realms where ambiguity and uncertainty are the order of the day."

Gracious God, infinite wisdom, we thank You for reserving and preparing the women and men of this Senate to serve You in the high calling of government. So often politics and politicians are denigrated in our society. We forget that politics is simply the doing of government. Bless the Senators, their faithful staffs, and all who are part of the Senate family. Give all of them a renewed awareness that they are here by Your appointment and You will give vision in the ambiguities and clear convictions in the uncertainties that occur today. Send out Your light; lead us; empower us. We commit ourselves anew to excellence for Your glory and the good of our beloved Nation. In the name of our Lord. Amen.

## RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

## SCHEDULE

Mr. LOTT. Mr. President, this morning there will be a period for continued debate on S. 1219, the campaign finance reform bill, with the time equally divided between the two leaders or their designees.

UNANIMOUS-CONSENT AGREEMENT

I understand that there has been a request for an extension of that debate, therefore I now ask unanimous consent that debate be extended until 1 p.m. today under the previous conditions, and further that Senators have until 1 p.m. in order to file second-degree amendments to the campaign finance reform bill as well as first-degree amendments to the DOD bill.

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

Mr. LOTT. I might just note that has been cleared by the Democratic leadership. This just does provide for an additional 30 minutes of debate on the campaign finance reform bill.

At 2:15 today, under the previous order, the Senate will proceed to a rollcall vote on the motion to invoke cloture on the campaign finance reform bill. If cloture is not invoked, the Senate is expected to resume consideration of the Department of Defense authorization bill; therefore, further rollcall votes are expected throughout today's session.

As a further reminder, a cloture motion was filed on the DOD authorization bill last night, with that vote to occur on Wednesday of this week. Also, the Senate will recess from the hour of 1 to 2:15 p.m. today, in order for the weekly policy conferences to meet.

I hope the cloture vote on DOD authorization may not be necessary, but from what I saw last week, the Senate has not yet gotten serious about completing this legislation. We must do it this week. We will do it this week. We just have to get on with the amendments. So we probably can expect to go into the night tonight and may very well tomorrow also.

I might also just say, I plan to meet later on this morning with the Democratic leader and see if we can come to an agreement on how to handle the small business tax relief and minimum wage issue, beginning on Monday, July 8.

I yield the floor.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. DEWINE). Under the previous order, leadership time is reserved.

## CAMPAIGN FINANCE REFORM

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1219, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1219) to reform the financing of Federal elections, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to speak against cloture on this bill, but I also want to talk about what I think is good about the bill and why I am voting against cloture.

First, I want to say, if I were titling this bill, it would be called the Incumbency Protection Act, because that is what limitations on expenditures for campaigns will do. It will take away the right of a challenger to be able to raise more money than an incumbent with the advantage of name identification and to be able to go forward with a message.

What they say in this bill is that it is voluntary. It is voluntary, but you pay quite a price if you do not adhere to the limits. You, then, will be faced with 30 minutes of free broadcast time against you, if you do not adhere to the limits. You will have reduced postal rates against you. This is really coercive. Then there is the cost. My gosh, the Postmaster General has said he will have to raise all postal rates if he has to provide reduced rates.

So I want to talk about why I think this is the most important part of the bill. But I also want to talk about what I think is good in the bill because, if we ever want to come back to this, there are some improvements that we really ought to make, and I will be supportive of these things. I love the idea of requiring 60 percent of campaign funds to be raised from individuals in a State. I think that is something that will enable the people in the State to have the right say in the election of their Members of the U.S. Congress, in the election of their Senators.

I am for limitations of personal money for a campaign. I think you have to make sure it would be constitutional, so you would say a person can spend any amount of his or her own money that he or she wants to, but he or she could only be repaid a certain amount. I think that is a wise thing, because I, too, am alarmed, as many of us are, by people who would just pour millions of their own money into a campaign and, in effect, be able to buy an election; because that is what people see. They have the access to the airways with money, and it does become, I think, an inequitable situation.

Limitations on the amounts of contributions by PAC's to the same amount as individuals contribute is good. I do think PAC's, however, have been misrepresented, not only on this floor but around the country, because I think political action committees, most often, are grassroots efforts within a company. Why would we not want the working people of this country to be able to contribute $25 or $100 or $500, if they desire to do it? PAC's are voluntary and they should be voluntary. But if people want to participate in our process, I think they should be encouraged. Frankly, I think many of the companies in this country have done a wonderful job of encouraging their employees to be a part of a PAC. When they do that, the employees are able to have the candidates come before them.

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

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They will have the Democrat and the Republican. They will be able to have debates. I think that is healthy. That makes more people interested in the process, have a stake in the process, and be good citizens. That is what we want to encourage in our democracy.

I am for the provision that would not allow the franking privilege for mass mailings in an election year. I do not use the franking privilege for mass mailings at all. I have not detected I am any less in contact with my constituents. I think it is a good thing, in an election year, not to have the franking privilege for mass mailings. I think we could easily do that.

So these are things that I think are great steps in the right direction, and I commend my colleagues, Senator MCCAIN and Senator FEINGOLD, for bringing these forward because these are things I could vote for.

The reason I am going to vote against cloture is because the overriding, most important part of this bill goes against everything that freedom in a democracy stands for, and that is the limitations on contributions, voluntary, but nevertheless I think it creates a very uneven situation.

I am a person who could be on the other side of that because in my personal experience I ran against an incumbent who was much better funded than I was, who had the PAC contributions from Washington that I have heard so much talk about on this floor. I had a very hard time raising money against this incumbent. But you know what? The people were looking at the message. And even though my message was much less generously funded than my opponent's message, nevertheless the people were able to make this choice.

I do not want to limit the incumbent or the challenger. If the message is right, we need to have the freedom to get it out. I, of course, think that limiting an incumbent and saying you can only spend this much, and limiting the challenger and saying you can only spend this much, is going to favor the incumbent. There is just no question about that. And even though I was on the other side of that, I think it is wrong and I think I will stand always against any kind of limitations, whether it is cloaked in a voluntary cloak of armor or not, because it is not really voluntary when you are then going to the television stations or the postal service or going to the radio stations and saying, "Ah, yes."—these people that are voluntarily saying that they are going to stay within the limit—"You're going to pay for that difference."

What is the nexus? Why are we telling television stations or the Postal Service, which is going to have to raise rates on everyone else in America, that you should subsidize this arbitrary limitation that is voluntary? It just does not make sense, Mr. President.

So I am going to vote against cloture because I think the overriding issue here is limitations. If you want to see the hardship of limitations, look at the States that have the limitations in place. Look at the Presidential election right now. One candidate has a primary and therefore has to spend the money in the limitation. The other candidate does not have a primary. This could be reversed. It could be the year that there is a Republican incumbent and the Democrats have a primary. Either way, it makes for an artificial limitation that is not fair. I do not think we want to put that in place now for Members of Congress and Members of the Senate.

Let me just say that we do have limitations on contributions that I think are quite reasonable. Could they be lower? Yes. I mean, $500, $1,000—it could be lower if we wanted it to be lower. I would certainly be flexible in that area. But you know, when I look at the States around this country that have no limitations whatsoever on contributions and there are people taking $100,000 for a campaign for a State office, and we are talking about $1,000 limitations on contributions or $5,000 from a PAC that is an amalgamation of many employees in a company, I think we are assuring that there is going to be a grassroots base. We have that assurance right now.

I had 40,000 contributors to my campaigns for the U.S. Senate. I ran twice within 2 years. Forty thousand. My average contribution was about $100. I think that is a grassroots effort. I had many $5 and $10 contributions. That does make sure that no one has particular access to a person because of some huge contribution.

I think we can do a lot to improve our campaign finance in this country, Mr. President, but I just think this bill is not the right approach. I hope that we can work on this and continue to work on it, because as I said, I think, having limitations on personal use of funds, having the 60 percent requirement of raising money in your home State, not using the franking privilege in an election year are very good, solid recommendations from this bill. So I hope that we will be able to work on something, but, Mr. President, this is not the right vehicle. Thank you, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Let me thank my good friend from Texas for her excellent statement on the issue before us. I appreciate her contribution to this debate, not only at this time but in previous rounds. She is right on the mark, it seems to me, in concluding that this bill falls well short of anything the Congress ought to foist on to the American people, and particularly the restrictions on all the individuals across the country that want to participate in the political process.

I would just say to my friend from Texas—I did not get a chance yesterday to tell her this—even the National Education Association, almost never aligned with people like the Senator from Texas and myself, wrote me a letter yesterday saying how awful this bill was, and said they hoped it would be defeated. They also pointed out that the average contribution to the NEA PAC was $6, and asked the question, why in the world participation of that sort would be a bad thing for American democracy and something the Congress ought to eliminate?

Mrs. HUTCHISON. Will the Senator yield for a question?

Mr. MCCONNELL. Certainly.

Mrs. HUTCHISON. Is it not true that the Postmaster General has raised serious questions about this bill, and what he would be required to do is in the way of raising postal rates for everyone because of the subsidy that would be required under this bill for lower postal rates in an election year?

Mr. MCCONNELL. In a letter I received from the Postmaster General yesterday, he comes out against the bill. Obviously, the Postmaster General is not accustomed to taking positions on legislation up here. But his point is that this is in effect a transfer of cost to the postal ratepayers across America.

That is one of the reasons the Direct Marketing Association, the direct mail people—they are a private business—also opposes this, because in effect it is passing on to the postal ratepayers an enormous expense.

This bill is not free. The notion has been put forth that somehow the spending limits are free. In fact, it passes the cost on to the broadcasting industry and on to the postal patrons of this country.

Mrs. HUTCHISON. Not only that, since we have virtually a monopoly in the postal system, it is like a taxpayer subsidy because it is requiring every person in America that wants to send a letter to pay more for this limitation that we are putting in place. It just does not qualify as a true voluntary limitation.

Mr. MCCONNELL. No, it is not voluntary and not free, I say to my friend from Texas. It is not voluntary because if you choose not to shut up, if you choose not to take the Government prescribed speech limits, you have to pay more for your television. So it is not voluntary. And it is not free because the broadcasting industry is called upon to subsidize campaigns and the postal patrons are called upon to subsidize campaigns. So it is neither voluntary nor free.

I thank very much my friend from Texas for pointing this out.

Mrs. HUTCHISON. I yield the floor back to the Senator from Kentucky. But I commend the Senator from Kentucky for his great leadership in this area because he is the person who has studied this issue thoroughly and has taken things that sound very good, and has talked about what the real impact is going to be on the consumer that has to pay 32 cents to send a letter right now. And that is a lot to ask when you look at the fine print here. I commend the Senator from Kentucky for helping us understand it.

Mr. McCONNELL. I thank the Senator from Texas.

Mr. President, how much time does my side have left?

The PRESIDING OFFICER. The Senator has 87 minutes.

Mr. McCONNELL. I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, how much time do the proponents of the bill have?

The PRESIDING OFFICER. The Senator has 103 minutes.

Mr. FEINGOLD. I thank the Chair.

Mr. President, before I turn to my very distinguished colleague from West Virginia for his remarks, let me just make a couple points in response to the Senator from Texas and the Senator from Kentucky.

First of all, it seems, almost as if in an effort to stop this bill from even being amended, that the kitchen sink is being thrown at this bill. Now we hear the Postmaster General is one of the lead opponents of the bill. But this completely disregards the resolution that we have placed in the bill, the Senator from Arizona has placed in the bill, that would provide that the money that is saved from preventing Members of Congress from franking during an election year would be used to provide a relatively modest funding necessary to provide the postal discounts which will only be given to those Senators and Members of Congress who agree to the spending limits. So that again is another red herring.

Second, it does not matter how many times the other side says that this bill is not voluntary, it is voluntary. There are no such mandatory restrictions across the board for citizens as has been suggested by the Senator from Kentucky and the Senator from Texas.

It does not matter how many special interests—whether it is the NEA, the AFL–CIO, or business PAC's—it does not matter how many times they tell you our scheme for allowing people to voluntarily abide by limits and give them benefits; it does not matter how many times they say that is not voluntary. It is. It is voluntary.

Mrs. HUTCHISON. Will the Senator yield?

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

Mrs. HUTCHISON. I want to ask the Senator, what would happen under your bill if there was not enough money saved from the use of the frank to cover the cost of the discounted mailing?

Mr. FEINGOLD. If that happens, which I doubt, it would have to come out of the budget of the post office.

Mrs. HUTCHISON. In other words, it does not necessarily cover all of the costs?

Mr. FEINGOLD. Our estimates are from——

Mrs. HUTCHISON. The Postmaster General says he would have to raise all of the rates, because it comes from the post office.

Mr. FEINGOLD. Our estimates are that it would cover it. We go on the basis of estimates here. That is our assumption. Even if there was a small gap, the effect would be minimal.

Let me quickly wrap up—because I want to turn to the Senator from West Virginia—and indicate again a very serious distortion. The Senator from Kentucky keeps saying that it will cost people who do not abide by the limits more. That is just not true. They will not pay a dime more than they pay today. They will still be eligible for the lowest commercial rate as the TV stations are required to give them. They will not have to pay more for their postal rates. It is simply untrue they will have to pay more than they do today. True, they will not get the lower costs that those who abide by the limits will get, but do not let anyone tell you people have to pay more under our bill. They can still spend as much as they want, and they will not have any higher cost for what they do.

Finally, Mr. President, what this is about, really, is whether candidates who are more rooted back in their home States will have a better chance, or whether those who are dominated by big money or by D.C. special interests will dominate.

I have this cartoon from one of the most distinguished political cartoonist of the 20th century. This is the context in which the vote today is being seen. We can talk here about how important PAC's are, and somehow this will put artificial limits on candidates. This is what the American public knows today's vote is about. It shows a gentleman from the U.S. Congress talking to a lobbyist with a lot of money and a cigar. The guy says, "No more little gifts or junkets—from now on, it's strictly campaign cash."

Mr. President, the American public knows we have finally done something about lobbying disclosures. The American public knows we have cracked down on the practice of gift giving, one of the most offensive practices to the American people. But they also know the big granddaddy of them all, the important issue is the money that is awash in this campaign because of campaign financing.

If we do not take the action today to move this bill forward, if we fail in this bipartisan effort, this cartoon will be prophetic. This cartoon will show that all that has happened is that the gifts and the lobbying are being transferred through the campaign cash system. I do not think we should let that happen.

Mr. President, with that, I yield 15 minutes of the proponents' time to the distinguished Senator from West Virginia.

The PRESIDING OFFICER (Mr. BROWN). The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished manager of the bill, and I thank the Chair.

Mr. President, for nearly 2 years now many of our Republican colleagues, particularly those in the House of Representatives, have trumpeted the glories of their so-called Contract With America. To listen to some, this was the document that held the secrets to solving the Nation's problems. It was the primer for a reform-minded Congress—something that would bring great respect to this institution and its Members. Yet, there is one item conspicuously absent from the much-touted, so-called contract. I note with amazement that what is completely missing from that celebrated ideological text is any mention of campaign finance reform. I have looked and I have looked and I have looked and it is just not there.

We are told by those who promote the contract that a balanced budget constitutional amendment is good for the country. We are told that the line-item veto is good for the country. But, for seemingly inexplicable reasons, many of those who have spent their time clamoring for change have decided that putting an end to our current grotesque and out-of-control campaign spending system is just not worthy of attention.

How unfortunate, Mr. President, because I, along with many of my colleagues, truly believe that until Members of Congress come to grips with the simple fact that campaign finance reform is much more important than any of these other reforms, this institution will continue to be perceived as the property of the special interests—that is exactly what it is, the property of the special interests—owned lock, stock, and barrel. We all know it. And, as the public opinion polls indicate, the American people know it, too.

It is a great disappointment to me that too few Members seem to understand this. Time and time again, those of us who have pushed for these reforms have seen our efforts rebuffed. Indeed, Mr. President, as Majority Leader in 1987 and 1988, I tried eight times—eight times—to get cloture on campaign finance reform legislation. And eight times I lost. More importantly, however, eight times the American people lost.

That is why this legislation before us today is so important. It is an effort, a bipartisan effort, to put a stop to the noxious system currently in place for the financing of senatorial campaigns. It is a measure that does not favor challengers or incumbents, or candidates from either political party. On the contrary, this bill, the McCain-Feingold bill, takes a balanced approach that will go a long way toward creating a level playing field.

Mr. President, one needs to look no further than this Chamber to see the pressing need for this type of reform. I believe that the primary problem in this body, the root problem plaguing the Senate today is what I would term the "fractured attention"—the fractured attention of Senators. Countless times, action on the Senate floor has been slowed or delayed because Senators are not in Washington, or if they are, they are away from the Capitol. That absence is not because those Senators are off on vacation or taking their leisure. They are not off somewhere lounging in the sun, neglecting their duties here. On the contrary, as each of us knows all too well, Senators are often elsewhere because of the need to raise unthinkable sums of money—unthinkable sums—money essential for running for reelection.

Plato thanked the gods for having been born a man, and he thanked the gods for having been born a Greek. He also thanked the gods for having been born in the age of Sophocles. Sophocles said, "There's nothing in the world so demoralizing as money." Sophocles was not an American politician, but he knew what he was talking about.

I can say after 50 years in politics, there is nothing so demeaning, nothing so demeaning as having to go out with hat in hand, passing a tin cup around and saying, "Give me, give me, give me, give me." Not that old song, "Give me more and more of your kisses," but "Give me more and more of your money. Give me more and more of your money."

Sophocles said, "There's nothing in the world so demoralizing as money." And, indeed, in this Senate, the need for Members to constantly focus on raising the huge sums necessary to stay in office has taken a heavy toll.

The incessant money chase is an insidious demand that takes away from the time we have to actually do our job here in Washington. It takes away from the time we have to study and to understand the issues, to meet with our constituents, to talk with other Senators, and to be with our families and to work out solutions to the problems that face this Nation.

Mr. President, consider this: According to data provided by the Congressional Research Service, the combined cost of all House and Senate races in the 1994 election cycle was $724 million, a sixfold increase from 1976. Even more troubling, though, at least from the perspective of our colleagues, is that the average cost of a winning senatorial campaign rose from barely $600,000 in 1976 to more than $4 million in 1994. Four million dollars. And that, of course, is just the average.

In 1994, nearly $35 million was spent by the two general election candidates in California, while the candidates in the Virginia Senate race spent $27 million.

What do those astounding numbers say to someone who may wish to stand for election to the Senate? What does the prospect of needing $35 million, or $27 million, or even $4 million say to the potential Senate candidate? What it says, Mr. President, is that unless you win the lottery, or unless you strike oil in your backyard, or unless you are plugged into the political money machines, unless you actively compete to be part of the "aristocracy of the money bag" you are a long shot, at best, to win election to the United States Senate. And that fate is meted out to prospective candidates before they have even presented an idea, or given a speech, or offered a policy position.

The money chase is like an unending circular marathon. Since the share of money coming from small contributors has declined while the share contributed by big political action committees has increased, candidates have to look more and more outside their home States to raise big bucks. The traveling, the time away from the Senate, the time away from talking with constituents, the time robbed from reading and reflection, the personal time stolen from wives, children, and grandchildren, the siphoning off of energies to the demands of collecting what has been called campaign grease is making us all less able to be good public servants. Ironically, we spend much time and raise huge sums of money in order to be reelected to the Senate so we can serve our States and our country. Then, once here, we cripple our ability to serve our State and our country by spending an inordinate amount of our time on the money treadmill so we can come back for yet another try at serving our States and our country.

That kind of system sends the clear message to the American people that it is money, not ideas and not principles, that reigns supreme in our political system. No longer are potential candidates judged first and foremost on their positions on the issues, or by their experience and capabilities. No longer. Instead, potential Senators are judged by their ability to raise the millions of dollars that are needed to run an effective campaign. Publilius Syrus said that, "a good reputation is more valuable than money." Senators should stop and reflect on that observation because our reputations and the feeling that we can be trusted by the American people are both in severe free-fall.

The American people believe that the key to gaining access and influence on Capitol Hill is money. Can anyone blame them for coming to that conclusion?

Now, Mr. President, if I were starting out in politics today, with a background like mine—working in a gas station, being a small grocer, a welder in a shipyard, a meatcutter, just common ordinary trades—I could not even hope to raise the sums of money needed for today's campaigns. In 1958, when Jennings Randolph and I ran together for the two Senate seats that were open—he ran for the short term, and I ran for the full 6-year term—we ran on a combined war chest of something like $50,000 or less. When I first started out in politics, I would win a campaign for the House of Representatives and spend as much as $200, perhaps. Think of it. If I had been forced to raise $1 million, $2 million, $4 million, or $10 million the first time I ran for the Senate, in 1958, I would not have given it a second thought. In fact, I would not even have gotten past the first thought. I would not have been able to even contemplate running for office—a poor boy like myself.

The ever-spiraling cost of public office is not a healthy trend. The Congress could become the exclusive domain of the very wealthy. The common man, without the funds to wage a high-powered, media-intensive campaign could be removed from effectively competing in the political arena, reserving it for the exclusive use of the very wealthy and the well-connected.

That is why we must stop this madness. We must put an end to the seemingly limitless escalation of campaign costs. We must act to put the U.S. Senate within the reach of anyone with the desire, the spirit, the brains, and the spunk to want to serve once again. We must bring into check the obscene spending which currently occurs. The Bible says, "The love of money is the root of all evil." In politics, the need for huge sums of money just to get elected is certainly at the root of most of what is wrong with the political system today.

Mr. President, I congratulate Mr. MCCAIN and Mr. FEINGOLD. I urge my colleagues, for the sake of this institution if for no other reason, to support cloture on this vital legislation.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from West Virginia. I cannot think of a more eloquent testimony to the need for this reform than the statement that this great Senator, if he were starting out today, probably would not even have considered running for the U.S. Senate because of the incredible barrier of the money to be raised.

Our bill is a voluntary scheme that allows people who would try to follow in Senator BYRD's tradition to raise a modest amount of money and have benefits for agreeing to do that. I greatly appreciate that.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. FEINGOLD. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 82 minutes remaining, and Senator MCCONNELL has 89 minutes.

Mr. FEINGOLD. Mr. President, I now yield up to 15 minutes to the distinguished Senator from California, who has been a stalwart in support of campaign finance reform.

Mrs. FEINSTEIN. Thank you, Mr. President.

I thank the Senator from Wisconsin and the Senator from Arizona. I want to compliment both Senator MCCAIN and Senator FEINGOLD for this effort.

I intend to vote for cloture, and should cloture on this bill be successful, I will either propose a substitute of the whole or two second-degree amendments to this bill.

I would like to take the time allotted to me this morning, Mr. President, to explain my position on campaign finance reform.

I believe very strongly that the time has come to engage the debate. If nothing else, I believe I am kind of a walking, talking case for campaign spending reform. In the 1990 race for Governor, I had to raise about $23 million. In the first race for the Senate in 1992, $8 million; in the second race, $14 million.

One newspaper just estimated that in the big States a candidate really has to raise about $2,000 a day just to run for reelection to the Senate of the United States. It certainly should not have to be this way.

Essentially I agree with the basic tenets of the McCain-Feingold legislation. I agree that the time has come to try a system that would voluntarily cap campaign spending with a high of about $8.2 million in the big States like California, going down to $1.5 million in States with lesser population.

I believe that efforts should be made to limit the amount of personal funds that can be used in a campaign. I believe that an effort to promote honesty in advertising and reducing the influence of connected PAC's in the outcome of elections is important.

As always in an election year, we hear a lot of talk about Congress enacting meaningful campaign spending reform. But when it comes to actually doing something about it we tend to hide behind one procedural maneuver or another that allows us to vote the right way but gets us nowhere toward achieving a piece of legislation.

In the last Congress a campaign finance bill passed both the Senate and the House but got bogged down because the necessary 60 votes to invoke cloture on a motion to proceed with a conference were not present in the Senate. I understand that this will likely be the problem here today. I hope we do get the 60 votes for cloture, and I hope that in the ensuing debate a solid campaign finance reform bill can emerge.

Legislation I introduced last year and which, for the most part, forms the basis of McCain-Feingold, addresses what I believe are the areas most in need of reform: The limiting of spending; creating a level playing field between wealthy candidates who finance their own campaigns and candidates who rely on contributions; and finally ensuring honesty in campaign advertising.

One of the problems where I have a very real difference with the present bill is on the issue of a candidate using vast sums of his or her own money to finance a campaign. Either the substitute bill, or a second-degree amendment which I will offer if we gain cloture on this bill, mirrors parts of the campaign finance bill introduced by Senator Dole in the last Congress. It also attempts to limit the ability of a wealthy candidate to buy a seat in Congress. The provisions of the amendment I would propose are a little different than anything that has been introduced before now.

Under my substitute bill, after qualifying as a candidate for a primary, a candidate must declare if he or she intends to spend more than $250,000 of their own funds in the election. If the candidate says "I am going to spend more than $250,000 of my own money in this election" then the contribution limits on his or her opponent are raised from $1,000 to $2,000. If a candidate declares that he or she will spend more than $1 million on the race from their own pocket, then the contribution limit on his or her opponents would be raised to $5,000. This is different from McCain-Feingold where there is only the jump to $2,000. And the reason it is different is because in the larger States, if an individual is going to spend more than $1 million, as happened in my case where my opponent spent about $30 million of his own money, it is impossible to catch up with the smaller contributions. Therefore, raising the limit to $5,000 only in instances where in individual States they are going to spend more than $1 million of their own money would enable a more level playing field.

The amendment I will propose would also address the issue of PAC's. As you know, McCain-Feingold would prohibit all PAC contributions whether or not these PAC's are connected PAC's; that is, connected to a business or a labor union or a nonconnected PAC. By that, I mean organizations that are developed let us say to promote women for public office, or let us say to support a cause in candidates who support that cause for public office. The law permitting nonconnected PAC's would remain unchanged in my amendment. As a fallback, if the ban on connected PAC's is found to be unconstitutional, it provides that contributions from connected PAC's be limited to 20 percent of a campaign's receipts.

In my view, a blanket ban on all political action committees in a sense throws the baby out with the bath water. I think we need to be encouraging people to be involved in politics and not discouraging them. Virtually every legal scholar who has examined this question believes that a complete ban on all PAC's is unconstitutional.

The Congressional Research Service has advised the Senate, and I quote: "A complete ban on contributions and expenditures by connected and nonconnected PAC's appears to be unconstitutional in violation of the first amendment."

I support the ability of a group or organization to encourage small donations from their members to candidates of their choice. In some cases, these members send their contributions made out directly to the candidate's campaign to that organization to be gathered or bundled and presented collectively to the candidate. In other cases, the organization simply asks for donations to be made directly to the candidates they recommend. This is not the same as writing a check to an intermediary or to a political action committee and then having the political action committee decide how to disburse the funds.

The McCain-Feingold bill bans bundling in all political action committees. My amendment would not affect bundling, and I believe this is a crucial difference in these two bills.

For example, there are two organizations which have helped women run for political office. One is EMILY's List, and one is WISH List. One is a Democratic organization and one is a Republican organization. Both of these groups collect smaller donations primarily from women. They bundle those funds from many sources to a single candidate.

In the 1994 election cycle, EMILY's List members supported 55 women candidates. They raised a total of about $8.2 million. The average donation to EMILY's List was less than $100.

WISH List, a much smaller and newer organization than its Democratic counterpart, supported 40 Republican women candidates and raised approximately $400,000. None of these funds were given directly to either of these groups and neither group used the funds to lobby on legislation before Congress. Both EMILY'S List and WISH List researched the records of women candidates and advised their members which candidates they recommended supporting. Based on that information, the members decided who

to support and how much they wished to donate, and they donated directly to the candidates, sent their check to either WISH List or EMILY'S List who then put the checks together and sent them to the candidates.

I believe that has been helpful in electing women to both Houses of this Congress. Currently, there are nine women in the Senate. When I came to this body, there were only two elected women.

Groups like WISH List and EMILY'S List are an important factor in helping more women run for office. Frankly, I do not have a problem with any organization going out and endorsing candidates, writing to their members, and saying if you would like to contribute to these candidates, please go ahead and do so. I have no problem whether that group is the Christian Coalition, whether it is the National Rifle Association, whether it is EMILY'S List or WISH List. I think the encouragement of small contributions to candidates that support a cause that you believe in is important to the American political system.

My separation from what Senators MCCAIN and FEINGOLD have done is that this bill wipes out all PAC's, connected and unconnected. I would ban connected PAC's but permit unconnected PAC's to continue their bundling efforts.

The other difference I have would be in how you would voluntarily have the spending limits to create two different levels. If a wealthy candidate were to enter a race and say, I do not intend to adhere to the spending limits; I intend to spend $250,000 to $1 million of my own money, then your opponent's limit goes to $2,000. If the wealthy candidate says, I am going to spend more than $1 million, then the limit of the opponent goes to $5,000.

I strongly support the $50 disclosure requirement. I strongly support the incentives that are built into this bill which would provide free radio time, special mailing to those who do comply with the voluntary spending limits.

I believe this is an important bill. I am proud to vote for cloture. I hope that the Senators of this body would see some merit in either the two amendments I will offer as second-degree amendments or the substitute of the whole to do the two items that I mentioned.

I thank the Chair. I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Kentucky is recognized.

Mr. MCCONNELL. Let me just say briefly in response to the speech of the Senator from California, which I listened to carefully, she also is a member of the Rules Committee and participated in the hearings. I do not remember whether she was there—she may have been—the day that Col. Billie Bobbitt, retired U.S. Air Force officer, testified before the committee in opposition to this bill. I want to take a minute to quote some of her observations. She is a member of EMILY'S List, which would effectively be put out of business by this legislation, as the Senator from California has, I believe, acknowledged. That might have been one of the amendments she would offer were she in a parliamentary position where that were permissible. But, in any event, Colonel Bobbitt, retired Air Force officer, said, "I'm in one of the organizations," referring to EMILY'S List, "35,000 active members from all 50 States, and along with voting, I haven't missed an election," she said, "in 51 years. EMILY'S List is the primary means through which I participate," said Colonel Bobbitt, "in the electoral process."

She goes on in her testimony, "In the decade since EMILY'S List began, more women than ever have been elected to Congress, and EMILY'S List is a big reason why. EMILY'S List has allowed women to compete and win."

She went on to say, with regard to the bundling, in effect, that EMILY'S List does—she describes it. She says, "This is what's called bundling, which I know Common Cause and some others have criticized, but to me it's just good old American democracy at work." So said Colonel Bobbitt.

She goes on to say, "That's not bad for the system. That's good for the system. Thousands of small contributions are able to offset the big money coming from the rich and powerful. We are making the system more participatory and more competitive," said Colonel Bobbitt.

Then she concluded by saying, "My membership in EMILY'S List is a way for me to be connected to the political life of the Nation and to my fellow citizens. It allows me to band together with others who share my views and work toward a common end. I do not pretend to be a constitutional scholar," she says, "but like most Americans, I carry within me an almost innate knowledge of the first amendment rights of citizenship—freedom to practice religion, freedom to speak my mind, freedom to assemble with fellow citizens in support of a common goal. I believe without a doubt that any membership in EMILY'S List is secured by such rights, and I believe that organizations like EMILY'S List, which encourage political participation by average citizens, are in the best tradition of American democracy."

I just wanted to quote what Colonel Bobbitt, an active member of EMILY'S List, had to say about the underlying legislation, which she obviously believes would greatly restrict her rights to participate in the political process.

Mr. President, I wanted to take a moment here to make some observations about the injunctive authority that I view in this bill as provided to the Federal Election Commission. As I read the underlying bill which we are debating, section 306, "Authority to Seek an Injunction," basically, what this section does is give to the Government, the Government of the United States, the right to step in and, prior to the issuance of speech, restrain it. It gives the Government the authority to engage in prior restraint of political speech by stepping in and getting a temporary injunction. This is but one of a number of clearly unconstitutional measures granted to the Government by this bill.

In addition, obviously, if this bill were somehow to pass constitutional muster, which is extremely unlikely, the Federal Election Commission, which today has great difficulty in auditing the races of the candidates running for the one race in America at the Federal level where we have, arguably, spending limits—it takes 5, 6 years to audit those few races that they have to audit—it is just, I think, reasonable to ask the question: How big would the Federal Election Commission be if it had to regulate the speech of 535 additional races as well as engage in the injunctive relief powers apparently given to it by the bill, as well as whatever additional regulatory authority it might be able to assert over independent expenditures?

In short, I think it is reasonable to assume, Mr. President, that we would have an FEC the size of the Veterans Administration. If there is anything this Congress is about, it seems to this Senator it is not building more large Federal bureaucracies.

We have been trying to balance the budget, to downsize the Government, to restrain our appetite for not only spending but for regulation, and, clearly, this is a regulatory power grab of enormous proportions, I would say, Mr. President—of enormous proportions. It could well be that is one of the reasons an awful lot of the groups in this country this time, across the ideological spectrum, have decided to get off of the sidelines and into the game and stand up for their rights to participate in the political process.

This bill is not just about us, that is, the candidates for office; it is also about all the groups organized that, under the first amendment, have a constitutional right to participate in the political process.

Let me just go down some of the letters that I have received on this bill, first from the Christian Coalition, a letter dated yesterday, June 24, 1996, in response to an effort to modify this bill, which was agreed to, and we do have a modified version in the Chamber today.

The Christian Coalition says it strongly urges a no vote on cloture.

Contrary to the letter sent out by Senators McCain, Feingold, and Thompson on June 19,

the amended version of S. 1219 still contains the flawed provisions that seriously threaten voter guides. The voter guide problem has NOT been corrected.

According to the Christian Coalition. The letter goes on:

The amended S. 1219 continues to place the First Amendment right to educate the public on issues in serious jeopardy. It redefines "express advocacy" so that for the first time ever the Federal Elections Commission would regulate issue advocacy by citizen groups.

The Supreme Court has repeatedly protected voter education from Government regulation unless it expressly advocates the election or defeat of a clearly identified candidate.

The letter goes on:

This interpretation ensures that the First Amendment right of like-minded citizens to discuss issues is not infringed by federal campaign law. But under S. 1219, this free speech would be subjected to great uncertainty, and as it is likely to be interpreted by the FEC, possible illegality. S. 1219 could effectively cripple the Christian Coalition's voter education activities, including the distribution of voter guides.

I will not read further from that letter, but I ask unanimous consent the entire letter be printed in the RECORD.

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

CHRISTIAN COALITION,
*Washington, DC, June 24, 1996.*

Vote No on Cloture on the McCain-Feingold Campaign Finance Bill.

DEAR SENATOR: Tomorrow the Senate will vote on whether to invoke cloture on S. 1219, the McCain-Feingold campaign finance bill. Christian Coalition strongly urges you to vote NO on cloture. Contrary to the letter sent out by Senators McCain, Feingold, and Thompson on June 19, the amended version of S. 1219 still contains the flawed provisions that seriously threaten voter guides. The voter guide problem has NOT been corrected.

The amended S. 1219 continues to place the First Amendment right to educate the public on the issues in serious jeopardy. It redefines "express advocacy" so that for the first time ever the Federal Elections Commission (FEC) would regulate issue advocacy by citizens groups.

The Supreme Court has repeatedly protected voter education from government regulation unless it "expressly advocates" the election or defeat of a clearly identified candidate. This interpretation ensures that the First Amendment right of like-minded citizens to discuss issues is not infringed by federal campaign law. But under S. 1219, this free speech would be subjected to great uncertainty, and as it is likely to be interpreted by the FEC, possible illegality. S. 1219 could effectively cripple the Christian Coalition's voter education activities, including the distribution of voter guides.

Although the sponsors of this legislation have amended the bill to exempt the distribution of *elected officials'* voting records (vote ratings and congressional scorecards), the new provision still threatens the distribution of *candidates'* positions on the issues (voter guides).

This new definition of express advocacy is but just one of the bill's many egregious provisions. Under subsection (a) of Section 241, the expenditures made by a Christian Coalition chapter leader for voter education could be considered contributions to a candidate if that same chapter leader happened to merely retain the same lawyer or accountant as a candidate, even though the chapter leader did not cooperate or consult with the candidate at all.

Section 211 is so broadly written that it could prevent a Christian Coalition chapter leader from also holding a local party position even though the two activities are separate and not interrelated.

Section 306 would give the FEC the authority to seek injunctions if it believes "there is a substantial likelihood that a violation . . . is about to occur." Such a prior restraint of free speech is unconstitutional. It is only justified in weighty cases such as national security concerns, but should never be permitted to prevent core political free speech. The free speech rights of citizen organizations should not be infringed by the FEC at the eleventh hour of an election.

The Christian Coalition does not have a political action committee. However, as a free speech issue, we believe citizens should be able to pool resources to form political action committees under reasonable restrictions. We therefore object to section 201.

On behalf of the members and supporters of the Christian Coalition, we strongly urge you to vote on the side of the First Amendment and free speech. Please vote NO on cloture. Thank you for your attention to our concerns.

Sincerely,

BRIAN LOPINA,
*Director,*
*Governmental Affairs Office.*

Mr. MCCONNELL. In addition to that, the National Right to Life Committee, in a letter dated June 22, says that it has "* * * analyzed the new substitute and finds that, to an even greater degree than the original bill, it rides roughshod over the First Amendment." The National Right to Life Committee also opposes this bill.

I will not read further from that letter, but I ask unanimous consent the entire letter be printed in the RECORD.

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

NATIONAL RIGHT TO
LIFE COMMITTEE, INC.,
*Washington, DC, June 22, 1996.*

Re In opposition to McCain-Feingold substitute (S. 1219) to regulate and restrict political speech.

Senator MITCH MCCONNELL,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR MCCONNELL: On June 18, we sent you a letter expressing the strong opposition of the National Right to Life Committee (NRLC) to the McCain-Feingold "campaign reform" bill (S. 1219). Since then, the sponsors have produced a new substitute amendment, on which the Senate will conduct a cloture vote on Tuesday, June 25, at 2:15 p.m.

NRLC has analyzed the new substitute and finds that, to an even greater degree than the original bill, it rides roughshod over the First Amendment. Through multiple overt and covert devices, the substitute attempts to suppress advertisements, publications, and other forms of speech on federal public policy issues, including but not limited to speech that refers to candidates for federal office. Therefore, NRLC again urges you to vote No on the motion to invoke cloture on S. 1219, which will be scored as a key pro-life vote for the 104th Congress.

The substitute bans PACs and therefore bans independent expenditures—except for political parties and rich individuals. [Sec. 201] This ban would prevent citizens of ordinary financial means from effectively expressing their political viewpoints.

If the PAC ban is declared unconstitutional, the substitute contains "backup" provisions to suppress independent expenditures by requiring advance notice of intended expenditures—even though some of those expenditures will never actually occur [Sec. 242(3)]—and by rewarding candidates who are thought to be disadvantaged by independent expenditures [Sec. 101].

In addition, the substitute [Sec. 241] says that an independent expenditure can no longer be conducted at all by anyone who "has played a significant role in advising or counseling the candidate's agent at any time on the candidate's plans, projects, or needs relating to the candidate's pursuit of nomination for election, or election, to Federal office, in the same election cycle, including any advice relating to the candidate's desision to seek Federal office." [emphasis added] In other words, any person or group that remarked to a potential candidate, "We'd like you to consider running for Congress," would thereby trigger a "gag rule" under which any subsequent independent expenditure on behalf of that candidate would be illegal. Moreover, this clause could be triggered by even one-sided communication from an interest group to an incumbent, discussing (for example) public opinion in a given state regarding a piece of pending legislation.

The substitute [Sec. 241(a)] seeks to broaden the definition of "express advocacy" far beyond the definition enunciated by the Supreme Court in Buckley v. Valeo (1976). The bill would enact the "taken-as-whole' test that has been rejected by the federal courts on constitutional grounds. Under this expansive definition, the bill would restrict the distribution of issue-oriented material that does not, in fact, urge the election or defeat of any candidate.

In a June 19 "Dear Colleague" letter Senators McCain, Feingold, and Thompson said that they added a provision to exempt "voting guides" from the bill's restrictions, but the actual provision in the substitute is vastly narrower than what is described in the "Dear Colleague" letter. The purported "exemption" [see Sec. 241(a)] applies only to "a communication that is limited to providing information about votes by elected officials on legislative matters." On its face, this ostensible "exemption" does not apply to information regarding the public policy positions of non-incumbents, or to dissemination of any information on candidates' positions obtained from press accounts, candidate questionnaires, speeches, interviews, or a host of other sources. Moreover, even the purported exemption for information on "votes" is effectively meaningless because of other provisions and definitions in the bill, such as the definition of what constitutes a "contribution" to a candidate (see below).

The substitute [Sec. 241(b)(3)] would restrict ads and other forms of speech that contain no reference whatever to an election or even to any candidate, by defining certain speech on legislative issues as a contribution to a like-minded candidate with whom there has been communication regarding those issues. For example, if NRLC communicated with a senator regarding the merits of a certain abortion-related bill, which the senator

later voted for, and if NRLC later ran advertisements in that senator's state discussing that bill, this could be regarded as a "contribution" to the incumbent (even if the senator is not mentioned in the ad), and therefore subject to all of the other restrictions and penalty clauses in the bill. The costs of non-partisan voter guides that contain information obtained from candidate questionnaires or other communications with an incumbent or a challenger could also be regarded as "contributions" under this provision.

The substitute [Sec. 306] explicitly authorizes the Federal Elections Commission, if it believes "there is a substantial likelihood that a violation of this Act is occurring or is about to occur," to obtain a temporary restraining order or temporary injunction to prevent publication, distribution, or broadcast of material that the FEC believes to be outside the bounds of the types of political speech that would be permitted under the law. This authorization for prior restraint of speech violates the First Amendment.

The overall effect of the bill would be to greatly enhance the already formidable power of media elites and of very wealthy individuals to "set the agenda" for public political discourse—at the expense of the ability of ordinary citizens to make their voices heard in the political process.

Therefore, the National Right to Life Committee urges you to vote No on cloture on S. 1219. Because S. 1219's restrictions on independent expenditures and voter education activities would "gag" the pro-life movement from effectively raising right-to-life issues in the political realm, NRLC will "score" this vote as a key pro-life vote for the 104th Congress.

Thank you for your consideration of NRLC's concerns regarding this legislation.

Sincerely,

DAVID N. O'STEEN, Ph.D.,
*Executive Director.*
DOUGLAS JOHNSON,
*Legislative Director.*
CAROL LONG,
*Director, NRL-PAC.*

Mr. McCONNELL. Interestingly enough, a group with which I have not frequently been allied, and not many Members of this side of the aisle have been allied, the National Education Association, sent a letter to me dated yesterday, June 24, in which the NEA stated it opposed this bill and called upon all Senators to vote against cloture. The NEA pointed out, in referring to the ban on political action committees, that "The average contribution of NEA members who contribute to NEA-PAC is under $6." So, their question is, How in the world is that bad for the political process. So they, too, oppose this legislation and urge a vote against cloture.

I will not read further from that letter, but I ask unanimous consent the entire letter be printed in the RECORD.

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

NATIONAL EDUCATION ASSOCIATION,
*Washington, DC, June 24, 1996.*

*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR: The National Education Association (NEA) opposes S. 1219, the Senate Campaign Finance Reform Act of 1996, sponsored by Senators John McCain (R-AZ) and Russell Feingold (D-WI). This measure would hamper the ability of citizens to participate in the political process in a meaningful way and limit the ability of organizations to make their voices heard in an open, democratic process.

Political action committees have encouraged millions of Americans to become involved in the political system, many for the first time. Many Americans are able to make small political contributions that serve as entree into greater political participation. Individuals are more likely to work for a candidate or issue when they have contributed money, and they are more inclined to make a contribution when they know it will make a difference in the outcome.

Political action committees stimulate small, individual donations. The average contribution of NEA members who contribute to NEA-PAC is under $6. These small contributions from middle-income citizens help counterbalance the ability of wealthy individuals to influence policymakers. Eliminating political action committees would not reduce the importance of money in politics. It would reduce the importance of working people in politics.

Political action committees also play an important role in communicating with members of organizations about issues that affect them. NEA would resist any effort to constrain the ability of the Association—or any other organization—to communicate with members and candidates about issues affecting children, public education, and education employees.

NEA strongly supports campaign finance reform that encourages participation and requires full disclosure of all sources of political financing. Moreover, we support partial public financing of election campaigns as a means of leveling the playing field for challengers and incumbents. S. 1219 would weaken efforts to increase voter participation, limit the involvement of low- and middle-income citizens in the political process, and discourage efforts to educate and engage the electorate. We urge you to oppose cloture on S. 1219, and should the Senate vote on the measure, to oppose it and its substitute.

Sincerely,

MARY ELIZABETH TEASLEY,
*Director of Government Relations.*

Mr. McCONNELL. The National Rifle Association, in a letter dated yesterday, said:

We have examined the draft text of that possible substitute [the bill that is actually before us today] and our opposition . . . is not only unabated—it is, if anything, stronger than before.

So the National Rifle Association also urges a vote against cloture because they believe it adversely affects their ability to participate in the political process.

I will not read further from that letter, but I ask unanimous consent the entire letter be printed in the RECORD.

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

NATIONAL RIFLE ASSOCIATION
OF AMERICA,
*Fairfax, VA, June 24, 1996.*

Hon. MITCH McCONNELL,
*Russell Senate Office Building,*
*Washington, DC.*

DEAR SENATOR McCONNELL: We understand that an amendment in the nature of a substitute may be offered during this week's debate on S. 1219, the Senate campaign finance bill. As you know, we have repeatedly expressed our opposition to S. 1219, as we believe it unjustifiably and unconstitutionally restricts the First Amendment right of organizations to communicate with their members and the general public in the political process.

We have examined the draft text of that possible substitute amendment and our opposition to S. 1219 is not only unabated—it is, if anything, stronger than before. The ban on activities of political action committees remains in the substitute, and would have a devastating effect on the ability of ordinary citizens such as our members to act jointly in support of candidates.

Additionally, the new proposed reporting requirements for independent expenditures, and the provisions intended to dilute the effect of such expenditures, would have a chilling impact on the effectiveness of such communications. Coupled with the continuing effort to broadly redefine "express advocacy," Sections 241 and 242 represent one of the broadest attacks on free speech rights seen in years, affecting not only electoral but other legislative communications. Giving the Federal Election Commission a power to engage in prior restraint makes the attack even more serious.

We appreciate the support for the right to free speech which you've shown in your opposition to S. 1219, and we urge you to continue your work on this very important issue. If there is anything we can do to be of assistance to you, please don't hesitate to call.

Sincerely,

TANYA K. METAKSA,
*Executive Director.*

Mr. McCONNELL. Also, obviously the National Association of Business PAC's, NAB-PAC, which would essentially be put out of business and lose their ability to participate in the political process, opposes the bill.

The American Conservative Union and the Conservative Victory Fund oppose it as well. I will not read from those letters, but I ask unanimous consent the letters be printed in the RECORD.

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

THE AMERICAN
CONSERVATIVE UNION,
*Alexandria, VA, June 25, 1996.*

Hon. MITCH McCONNELL,
*Russell Senate Office Building,*
*Washington, DC.*

DEAR SENATOR McCONNELL: On behalf of the one million members and supporters of the American Conservative Union, I urge you to oppose S. 1219, the McCain-Feingold campaign finance reform act.

As a party to the seminal Buckley v. Valeo decision, ACU has had a long-standing interest in our nation's campaign finance system. Over the years, we have worked with many Members of Congress on both sides of the aisle to try to reform the system in a manner consistent with constitutional guarantees of free speech—even as we have opposed efforts to change the system in a manner which abridges those freedoms.

McCain-Feingold does just that. Its fundamental reliance on spending limits—whether "voluntary" or otherwise—is merely the worst of its many wrong-headed provisions. The problem with our current system

is not that too much money is raised and spent; as countless studies have shown, we spend as a nation far more to advertise products such as soft drinks and potato chips in a given year than we do on all campaign spending combined. Do you really want to vote for spending limits and in effect tell your constituents that as far as you're concerned, their decision over which soft drink to purchase is more important than which leaders to choose?

Rather, the problem in our current system of campaign financing is that too much time is spent collecting the amounts of money needed to compete effectively in a competitive marketplace. Because of the contribution limits enacted in the Federal Election Campaign Act, too many candidates spend too much time chasing too few dollars—which is what gives special interest groups a disproportionate influence over legislators. If what you are really seeking is a way to reduce the influence of the special interests, simply lift the contribution limits.

But McCain-Feingold's reliance on spending limits is not its only fault. Other wrongheaded provisions include taxpayer subsidization of both print and broadcast communications, and the bill's outright abolition of political action committees. Public subsidies amount to partial taxpayer financing of politicians—something overwhelmingly opposed by the American people. Nor should PACs be abolished; to do so would be an unconstitutional infringement on the rights of free association and free speech.

McCain-Feingold is a bad bill. Kill it and start over.

Yours sincerely,

DAVID A. KEENE,
*Chairman.*

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CONSERVATIVE VICTORY FUND,
*Washington, DC, April 2, 1996.*

*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN: I want to bring to your attention a bill that would bring irreparable damage to the political process. Congresswoman Linda Smith has introduced HR 2566 which bans contributions from political action committees to individuals running for Congress. I'm deeply concerned about this.

In 1976, the Supreme Court ruled in *Buckley v. Valeo* that campaign finance restrictions burdened First Amendment rights. The only purpose recognized by the Supreme Court to justify restrictions on PAC contributions is the prevention of real or apparent corruption.

Most of the arguments used for additional limits on political contributions from political action committees do not stand up under scrutiny. Originally, the goal of campaign finance reform was to reduce the influence of money, to open up the political system, and to lower the cost of campaigns. Since the 1974 amendments to the Federal Election Campaign Act, which were done in the name of "campaign finance reform", spending has risen sharply and incumbents have increased both their reelection rate and the rate at which they outspend their challengers.

As you know when you first ran for Congress, money is of much greater value to open-seat candidates or challengers than to incumbents. Studies show that added incumbent spending is likely to have less effect on vote totals than the challenger's added spending. Limits on political contributions hamper challengers from getting their voice heard while incumbents have significant advantages in name recognition. Campaign finance laws lock into place the advantages of incumbency and disproportionately harm challengers.

We oppose HR 2566 and any other such bills. The First Amendment is based on the belief that political speech is too important to be regulated by the government. The Conservative Victory Fund has helped you and hundreds of other conservatives since its creation in 1969. HR 2566 would eliminate the Conservative Victory Fund.

Sincerely,

RONALD W. PEARSON,
*Executive Director.*

Mr. MCCONNELL. So there are a number of groups who, in the past, have largely not been heard from during these debates who have decided to take a position, to get interested, and to express their views. This is, of course, something we greatly welcome since—the point I would like to make—obviously this bill not only affects candidates for office, it affects everybody's ability to participate in the political system. These groups do not like our effort to push them out of the process. They do not feel that their involvement in politics is a harmful thing. They think it is protected by the first amendment, and I think they are right.

Also, just in closing, I see the Senator from Utah is ready to take a few moments or more, if he would like. One of my biggest adversaries on this issue, over the last decade, has been my hometown newspaper, the Louisville Courier-Journal, which is the largest newspaper in our State. I was amazed to pick up the paper this morning and read an editorial in which they even think this is a bad bill. They even think this is a bad bill. This is the most liberal newspaper in Kentucky. I was astonished. Obviously, it made my day.

I would like to read a couple of comments. They are predicting the cloture will not be invoked. They say, "This outcome would be more regrettable if the bill were better." They go on to say:

[Most] . . . of the rest of the package would be a step back from real reform, while making the election finance regulatory effort more complex and of less service to the public.

Further, they say:

The abolition of those endlessly maligned PAC's would make special interest money harder to trace while denying small givers a chance to participate. A limit on out-of-state contributions sounds good, but it could cut two ways. Indeed, it would probably be more damaging to candidates who challenge the local powers-that-be than one who thrives on special interest support. Anyway, both provisions are surely unconstitutional.

They are right about that.

As for a scheme to lure candidates to limit spending by offering them free TV time contributed by the networks, it's simply wrong to foist the cost of cleaner government on a handful of businesses—and their advertisers, stockholders and viewers. If there's a cost to election reform, it should be borne by all taxpayers.

It is a curious ally but I am proud to have them on board.

Mr. President, I ask unanimous consent that other letters of opposition in addition to those I referred to a few moments ago, as well as the editorial of today in the Louisville Courier-Journal, be printed in the RECORD.

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

REFORM'S TIRED REFRAIN

As the U.S. Senate convenes today for yet another vote on election finance "reform," the setting is all too familiar.

The measure is backed by liberal and conservative members of Congress—including Republicans who, in response to public disgust with incumbent Democrats, promised to change the money system. Good government and citizens groups complain—legitimately—that the national legislature is awash in vast sums of money given by favor seekers.

The likely result? That's expected to be a rerun, too. Barring unexpected strength among the reformers, a filibuster organized by Mitch McConnell will halt Senate action. In any event, the House probably won't find time to act this year.

This outcome would be more regrettable if the bill were better. Sadly, it has only one good provision—an end to the "soft money" scam that allows corporations and labor unions to give political parties millions of dollars, purportedly for vague "party-building" activities. If this reform alone survives, Congress could claim some progress.

But much of the rest of the package would be a step back from real reform, while making the election finance regulatory effort more complex and of less service to the public.

The abolition of those endlessly maligned PACs would make special interest money harder to trace while denying small givers a chance to participate. A limit on out-of-state contributions sounds good, but it could cut two ways. Indeed, it would probably be more damaging to a candidate who challenges the local powers-that-be than to one who thrives on special interest support. Anyway, both provisions are surely unconstitutional.

As for a scheme to lure candidates to limit spending by offering them free TV time contributed by the networks, it's simply wrong to foist the cost of cleaner government on a handful of businesses—and viewers. If there's a cost to election reform, it should be borne by all taxpayers.

It may be, indeed, that Congress is incapable of devising workable change. And that may matter less and less.

The good news is that Kentucky and other states are experimenting with new approaches to paying for campaigns. To the extent that states are also developing solutions to welfare and other national problems—a positive trend in our view—a national political establishment wallowing in dollars showered on it by Philip Morris, RJR Nabisco and others becomes increasingly irrelevant.

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NATIONAL RIFLE ASSOCIATION
OF AMERICA,
*Fairfax, VA, June 24, 1996.*

DEAR SENATOR: We understand that an amendment in the nature of a substitute may be offered during this week's debate on S. 1219, the Senate campaign finance bill. As you know, we have repeatedly expressed our opposition to S. 1219, as we believe it unjustifiably and unconstitutionally restricts the First Amendment right of organizations to communicate with their members

and the general public in the political process.

We have examined the draft text of that possible substitute amendment and our opposition to S. 1219 is not only unabated—it is, if anything, stronger than before. The ban on activities of political action committees remains in the substitute, and would have a devastating effect on the ability of ordinary citizens such as our members to act jointly in support of candidates.

Additionally, the new proposed reporting requirements for independent expenditures, and the provisions intended to dilute the effect of such expenditures, would have a chilling impact on the effectiveness of such communications. Coupled with the continuing effort to broadly redefine "express advocacy," Sections 241 and 242 represent one of the broadest attacks on free speech rights seen in years, affecting not only electoral but other legislative communications. Giving the Federal Election Commission a power to engage in prior restraint makes the attack even more serious.

We urge you to oppose S. 1219's attack on the right of free political speech. If there is anything we can do to be of assistance to you, please don't hesitate to call.

Sincerely,

TANYA K. METAKSA,
*Executive Director.*

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CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,
*Washington, DC, June 24, 1996.*

MEMBERS OF THE U.S. SENATE: The Senate will soon be asked to consider S. 1219, the "Senate Campaign Finance Reform Act of 1995." The United States Chamber of Commerce Federation of 215,000 businesses, 3,000 state and local chambers of commerce, 1,200 trade and professional associations, and 76 American Chambers of Commerce abroad urges your opposition to this legislation, which would restrict the participation by Political Action Committees (PACs) and individuals in the political process.

The U.S. Chamber of Commerce has long promoted individual freedom and broad-scale participation by citizens in the election of our public officeholders. In this regard, we oppose efforts to eliminate or restrict the involvement of PACs in our political process. We believe that PACs are a critical tool by which individuals voluntarily participate in support of their collective belief.

In addition, there are other proposals contained in the bill that would greatly inhibit long-standing protected freedoms. These attempts to further limit the ability of individuals or collective political participation should be defeated as an infringement on the basic principle of free speech. Further, a public mandate on the private sector to subsidize the election of public officials without regard to support for a candidate also must be defeated.

We believe that an indispensable element of our constitutional form of government is the continued power of the people to control, through the elective process, those who represent them in the legislative and executive branches of government. Any attempt to reform the system through eliminating PACs or further restricting contribution levels has the consequence of unreasonably restricting the rights of American citizens. Rather, we support a system that relies on accountability through public disclosure, voluntary participation without government mandates, and confidence in the electorate to make sound decisions through the free exchange of ideas and information.

Therefore, we urge your opposition to S. 1219, as well as your opposition to invoking cloture on such legislation, which seeks to restrict the participation of individuals or PACS in the political process.

Sincerely,

R. BRUCE JOSTEN.

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NATIONAL RIFLE ASSOCIATION OF AMERICA,
*Fairfax, VA, June 19, 1996.*

DEAR SENATOR: It is our understanding that a cloture vote has been scheduled for June 25, 1996 on S. 1219, the Senate Campaign Finance Reform Act. We believe this will be the most critical vote that you will cast this year in protecting the constitutional rights of your constituents. Speaking for the more than three million members of the National Rifle Association (NRA), we strongly urge you to vote against bringing this measure, or this issue, before the Senate in any form. S. 1219 is a misguided attempt to limit participation in the political process, and represents a direct challenge to the right of free speech which we all should cherish and strive to protect.

Those who support S. 1219 have suggested that it will enlarge or enhance participation in the political process. We believe those who promote this view are either misinformed or unaware of the consequences of this legislation. In fact, S. 1219 will not level the political playing field, but will rather increase opporunities for political manipulation by those who have access to national media outlets, at the expense of those who do not.

The main focus of the NRA is in protecting the right to keep and bear arms. However, we believe that our system of government depends on preserving all of our Constitutional protections. Associations like the NRA facilitate participation by concerned citizens who otherwise would not have the resources to speak out on a national level. By removing their ability to offer their views in independent forums by combining their individual resources you would, for all intents and purposes, eliminate their First Amendment rights.

As we have noted in previous correspondence (letters dated 01/25/96 and 05/7/96), in the *Buckley v. Valeo* decision of 1976, the Supreme Court stated that "* * * legislative restriction on advocacy of the election or defeat of political candidates are wholly at odds with the guarantees of the First Amendment." S. 1219 contains the same kind of legislative restrictions, and we believe therefore that it is clearly unconstitutional.

Again, I urge you to reject S. 1219, and all other ill-conceived attempts at limiting free speech and participation in the political process.

Sincerely,

TANYA K. METAKSA,
*Executive Director.*

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NATIONAL RIGHT TO LIFE COMMITTEE, INC.,
*Washington, DC, June 18, 1996.*

DEAR SENATOR: We understand that the Senate is likely to vote on or about June 25 on whether to invoke cloture on the McCain-Feingold bill (S. 1219), which would make sweeping changes in federal election laws.

The National Right to Life Committee (NRLC) is strongly opposed to S. 1219. In banning PACs, the bill also bans independent expenditures—except by wealthy individuals. This provision would flagrantly violate the First Amendment right of individual citizens who share a common viewpoint on an important public policy issue, such as abortion, to pool their modest financial resources in order to participate effectively in the democratic process. The average donation to NRL-PAC is $31.

The bill would also place severe new limitations even on issue-oriented voter education materials that do not urge the election or defeat of any candidate. This, too, violates the First Amendment. The overall effect of S. 1219 would be to greatly enhance the already formidable power of media elites and of very wealthy individuals to "set the agenda" for public political discourse—at the expense of the ability of ordinary citizens to make their voices heard in the political process.

Therefore, the National Right to Life Committee urges you to vote No on cloture on S. 1219. Because S. 1219's restrictions on independent expenditures and voter education activities would "gag" the pro-life movement from effectively raising right-to-life issues in the political realm, NRLC will "score" this vote as a key pro-life vote for the 104th Congress.

A vote in opposition to S. 1219 is consistent with the position taken by the U.S. Supreme Court in its 1976 Buckley v. Valeo decision: "In the free society ordained by our Constitution, it is not the government, but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign."

Moreover, the overwhelming majority of Americans oppose the concept embodied in S. 1219. The Wirthlin Worldwide firm conducted a nationwide poll on May 28–30, which included this question:

"Do you believe that it should be legal for individuals and groups to form political action committees to express their opinions about elements and candidates?"

Yes, should be legal: 83%.

No, should not be legal: 13%.

Thank you for your consideration of NRLC's concerns regarding this legislation.

Sincerely,

DOUGLAS JOHNSON,
*Legislative Director.*

CAROL LONG,
*Director, NRL-PAC.*

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NATIONAL RIGHT TO LIFE COMMITTEE, INC.,
*Washington, DC, June 7, 1996.*

DEAR MEMBER OF CONGRESS: The House Oversight Committee will soon mark up some form of "campaign finance reform" legislation. The committee will consider, among other things, proposals to either (1) ban PACs and thereby also ban independent expenditures, or (2) not ban PACs, but place new restrictions on independent expenditures.

National Right to Life Committee (NRLC) is strongly opposed to any legislation that would further restrict independent expenditures, whether by banning PACs or in any other fashion. Such proposals would infringe on the First Amendment rights of individual citizens, sharing a common viewpoint on an important public policy issue, to pool their modest financial resources in order to participate effectively in the democratic process.

As you review various "campaign reform" proposals during the weeks ahead, please keep in mind the words of the Supreme Court in its 1976 Buckley v. Valeo decision:

"In the free society ordained by our Constitution, it is not the government, but the

people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign."

The Wirthlin Group conducted a nationwide poll on May 28–30, which included this question:

"Do you believe that it should be legal for individuals and groups to form political action committees to express their opinions about elections and candidates?"

Yes, should be legal, 83%.

No, should not be legal, 13%.

Thank you for your consideration of NRLC's concerns regarding this legislation.

Sincerely,

DOUGLAS JOHNSON,
*Legislative Director.*
CAROL LONG,
*Director, NRL–PAC.*

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NATIONAL RIGHT TO LIFE COMMITTEE, INC.,
*April 30, 1996.*

DEAR SENATOR: You are being pressured by so-called "public interest" groups to pass campaign finance reform measures under the guise of "cleaning up the system." More specifically, you are being asked to support a floor vote on S. 1219, the McCain-Feingold-Wellstone bill.

We urge you to oppose S. 1219. Attorneys that span the ideological spectrum agree that S. 1219 would destroy free speech and grievously injure both the right to association and the right to petition government.

It is a myth that the American public is clamoring for campaign finance reform. In a recent poll conducted by the Tarrance Group, only one person, out of 1000, volunteered campaign finance reform as the biggest problem facing the country. When the poll respondents were given a list of 10 problems and asked to rank them, campaign finance reform came in last, with only 1% selecting that topic.

Under S. 1219, an individual would be able to make independent expenditures, but because of the ban on political action committees, a group of individuals would be forbidden to organize, pool their resources, and coordinate their activities. This would leave the political process open to very wealthy individuals and the media, but would prohibit the vast majority of citizens from effectively making their voices heard.

S. 1219 defines "express advocacy" so broadly as to sweep in "issue advocacy." Thus, citizens' groups would, in effect, be prohibited from publishing voter guides or giving candidates' voting records. Several federal courts have already struck down attempts by the Federal Election Commission to do the same thing.

Free speech is essential to democracy. It is important not only for the press and wealthy individuals, but also for ordinary citizens. We urge you to take any steps necessary, including opposing cloture, to prevent S. 1219 or any similar measure that infringes upon the First Amendment rights of citizens from being approved by the Senate.

We also oppose the appointment of any unelected commission that has the authority to issue a final report on campaign finance reform that would not be subject to the regular amendment process on the Senate floor.

CHRISTIAN COALITION.

NATIONAL RIGHT TO LIFE COMMITTEE, INC.,
*Washington, DC, November 8, 1995.*

Senator MITCH MCCONNELL,
*Senate Office Building, Washington, DC.*

DEAR SENATOR MCCONNELL: Campaign finance "reform" that destroys the freedom of speech is not reform.

Current measures under consideration in the Senate would largely prevent citizen involvement in the political process. We realize there is a lot of pressure from the press to "reform" the election process. However, limiting free speech for citizens, while it may please some elements in the press because it greatly increases their own power, is neither politically wise nor constitutional.

We have the three major objections to S. 1219, the "Senate Campaign Finance Reform Act of 1995" as sponsored by Senators McCain and Feingold, and therefore will vigorously oppose this measure.

1. S. 1219 WOULD ALMOST ELIMINATE INVOLVEMENT IN THE POLITICAL PROCESS FOR ORDINARY CITIZENS WHO ARE NOT INDEPENDENTLY WEALTHY

S. 1219 would permit only individuals, or political committees organized by candidates and political parties, to solicit contributions or make expenditures "for the purpose of influencing an election for Federal office."

Many political action committees (PAC), such as the National Right to Life PAC, exist because their members want to work together to elect candidates who share their views and beliefs. Under the current system, citizens are free to coordinate activities through PACs in order to discuss issues, express their views on positions taken by candidates, and urge voters to support or oppose certain candidates. This dialogue is very important to the political process and very important to the American system.

Under the Act, an individual can make independent expenditures, but a group of individuals cannot organize and coordinate their activities. This opens the political process to wealthy individuals, but prohibits the vast majority of citizens from pooling resources to make their voices heard.

If citizen groups and their political action committees are eliminated, the only entities left that are freely able to discuss candidates and the issues, except the candidates themselves, are a few wealthy individuals and the news media. That is not the intention of the First Amendment.

Another problem for you to consider is that many in the media have a bias against pro-life and pro-family candidates. If the media is allowed free speech and citizens groups are not, that will be a real disadvantage for pro-life and pro-family candidates.

2. THE NEW DEFINITION OF "EXPRESS ADVOCACY" IS UNCONSTITUTIONAL AND REPRESSES THE FREE SPEECH OF CITIZENS

Section 251 of S. 1219 attempts to "clarify" Independent Expenditures. However, it redefines "express advocacy" to now include protected "issue advocacy.". This extremely broad new definition of express advocacy would sweep in protected issue advocacy, such as voter guides which state the positions candidates have taken on issues or give candidates' voting records.

The new definition goes far beyond what the United States Supreme Court said was permissible to regulate as electioneering in the case of Buckley v. Valeo, 424 U.S. 1 (1976). In Buckley, the Supreme Court held that, in order to protect issue advocacy (which is protected by the First Amendment), government may only regulate election activity where there are explicit words advocating the election or defeat of a clearly identified candidate.

This new definition would expand the umbrella of "express advocacy" so broadly that citizen groups other than PACs would also be effectively prohibited from informing the public about candidates' positions on issues as well as voting records. This curtailment of citizens' freedom of speech would not affect the major media whose political power would be vastly enhanced, since one balancing force currently in the public forum would be eliminated.

The Supreme Court would, again likely find this new definition of "express advocacy" unconstitutional, and voters would find it exceedingly repressive.

3. S. 1219 AUTHORIZES UNCONSTITUTIONAL PRIOR RESTRAINT

Section 306 of the Act authorizes an injunction where there is a "substantial likelihood that a violation . . . is about to occur." The FEC would be authorized to seek injunctions against expenditures which, in the FEC's expansive view, could influence an election. Such a preemptive action against the freedom of speech is unconstitutional except in the case of national security or similarly weighty situations. Prior restraint should never be allowed in connection with core political speech. There simply is no governmental interest of sufficient magnitude to justify the government stopping persons from speaking.

This country's open system of representative democracy is the envy of the world. If you try to "fix" it by limiting people's voices, then you head towards totalitarianism. Whatever its flaws, democracy is the best system the world has seen to date.

Free speech is essential to democracy. It is important not only for the press and wealthy individuals, but also for ordinary citizens. The only way ordinary citizens can have any meaningful opportunity to exercise their right of free political speech in modern America is if they are allowed to pool their funds in PACs. For the record, the average donation from National Right to Life members to its PAC is $31.

The status quo on speech by membership organizations and independent expenditures by political action committees works. Disclosure laws governing PACs already provide detailed information on where the money came from and how it was spent. The current process allows citizens to be involved in their government. That it how it should be.

We are enclosing a copy of the legal analysis of S. 1219 by James Bopp, Jr., General Counsel for NRLC. National Right to Life urges you to protect the constitutional rights of your constituents and oppose S. 1219.

Respectfully,

WANDA FRANZ, Ph.D.,
*President.*
DAVID N. O'STEEN, Ph.D.,
*Executive Director.*
CAROL LONG,
*PAC Director.*

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

The PRESIDING OFFICER. The Senator has 75 minutes.

Mr. MCCONNELL. Mr. President, I yield to the Senator from Utah, 10 minutes.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I spoke at some length yesterday in a

philosophical fashion, going back to the Founding Fathers and the Federalist Papers, hoping to turn the debate into that kind of an analysis of our basic freedoms and our political approach. Today I want to get very down and dirty, as they say; very practical. It has been my observation throughout this entire controversy, and it goes back to the last Congress as well as this one, that the efforts at campaign finance reform really constitute an incumbent protection activity. The Senator from Arizona, my friend, Senator MCCAIN, said that if the challengers were voting here they would all vote for this bill because he showed the chart that showed most of the PAC money went to incumbents.

I have been a challenger. The memory is still fresh in my mind, even though I am now an incumbent. And I can assure all who do not know anything about the political process, that an incumbent comes into a race with incredible advantages. Let me give an example. I did not run against an incumbent Senator but I ran against an incumbent Congressman. These are the advantages he brought to the race.

He had a staff, paid for by the taxpayers, that was available to research every issue, provide him with a paper on every issue, and in the course of press releases give him the press support that he required.

He held a press conference late in the campaign in which he attacked me for a wide variety of things. The press person who scheduled that press conference, who wrote the press release, and who handled all press inquiries relating to it was paid by the taxpayer because he was on the Congressman's staff. I had to have people there to protect my interests. They were all paid for out of campaign funds because I had no congressional staff. I am not saying that he broke the law. I am not saying that he did anything improper. I am just outlining this is the way it is.

He had name recognition going back to 8 years of service in the House of Representatives. I thought I had some name recognition because my father had served in the Senate. I figured everybody would remember the name "BENNETT" favorably in connection with the Senate. Boy, did I find out differently. In the first poll that was taken, I was at 3 percent, with a 4-percent margin of error. I could have been minus 1. How do I counteract that 8 years of name recognition that he has built up? I had to raise the money. How did I pay for the people who were there to counteract the people that he had on his congressionally supported staff? I had to raise the money.

Is it a fair fight when you say the incumbent is at level $x$ and the challenger must also be at level $x$, when the incumbent has all of these advantages that are worth money that the challenger has to raise money in order to produce? When you say, let us get a fair fight and let us do it by saying that the challenger is unable to raise money to take care of the things that the incumbent does not have to raise money for, you are automatically creating a circumstance in favor of the incumbent.

Some political observers have said to me, "Why are you opposed to this now that you are an incumbent? We can understand that you were opposed to campaign reform while you were a challenger because as a challenger you were at a disadvantage in the face of campaign reform. But now that you are an incumbent, and particularly now that your party has a majority of the incumbents, why isn't your party in favor of an incumbent protection act that will put all of these disadvantages on the backs of the challenger?"

Well, I go back to my statement yesterday. I have philosophical challenges with these attempts to do that which I consider would produce damage to our basic philosophical underpinnings in this country. I did not quote the Federalist Papers just to prove that I had read them. I went through that process to demonstrate that I have a philosophical objection to what it is we are trying to do here, even though, should this bill pass, I would be benefited as an incumbent. I am convinced, if this bill were to pass, that I would be benefited as an incumbent, that I would be in a circumstance where it would be impossible for anybody to challenge me. But I am willing to run the risk of having them challenge me because that is the American pattern and that is what is in the Constitution that all of us have sworn to uphold and defend here in this body.

So, Mr. President, I am not going to vote for cloture. I am not going to vote to support a bill that is an incumbent protection act. I am going to say we will all stand exposed to the challenge of challengers who have the energy and the message necessary to raise the money to challenge us and not hide behind limits that say that we can use the advantages of our offices and our challengers cannot. I believe it is as simple as that. I believe that honest fairness says we will oppose this bill, and, therefore, we oppose cloture on the bill. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FEINGOLD. How much time do the proponents have remaining?

The PRESIDING OFFICER. The proponents have 67 minutes 15 seconds.

Mr. FEINGOLD. I yield 10 minutes to the distinguished Senator from Florida, who has been one of the original supporters of this legislation and has helped us all through the difficult process of trying to get it up for a vote. I thank him very much.

Mr. WELLSTONE. Will the Senator yield me 5 seconds?

Mr. GRAHAM. I yield the Senator 5 seconds.

Mr. WELLSTONE. I thank the Senator.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that David Hlavac, who is interning with me, be allowed to be on the floor throughout the duration of this bill.

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

Mr. GRAHAM. Mr. President, I first will extend my commendation to Senators FEINGOLD and MCCAIN and the others who have worked so hard to craft what is truly a bipartisan proposal to deal with one of the serious cancers in our American democratic system, and that is the way in which we manage and finance campaigns for the Congress. This bill is another example that, if we are going to do the public's will, it must be done in a bipartisan spirit.

Mr. President, we have spent a lot of this year and last year talking about the creative energy of the States, the desire to return greater responsibility to the States for many of our most basic domestic programs. We have acknowledged that the States, given that responsibility, given their flexibility to respond to the specific circumstances that they face, would unleash a new wave of innovation to bring us creative solutions to some of our most vexatious problems.

Mr. President, I say that we can take some encouragement as to the legitimacy of that position by looking at what States have done in the area of campaign finance reform. States were faced with basically the same problem that we are dealing with this morning—the problem of campaign money run amok and the need to change campaign financing mechanisms in order to restore public confidence.

The experience of my State of Florida, I believe, is instructive in this regard. In 1991, the State legislature overhauled Florida's campaign finance system. It instituted a $500 cap on individual contributions. Prior to that it had been as much as $3,000. It provided for public financing of campaigns. It instituted overall caps on statewide races. It provided incentives to abide by the cap.

What has happened in the relatively brief period that Florida has had these campaign finance reforms? In 1990, there was an incumbent Governor running for reelection. That incumbent Governor spent $10,670,000. Four years later, there was a different incumbent Governor running for reelection. In that campaign he spent $7,480,000. I note that the incumbent in 1990, who spent almost a third more, lost. The incumbent in 1994, under the new standards, was reelected. Common Cause of

Florida attributes the decrease in campaign spending directly to Florida's enactment of campaign finance reforms.

Mr. President, the States can control the terms and conditions of elections for State officials. It is our responsibility to do likewise for the Congress. I applaud the effort that is before us today. It is a genuine, thoughtful response to a serious national problem. I do not pretend that it is perfect. We have already heard on the floor several persons who, like myself, will vote to invoke cloture and support this bill, but who also are prepared to support modifications that we think would perfect it.

For instance, I do not believe that political action committees are a poisonous political evil that should be banned. But, Mr. President, if accepting some restraints on political action committees is necessary to achieve the bipartisan consensus for the passage of this sorely needed legislation, I am prepared to vote to do so.

Mr. President, there are many infirmities in our current system which have already been identified. Remedies have been prescribed. I wish to focus on one of those infirmities. That is, that the enormous amount of money in political campaigns has fundamentally changed the nature and purpose of congressional campaigns.

What should be the purpose of a political campaign? In my opinion, it should include at least two dual relationships. First, there should be a duality of relationship in terms of education. Yes, the candidate is trying to educate the public as to who he or she is, what he or she stands for, what would be the objective of service in public office, what they would try to accomplish. But there is an equally important side of the education duality, and that is that the citizens are influencing the candidate. A campaign should be a learning experience. The campaign should better prepare the candidate to serve in public office by the experiences, the exposure, that the campaign will provide.

There is a second duality, and that is the development of a democratic contract. The citizens should have some reasonable expectation that if they vote for a particular candidate, the policies that candidate has advocated will, in fact, form the basis of the candidate's efforts once in office, and the public official should have the right to expect that in office he would have the support of the public, the mandate of the public to achieve those policies upon which his or her campaign was predicated. These dualities, a duality of education and a duality of the forming of a democratic contract, these are essential elements of our system of representative democracy.

However, Mr. President, the excess of money in campaigns has changed the nature and the purpose of the campaign. It has, in fact, allowed candidates to hide from the voters rather than to use the campaign to learn from and more effectively communicate with the public. Candidates now move from the television studio to record 30-second sound bites, often of a highly negative character, to the telephone to solicit campaign contributions to pay for those 30-second sound bites. There is little time left to interact on a personal level with the voter.

By providing for spending limits, this bill would direct voters from the television studio back to the street to look for ways other than money to appeal to voters, by interacting with them, discussing issues, debating of the candidates, so that voters can make an accurate assessment of who they wish to represent.

I personally, Mr. President, would like to see a requirement that one who participates in the public assistance to a campaign, whether Presidential candidates participating for direct-cash infusion or congressional candidates who, under this legislation, would benefit by preference in perks like postal and broadcast rates, that they would commit themselves to participate in a stipulated number of public appearances with their opponents. I believe that is the truest way in which the public can form an opinion as to the qualities and capabilities of the persons who seek to represent others.

Mr. President, providing for a voluntary system of spending limits, while simultaneously requiring candidates to raise at least 60 percent of campaign funds from their home State, are positive steps toward bringing candidates and voters together. Passage of this bill would be a positive step toward realizing the goal of our political process, allowing the voter to truly understand, truly assess the candidate's view, and thus to make an informed judgment, while simultaneously helping to prevent politicians from becoming insulated and mitigate voters' disaffection.

Mr. President, by passing this bill today, we can restore a meaningful dialog between the voter and the candidate. By doing so, we can all share in giving this country a great victory, and restoring the public's faith in the political process. I urge this bill's passage.

The PRESIDING OFFICER. Who seeks recognition?

Mr. FEINGOLD. Mr. President, I yield up to 5 minutes to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I intend to vote for cloture today. I do not do so believing this is a perfect bill. There are some provisions in this measure I do not support. I do not support the complete abolition of PAC's, for example. But I believe we ought to be debating campaign finance reform. Therefore, I will vote for cloture to get a campaign finance reform bill on the floor of the Senate so we can offer amendments and see if we can perfect the bill in a way that will represent the public interest.

In my judgment, the financing of political campaigns is spinning out of control—more and more dollars in each campaign, more and more wealthy candidates financing their own campaigns. Campaigns in America have not so much become a competition of ideas—this is what campaigns ought to be—but a 30-second ad war. Not so much by candidates, but by the creators of the 30-second little "bomb bursts" that are put on television to try and destroy other reputations. These hired guns hardly serve the public interest, yet campaigns really have become a competition of 30-second ads.

When I last ran for the U.S. Senate, I was much better known than my opponent, so I made a novel proposal, which he did not accept, unfortunately. I wish he would have. I said: I am better known than you, but if we can agree to certain things, I think in many respects it will even things up. Let neither of us do any advertising at all. Neither of us will do any radio or television ads, no 30-second ads, no ads of any kind. You and I will put our money together, and we will buy an hour of prime time television each week for the 8 weeks prior to the election, and each week we will show up without handlers, without research notes, at a television studio with no monitor, and for an hour in prime time, statewide on North Dakota television, you and I will discuss the future. We will discuss whatever you want to discuss, whatever I want to discuss, such as why we are seeking a seat in the U.S. Senate, what kind of future we see for this country, what kind of policies we think will make this a better country.

I thought, frankly, 8 hours of prime time television, statewide, with both of us addressing each other and addressing why we were running for the U.S. Senate, might have been the most novel campaign in the country. My opponent chose not to accept that. Instead, we saw a barrage of 30-second ads. I do not think it provided any illumination for the North Dakota voters in that campaign. I think it would have been a better campaign had we had 8 hours prime time, statewide television, without handlers, to talk about what we thought was important for the future of this country. We did not have that kind of campaign.

So, the question for the Senate now is, what kind of campaign finance reform would be useful in this country? There are wide disagreements about how this ought to be addressed. For instance, I saved this article, the headline of which quotes my friend Speaker GINGRICH as saying, "Gingrich calls for more, not less, campaign cash." Speaker GINGRICH gave a speech downtown,

and he fundamentally disagrees with me that there is too much money in politics. He says there is not enough money in politics; there ought to be more money in politics.

I think that if we can find a way—and this bill provides one mechanism—to limit campaign spending and require full disclosure on all contributions, at that point you will start ratcheting down the cost of political campaigns in this country, and I think you will do this country a public service.

Last weekend when I was at Monticello, the home of Thomas Jefferson, I was reminded again of the work and words of this great American in the early days of this country. It seems to me Tom Jefferson would view what goes on in political campaigns in America today as a perversion of democracy. Today's campaigns are not, as I said earlier, a competition of ideas about how to make this a better country. They are much more a 30-second ad war that does not serve the public interest.

I intend to vote for cloture. I hope we will obtain cloture and have this important piece of legislation on the floor, open for amendments. I yield the floor.

Mr. FEINGOLD. Mr. President, I yield up to 15 minutes to Senator THOMPSON of Tennessee, who has been one of the main authors of this bill and has been key to making this a bipartisan reform effort. I thank him for his good work on this bill.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. I thank the Senator. I thank the majority leader for bringing this matter to the floor at this time. I thank my distinguished colleagues, Senator MCCAIN and Senator FEINGOLD, for their leadership on this bill. I am proud to be one of the original cosponsors of this particular legislation.

Mr. President, after having listened to over a day of debate on this issue, I think the question now could be simply put. Are we satisfied with our current system of financing Federal campaigns in this country? Do we think it is a good system? If we are not satisfied, are we willing to at least take the first step—perhaps not a perfect step—toward doing something about it?

I approach this from the standpoint of one who was recently a challenger and who is now an incumbent running for reelection in 2 years, having gotten the unexpired term of the Vice President for a 2-year term. I am now running as an incumbent for a full term. So I have seen it from both sides.

I also approach it from the standpoint of one who made a commitment to the people of Tennessee that I will try to change the system that we have now working in Washington and that I was dissatisfied with the process by which our legislation is enacted. But I think it is fundamentally the business of the U.S. Congress to address how we elect our public officials, how long they stay, and what their motivations are when they get here. So I am delighted to be a part of this effort.

The system now—let us take a look at the system that we have now. I believe I can be objective in describing it. Elections certainly cost more and more and more. We see Senate campaigns now that cost $10, $20, and $30 million. The combined expenditures in one Senate campaign were over $40 million. We have a system where more and more time is taken by Members of Congress, at a time when technology and all the demands of modern campaigning require campaigns to cost more and more. More and more, we, the Members of, supposedly, the world's greatest deliberative body, wind up having no time to deliberate anymore because of the fractured nature of our lives. For someone to run in a State such as mine, I have calculated that now it would be about $15,000 a week that I would have to raise, year in and year out, to run the kind of campaigns that would be traditionally raised in a State such as mine.

Mr. President, that is not why I came to the U.S. Senate. We have a system now where more and more of the perception is that contributions are tied to legislation. Perhaps that was not a problem when the amounts were smaller. But now we see larger and larger contributions, usually soft money contributions, with regard to larger and larger issues, millions of dollars being spent, billions of dollars being decided by massive pieces of legislation in the U.S. Congress.

We have a system where it is no longer ideological. The money does not flow to ideas. The money flows to power. Whoever is the incumbent party likes the system. Whoever is not the incumbent party plans on being the incumbent party. Democrats have killed this legislation for years, and now that the Republicans are in power, we are trying to return the favor. We have a system whereby, in individual cases, people are drawing closer and closer relationships with individual pieces of legislation and massive amounts of money that are being spent by the people affected by the legislation.

We constantly see news stories, day in and day out. There is a strong perception among the American people that any system that costs so much money and any system that requires us to go to such great lengths to get that money cannot be on the level. We see, day in and day out, editorials across the country. Common Cause has compiled 261 editorials from 161 newspapers and publications. What they say is not a pretty picture. It is not that I necessarily agree with the analysis made of these articles, but this is the perception among editorial writers across the country—liberal papers and conservative papers. The most conservative paper in my home State, in Tennessee, the Chattanooga Free Press, a Republican paper, has one of the editorials contained in this compilation. What they say, I think, is what is perceived by the American people. They say that neither party wants to end the abuses. One of the editorials says, "In Congress, Money Still Talks." Another says, "New Year's Sale on Votes." Another says, "Money Brings Votes." Another says, "Congressmen Admit Being Bought by Contributions." Another says, "Republican Reform; GOP Already Bought Off."

Mr. President, that hurts. The Chattanooga Free Press in Tennessee says in its article—it entitles it, "The Campaign Money Evil." Another article says, "Getting What it Paid For," talking about American industry. Another says, "Feeding Frenzy on the Hill," talking about us and our fundraising activities. Another says, "Buying the Presidency." While we are not dealing with a Presidential campaign, if I heard it correctly on the Brinkley show, now, apparently, for $50,000 you can sleep in the Lincoln bed at the White House. Another says, "NRA Buys Recent House Votes." You can say that——

Mr. MCCAIN. Will the Senator yield?

Mr. THOMPSON. Yes.

Mr. MCCAIN. That is $130,000. It is not as cheap as $50,000.

Mr. THOMPSON. Well, that certainly seems more reasonable. Another says, "Big Money Talks." Another says, "Taste of Money Corrupts Politics." This is from Texas. Another says, "The Great 'Unsecret' of Politics." That is the relationship between contributions and votes. Another says, "Legal Bribery Still Controls Congress." I do not believe that, but a lot of people believe that, and we have to ask ourselves why. Another says, "Campaigns up for Sale."

Mr. President, how much more of this can we stand as an institution? How can we go before the American people with the tough choices that we are going to have to be leading on, convincing the people, with no credibility? Ten percent of the people in this country have a great deal of confidence in Congress. Twelve percent have a great deal of confidence in the executive branch. Eighty percent of the people, at least, favor major change here. We always want to be responsive to the American people, until it comes to something that affects us and our livelihoods—whether it is term limits, campaign finance reform, or some other issue that affects us directly as politicians. Then we come up with all kinds of excuses why it will not work.

We have a system where soft money, of course, has completely made a sham of the reforms that were put in place in earlier years. We all know that. It is a

bipartisan problem. Soft money now is up 100 percent—a 100-percent increase—with hundreds of thousands in contributions, in many cases that we see. So there has been a 100-percent increase since the last election cycle.

Now, that is the system, Mr. President. I do not think it is a very good one. I submit that it is not a good system. Some opponents of reform say there is not enough money in politics. It is not a question of too much; it is not enough; that $700 million spent in 1994 is not enough. They say that more money is spent on soap detergent advertisement, or whatever kinds of advertisement, than on political campaigning. I hope that that analogy will fall on its face without serious analysis, but a lot of people use that. No. 1, we are not in the soap-selling business. No. 2, if Procter & Gamble were advertising in a way that undermined the credibility of the company, they would not be doing it. No. 3, these businesses have only one goal, and that is profit. I would like to think that we have an additional goal in the U.S. Congress.

Other opponents say that it restricts freedom and the ability to participate. This is, of course, a voluntary system, No. 1. And No. 2, we are not talking about mom and pop sitting around the kitchen table deciding how to distribute their $100 or $250 to a Presidential campaign or a senatorial campaign. They can still do that any way they want to do it.

With regard to the PAC issue, which I will discuss in a moment, it simply means that if this legislation were passed, instead of sending it to a political action committee, they would have to make a decision themselves as to which candidate they wanted to send it to. There is no restriction of freedom here on anyone except those in Washington who receive all those minicontributions from various people and make the political decision as to how to use that money. Their freedom will be restricted somewhat. There is no limit whatsoever in this legislation on anybody's ability to participate in the process. People need to understand that.

The current limitation we have is $1,000 on individual contributions. That is a limitation. That is the same limitation that we have here; no new limitation.

Many people say that certainly we want reform. Everybody knows we need reform. "It is a lousy system but not this reform. I would support it, if this particular feature was in, or out," or whatnot. I think that it is tempting to want to have it both ways; to be for reform but never be for a reform measure. Some people say it is an incumbent protection business, like my friend Senator BENNETT. I take a different view from that. I think that under the system now he is certainly correct. Incumbents have substantial advantage. What this legislation would do is, let us say, at least place some limitation on the major incumbent advantage; and that is the ability to raise unlimited amounts of money. The incumbents are still going to have the advantages that they always had. But at least you are saying to that incumbent if he voluntarily chooses to participate that there will be some cap on the amount of money that you spend. You are an incumbent now. The money is going to come to you not because people believe in you in many, many cases any more but simply because you are an incumbent, and you have the power and authority at that point. They say, "Well, it restricts people from coming in and spending enough money to overcome the incumbent." How often does that happen in the real world? When it happens, it is somebody who is an extremely wealthy individual. And it happens then sometimes.

So you wind up with professional politicians on the one hand who are able to raise large sums of money because they are incumbents, and wealthy individuals on the other. That is what our system is becoming—those two classes of people and nobody else.

This legislation would level the playing field and let more people of average means participate. This bill is voluntary. Under it campaigns will cost less. I think that is the crucial feature. A lot of us who support this legislation have different ideas about that. To me the PAC situation is not a crucial feature.

Opponents are certainly correct when they point out that the PAC's were a reform measure in and of themselves in 1974 in the aftermath of Watergate. We thought that would substantially reform the process, and now PAC's are an anathema to a lot of people.

The fact of the matter is—and both sides should understand and know this—that people, whether they be businesses or labor unions or whoever, individuals can still send money in. They can still contribute. They can still get together and decide that they want to individually send contributions in.

In my campaign I ran against an individual that did not accept PAC money. He got all of the same kind of money that he wanted. It is a little more cumbersome. But we are not eliminating special interest money if we eliminate PAC's.

So to me that is more of a symbolic measure than it is anything else. The real crucial measure is limiting the overall amounts of money—that $500 million that was spent in congressional races in the last election time. It will take less time. It will allow my colleagues to spend the time on the things that they were elected to do.

I believe it would level the playing field; 90 percent of all incumbents—in this revolution that was supposedly having all this turnover of all of those who want to be reelected—90 percent are reelected. For those of my friends who always look and see who supports a piece of legislation before they decide whether they are for it or against it, and all of them who decry the trial lawyers and the AFL–CIO and the, well you finally found something that you all agree on because they are all in agreement with the opponents of this legislation that this is a bad piece of legislation. So maybe they will lay off those groups for a little while in the future.

Mr. President, this is not a division any longer of business versus labor or of Democrats versus Republicans. It is a division of people who want to change the system and those who genuinely do not believe that we ought to have it. I would like to think that this is reform time. I would think that this would do more to assist in our attempt to balance the budget than anything else because much of the pressure that this process has within, in it is pressure to spend money. It would be a genuine reform measure.

The lobbying and gift reform measures were something long overdue. We needed to do it. But we are in a situation now where you cannot buy me a $50 meal or a $51 meal but you can go out and get together a few hundred thousand dollars for me for my campaign. So that does not make a whole lot of sense.

I do not think that we ought to get in a situation where we are for reform until it affects us individually and our livelihood when we are affecting everybody else's livelihood on a daily basis. I think it should not be viewed with suspicion among my Republican colleagues. I think too often that we are trying to figure out how this is going to benefit them, or us. The fact of the matter is we do not know. There is no way to figure it. There is no way to tell. It depends on swings. Sometimes we are going to be in. Sometimes we are going to be out. Sometimes a new scheme might hurt us. Sometimes it might help us. But the bottom line is that we should not be afraid of fundamental reform that the American people want, that we all know that we need, and we should get back to winning not on the basis of who can raise the most money but on the basis of the competition of ideas.

That is what we pride ourselves in. That is why we think we were successful last time. That is why we think we will be successful again. Let us get back to that concept.

It is for those reasons that I support this legislation and urge my colleagues to do so.

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, a couple of observations, and then I am going to yield 10 minutes to the distinguished Senator from Washington.

I have listened with interest over the years to the debate in this debate about the suggestions of the money chase and dividing up the amount of money one might raise in a campaign by every week of service. My good friend from Tennessee, for example, suggested that he would have to raise $15,000 a week throughout his entire term to be competitive in Tennessee.

I think it is important to remind everyone of the statistics which are irrefutable. Eighty percent of the money raised in a Senate reelection cycle was raised in the last 2 years. Senators are not out raising money every week through a 6-year term. In fact, in the last cycle 80 percent of the money raised by Senators was raised in the last 2 years.

So I am unaware of anybody here in the Senate that is working on fundraising week in and week out through the course of the 6-year term.

Second, let me just say again that I always find it somewhat amusing the extent to which the revelation that little is spent on campaigns relative to consumer items like yogurt tends to exercise the proponents of this bill almost to distraction. But, of course, it is absolutely appropriate when it is said too much is spent on campaigns. You would have to ask the question: Compared to what? Compared to what? For that observation to mean anything it has to be compared to something.

In 1994, in House and Senate races, about $3.74 per eligible voter was spent. We spent about on politics in the last cycle what consumers spent on bubble gum. Roughly $600 million was spent on bubble gum. In 1996, Americans will spend $174 billion on commercial advertising.

So it is appropriate when dealing with the basic premise underlying this measure that too much is being spent to ask the question about the premise: How much is too much? My view is that $3.74 per voter is pretty hard to argue is too much to spend communicating with the electorate.

Mr. President, my good friend from Washington has been quite patient, in the Chamber for some time now, and I will be glad to yield to him 10 minutes.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I believe it important in discussing an issue of this significance to begin once more with fundamental principles. The most fundamental principle affected by this debate is found in the first amendment to the Constitution of the United States which in relevant part reads, "Congress," that is to say us, "shall make no law abridging the freedom of speech."

Mr. President, I turn to page 31 in this bill in section 201 and I read, "No person other than an individual or a political committee may make a contribution to a candidate."

"No person other than an individual or a political committee may make a contribution to a candidate." In other words, any voluntary association is entirely denied the right to participate in the most effective possible way in a political campaign by making any contribution to a candidate at all.

Here we live in the third century of a Nation, the particular genius of which has been the accomplishment of myriad purposes by voluntary associations, and we are seriously considering a bill that says no voluntary association can make a contribution to a candidate for the Senate.

Our opponents can read us 1,000 opinions of law professors to the effect that that does not violate the first amendment, but a third grader would understand that it does. It is a clear abridgment of the right of free speech. Moreover, that brief comment reflects the entire nature of this bill. Everything in it is designed to restrict political participation, to abridge the effective right of free speech in the political arena. But it does not restrict everyone's right of free speech in every fashion. No, it discriminates among methods of political speech. It imposes severe restrictions upon candidates who, while they may elect to stay out of the system, nonetheless are severely penalized by advantages given to their opponents if they repudiate this outrageous system. It not only prevents these voluntary associations from making any contribution but even an individual is likely to be prohibited from making a contribution to a candidate when that candidate has reached the rather modest maximum permitted under this law to gain certain other advantages.

It, of all things, severely restricts as a great evil political parties. For some reason or another, it is based on the proposition that both the Republican and Democratic Parties are highly undesirable organizations that must be severely restricted in their fundraising and prevented in many cases from providing support to their own candidates.

Now, while candidates have their rights abridged, organized groups have their rights abridged, individuals have their rights abridged, and political parties have their rights abridged, whose free speech rights are not abridged by this bill? Well, first, television networks and stations and their reporters and their editorial writers can continue to say as much as they want to say and to be as biased as they wish to be with respect to any election campaign, and not only are no restrictions placed on their ability to engage in those activities but the candidates who are their victims, whom they oppose, are not granted any ability to raise money to counteract what they may consider to be biased editorials or biased news stories. Newspapers fall into exactly the same category, whether in the reports of their political writers or the editorial support that they provide for candidates—no limitations there but severe limitations on the ability to respond to those newspapers.

And one other important element. All organizations, all groups that are willing to engage in the subterfuge that they are not endorsing candidates or promoting elections by simply reporting through 30-second commercials on their interpretation of the way in which candidates who hold office have voted, and so all of the commercials, the tens of millions of dollars of commercials we have seen in the last 6 months paid for by labor unions attacking Members of the House of Representatives for their votes on Medicare reform and the balanced budget, none of those are restricted in any way by the proposals in this bill. All that is restricted is the ability of a candidate attacked by these millions of dollars effectively to respond to those attacks.

Now, I do not know how much value there is in plumbing the motivations of the authors of the bill. Perhaps they feel that form of political participation ought not to be restricted in any fashion. Perhaps they feel that even though they cannot stand a political action committee giving money to a candidate's campaign, that same group ought to be permitted without limitation and without restriction to buy advertisements attacking candidates or incumbents on their lifestyle or their record, that that somehow or another is good policy. I think, however, the reason there is no limitation on this form of free speech is that they know perfectly well, the sponsors know perfectly well that such restrictions would be found to be unconstitutional. And so they only restrict free speech where they think they can get away with it, even though they make a situation that at the present time is unfair far more unfair than is the status quo.

Mr. President, acknowledge, those who oppose this bill, that the people of the United States by special interest groups that would be benefited by having their opponents removed from the equation and newspaper and television editorialists who would be benefited by having their views less effectively counteracted, have created a situation where a majority of the people of the United States do not like the present system and want reform. This bill is entitled "Reform," and we are, therefore, supposed to pass it. But we went through this experience more than 20 years ago when the present law was passed. Every argument that has been made here for 2 days was made then. That present system was terrible. We had to have limitations. We had to create things called political action committees in which people could engage in political action. We would restore confidence in the system.

Well, Mr. President, not a single one of the desires or the goals or the promises of those proponents has been accomplished at this point, and so what are we asked to do now? Back off and start over with a very simple proposition that just says everyone disclose where his or her money comes from and trust the intelligence of the people to sift through the arguments that they get? No. We are told if 1,000 restrictions were not enough, let us try 2,000 restrictions and see if it does not work better. That is the theory of this bill.

We hear a great deal about how terribly prejudicial in favor of incumbents the present system is. But, then, why do we wipe out the one organization that will always support a challenger in a race, the challenger's political party?

The Republican Party will support the challenger to a Democrat, the Democratic Party will support the challenger to a Republican, if they think that challenge is remotely viable. So this bill is not about incumbents and nonincumbents. If it were, it would encourage contributions to political parties. It would lift the restrictions on the amount of support that political parties can provide for its candidates. But, instead, it treats parties, if anything, as a greater evil than candidates themselves.

No, this is not campaign reform. This is a huge bureaucracy, the design of which is to abridge the freedom of speech of candidates for the U.S. Senate, exactly what the first amendment tells Congress it may not do.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I thank my distinguished colleague from Washington for an absolutely brilliant discourse on the impact of this bill on the political process. As usual, he is right on the mark, and I thank him for his important contribution to this debate.

My friend and colleague from New Hampshire has been on the floor for some time. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 51 minutes remaining.

Mr. McCONNELL. I yield 5 minutes to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. I thank the Senator from Kentucky. I also congratulate the Senator from Washington for his very thoughtful and concise discussion relative to this bill. I wanted to focus on a narrower issue which really plays out some of the points raised by the Senator from Washington.

I heard a prior Senator's statement, "This is a bill that levels the playing field." I only perceive this as leveling if you perceive the north slope of some mountain in the Himalayas, Mount Everest, for example, to be level. The fact is, this is not a leveling bill. The fact is, this bill, because it fails to address the independent expenditure issue, is a bill which, were this a teeter-totter, would have one side directly up in the air and the other side directly on the ground.

We have to realize that under this bill one of the core elements of what I consider to be inappropriate activity in the political area, but which others would consider to be good politics, as they are supported by it, is not addressed at all. It was in March, for example, that the AFL–CIO held a rather unique convention here in Washington, where they voted, as an institution, to levy a special assessment on their membership, which assessment was meant to raise approximately $25 million of a $35 million goal dedicated to defeating Republicans. There was no other purpose. It was openly stated. They were going to spend $35 million for the purpose of defeating Republicans. So they had this special assessment of $25 million which went out against all their union membership.

Someone took a poll of the union membership, and it turns out the union membership, at least 58 percent of the union membership, did not realize they were going to have to pay this mandatory fee; 62 percent of the union membership opposed this mandatory fee; 78 percent of the union membership did not know they had the right to get the fee back; 84 percent would support making union leaders here in Washington, the big bosses, disclose exactly what their money is spent for; and only 4 percent thought that engaging in political elections was the most important responsibility of major unions.

So, what we have here is an instance where the AFL-CIO is going to go out, and they have the right to do this, and raise $25 to $35 million and spend it against people who they, the union bosses here in Washington, do not agree with. It happens that the rank and file membership, to a large degree, do agree with the agenda of the Republicans here in Washington. In fact, 87 percent of the union membership supports welfare reform and 82 percent of union membership supports the balanced budget amendment and 78 percent happens to support tax reductions and the $500-per-child tax credit, all of which happen to be Republican initiatives, all of which are opposed by President Clinton, all of which have been opposed by Democratic Members. But, once again, the big bosses here in the unions in Washington have decided to assess, essentially, a tax against the union membership, and that tax, raising $25 to $35 million, is going to be used to attack Republicans who happen to support philosophies which are supported by a majority of the union membership.

Yet, this bill remains silent on this rather significant gap in the campaign election laws. If you were in the process of addressing campaign election laws, I think by the very fact it remains silent, you must ask: Why? Why would such a colossal amount of money that is going to be poured into the political system be ignored by a bill like this?

Well, folks, I think it is called politics. I think it is called political influence. I think it is because the majority of the sponsors of this bill happen to be mostly related in their political philosophy to the bosses of the unions here in Washington. As a result, there is no desire to address something which might affront that group of political forces in this country, who are significant. They have always been significant in this country. They have a major role to play, and always should have a major role to play. But there is unquestionably a significant issue of credibility raised by the failure to address this issue. In fact, it is such a significant issue of credibility that I think it brings down the whole bill, because it draws the whole bill into question, as to its integrity, as to its purpose—not integrity, wrong word—as to its purpose, as to its legitimacy.

It could be corrected rather easily, actually. You could simply put language in which would say union members shall have the affirmative right, which shall have to be confirmed or which shall have to be—let me restate that. Union members will have to approve how their dues will be spent when it comes to political actions and political activity.

The PRESIDING OFFICER. The 5 minutes of the Senator has expired.

Several Senators addressed the Chair.

Mr. McCONNELL. I yield the Senator 2 additional minutes.

The PRESIDING OFFICER. The Senator has 2 additional minutes.

Mr. GREGG. I have an amendment which proposes that: the Union Members Protection Act. It essentially says that before union members' dues can be spent in the manner in which these $25 million to $35 million are going to be spent, the union member will have the right to affirmatively approve that or disapprove it. In the case of disapproving it, the money will not be spent. That will bring into the process at least the ability of the union members to avoid this tax if they decide to avoid this tax; in the process, to direct the funds in a manner which they feel is appropriate to their own political position, not to those of a few bosses here in Washington.

That type of correction is not in this bill. Not only is it not in this bill, but were that amendment to be brought forward, this bill would be filibustered by the supporters of the bill, I suspect. Certainly, if there was a chance it was

going to be passed, it would be filibustered by the proponents of this bill. Why? Political interests.

So the credibility of this proposal, I think, is highly suspect, not only substantively on the grounds of constitutionality that was raised by Senator GORTON, but on the grounds of the politics of the bill, because when you leave this large a gap in the issue of how you are going to reform campaign financing, you basically are saying your intention is not to reform campaign financing; your intention is to tilt the playing field once again in favor of one political group which happens to have a significant amount of influence amongst the sponsors. Mr. President, I yield back the remainder of my time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Very briefly, before I turn it over to the Senator from Massachusetts. I, too, listened to the constitutional analysis by the Senator from Washington and the strong agreement by the Senator from Kentucky. The one suggested that any third grader would know that the PAC ban, with a backup provision, is unconstitutional. I am sorry, but I will say one thing about that. The Senator from Kentucky and the Senator from Washington voted for precisely that proposal 3 years ago under the Pressler amendment. So, apparently, at that time they did not understand, apparently, what any third grader would understand, which is that this in fact is constitutional, because it provides that, if the PAC ban is found unconstitutional, there is a backup provision. So that entire analysis disregards their own voting record and their own past position, which is that that is constitutional.

Mr. President, I yield up to 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, thank you. I thank the Senator from Wisconsin.

Mr. President, I was really fascinated to listen to our colleague from New Hampshire. I really never knew, but now I guess the Senate has learned something new, that the Senator from Tennessee, Senator THOMPSON, and the Senator from Arizona, Senator MCCAIN, are the tools of the union bosses. That is a rather remarkable concept. I am sure the Senator from Arizona will struggle, as will the Senator from Tennessee, for years to get out from under that moniker.

I think that both that and the argument of the Senator from Washington just underscore what is really going on here today in the U.S. Senate. Every argument that can conceivably be laid out on the table in pretense on the merits is really just an effort to avoid what this vote today is really about. This vote today is about whether or not the U.S. Senate is willing to stay here and work to produce campaign finance reform or whether it is happier with the status quo. That is the vote. It is very simple.

Eighteen months ago we could have started doing campaign finance reform. I think it was 12 months ago there was a famous handshake between NEWT GINGRICH and the President suggesting there would be a commission to deal with campaign finance reform. But not only did Congress not follow through on the commission, as neither the President nor the Speaker did, but at the last moment here we are on day one of consideration of this bill and we have to have a cloture vote. That tells the whole story.

This is not a serious effort to legislate. This is not a serious effort to take an amendment from the Senator from New Hampshire and deal with this problem of constitutionality or of union bosses. After all, they only have 53 votes last time I counted. It seems to me that if it is truly an issue of the unions, that 53 Republicans are very quickly going to be summoned to the floor to vote against whatever union advantage is being built into this bill.

So let us cut the charade here. This is not a serious effort to legislate. This is, once again, the Senate's moment of tokenism to pretend or at least expose—because Senator FEINGOLD and Senator MCCAIN insisted on it—that there are a majority of Senators here who are unwilling to deal with the issue of campaign finance reform.

There is not even a serious discussion going on of an alternative. There is no alternative that has been proposed. There is no serious set of alternatives that have been put forward to try to say, "Well, if we don't want to do it your way, here's a better way of doing it." There is no better way on the table.

The Senate has been forced to bring one vehicle to the floor today, one effort, one pathetic gasp to try to suggest that we are prepared to deal with what the majority of Americans want us to deal with, which is the putrid stench of the influence of money in Washington that is taking away democracy from the people of the country. Everybody knows it. Every poll in the Nation just screams it at us.

Ninety-two percent of registered voters believe that special interest contributions affect the votes of the Members of Congress. Eighty-eight percent believe that people who make large contributions get special favors from politicians. The evidence of public discontent just could not be more compelling. It is now spoken in the way in which Americans are just walking away from the system. Only 37 percent turned out to vote in the last election. They are walking with their feet away from what they perceive as an unwillingness of the Congress to deal with this.

The vote today, Mr. President, is very simple. Do you want to deal with campaign finance reform or do you want to play the game again and be content and pretend that there is some great constitutional issue?

I listened to the Senator from Washington raise the first amendment. My God, three-quarters of the people today talking about the first amendment and no curbs on free speech are the first people to come down here and vote against the Supreme Court's decision with respect to the protection of free speech and the flag. So they choose it when it suits their purposes, and then they go protect it when it also suits their purposes. Selective constitutionalism.

Any third-grader does understand that if there is a voluntary system, purely voluntary, by which people participate in limits, there is no restraint on free speech. Anybody who wants to go out and spend their millions of dollars and avoid accountability within the rest of the system can do so under this bill. There is no limit.

If perchance there were to be some problem with the PAC's and constitutionality, because of the freedom of association, the House of Representatives, in their bill, has an alternative. It is perfectly legitimate for us to send this bill to a conference committee, work in the conference committee, come up with a reasonable alternative and come back here. It is really inconceivable that the Republican Party, which is the majority of the U.S. Senate with 53 votes, is going to be disadvantaging itself in any amendment on the floor of the U.S. Senate, because they can summon all 53 votes to beat back any amendment that does not draw away some measure of those who are reasonable on their side.

So this is not an effort to legislate. This is an effort to procrastinate once again. It is a vote on whether you desire to have campaign finance reform or whether you are content to suggest that there are problems with this bill sufficient that we cannot even deal with it on the floor or work through the legislative process.

I have some problems with this bill. I do not like every component of it. I personally would like to see more free time available. I think there are a number of other options that we could work on. But I am content to live with what the majority of the U.S. Senate thinks is appropriate. I am content to have whatever advantage to our side or their side be put to the test of the legislative process. That is what we are supposed to do. Instead, once again, the special interests are going to win here today. Probably most likely this issue will not be able to be seriously considered this year yet again.

I have worked on this since the day I came here with Senator BRADLEY, Senator BIDEN, Senator Mitchell, and Senator Boren. We have passed it in certain years here. But the game has been played with the House so it comes back at the last minute. Each side can blame the other for not really being serious about it or for filibustering it to death.

In the end, Mr. President, the American people lose again, because everyone knows that the budget deficit is partly driven by the interests that succeed in preventing any tough choices from being made. Everyone knows what the money chase and the money game in Washington is all about. We would all be better off if we were to reduce that. I hope that colleagues today will come together in an effort to try to say, let us at least legislate through the week and see if we could engage in a serious effort to try to deal with one of the most pressing problems facing America's fledgling democracy.

Mr. President, I yield back whatever time I may have to the manager of the bill.

Mr. MCCONNELL. Mr. President how much time do I have remaining?

The PRESIDING OFFICER (Mr. GREGG). The Senator has 43 minutes remaining.

Mr. MCCONNELL. I yield to the distinguished chairman of the Rules Committee—and we have listened to a great many hearings this spring on this matter—I yield 10 minutes.

Mr. WARNER. Mr. President, I thank the floor managers, both floor managers, and indeed my colleague from Kentucky. As a senior member of the Rules Committee he sat side by side with me throughout what I am sure will be reviewed as a very prodigious, fair, and balanced series of hearings, which I will cover, given that the Rules Committee has jurisdiction over this particular bill and like bills.

This morning, however, Mr. President, I make it very clear that while I support many areas of campaign finance reform, and I shall address those areas, this particular bill that is before the Senate is not one, in my judgment, which will solve any of the problems. Therefore, I shall be voting against it in accordance with the procedural votes.

I will start my comments by quoting from Thomas Jefferson. Virginians are very proud of our heritage of freedom which is reflected by Mr. Jefferson, who said: "To preserve the freedom of the human mind * * * and freedom of the press, every spirit should be ready to devote itself to martyrdom; for as long as we may think as we will, and speak as we think the condition of man will proceed in improvement."

Jefferson's thoughts on the first amendment reflect my own personal concern that our constitutional right to speak out as individuals and as groups receive the utmost protection as we labor as a legislative body to make badly needed reforms to our campaign finance system.

The pending bill would amend our campaign finance laws applicable to elections to Congress. This bill, S. 1219, was referred to the Committee on Rules and Administration some time ago. In addition to S. 1219, 14 other bills that would amend our campaign finance laws have also been referred to the committee. These bills address myriad issues and offer a variety of potential solutions to the concerns many of us have.

I am well aware that the calls for campaign finance reform have been heard for many years. I am well aware, also, of the many proposals this body has considered over the past sessions. I am also well aware these efforts were ultimately unsuccessful because they did not reflect the consensus of the American people. It is easy to label something campaign finance reform and immediately find support from those across this Nation, like myself, who have a level of frustration with the current framework of laws. Ultimately, however, each of those bills must stand on its own merits. I will not merely vote for something called reform without being convinced that the proposals are constitutional and beneficial to our political process.

Our committee gave careful consideration to a wide variety of issues. First, our committee heard from Senators MCCAIN of Arizona, FEINGOLD of Wisconsin, THOMPSON of Tennessee, WELLSTONE of Minnesota, FEINSTEIN of California, and BRADLEY of New Jersey. Members of the House of Representatives also appeared before our committee.

We then heard testimony from some of the foremost experts across our Nation on campaign finance reform, including Prof. Larry Sabato and Prof. Lillian BeVier from the University of Virginia; Norman Ornstein from the American Enterprise Institute; Thomas Mann from the Brookings Institution; Bradley Smith from the Cato Institute; David Mason of the Heritage Foundation; Prof. Herbert Alexander from the University of Southern California; Dr. Candice Nelson of American University; Prof. Michael Malbin from the Rockefeller Institute of Government; Ann McBride of Common Cause; and Joan Claybrook with Public Citizen.

We also heard from a number of citizens who participated in campaigns by contributing to political action committees—PAC's—or by making donations to be bundled. We heard these voters' worries that their voices would be greatly diminished if their ability to participate in PAC's and bundling were completely denied. In addition to these witnesses, we also asked the Chairmen of the Republican and Democratic National Committees, Mr. Haley Barbour and Mr. Donald Fowler to testify before our committee. Each party official testified to the need to strengthen—I repeat, strengthen—not weaken the political parties and enhance their links to their State counterparts.

Because several of the bills before the committee mandated some form of free or reduced-fee television time and reduced postage rates, as S. 1219 does, we also heard from representatives of the broadcast industry and parties affected by the health of the postal service. They advised us of the impact on these proposals, pro and con, on their operations.

Further, because of my personal belief that we should not pass legislation that has a high degree of likelihood of being struck down by the Federal court system as unconstitutional, we asked a number of legal experts and scholars to address the constitutionality of some of the various proposals before the committee, particularly the proposal to ban PAC's. Among those commenting on the issues were Joel Gora of Brooklyn Law School on behalf of the American Civil Liberties Union, Robert O'Neil of the Thomas Jefferson Center for the Protection of Free Expression, Archibald Cox of Harvard Law School, and Frederick Schauer with the Kennedy School at Harvard.

To date, the committee has held six extensive hearings on campaign finance reform—the most extensive, I repeat, the most extensive hearings on this subject of campaign finance reform, held here in the Senate since 1991. A number of conclusions were reached, although not formally, by the individual Members. I shall speak for myself.

First and foremost is the overwhelming consensus that the PAC ban contained in S. 1219 is unconstitutional. There is little doubt on this, with near unanimous agreement from the legal experts. Mr. President, we should not pass legislation in the name of reform, knowing that the Federal courts will strike down the bill. There is always the urge to try and create something to throw out there and go back and tell our constituents, "Well, we handled it—we handled campaign finance reform," but I personally cannot do that with clarity of conscience, knowing that there is a high likelihood that the Federal court system will strike it down.

A second point: in addition to the PAC ban, there are other serious constitutional concerns in S. 1219. One main problem lies in the extremely broad definitions of "independent expenditures" and educational advertising which would serve to greatly restrict information about the candidates. According to the Free Speech Coalition which represents groups from far left to far right, "This extremely broad definition of 'expressed advocacy' would sweep in protected issue advocacy such as voter guides."

Perhaps even more startling, S. 1219 allows the Federal Election Commission to obtain prior restraining orders against groups it suspects might violate the new, broader restrictions on presently-independent political activities. Let me emphasize this point. Federal bureaucrats would have the power to stop—I repeat, stop—somebody from exercising their first amendment rights before they say or publish anything. One commentator called this result "a grotesque legislative assault on bedrock American freedoms * * *"

The PAC and bundling bans, combined with the breadth of S. 1219's coverage and restrictions on independent expenditures violate a maxim clearly articulated by our Supreme Court in Buckley versus Valeo when the Court stated "The concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the first amendment."

Make no mistake about it, S. 1219 would severely restrict the speech of many of our citizens, resulting in a terrific enhancement of others. This we cannot condone. Again, to quote Mr. Jefferson:

> There are rights which it is useless to surrender to the government, and which governments have yet always been found to invade. [Among] these are the rights of thinking, and publishing our thoughts by speaking or writing.

He made this observation in 1789, but despite the transformation of our country and the changes in our Government, it is as true today as it was in 1789.

A third observation is that, while reduced fee or free TV coverage and postage might serve to reduce the cost of campaigns, requirements such as these are not really free—they simply shift the costs from candidates to postal users, broadcast stations, and other television advertisers. To the extent candidates for political office are granted even more reduced fee postage rates than they already have, the postal user—virtually every American citizen and business—will bear the cost, for the Postal Service must make up the lost revenue from these users.

And, in addition to the lost revenues the TV broadcasters will face, there are extremely severe management problems associated with S. 1219's mandate for TV stations to provide coverage of political candidates. Not the least of these would be trying to offer television time to candidates in large population centers such as New York City where dozens of contested elections will take place in New York, New Jersey, and Connecticut—you might have more than 50 candidates each entitled to prime time TV coverage. And this doesn't even consider party primaries which might feature many candidates per election.

And, as I have noted in our hearings, how will local politicians react if they see candidates for Federal elections being offered extremely cheap ads and mailings. If we start down this road, how will we say no to the local sheriff or other State and local politicians who run for office? In sum, these reduced fee proposals—which are better described as cost shifting provisions—are not well thought out. More thorough analysis and understanding of the impact they will have on the postal and broadcast industries and the American people is necessary.

In addition, several of the provisions of S. 1219 could result in less information being available to voters. Spending caps obviously might cause cutbacks in campaign activity, whether advertising, traveling, or get-out-the vote activities. Bringing more independent expenditures under spending caps also could reduce the amount of information that is available. This concern has been voiced by others. David Frum of the Weekly Standard stated:

> [P]olitical reformers imagine that by capping campaign spending America could somehow purify its politics, replacing vulgar and deceptive radio spots with lofty Lincoln-Douglas-style debates and serious-minded presentations of positions in 30-minute unpaid public service announcements on television. The far likely effect of campaign expenditure caps, though, would be to invite cheating and to deprive less attentive voters even of what little information they now get to guide their vote.

This discussion of present reform proposals would of course be incomplete without mentioning the fact that the Federal Election Commission would need a veritable army of investigators and auditors to keep up with their new mandates. We know that the FEC has had difficulty winding up audits of Presidential campaigns in a timely process, and I hesitate to think about the prospect of the FEC trying to keep up with hundreds of congressional candidates every 2 years.

While these hearings result in the conclusion that S. 1219 will not produce the type of reform that is needed, they also have revealed many potential reforms which might be quite beneficial to our political process without trampling on the first amendment. The many experts who testified at these hearings provided us with a multitude of proposals that should be examined more thoroughly.

I was particularly impressed by some of the suggestions made by Prof. Larry Sabato of the University of Virginia, who has been at the forefront of campaign finance reform and is a well-renowned speaker and author on the subject. I ask unanimous consent that a statement submitted by Professor Sabato be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. WARNER. Professor Sabato's main focus lies in broadening and strengthening our disclosure laws, so that all types of significant political involvement are available for public inspection. The American people are the best judge of improper or excessive influence, and it may be time to require greater access to information about those who give to candidates for Federal office and those who spend more to influence campaigns. Of course, we would need to weigh the need for and degree of privacy that should be afforded to individual donors, but this is clearly a subject that should be addressed in any campaign finance reform.

I have been impressed with other suggestions which have been raised in our hearings, such as: limiting the amount of money a PAC can give to a candidate from funds raised out of State; raising the contribution limits for initial donations to challengers to facilitate their entry into the political campaign process; and permitting challengers to draw a salary from their contributions.

Then there is the sensible suggestion to index contribution limits for inflation—perhaps had this been done in the last reforms in the 1970's, candidates would have more time to debate the issues and meet the voters and need less time to raise money. This change would also reduce the growing tendency for rich candidates to use their money to buy credibility. As discussed by the eminent commentator, David Broder:

> All the contribution limits are accomplishing today is to create an ever-greater advantage for self-financed millionaire candidates. . . If we really want to be ruled by a wealthy elite, fine; but it is a foolish populism that insists it despises the influence of wealth, and then resists liberalizing campaign contribution limits.

While I disagree with their proposals, I commend my colleagues for making a commitment to this difficult issue. I can understand their frustration in attempting to craft legislation which might meet constitutional muster and find legislative support. Their bill has served the useful purpose of generating an extensive set of hearings on campaign finance reform and the many ideas I have mentioned.

Yet, the hearings which the Rules Committee held will be for nought if we proceed on S. 1219 today, in its present form. We must learn from these hearings. The committee should be permitted to proceed with its hearings. The Rules Committee will hold authorization and oversight hearings this coming Wednesday, June 26 on the Federal Election Commission [FEC]. These hearings will include a discussion of some 18 recommendations that would update the campaign finance laws and streamline the administration of the campaign finance laws. In addition, we are studying the possibility of

holding one more hearing on the Presidential election process and reform suggestions that might be beneficial. After that the full extent of the committee hearings will be made available to the entire Senate and to others for study and review, with the goal that this educating process will produce an effective and positive reform bill.

While I understand the frustration of some of my colleagues with this issue, I cannot shirk my duty with regard to this legislation—it contains unconstitutional and unwise provisions, and we should not pass this legislation into law.

EXHIBIT 1

TESTIMONY OF PROFESSOR LARRY J. SABATO[1]—HEARING OF THE SENATE COMMITTEE ON RULES AND ADMINISTRATION, MAY 8, 1996[1]

PHONY CURES VERSUS A WORKABLE SOLUTION: DEREGULATION PLUS

The campaign finance system's problems are vexing. Is it possible to fashion a solution to all of them simultaneously? Over the years, the reformers' panacea has been taxpayer financing of elections and limits on how much candidates can spend. Public financing is a seductively simple proposition: if there is no private money, presumably there will be none of the difficulties associated with private money. But in a country such as ours, which places great emphasis on the freedoms of speech and association, it is unrealistic to expect that the general citizenry or even many of the elite activists will come to support greater federal subsidization of our election system at the cost of their individual and group political involvements. Spending limits are also enticing. Are politicians raising and spending too much money? Let's pass a law against it! Yet such a statute may be difficult to enforce in an era when politicians and the public seek less regulation, not more—not to mention the serious, maybe fatal, problem of plugging all the money loopholes (the C(4)s; Supreme Court-sanctioned, unlimited "independent expenditures" by groups and individuals unconnected to a campaign, and so on). Once again, the biggest, the original, and the unpluggable loophole is the First Amendment.

Public financing and spending limits are both also objectionable on the basic merits: the right to organize and attempt to influence politics is a fundamental constitutional guarantee, derived from the same First Amendment protections that need to be forcefully protected. To place draconian limits on political speech is simply a bad idea. (The call for a ban on political action committees suffers from the same defect.)

Once again, even if candidates could be persuaded to comply voluntarily with a public financing and spending limits scheme, such a solution would fail to take into consideration the many ways that interest groups such as the Christian Coalition and labor unions can influence elections without making direct contributions to candidates. Even if we passed laws that appeared to be taking private money out, we would not really be doing so. This is a recipe for deception, and consequently—once the truth becomes apparent—for still greater cynicism.

In our opinion, there is another way, one that takes advantage of both current realities and the remarkable self-regulating tendencies of a free-market democracy, not to mention the spirit of the age. Consider the American stock markets. Most government oversight of them simply makes sure that publicly traded companies accurately disclose vital information about their finances. The philosophy here is that buyers, given the information they need, are intelligent enough to look out for themselves. There will be winners and losers, of course, both among companies and the consumers of their securities, but it is not the government's role to guarantee anyone's success (indeed, the idea is abhorrent). The notion that people are smart enough, and indeed have the duty, to think and choose for themselves, also underlies our basic democratic arrangement. There is no reason why the same principle cannot be successfully applied to a free market for campaign finance.[2] In this scenario, disclosure laws would be broadened and strengthened, and penalties for failure to disclose would be ratcheted up, while rules on other aspects—such as sources of funds and sizes of contributions—could be greatly loosened or even abandoned altogether.

Call it Deregulation Plus. Let a well-informed marketplace, rather than a committee of federal bureaucrats, be the judge of whether someone has accepted too much money from a particular interest group or spent too much to win an election. Reformers who object to money in politics would lose little under such a scheme, since the current system—itself a product of reform—has already utterly failed to inhibit special-interest influence. (Plus, the reformers' new plans will fail spectacularly, as we have already argued.) On the other hand, reform advocates might gain substantially by bringing all financial activity out into the open where the public can see for itself the truth about how our campaigns are conducted. If the facts are really as awful as reformers contend (and as close observers of the system, much of what we see is appalling), then the public will be moved to demand change.

Moreover, a new disclosure regime might just prove to be the solution in itself. It is worth noting that the stock-buying public, by and large, is happy with the relatively liberal manner by which the Securities and Exchange Commission regulates stock markets. Companies and brokers (the candidates and consultants of the financial world) actually appreciate the SEC's efforts to enforce vigorously what regulations it does have, since such enforcement maintains public confidence in the system and encourages honest, ethical behavior, without unnecessarily impinging on the freedom of market players. Again, the key is to ensure the availability of the requisite information for people to make intelligent decisions.

Some political actors who would rather not be forced to operate in the open will undoubtedly assert that extensive new disclosure requirements violate the First Amendment. We see little foundation for this argument. As political regulatory schemes go, disclosure is by far the least burdensome and most constitutionally acceptable of any political regulatory proposal. The Supreme Court was explicit on this subject in its landmark 1976 Buckley v. Valeo ruling. The Court found the overweening aspects of the Federal Election Campaign Act (such as limits on spending) violated the Bill of Rights, but disclosure was judicially blessed. While disclosure "has the potential for substantially infringing the exercise of First Amendment rights," the Court said, "there are governmental interests sufficiently important to outweigh the possibility of infringement, particularly when the free functioning of our national institutions is involved."

The Court's rationale for disclosure remains exceptionally persuasive two decades after it was written:

First, disclosure provides the electorate with information "as to where political campaign money comes from and how it is spent by the candidate" in order to aid the voters in evaluating those who seek federal office. It allows voters to place each candidate in the political spectrum more precisely than is often possible solely on the basis of party labels and campaign speeches. The sources of a candidate's financial support also alert the voter to the interests to which a candidate is most likely to be responsive and thus facilitate predictions of future performance in office.

Second, disclosure requirements deter actual corruption and avoid the appearance of corruption by exposing large contributions and expenditures to the light of publicity. This exposure may discourage those who would use money for improper purposes either before or after the election. A public armed with information about a candidate's most generous supporters is better able to detect any post-election special favors that may be given in return. And . . . full disclosure during an election campaign tends "to prevent the corrupt use of money to affect elections." In enacting these requirements [the Congress] may have been mindful of Mr. Justice Brandeis' advice: "Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants; electric light the most efficient policeman."[3]

A new disclosure-based regime, to be successful, would obviously require more stringent reporting rules. Most important, new reporting rules would require groups such as organized labor and the Christian Coalition to disclose the complete extent of their involvement in campaigns. Currently, such groups rely on a body of law that holds that under the First Amendment, broadly based "nonpartisan" membership organizations cannot be compelled to comply with campaign finance laws, nor can groups that do not explicitly advocate the election or defeat of a clearly identified candidate. However, expert observers of the current system, such as former Federal Election Commission chairman Trevor Potter, believe the Court has signaled that constitutional protection for such groups extends only to limits on how much they can raise or spend, not to whether they are required to disclose their activities.[4] The primary advantage of this step is that it would formally bring into the political sphere groups that clearly belong there. By requiring organizations such as the Christian Coalition and labor unions to disclose, their role in elections can be more fully and fairly debated.

Another possible objection to broadening the disclosure requirements would be the fear that the rules would drag a huge number of politically active but relatively inconsequential players into the federal regulatory framework. Clearly, no one wants the local church or the Rotary Club taken to court for publishing a newsletter advertisement that indirectly or directly supports candidates of their choice. To our mind, this is easily addressed by establishing a high reporting threshold—something between $25,000 and $50,000 in total election-related expenditures per election cycle. After all, the concern is not with the small organizations, but the big ones. The Christian Coalition, the term limits groups, and organized

Footnotes at the end of article.

labor have all raised and spent millions of dollars annually and operated on a national scale. It is not hard to make a distinction between groups such as these and benign small-scale advocacy.

Another necessary broadening of disclosure would involve contributions made by individuals. While most political action committees already disclose ample data on their backers and financial activities, contributions to candidates from individuals are reported quite haphazardly. New rules could mandate that each individual contributor disclose his place of employment and profession, without exception. The FEC has already debated a number of effective but not overly oppressive means of accomplishing this goal (although to date it has adopted only modest changes). The simplest solution is to prohibit campaigns from accepting contributions that are not fully disclosed. Disclosure of campaign expenditures is also currently quite lax, with many campaign organizations failing to make a detailed statement describing the purpose of each expenditure. It would be no great task to require better reporting of these activities as well.

The big trade-off for tougher disclosure rules should be the loosening of restrictions on fundraising. Foremost would be liberalization of limits on fundraising by individual candidates. This is only fair and sensible in its own right: there is a glaring disconnection between the permanent and artificial limitations on sources of funds and ever-mounting campaign costs. One of the primary pressures on the system has been the declining value in real dollars of the maximum legal contribution by an individual to a federal candidate ($1,000 per election), which is now worth only about a third as much as when it went into effect in 1975. This increasing scarcity of funds, in addition to fueling the quest for loopholes, has led candidates (particularly incumbents) to do things they otherwise might not do in exchange for funding. Perversely, limits appear to have increased the indebtedness of lawmakers to special interests that can provide huge amounts of cash by mobilizing a large number of $500 to $1,000 donors. By increasing contribution limits, candidates would enjoy more freedom to pick and choose their contributors. Given the option, we hope more candidates would turn primarily to those contributors whose support is based on values and ideological beliefs, spurning the favor-seekers. By lifting disclosure and contribution levels at the same time, politicians' access to "clean" funds would rise while scrutiny of "dirty" funds would be increased. The idea is to concede that we cannot outlaw the acceptance of special-interest money, but the penalties for accepting it can be raised via the court of public opinion. So at the very least, the individual contribution limit should be restored to its original value, which would make it about $2,800 in today's dollars, with built-in indexing for future inflation. We would actually prefer a more generous limit of $5,000, which would put the individual contribution limit on a par with the current PAC limit of $5,000 per election.

For political parties, there seems little alternative to simply legitimizing what has already happened de facto: the abolition of all limits. When the chairman of a national political party bluntly admits that millions of dollars in "soft money" receipts mean that the committee will be able to spend millions of dollars in "hard money," it is time for everyone to acknowledge reality. Moreover, such an outcome is not to be lamented. Political parties deserve more fundraising freedom, which would give these critical institutions a more substantial role in elections.

How would the new disclosure regime work? While the FEC has already moved to impose some tighter disclosure requirements, it lacks the resources as currently constituted to enforce the new rules across the board. However, the solution does not necessarily require a massive increase in funding. Under a disclosure regime, the agency could reduce efforts to police excessive contributions and other infractions, devoting itself primarily to providing information to the public. The commission's authority to audit campaigns randomly would have to be restored to ensure compliance, and sanctions for failure to disclose would have to be increased substantially. In addition, the commission should be given the power to seek emergency injunctions against spending by political actors who refuse to comply with disclosure requirements. And to move the FEC away from its frequent three-to-three partisan deadlock, the six political party commissioners (three Democrats and three Republicans) ought to be able to appoint a seventh "tie-breaker" commissioner. Presumably anyone agreeable to the other six would have a sterling reputation for independence and impartiality. Another remedy for predictable partisanship on the FEC would be a one-term limit of six years for each commissioner. Freed of the need to worry about pleasing party leaders in order to secure reappointment, FEC commissioners could vote their consciences more often and get tough with election scofflaws in both parties.

Finally, in exchange for the FEC relinquishing much of its police powers, Congress could suspend much of its power over the FEC by establishing an appropriate budgetary level for the agency that by law would be indexed to inflation and could not be reduced. Another way of guaranteeing adequate funding for a disclosure-enhanced FEC is to establish a new tax check-off on Form 1040 that would permit each citizen to channel a few dollars of her tax money directly to the FEC, bypassing a possible vengeful Congress's appropriations process entirely. The 1040 solicitation should carefully note that the citizen's tax burden would not be increased by by his designation of a "tax gift" to the FEC, and that the purpose of all monies collected is to inform the public about the sources of contributions received by political candidates. It is impossible to forecast the precise reaction of taxpayers to such an opportunity, of course, but our bet is that many more individuals would check the box funding the Federal Election Commission than the box channeling cash to the presidential candidates and political parties. In today's money-glutted political system, the people's choice is likely to be reliable information about the interest groups and individuals investing in officeholders.

CONCLUDING COMMENTS

The purpose of these reforms is to make regulation of campaign financing more rational. Attempts to outlaw private campaign contributions or to tell political actors how much they can raise and spend are simply unworkable. Within broad limits, the political marketplace is best left to its own devices, and when those limits are exceeded, violators would be punished swiftly and effectively.

Regarding the pro-incumbent bias of contributors, there is unfortunately no obvious practical solution. It is impossible to predict how a deregulated system would affect the existing heavy bias toward incumbents by contributors, both PAC and individual. In truth, there may be no way to eliminate pro-incumbent financial bias.[5] However, it is possible that expanding private resources through deregulation will actually end up helping challengers more than incumbents. A substantial body of research shows that the amount an incumbent spends is less determinative of election outcomes than the amount a challenger spends.[6] Simply put, challengers do not need to match incumbent spending, but need merely to reach a "floor" of financial viability. Deregulations's greatest impact could actually be in helping challengers reach this floor. If fears about the effects a free market will have on competition prove warranted, however, a modest federal subsidy in the form of discounts on mail or broadcast time—so that every nonincumbent candidate could at least reach the floor—would seem reasonable and might be acceptable even to some conservatives as long as it could be tied to deregulation.

If Deregulation Plus proves too radical, perhaps it is time to revive the sensible scheme proposed in 1990 by the U.S. Senate's Campaign Finance Reform Panel, which attempted to bridge the gap between partisans on the basic issues by suggesting many ideas, including so-called flexible spending limits.[7] These are limits on overall campaign spending by each candidate, with exemptions for certain types of expenditures by political parties (such as organizational efforts), as well as small contributions from individuals who live in a candidate's own state. Since the Supreme Court has ruled that spending limits must be voluntary, incentives such as reduced postal rates and tax credits for the small individual donations mentioned above should be offered. The flexible limits scheme represents a reasonable compromise between the absolute spending limits with no exemptions favored by Democrats and the opposition to any kind of limits expressed by Republicans.

Flexible limits or Deregulation Plus ought to be supplemented by free broadcast time for political parties and candidates, as well as strengthened disclosure laws that cover every dollar raised and spent for political purposes.[8] Detailed free-time proposals have been made elsewhere but ignored by a Congress fearful of alienating a powerful lobby, the National Association of Broadcasters.[9] Yet no innovation would do more to reduce campaign costs or help challengers than this one. Fortunately, technological advances such as "digital" television—which will multiply available "analog" TV frequencies by a factor of about six once it is available in 1997—are creating new opportunities to implement an old idea. Federal Communications Commission chairman Reed E. Hundt has recently endorsed the provision of free time for candidates and parties once digital TV comes into being, noting that free time was "not practically achievable in an analog age [but is] entirely feasible with the capacity and band width explosion of the digital era."[10]

In this area and others in the field of campaign finance, it is time for new thinking and creative ideas to break the old partisan deadlocks that prevent reform of an unsatisfactory system.

FOOTNOTES

[1] This is an excerpt from the just published book, "Dirty Little Secrets: The Persistence of Corruption in American Politics" (New York: Times Books), by Larry J. Sabato and Glenn R. Simpson. All rights reserved.

[2] We are indebted to attorney Jan Baran of the law firm Wiley, Rein & Fielding for this analogy.

[3] *Buckley* v. *Valeo*, 424 U.S.1, at 66-7 (1976).

[4]Interview with Trevor Potter, July 12, 1995.

[5]Frank Sorauf, one of the most astute students of campaign finance, has raised the possibility that "voluntary funding of campaigns for public office is intrinsically committed to the support of incumbents and likely winners." Frank J. Sorauf, "Competition, Contributions, and Money in 1992," in James A. Thurber and Candice J. Nelson (eds.), "Campaigns and Elections American Style" (Boulder, Colo.: Westview Press, 1995), p. 81.

[6]For a cogent review of the literature, see Frank Sorauf, "Inside Campaign Finance: Myths and Realities" (New Haven, Conn.: Yale University Press, 1992), pp. 215–16. There is an increasing number of dissenters to this view. For instance, Christopher Kenny and Michael McBurnett argue that those who say that the level of incumbent spending has no effect neglect the interrelationship of challenger and incumbent spending in producing the outcome of the election. Incumbent spending is at least partially a function of challenger spending, that is, when challengers spend more, incumbents respond to the increased competition with greater outlays. When this interrelationship is taken into account, both challenger and incumbent spending levels affect the outcomes of the races; Kenny and McBurnett provide empirical evidence to show the effect is statistically significant. (See Kenny and McBurnett, "An Individual Level Multiequation Model of Expenditure Effects in Contested House Elections." American Political Science Review 88 (September 1994): 699–707).

[7]See "Campaign Finance Reform: A report to the Majority Leader, the Minority Leader, United States Senate, by the Campaign Reform Panel," March 6, 1990, p. 41. Coauthor Sabato was one of the panel's six members, appointed by then Senate Majority Leader George Mitchell (Democrat of Maine) and then Senate Minority Leader Robert Dole (Republican of Kansas).

[8]See Larry J. Sabato, Paying for Elections: The Campaign Finance Thicket (New York: Twentieth Century Fund-Priority Press, 1989), esp. pp. 25–42, 61–64. For example, disclosure laws do not currently cover contributions to foundations that presidential candidates sometimes form. These foundations often pay for pre-campaign travel, and openly promote their candidate-creator.

[9]The Campaign Finance Reform Panel mentioned above endorsed the free broadcast time proposal in ibid, pp. 25–42.

[10]Remarks delivered at the Nieman Foundation, Harvard University, May 5, 1995, p. 7. Hundt has proposed making these new frequencies available under two government-imposed restrictions (1) some broadcast time must be devoted to educational programming for children, and (2) free broadcast time must be given to political candidates and parties. See also Max Frankel, "Airfill," New York Times Magazine, June 4, 1995, p. 26; and Mary McGrory, "The Vaster Wasteland," Washington Post, June 4, 1995, p. C1.

Mr. MCCONNELL. Mr. President, I thank my good friend, the chairman of the Rules Committee for his excellent statement and say again how much I enjoyed sitting to his right listening to the testimony this spring. Thanks for a very important contribution to this matter.

Mr. WARNER. Mr. President, I appreciate the sentiment. I commend the Senator for his corporate knowledge. Indeed, he is the Oracle of Delphi in this matter.

Mr. MCCONNELL. I yield 5 minutes to the distinguished Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, it seems to me we really cannot debate campaign finance reform without debating the way in which political funds are not only given to candidates but also acquired from people.

Campaign contributions are usually donated voluntarily. You can get an invitation to a fundraiser or a direct mail solicitation, and you can decide whether to contribute to that candidate, cause, or party.

We all consider this one of the basics of American democracy. Individuals must support it by supporting the candidates they believe in. But there are people in our country for whom this very fundamental freedom of choice is not given—members of labor unions. I may be one of the few ever in the history of Congress to actually have earned his union card and worked in the construction industry for 10 years.

It is certainly no secret that unions collect dues from their members and that, in many cases, an individual has to join a union in order to be employed in a particular industry or with a particular company. So there is no effective choice about paying union dues for these people.

But to add insult to injury, these Americans, who are forced to pay union dues, must also suffer the fact that unions donate millions of dollars to candidates that any individual may not support.

The recent announcement by the AFL–CIO that this big labor—you would have to say now mega-labor—organization would donate $35 million to candidates this year may be welcomed by some—certainly all Democrats—but disappointing to any who may not agree with the choices.

Take President Clinton, for example. I daresay that there may be any number of union members out there who do not support President Clinton's reelection.

In my view, this violation of fundamental choice and freedom of speech is compounded by the fact that labor unions do not even disclose their soft money contributions, which amount to millions.

At this particular time, I would like to place in the RECORD a Congressional Research Service report for Congress entitled "Political Spending by Organized Labor: Background and Current Issues." This report is astounding. They indicate that in Presidential elections, it is estimated that from $400 to $500 million in moneys go basically to the Democratic Party.

I ask unanimous consent that that report be printed in the RECORD at this point.

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

POLITICAL SPENDING BY ORGANIZED LABOR: BACKGROUND AND CURRENT ISSUES

(By Joseph E. Cantor)

SUMMARY

Labor unions have traditionally played a strong role in American elections, assisting favored candidates through their direct and indirect financial support, as well as through manpower and organizational services. While direct financing of federal candidates by unions is prohibited under federal law, unions can and do establish political action committees (PACs) to raise voluntary contributions for donation to federal candidates. This PAC money is also known as "hard money," because certain federal limits on contributions make it harder to raise. It is also fully disclosed under federal law. Other aspects of labor's political support take the form of "soft money," which is not limited by federal law and is not as hard to raise. Soft money is generally considered to be a formidable factor in organized labor's political strength. This spending is largely unregulated, either because it is restricted to seeking to influence only its members and their families or because it does not advocate specific candidates' election or defeat. The soft money aspect of labor's political activity has aroused controversy because of fundraising methods and the relative dearth of disclosure.

ORIGIN OF DISTINCTION BETWEEN HARD AND SOFT MONEY

During World War II, the War Labor Disputes Act of 1943, known as the Smith-Connally Act, prohibited unions from making contributions in federal elections.[1] In 1947, the Taft-Hartley Act made this wartime measure permanent and expanded it to include primary elections and any expenditures in connection with federal campaigns.[2]

Organized labor responded to the 1943 prohibition on donating union treasury money be creating the first separate segregated fund (SSF), commonly known as a PAC. Through CIO–PAC, the Congress of Industrial Organization established the precedent of collecting voluntary contributions from its members, which could be dispensed to favored candidates. Other national and local unions followed suit: 17 national labor PACs gave $2.1 million to federal campaigns in 1956, and 37 such PACs spent $7.1 million in 1968.[3] This money, raised and spent according to federal regulation, came to be known as hard money.

The concept of soft money arose during the several decades before the Federal Election Campaign Act (FECA) of 1971 was enacted [P.L. 92–225]. During that period, unions used money from their treasuries—as opposed to PAC money—for political activities other than donations in federal elections. These included: (1) contributions to state and local candidates, where union donations were allowed; (2) such "educational," "non-partisan," activities as get-out-the-vote and registration drives and distribution of voting records; and (3) public service activities to promote their philosophy through union newspapers and radio shows.[4] It was generally understood at that time that spending on such activities might influence federal elections less directly or overtly than candidate contributions; hence, it was not subject to federal limits or disclosure rules. Thus, the term soft money has come to mean money that is raised and spent outside the purview of federal election law and that is not permitted in federal elections, but which might have at least an indirect impact on those elections.

The 1971 FECA incorporated the concept of union and corporate SSFs in federal law for the first time. This landmark legislation also distinguished between political activities that were and were not to be federally regulated and thus, without using the term, provided the legal basis for union (and corporate) soft money. The Act amended 18 U.S.C. 610 (which banned union, corporate, and national bank spending in federal elections) to give specific authority for these organizations to use their general treasury

Footnotes at end of article.

money for political activities. It thus exempted certain union and corporate activities from FECA definitions of "contribution" and "expenditure," if the activities are aimed at restricted classes (for unions, members and their families, and, for corporations, stockholders and their families). The specified activities were communications (including partisan ones), nonpartisan registration and get-out-the-vote drives, and costs of establishing, administering, and soliciting contributions to an SSF. The 1976 FECA Amendments (P.L. 94–283) recodified this provision as 2 U.S.C. 441b, added executive and administrative personnel and their families to corporations' restricted class, and allowed membership organizations, cooperatives, and corporations without capital stock to set up SSFs.

The FECA thus created a legal framework for unions to set up PACs to raise and spend money directly in federal elections, subject to federal regulation (hard money), and to use its treasury money for specified activities aimed only at its restricted class and not subject to federal regulation (soft money).[5]

CURRENT REGULATIONS

Under recently amended regulations, unions (and corporations) were acknowledged to have great latitude in communications with their restricted classes. Under these regulations, unions are exempt from FECA definitions of "contribution" and "expenditure" for communications on any subject, registration and get-out-the-vote drives (not just "nonpartisan" efforts), and costs of setting up, administering, and fundraising for an SSF. Such efforts, however, may only be aimed at union members, executive or administrative personnel, and their families.[6]

New regulations, promulgated to implement the intent of various Supreme Court decisions,[7] also introduced the standard of express advocacy in deciding what types of communications are permitted by and to whom.

"Expressly advocating means any communication that . . . uses phrases . . . which in context can have no other meaning than to urge the election or defeat of one or more clearly identified candidate(s) . . . ."[8]

Communications containing express advocacy are permitted by unions if limited to the restricted class; correspondingly, communications without express advocacy may be made to the public, if done independently of any candidate.[9]

HARD MONEY ACTIVITY: UNION PACS

Given the rising costs of elections and the higher contribution limits for PACs than individuals in federal elections ($5,000 versus $1,000), PACs became a growing source of campaign funds in the past 20 years.[10] As the pioneers in the PAC field, labor PACs grew in both overall numbers and money contributed, although by both measures, they have been increasingly overshadowed by corporate and other types of PACs.

When the Federal Election Commission (FEC) first recorded PAC activity in January 1975, 201 of the 608 PACs (one-third) were labor PACs. As of January 1996, there were 334 labor PACs, only 8.3% of the total 4,016 PACs.[11]

Another common gauge of federal PAC activity is the money contributed to congressional candidates (relatively little is given to presidential candidates). In 1974, Labor PACs contributed $6.3 million to congressional candidates, half of the $12.5 million from all PACs;[12] in 1994, labor PACs gave $40.7 million, 23% of the $179.6 million from all PACs.[13]

While union PACs do not play as large a role among all PACs as they did 20 years ago, they have been able to remain competitive by giving larger donations than most PACs. While there are far fewer labor than corporate PACs, the average labor PAC contribution of federal candidates in 1994 was twice the average for a corporate PAC. Given labor's traditional ties with the Democratic Party, it is not surprising that labor PAC donations are largely directed the Democrats. In 1994, for example, 96% of labor PAC contributions went to Democrats, compared with 49% for corporate PACs, 60% for nonconnected (unsponsored) PACs, and 54% for the trade/membership/health category.[14] The relative political uniformity among labor PACs is viewed by some as another way in which labor maximizes its political power.

SOFT MONEY ACTIVITY: UNION TREASURIES

Although there are no complete, publicly available data on amounts of union treasury money spent. One press account expressed a widely held view:

"Labor's real importance to candidates, though, is not so much the PAC dollars unions contribute directly to campaigns as the expenditures they make from their treasuries to lobby among their members. In each election, labor spends millions of dollars in advocating its preferred candidates before the union rank and file, but how many millions is unknown, and estimates vary widely."[15]

*Forms of support*

Two major types of activities are financed by union treasuries which promote labor's political philosophy: (1) the exempt activities aimed at their restricted class (as described); and (2) non-express advocacy communications aimed at the public (also referred to as issued advocacy or public education).

In the exempt activities category, unions have a ready infrastructure (phone banks, office space, etc.) and a ready pool of volunteers to make their internal communications and voter drives a significant force. While these efforts may only involve a restricted class and while corporations have the same rights as unions in all soft money activities, the Bureau of Labor Statistics (BLS) reports that labor's restricted class totaled 16.4 million people in 1995, plus families.[16]

In terms of public education and issue advocacy, unions engage in the same type of efforts as many other groups in the public arena. These often involve media ads to influence public opinion on policy issues. By avoiding overt appeals to elect or defeat specific candidates, these groups may promote their political and philosophical goals without triggering federal campaign finance regulation.

*Source of funding and compulsory dues issue*[17]

Union treasuries are financed in large part through dues paid by members. In addition, under some union security agreements, workers who do not join a union must pay a form of dues called agency fees. There are no available data on how many workers pay agency fees, but the BLS data indicate that some 2 million workers were represented by unions but who were not union members. Some portion of these workers pay agency fees as a condition of employment.

Due to the compulsory nature of agency fees, some workers have objected to the unions' political uses of their payments. Among several relevant rulings, the Supreme Court, in *Communication Workers of America* v. *Beck* [487 U.S. 735 (1988)], said that a union may not, over the objections of dues paying nonmember employees, spend funds collected from them on activities unrelated to collective bargaining. Hence, objecting employees could get a pro rata refund of their agency fees representing costs of non-collective bargaining activities.

While the court rulings have left no doubt that dissenting workers are entitled to such refunds if requested, issues have arisen as to the extent to which unions should notify such workers of these rights. On April 13, 1992, President Bush issued Executive Order 12800, requiring federal contractors to post notices to employees informing them of "Beck" rights; this was rescinded by President Clinton on February 1, 1993 (Executive Order 12836). Bills have been introduced in recent Congresses to either prohibit the use of "compulsory union dues" for political purposes or to require greater notification of all workers' (not just non-members') rights regarding the use of their dues or agency fees.

*Dollar value of union soft money*

The only soft money unions must disclose under the FECA are express advocacy communications with members, but only when they exceed $2,000 per candidate, per election, and excluding communications primarily devoted to other subjects.[18] In 1992, unions reported $4.7 million on such activities.[19]

While unions are required to file financial reports under the Labor Management Reporting and Disclosure Act of 1959 (P.L. 86–257), these reports are arranged by type of expenditure (e.g., salaries, administrative costs) rather than by functional category (e.g., contract negotiation and administration, political activities). Under President Bush, the Department on Labor proposed regulations to change reporting to require functional categories (October 30, 1992); in a proposed rulemaking notice on September 23, 1993, the Department, under President Clinton, rescinded the change to functional categories.[20]

Due to the limitations of public disclosure, one must look to estimates of the total value of labor soft money. Such estimates, which amount to educated guesses and may be influenced by the political orientation of the observer, range from the $20 million labor supporters claim is its value in presidential campaigns,[21] to the $400–$500 million critics estimate for total labor soft money in a presidential election year.[22]

[1] 57 Stat. 167. Earlier in the century, the Tilman Act of 1907 [34 Stat. 864] had banned contributions from corporations and national banks.

[2] The Labor Management Relations Act of 1947; 61 Stat. 159.

[3] Alexander, Herbert E. "Financing the 1976 Election." Washington, Congressional Quarterly Press, 1979. p. 559.

[4] Alexander, Herbert E. "Money in Politics." Washington, Public Affairs Press, 1972, 1972. p. 170; Heard, Alexander, "The Costs of Democracy." Chapel Hill, University of North Carolina Press, 1960. p. 177–8.

[5] The 1976 FECA Amendments required disclosure of internal communications once they exceed $2,000, the only exempt activity subject to federal disclosure requirements.

[6] 11 C.F.R. §114.1(a)(2)(i)–(iii)

[7] Most notably, *FEC* v. *Massachusetts Citizens for Life, Inc.* [479 U.S. 238 (1986)].

[8] 11 C.F.R. §100.22

[9] 11 C.F.R. §114.3(a), (b), (c)(1) and 114.4(c)(1). (If public communications are coordinated with a candidate, they would constitute prohibited in-kind contributions, regardless of content.)

[10] 2 U.S.C. 441a(a)(1) and (2); to be eligible for the $5,000 limit, most PACs easily meet the criteria for "multicandidate committees" (i.e., they must be registered for at least 6 months, receive contributions from more than 50 persons, and donate to 5 or more federal candidates).

[11] U.S. Federal Election Commission. FEC Release Semi-Annual Federal PAC Count (press release): Jan. 23, 1996.

[12] Common Cause. Campaign Finance Monitoring Project. 1974 Congressional Campaign Finances. Vol. 5—Interest Groups and Political Parties. Washington, 1976. p. xii.

[13] U.S. Federal Election Commission. 1994 PAC Activity Shows Little Growth Over 1992 Level, Final FEC Report Finds (press release): Nov. 1995.

[14] Ibid.

[15] Brownstein, Ronald, and Maxwell Glen. Money in the Shadows. National Journal, v. 18, Mar. 15, 1986. p. 633.

[16] U.S. Department of Labor. Bureau of Labor Statistics. Employment and Earnings, v. 43. Jan. 1996. p. 210.

[17] For fuller discussions of these issues, see: U.S. Library of Congress. Congressional Research Service. "Use of Compulsory Union Dues for Political and Other Ideological Purposes." CRS Report 94-565A, by Thomas M. Durbin and Margaret Mikyung Lee. Washington, 1994.; —. "Labor Controversies: Suspension of Davis Bacon"; "Open Shop Bidding Requirements"; and "'Beck' Rights." CRS Report 93-458E, by Gail McCallion, Vince Treacy, and William Whittaker. Washington, 1993.

[18] 11 C.F.R. §100.8(b)(4) and 104.6.

[19] U.S. Federal Election Commission. "Communication Cost Index." July 7, 1993.

[20] U.S. Department of Labor. Labor Organization Annual Financial Reports. Federal Register, v. 58, no. 243, Dec. 21, 1996. p. 67595.

[21] Alston, Chuck. Republicans Seek to Reduce Labor's Clout at the Polls. Congressional Quarterly Weekly Reports, v. 48, Mar. 31, 1990. p. 963.

[22] Testimony of Reed Larsen (National Right To Work Committee) and Professor Leo Troy (Rutgers University). U.S. Congress. House of Representatives. House Oversight Committee. March 19, 1996.

Mr. HATCH. Mr. President, let me reiterate: in my view, this violation of fundamental choice and freedom of speech is compounded by the fact that labor unions do not even disclose their soft money contributions, which amounts to hundreds of millions of dollars. That $35 million which we have all been reading about in the newspapers is really nothing. It is almost a wash compared to what they really spend. The unions pull in somewhere, it is estimated, around $4 to $6 billion a year, and up to 85 percent of that money, according to some estimates, is used for political purposes on local, State and Federal levels.

The Supreme Court, in 1988, in Beck versus Communications Workers of America, declared that workers were entitled to know how much of their dues were being directed to political uses and to receive a refund for that portion of dues paid.

I think a brief description of the Beck case is useful. Harry Beck was a telephone company technician working for the Bell Telephone System. He was not a member of the Communications Workers of America, but was required to pay agency fees to the union under the labor contract it negotiated with American Telephone & Telegraph Co.

In June 1976, 20 employees, including Mr. Beck, initiated a suit challenging the CWA's use of their agency fees for purposes other than collective bargaining, contract administration, or grievance adjustment. Specifically, Mr. Beck and his coworkers alleged that the expenditure of their fees on activities such as organizing the employees of other employers, lobbying for legislation, and participating in political events violated the union's duty of fair representation and section 8(a)(3) of the National Labor Relations Act.

The Supreme Court agreed that Mr. Beck and other objecting employees had a right to a refund from the union for the portion of their fees being used for political and other noncollective bargaining or representational purposes. This decision was, of course, significant for its holding that unions in the private sector are not permitted, over the objections of employees such as Mr. Beck, to expand funds collected from them for political and other activities unrelated to collective bargaining. In that regard, the Beck decision was a logical and reasoned follow-on to prior Supreme Court cases regarding the rights of employees covered by the Railway Labor Act to object to that portion of their dues or fees expended for noncollective bargaining purposes. See *Machinists* v. *Street*, 367 U.S. 740 (1961) and *Ellis* v. *Railway Clerks*, 466 U.S. 435 (1984).

The Beck decision was significant in its affirmation (1) that the Federal courts properly exercised jurisdiction over such cases as a violation of the unions' duty of fair representation and, (2) that such union conduct was also prohibited under the National Labor Relations Act, enforcement of which is charged to the National Labor Relations Board.

The rest of the system really is this. Regardless of what the court ruled—and it took some 8 years before the NLRB even got around to issuing its first ruling on a Beck-related case in 1995—all of the burden is being placed on the employee instead of on the union. For an employee to be able to withdraw his or her dues and to require disclosure, the employee has to go to court, file a claim before the NLRB, and/or has to go through all kinds of procedural maneuvers, and basically has to resign from the union and lose all of that employee's democratic rights to vote for or against strikes, for or against contract ratification, et cetera. In the end, the employee is basically out of a lot of money, out of his power of representation, and out of his right to vote. Why? Simply because one employee, pitted against a powerful union, has sought a voice in how his or her union dues is being spent for political purposes.

I do not see how we can consider campaign finance reform without correcting this injustice.

Nothing should be a more fundamental American right than political expression. Those Americans whose union dues are diverted for political purposes—without disclosure and without an adequate rebate system—have been treated as second-class citizens.

The NLRB has not only failed to implement the Beck decision, but the executive order issued by President Bush was rescinded during President Clinton's first days in office. That is amazing to me. If we want true campaign finance reform, why would we not clarify this injustice to individual workers all over America?

What is even more amazing to me is that my colleagues on the other side of the aisle have fought any attempt to deal with this issue. Several years ago, I oferred a simple and straightforward amendment to campaign finance reform that would merely have required that unions disclose to dues paying members how their dues money is being spent. It was defeated.

It is about time that we realize that mega-labor unions are among the biggest—they are the biggest—special interests in the electoral system, and that their political capital was not always given away freely.

Unless this issue can be addressed, I do not see how we can call this campaign finance reform. It is more a continuation of campaign finance coercion.

Employees have a right to know how much of their moneys are used for partisan political activities with which they disagree. That is what the Supreme Court said, and that ought to be enforced. This bill will do nothing about that.

Mr. President, I yield back whatever time I have.

Mr. McCONNELL. Mr. President, I yield the Senator from Colorado 2 minutes.

Mr. BROWN. I will take 1 minute. I ask unanimous consent that the Brown amendments 4108, 4109, as offered to S. 1219, be withdrawn because they were improperly drafted.

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

Mr. BROWN. Mr. President, I want to indicate my highest praise and respect for the authors of the underlying bill. I think they come with good intentions and an honest bipartisan effort. I am concerned about the bill. I am concerned about the prospect of us dividing up broadcast time. It does seem to me that that is a taking of property without compensation, and I believe it is a major flaw in the plan before us.

I yield the floor.

Mr. FEINGOLD. Mr. President, I yield 30 seconds to the Senator from Arizona.

Mr. McCAIN. Mr. President, not for the first time I have heard complaint about the power of unions and how this bill does not address that appropriately. It just came from the Senator in the chair. If do you not like it, come to the floor and propose an amendment and do something about it. There are 53 votes on this side. Do not refuse to move forward with the bill. If you do not like the bill—everybody comes down here and says, "I am for campaign finance reform, but just not this one." If you are not for this one, come to the floor after we invoke cloture,

and propose your amendments. We have 53 votes on this side, 47 on that side. If they share the view of the Senator from Utah, then you can amend it and take care of it. But do not expect the American people to accept this story about "I am for campaign finance reform but not this one," and then not vote to cut off debate because it is a filibuster, and then we cannot move forward with the bill.

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

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, let me reiterate what the Senator said. It was not our idea to have a cloture vote up front so there could not be amendments. That was the idea of the other side. That is the only way we could get the bill up for a vote.

I yield 5 minutes to the distinguished Senator from New Jersey.

Mr. HATCH. Will the Senator yield for 10 seconds?

Mr. BRADLEY. Not out of my time.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. HATCH. If it is on our time?

Mr. BRADLEY. I would be prepared to yield on the manager's time.

Mr. McCONNELL. Mr. President, I yield the time out of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, let me say this up front. If cloture is invoked, that type of amendment would not be germane and would not be permitted. If cloture is not invoked, I intend to bring up the amendment.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, I think it says a lot if the Senate is not able to move forward on this good piece of legislation. I think this inability to move forward says two things.

The first thing it says is that fundamental campaign finance reform will not begin in Washington. It will begin in the States. The opponents of this bill like the status quo. They do not want to change the status quo. They have not offered an alternative. They have only picked at the bill. They want to keep money and politics just as it is today because they know how to work the system.

The fact is the American people have a different view. I am astounded how much opposition to this bill is rooted in a kind of Washington understanding of this country. The people in this country look at elected Representatives and Senators and they think we are controlled. They think we are controlled by special interest money. Some think we are controlled by parties that blunt our independence. Some think we are controlled by our opposition that prevents us from saying what we really believe and only saying things that will advance us to the next level of office. Some even think we are controlled by pollsters who give us focus views and phrases and paragraphs, that we do not think for ourselves, saying things because we have convictions in our heart.

The fact is that the opponents of this provision do not get it. This year there will be referendums in California, Colorado, Alaska, Arkansas, and Maine, and all of those referendums will be sending one message: reduce the role of money in politics; cut back on the role of money in politics.

Those referendums will be followed in the years to come by other referendums, and maybe after another 2 or 3 years the people in this body who like the status quo will change. I hope they will, because I believe money and politics today distort democracy.

That leads to the second point. We need to confront the central issue. The central issue is Buckley versus Valeo. The only way to confront Buckley versus Valeo directly is with a constitutional amendment.

The distinguished Senator from South Carolina and I have offered such an amendment for a number of years that would say simply that the Congress and the States may limit what is spent in a campaign in total and what an individual may spend on his or her own campaign. Until we take that step, we are going to be constructing Rube Goldberg types of contraptions to try to get around the central issue, which is, money is not speech. Anybody who believes that money is speech, in my opinion—the Supreme Court said it was, and, therefore, it is the law of the land. That is why we need to amend the Constitution. But I do not believe that a rich man's wallet in free-speech terms is the equivalent of a poor man's soapbox. We have to confront that issue directly. Otherwise, we are going to be in these debates about antacid and bubble gum. Even that debate is a diversion from the central issue, which is changing the way we now do politics in Washington, but even that issue is based on a confusion.

Capitalism is different than democracy. The distinguished Senator from Kentucky said, "Well, we have to compare antacids and bubble gum because"—compared to what? I would suggest you compare the amount of money in politics in 1980 versus the amount of money in politics today and the size of the contribution and the sources of the money.

Without question, money is distorting democracy. And, indeed, we have had other times in American history where there have been distortions in our democracy. We have changed it by recourse of the constitutional amendment.

Many people will remember earlier in this century when women did not have the right to vote. The absence of that voice in the polling booths distorted democracy. We passed a constitutional amendment giving women the right to vote in order to restore a broader participation.

I believe today money is playing the same role. The fact of the matter is that until we confront this issue, skepticism is going to be high. People say, "Well, it is not the No. 1 issue on people's minds." That is true. The No. 1 issue on people's minds is, how do I put bread on the table? How do I pay the utility bill? How do I send my kids to college? They are dealing with the economic transformation which we are in. That is the No. 1 issue. But when they say, "Do any of the politicians have any relation to my dealing with these issues," people say no, because politicians are controlled by money. That is why this is a linchpin issue.

Mr. FEINGOLD. Mr. President, I thank the Senator from New Jersey.

Mr. President, I yield 3 minutes to the distinguished Senator from Connecticut.

Mr. DODD. Mr. President, I thank the Senator.

Mr. President, let us be very clear. I think we all get a sense of what is going to happen here in about 3 hours and 45 minutes, and that is cloture, instead of being invoked, is not going to be invoked.

Everyone ought to understand this. This is the vote. This will be your vote in this Congress on campaign finance reform. It is going to come down to this. It will get obscured so much because it is a procedural vote. But how you vote on this will be determined on how you are judged on the issue of campaign finance reform.

The idea that we ought to reject the effort to invoke cloture here because we want to make perfect the enemy of the good, I think is a great tragedy. I think it is so transparent that anyone watching this will see right through it—to come up and say, "I don't like this aspect or that aspect," therefore denying the opportunity for cloture to be invoked. As I listened to our distinguished colleague from Utah suggest an amendment that might have something to do with whether or not organized labor would be able to participate with soft money, or that independent campaigns will not be allowable in a postcloture environment, it is ridiculous on its face.

So I want to commend our colleague from Arizona and our colleague from Wisconsin for bringing this up. I am proud to be a cosponsor of it. I have believed for years that we had to move directly and aggressively in this area of campaign finance reform.

Mr. President, in Connecticut, it is $16,000 a week. That is what you have to raise over a 6-year period every week, week in and week out, if you are going to be successful in taking on or waging an effective campaign.

We know today—quite candidly, all of us in this Chamber know—that the respective leaders of our campaign committees are out recruiting affluent candidates. Go out and buy a candidate who is well-heeled financially, and you have a pretty good candidate, someone who can write their own checks. Why seek those kind of candidates? Why? Because you understand that it is money. It is money that allows you to ante up and to get an entry fee into the contest.

There is a woman by the name of Linda Sullivan who a few weeks ago in Rhode Island—and I do not know much about it, what the issues are or what she stands for—said: "I took my race out of Congress because Mr. and Mrs. Smith can no longer be candidates of the Congress of the United States on an average basis in their finances."

So we all know her situation. Every single one of us knows that the debates around here are directly affected by it. Positions people take are directly affected by this issue.

This is not a sweeping piece of campaign finance reform legislation, but it is the first effort we are going to have to make a difference in this area. After years of talking about it we now have a chance to do something about it.

Mr. President, I am general chairman of the Democratic National Committee. I just want to say, while not everyone in my party agrees with this, that I happen to believe this is important. This is the one opportunity we are going to have to make a true difference on how we wage campaigns in this country.

I plead with our colleagues on both sides of the aisle. We have never had a bipartisan proposal here before. It has always been partisan. This is a chance to go on record. This is a vote on campaign finance reform.

Mr. President, I rise on the floor today for what I believe is a truly historic debate.

As America's elected leaders we play a critical role as guarantors and protectors of our Nation's democratic institutions.

And with this legislation today, we have a unique opportunity to fulfill that mandate as leaders—by beginning the long and arduous process of restoring the American people's faith in their Government and their democracy.

The McCain-Feingold bill will not change the American people's seemingly inherent cynicism toward their Government overnight.

That is an ongoing process—and one that should be of paramount concern to every Member of this body.

However, by reducing the role of money in our campaign system, this legislation takes a critically important first step toward cleaning up our political process.

In my view, there are few issues we in Congress consider that have as overwhelming and direct an impact on the functioning of our democracy than the laws governing how we run campaigns in this country. For many of us, campaigns are often the most direct means by which we, as elected representatives, communicate with our constituents.

But, today those lines of communications are frayed by a political process that rewards those with money and influence, rather than working families and Americans struggling to make ends meet.

Created as a Government of the people and for the people, our Government today seems to operate more for the well-connected few than the country as a whole.

That's why, more than any other time in our history, the American people's confidence in their Government and its elected leaders is abysmally low.

Poll after poll provides ample evidence that the American people believe special interests and lobbyists have a greater influence on our endeavors than the will of the voters.

I believe wholeheartedly that the vast majority of those who serve in the U.S. Congress are well-intended and responsive to the varied needs of their constituents.

However, I think I speak for many of my colleagues when I say it is becoming more and more difficult to make that argument to the American people.

Because, when the American people look to Washington they do not always see citizen-legislators who focus their full energies on tackling the problems impacting America's working families.

Instead, they see corporate lobbyists working hand-in-hand with lawmakers to turn back the clock on 25 years of environmental protection.

They see special interest lobbyists with unfettered access to committee rooms drafting legislation that fails to keep our workplaces safe and protect the food we eat.

When they look to Washington, they hear politicians in positions of great power and influence bemoaning the lack of money in our political process.

They see leaders who insist that the political process is starving even though $724 million was consumed on House and Senate campaigns in 1994 alone.

When they look to Washington they see unlimited access and influence given to the fewer than 1 percent of Americans who can, and do, give more than $200 a year to political campaigns.

And, when they look out on the campaign trail they see a political process dominated by candidates with deep pockets, instead of those with new ideas.

Whatever one may think of Steve Forbes' ideas on the flat tax or economic growth, it is doubtful that most Americans would know about them if he were not a multimillionaire.

Consider that in his run for the Republican Presidential nomination, Forbes spent $400,000 per delegate that he won in the Republican primaries. Our colleague Senator PHIL GRAMM, spent $20 million to win 10 delegates. For Bob Dole, his victory in the Iowa caucuses cost him about $35 a vote.

In fact, Presidential candidates spent more than $138 million by the end of January 1996—all before a single American voter had stepped into the voting booth to cast their ballot.

Is it any wonder the American people are cynical and disenchanted with their elected leaders?

But, the vast sums of money needed, for even unsuccessful runs for public office, are simply out of reach of the average American.

Eighty-five years ago, former President Theodore Roosevelt said "the Representative body shall represent all the people rather than any one class of the people * * * ."

But today, not only are we becoming more responsive to one class of citizens, but the reins of leadership are increasingly available to only a select few Americans.

Throughout my more than 21 years of public service, it has been my great privilege to serve the people of Connecticut in the U.S. Congress.

Every time I come to the floor of this body I am humbled by the great men and women who came before me: Daniel Webster, Henry Clay, Everett Dirksen, Lyndon Johnson, Richard Russell, and the list goes on.

But today in America, I genuinely fear that the next generation of Clays, Websters, Doles, and Byrds will be excluded from a process that favors the privileged few.

This is not just partisan rhetoric. There are real Americans who are being thwarted from seeking public office.

Just a few weeks ago, I read about Linda Sullivan, president of the Warwick City Council in Rhode Island.

Ms. Sullivan considered seeking the Democratic Party's nomination for the seat of Congressman JACK REED, who is running for the Senate.

But, she decided against it because she simply couldn't raise the $450,000 needed to seek the nomination.

And I want everyone to hear what she said, because it says a lot about our current campaign system.

> Unfortunately, my campaign has come face to face with the financial reality that governs today's politics in America. Sadly, Mr. and Mrs. Smith cannot go to Washington anymore.

Now, I do not know Ms. Sullivan personally. I do not know anything about her ideas, her policy prescriptions or her capability as an effective legislator.

But, what I do know is that the exclusion of an entire segment of the population from the political process

threatens to undermine the whole notion of participatory democracy in this country.

What is more, it fundamentally limits the choices of the American people to politicians who, more and more, are incapable of understanding the problems of working class Americans.

Aristotle once said that; "Democracy arises out of the notion that those who are equal in any respect are equal in all respects."

But, when it comes to political campaigns in this country and the access that working Americans have to their lawmakers, those words ring hollow.

Mind you there are no silver bullets for ending the American people's inherent cynicism or feeling of disempowerment toward their government.

But the legislation we are debating today is the foundation by which we must begin this process of change.

First of all, by limiting overall campaign spending, the McCain-Feingold bill would allow candidates to focus less time on raising money and more time on tackling the issues that truly affect the American people.

Now, I know some of my colleagues argue that this provision of the bill violates the 1976 ruling that political campaign spending is a form of political speech, and thus protected by the first amendment.

But, this legislation imposes only voluntary limits on campaign spending. No candidate would be mandated to accept them.

In fact, no provision in this legislation would prevent a candidate from spending as much money as they wanted to.

However, if they chose to abide by these voluntary limits, candidates could receive free television time, could purchase advertisements at lower rates, and could send out mail at cheaper rates.

Additionally, the bill would tackle the issue of millionaire candidates by exempting candidates from the bill's benefits if they spend more than $250,000 of their own money.

The McCain-Feingold bill is by no means perfect. In particular, we need to be sure that working people are not restricted from participating in the political process and that grass-roots and volunteer activities are not constrained.

However, it is an excellent place to start in reforming the means by which we fund political campaigns in this country.

Let me clear on one point: I am not a Johnny-come-lately to this debate. In 1985, I sponsored one of the first legislative proposals to reform campaign finance laws.

And as a Congressman, Senator, and now general chairman of the Democratic party I have flourished within the framework of the current system.

But, after 20 years of public service I am more convinced than ever that the current approach to funding political campaigns in this country is broken and desperately in need of reform.

Time after time, we have talked about reform—particularly when it is an election year—but in the end we have done nothing. We have appointed commissions, we have proposed legislation, we have ordered reports, analyses and studies, and yet in the end, it seems that it is just business as usual.

Well today, I call on all my colleagues to chart a new course, to put aside their partisan differences, to ignore how this bill affects our reelection chances and put first and foremost in our deliberations the good of the Nation.

Let us not forget that a Government that is viewed with suspicion and mistrust by its own people cannot sustain our Democratic institutions.

As Henry Clay, a former Member of this body once said:

> Government is a trust, and the officers of the government are trustees; and both the trust and the trustees are created for the benefit of the people.

Let us remember that: our democracy exists for the benefit of the people—and not their elected leaders.

As leaders, we must not shirk our responsibility to do all we can to restore that sense of trust to the American people. The McCain-Feingold bill begins that process and I believe that as a body we have a solemn responsibility to embrace this legislation.

Mr. FEINGOLD. Mr. President, I yield 30 seconds to the Senator from Arizona.

Mr. McCAIN. Mr. President, I ask unanimous consent that in the event that cloture is invoked, that two amendments be made in order and germane, one on the Beck decision and the other on allowing unlimited spending on campaigns.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, I have no objection.

Mr. McCAIN. Mr. President, I withdraw the unanimous consent request, but I want to make it clear that in the event that cloture is invoked, that the unanimous consent proposal made would make those amendments germane to this bill. But I withdraw the unanimous consent request.

The PRESIDING OFFICER. The request is withdrawn.

Mr. McCONNELL. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. There are 24 minutes and 23 seconds.

Mr. McCONNELL. I yield to the distinguished Senator from Oklahoma 5 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I thank the Senator for yielding. I do not think I will even take that much time. I know time is very precious right now. I have been listening to the debate, and I am the first one to say I am not on any of the committees that deal with this, so it is not that I have been entrenched in this issue. I agree with one thing the Senator from Connecticut said, and that is it is very transparent, the things that are going on around here.

The Senator from Utah was very specific and I think very articulate in the way that he addressed how this would affect labor unions. It is my understanding that even in the reporting aspects of soft money each local could give up to $10,000 without even reporting it. So let us assume that they report accurately and that someone who says that a local says it is contributing less than $10,000 is in fact correct. I am not ready to accept that. But let us assume that is right. If you have a hundred locals, you are talking about a million dollars. No one will ever know where it came from. This is money that is used very effectively in campaigns.

So as far as I am concerned, one of the big areas that should be regulated is left out of this thing, and that is labor unions. And then there is trial lawyers. I have to tell you that every time I run for office there are thousand-dollar checks coming from all over, from trial lawyers from all over America because I am the one who has on his agenda a desire that I am going to fulfill to see to it we have real meaningful tort reform in this country, to make us competitive again. So we have the trial lawyers out there with the ability to send in, on their own contributions of $1,000 apiece, to maybe six different campaigns. Maybe there are 100 of them who are out there. All you have to do is look at an FEC report and you can see that they are doing it.

Let me make one comment about PAC's. Everyone assumes that political action committees are something evil. Political action committees allow small people to get involved, people who are of low incomes to get involved in the process, and there is not any other way they can get involved. I have been a commercial pilot for I guess 38 years. I have been active in aviation. I believe that aviation makes a great contribution to the technology of aerospace and many other things, and consequently I am supported by the Aircraft Owners and Pilots Association, AOPA, 340,000 members. Each one puts in about $5 and they do contribute to people who are supportive of the industry that they believe in.

The NRA, they have taken a lot of hits recently. Who are the NRA? When you sit up here, you are looking at millions of dollars in Washington, but if you were with me last weekend in Hugo, Cordell, Lone Grove, Sulphur, those are people who belong and they

might give $5 a year because they honestly in their hearts believe in the second amendment rights to the Constitution. I do, too. They contribute. These are not big fat cats, wealthy people. So I think to categorize PAC's as being something that is evil in our society is wrong.

The third thing I do not like about this legislation that is coming up, and I will be opposing it, is the arrogance that is there. We have reduced postage for us—not for you, not for anybody else but for us. Now, what happens when you reduce our postage? It is all out of one fund. So other postage is going to end up going up. It is just sheer arrogance that we should be treated differently than everybody else.

We passed legislation, a very good bill through this Chamber at the very first of this Congress and that was the bill which made us live under the same laws as everybody else. All of a sudden people around here are looking, pointing fingers, saying, should we have done that? Here we are again, coming right on the heels of that, saying we are going to give us a benefit nobody else has.

The Senator from Massachusetts a minute ago stood up and said we ought to have more free time on TV. Who are those broadcasters out there? Are they all fat cats? I go around Oklahoma. We have small stations. They are going to give time, and if they do not give free time, they are going to have to give a reduced rate, 50 percent of the lowest rate. That is for us because we are in Congress. We are important people. We are supercitizens—not everybody else, just us.

The arrogance in the way we are approaching that, saying we are entitled to things other people are not entitled to I find to be very offensive.

Mr. President, I conclude by saying I agree with the Senator from Connecticut. This is transparent. The two biggest offenders, the ones who contribute the most to campaigns—and I would categorize them as organized labor and trial lawyers—are not going to be inhibited in any way by this bill.

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

Mr. McCONNELL. I thank my good friend from Oklahoma for his important contribution to this debate.

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

The PRESIDING OFFICER. The Senator has 19 minutes.

Mr. McCONNELL. I yield 5 minutes to the distinguished Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I thank the Senator from Kentucky for his diligent and dedicated efforts to this debate for a long, long period of time—probably longer than he wishes.

I know it has been said many times but I think everybody should see a caution flag go up when the Republican National Committee, the National Taxpayers Union, the National Right to Life Committee, the National Rifle Association, the American Civil liberties Union, the Christian Coalition, Direct Marketing Assocation, National Association of Broadcasters, National Assocation of Business PAC's, National Education Association, the complete political spectrum, all are opposed to this legislation. Why? Because it is an infringement on the first amendment of the Constitution of the United States. It is that simple.

Just moments ago I was at a hearing where a former Presidential candidate, Gov. Lamar Alexander, said it best. He said these efforts to regulate and restrict have left labor with full constitutional rights of the first amendment, political parties with full constitutional rights of the first amendment, the entire media of the United States with the full rights of the first amendment, and only one category is being denied their rights under the first amendment, and who is that? It is the candidates, the candidate for President, the candidate for Senate, the candidate for Congress. The only class for which we restrict first amendment rights, the people who will ultimately represent America are the single class we carve out to deny first amendment rights.

Mr. President, this kind of legislation envisions a very narrow sanitized environment, almost like a prize fight with two contestants inside a defined ring, and there are rules that define how that combat will be conducted. But in the case of American politics, vast resources affect the outcome of the election. Take my State. The largest newspaper in the State is the Atlanta Constitution. It has a circulation of a half a million, on Sunday 750,000, and they can say anything they choose and meddle in every political race, and with everybody's acknowledgment, and even theirs, with a very biased and fixed agenda.

So in seeking office a candidate who might not agree with that agenda is not simply dealing with his or her opponent; they are dealing with the extraneous factors—the media itself, the State's largest daily newspaper. Why is it that this corporation, the Atlanta Constitution—it is a corporation, I might add—is not restricted under campaign finance? Why are their first amendment rights protected but Ace Hardware's are not? They can say anything they choose. They can put an editorial in their editorial page every day for a month. They can comment, as they do, on the fortunes of a political campaign every day. To buy an ad in that paper might cost, one page, $14,000, or a half a page $7,000. So think of the enormous resources that are being invested in meddling or commenting, however you want to put it, on the outcome and fortunes of a political race.

We take the candidate and draw narrow parameters around that candidate in terms of how he or she can communicate.

Frankly, I think it is the candidate that should be the freest to express him or herself, to talk about and interpret his or her beliefs. The idea of restraining that candidate's capacity only enlarges the forces of those who do not ultimately represent the people—the journalists, the media. Would it not be far better to let the person who is going to represent the American people, the person who is going to represent the people from the good State of Georgia, to be on equal footing with all these other resources? The answer to that question is yes.

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

Mr. COVERDELL. I ask for 1 additional minute.

Mr. McCONNELL. I yield my colleague 1 minute.

Mr. COVERDELL. I think the Governor of Tennessee said it best. The first amendment is protective for the labor movement, for the media, for special interest groups, and one class in American politics has been carved out for denial of first amendment rights: the candidates. That is not appropriate.

I yield the floor.

Mr. McCONNELL. Mr. President, I say to my friend from Georgia, special thanks for a superb presentation.

I just want to make one additional comment to follow on. The proponents of this kind of legislation have said over the years they wanted to level the playing field. I would say to my friend from Georgia, he and I compete in the political arena in the South. In order to level the playing field in my State, not only would you have to get a number of the newspapers sold to different kinds of owners, you would also have to change the voter registration and history of the State in order to create a remotely level playing field upon which a person with the disability that the Senator from Georgia and I share, that disability of being registered Republicans, so we could compete on a truly level playing field.

In fact, even the attempt to create a level playing field is constitutionally impermissible. Buckley verus Valeo addressed that particular issue. So I thank my friend from Georgia for a remarkable contribution to this debate.

Mr. COVERDELL. I thank the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Wisconsin has 15 minutes.

Mr. FEINGOLD. I yield 1 minute to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, it has been my honor to work with Senator FEINGOLD and Senator MCCAIN from the very beginning, and Senator THOMPSON. I spoke yesterday, so I will be very brief, less than a minute.

The way in which big money has come to dominate politics, I believe, is the ethical issue of our time. Too few people have way too much power and say, and the vast majority of the people in our country are not well represented.

The standard of a representative democracy is that each person should count as one and no more than one. That standard is violated every day by the way in which big money dominates politics in our country today. I say to my colleagues, I have worked on gift ban. I have worked on lobby disclosure. This is the reform vote of the 104th Congress. We are just asking for an opportunity to have the debate, move the bill forward, and make it better.

Mr. President, to go to a commission—I say to my colleagues, do not look for cover, because a commission to study the problem is not a step forward, it is a great leap backward.

Ms. MOSELEY-BRAUN. Mr. President, I rise today in support of the McCain-Feingold-Thompson bill, S. 1219. Although this bill is not the ideal resolution of this complicated issue, it is clear that the time has come to reform the campaign finance architecture.

Campaign finance reform is needed to restore the American people's faith in the electoral process. Americans are frustrated; many believe that the current system cuts them off from their Government. A recent League of Women Voters study found that one of the top three reasons people don't vote is the belief that their vote will not make a difference. We saw the result of this cynicism in 1994 when just 38 percent of all registered voters headed to the polls.

Voters, and not money, should determine election results. The money chase has gotten out of control, and voters know that big money stifles the kind of competitive elections that are essential to our democracy. The effort to raise the money needed to run for election ends up making it more difficult to make needed reforms in a whole range of areas. This system must be reformed.

The effort needed to raise the average of $4.3 million per Senate race in the last election decreases the time Senators need to meet their obligations to all of their constituents. Furthermore, when voters see that the average amount contributed by PAC's to House and Senate candidates is up from $12.5 million in 1974 to $178.8 million in 1994—a 400-percent rise even after factoring in inflation over that period—there is a perception that lawmakers are too reliant on special interests to make public policy that serves the national interest. More and more voters believe that Members of Congress only listen to these special interest contributors, while failing to listen to the very constituents who put them into office.

That is part of the reason why there is overwhelming public support for reform. And make no mistake, there is a real public consensus that reform is needed—now. Ordinary Americans want—and deserve—Government that is responsive to their needs and problems. The way to do that is through spending limits. Spending limits will make our system more open and more competitive. Spending limits can help focus elections more on the issues, instead of on advertising.

Unfortunately, however, for all of its strengths, S. 1219 does not cure all the flaws of our current campaign finance system. The legislation has gaps, and in some areas, it has made mistakes, mistakes that deserve the Senate's attention before this bill becomes law.

When the Senate considered campaign finance reform in the 103d Congress, I quoted a column by David Broder. He made the point that many of the reforms that resonate strongly with the public "have a common characteristic: they would all increase the power of the economic and social elite that most vociferously advocates them. And they might well reduce the influence of the mass of voters in whose name they are being urged."

I think that we need to take Mr. Broder's warning to heart. We must be sure that we don't have a process that only further empowers political elites that are already empowered. We want campaign finance reform that allows candidates more time to talk to voters. Voters want to know that the system works for ordinary Americans and not just those few who can devote substantial time and money to politics. They deserve better than the present system.

The inordinate effort required to raise massive amounts of money within the strictures of contribution limits make fundraising a continuous and time consuming condition of elections.

It is also worth keeping in mind that campaign finance reform cannot work for every American unless it also works for every candidate, including minority candidates and women. Minority and women candidates currently have less access to the large sums needed to run for office today than other candidates. That financial inequity is one of the primary reasons both women and minorities have long been under-represented in both the Senate and House. The spending limits in S. 1219 are very important in addressing their concerns, but reform will only be truly successful if it increases opportunities for candidates from all walks of life and our society. Campaign finance reform will be counted as a failure if the numbers of women and minorities in Congress goes down, rather than up, under a new system.

S. 1219 attempts to level the playing field for all competing candidates. It establishes a voluntary system by which candidates who agree to limit their overall spending receive certain benefits, including 30 minutes of free broadcast time, television and radio time at 50 percent off of the lowest unit rate, and reduced postage rates.

If a complying candidate's noncomplying opponent has raised or spent 10 percent more than the State spending limits, then the complying candidate can spend 20 percent more than the spending limit and still be in compliance with the bill. If a noncomplying candidate raises or spends 50 percent more than the spending limits, the complying candidate's limits increase 50 percent without penalty.

Furthermore, complying candidates cannot spend more than the lesser of 10 percent of their spending limit, or $250,000, from their personal funds. When a candidate declares their intention to spend more than $250,000 of personal funds, the $1,000 contribution limit for individuals is raised to $2,000 for complying candidates, and the noncomplying candidate does not qualify for any of the bill's benefits.

These steps represent real progress, but the problems here are very serious, and need much more attention. Those who are independently wealthy have unequal access to the political system, and if reform is to work, we have to do something about that.

Self-financing candidates are a rapidly growing phenomenon in our current political system. In 1994, one candidate for the Senate spent a record setting $27 million, almost all of which was his own money. And over the last year, a Presidential candidate spent $30 million of his own money for the primary elections alone. Without workable spending limits that apply to every candidate, those who can break the limits by dipping into their own deep pockets will end up dominating our politics, even more than is the case now. Talented, but less wealthy candidates will have it tougher than ever. The trend toward a Congress comprised disproportionately of millionaires does a disservice to representative democracy. Such trends are a very troubling aspect of the loss of confidence in our system. This bill does not resolve that fundamental flaw.

Imposing spending limits on millionaire candidates is very difficult, given the Supreme Court's decision in the case of Buckley versus Valeo, which used a first amendment justification to invalidate a congressional attempt to impose limits on the amount a candidate can contribute to his or her own campaign. However, there are things that Congress should consider that

might be able to bring self-funding candidates into a campaign spending limits regime, or at least provide enough disincentives so that these candidates will no longer profit politically by using their own resources to finance their campaign cash flow.

The relevant provision of the 1971 Campaign Act that was invalidated in Buckley provided that a Presidential candidate could spend no more than $50,000 out of personal resources. It is at least possible that with a much more generous, though not unlimited, opportunity for candidates to spend their own money, the infringement of individual freedom is less severe, and perhaps not substantial as stated by the Court in Buckley. After all, it is one thing to tell a candidate that he or she can't spend more than $50,000 of personal money; it is quite another to say he or she can't spend more than $1 million—and that the rest must be raised from small contributors in order to demonstrate broad political support.

If candidates were required to seek and demonstrate support from a broad range of individuals—an important component of the democratic process—the Supreme Court might see the first amendment issue somewhat differently. An appropriate analogy would be the laws that require candidates to obtain a certain number of signatures as a requirement for access to the ballot. In other words, the reason for this limit would not be to equalize resources, but to ensure that the amounts candidates spend have some relation to breadth of support. This proposal may be at least arguably consistent with Buckley, since the Court in that case recognized that the Government has "important interests in limiting places on the ballot to those candidates who demonstrate substantial popular support."

In fact, it is that statement by the Court which demonstrates the flaw in the Buckley versus Valeo decision. In the not too distant past, a candidate had to have the endorsement of a political party, or have his or her own strong, grass roots organization in order to have the large number of people it takes to gather sufficient petitions to be put on the ballot. Now, however, it is actually possible to hire people to collect petition signatures, so petitioning does not necessarily demonstrate broad support the way it used to. In fact, a wealthy candidate, under the current state of the law, doesn't have to have any broad support at all to gain access to the ballot, only enough money to hire enough petition collectors. If the important government interest the Buckley Court acknowledged is to be protected, therefore, some limits on the use of money by wealthy candidates is required. The use of money by wealthy candidates has to be brought into the bill's reforms.

Bringing self-funded candidates completely under the bill's reform umbrella is a necessary step, but another area of the bill also needs another look—the treatment of groups such as EMILY's List and WISH List. EMILY's List and WISH List have helped bring women into politics. EMILY's List and the efforts of the women's fundraising organizations is one of the main reasons there are now 33 Democratic and 16 Republican women in the House, 8 women Senators instead of just 1, and 2 Democratic women governors.

EMILY's List has energized women; it has given more women a way to participate in our political system—women who have never participated before. As the New York Times noted, "alone among fund-raising organizations, EMILY's List doles out millions of dollars and then seeks nothing back from its beneficiaries. Its only mission is to get women elected to Congress and the State houses." I think that kind of activity should be encouraged, and not limited.

EMILY's List has helped open up our system; it has showed more women that the system can work for them. I think that EMILY's List is American democracy in its purest form. EMILY's List should be applauded and encouraged, and not terminated.

I want to conclude, Mr. President, by returning to where I began. I think that it is long past time for Congress to reform the campaign financing system. This bill goes a long way toward making some real changes to our current system. It is far from perfect, but it is a work in progress. The bill's flaws can be corrected as we move forward through the remainder of the legislative process. I am therefore voting today to take the next step, to invoke cloture, because the bill cannot be corrected if it is not considered by the Senate. And if we fail to invoke cloture, this bill will fail. I do not want to see that happen, and neither do the American people. They expect us to act on real campaign finance reform this year. I will cast my vote to meet that expectation; I hope all of my colleagues will do likewise and that this Senate will meet its duty to the American people to change campaign finance.

Mr. BIDEN. Mr. President, here we go again, Mr. President. Another chapter in the never ending effort to reform the way we finance political campaigns.

I feel like I am driving a race car around a track and no matter how long and how far I drive, the checkered flag just never seems to come down. We never seem to reach the finish line. We are never able to finish what we start.

And, now, today, the question before us is whether we will even be allowed to start—whether we will even be allowed to debate the issue of campaign finance reform.

I have been on this track for almost 24 years now. One of the first things I did as a new Senator back in 1973 was to testify before the Senate Rules Committee on the need for campaign finance reform—on the need for spending limits and public funding of congressional campaigns; on the need for equal competition based on ideas, not money, between challengers and incumbents. Let me tell you, I did not make many friends.

But, I believed then—and I believe as strongly today—that campaign finance reform is the single most significant thing Congress could do.

The American people have come to believe the system has failed. The American people have lost faith in their leaders and in their Government. The American people feel alienated and distant from the very people who represent them.

There are several reasons for this. But, the biggest—and probably what all others boil down to—is the way we fund our elections: the influence of money; the influence of special interests; the influence of everyone, it seems, except the average middle-class American.

A middle-class American does not make a $1,000 contribution. A middle-class American does not hire a lobbyist to wander the Halls of the Capitol and make $5,000 campaign contributions. A middle-class American does not ask a Congressman to hand out campaign contributions on the floor of the House of Representatives.

No. A middle-class American walks into the voting booth on election day, if he or she has not been turned off by that time, and engages in the most important exercise in a democracy. He or she casts a ballot for a person to represent them.

But, when it is all said and done, many middle-class Americans feel that they are not being represented. They have become apathetic, cynical, and distrustful. And, I'm afraid this is not a whim or a passing feeling. It may be wrong in reality—it may be right—but it should not be taken lightly by those of us in Congress. There is a major crisis of confidence in the American electorate, and it puts at risk everything else we attempt to do. That is why I believe campaign finance reform is the crucial issue of our time.

So, Mr. President, our mission is clear. We must restore integrity and confidence in the political process. And, to do that, we must have comprehensive campaign finance reform.

Unfortunately, today, we are not even voting on a campaign finance reform bill. This is a vote on whether we will be allowed to vote on the bill. And, you wonder why the American people are so sick of this system.

The special interests have circled the wagons. They are on the warpath to kill campaign finance reform.

So, I implore my colleagues: stand today with the American people. Let us take up this bill—the first bipartisan campaign finance reform bill in nearly a generation. Let us debate the issue. And, let us decide the issue on the merits, not on inside-the-beltway maneuvering.

The American people demand no less.

Mrs. MURRAY. Mr. President, this past February, over 4 months ago, I took the Senate floor to announce my cosponsorship of S. 1219. As I spoke about how unique this bill is—one of the only truly bipartisan attempts to reform campaign laws in two decades—I could not help thinking to myself, "here we go again."

I have only been a Senator for a little over 3 years. In Senate terms, that is not very long. But I have been here long enough to see campaign finance reform come up, and be killed. In the 103d Congress, shortly after the 1992 elections, I proudly cosponsored campaign reform legislation. I was eager to answer the voters' hopes for cleaner, more thoughtful politics.

I watched colleagues come to the floor, proclaim the need for reforms, and declare their support for good legislation. The Senate passed that bill, S. 3, and sent it to the House. A short time later, I saw it killed amidst partisan bickering, despite the mad scramble of Senators wanting to be seen as leading the charge for reforms.

In the end, nothing was accomplished, and here we are today living under the same campaign system that has created so much cynicism and mistrust among the voters.

So when I endorsed S. 1219, I thought "here we go again" because I was embarking on my second attempt to reform campaign laws. But this time, instead of thinking we could simply pass a bill and send it to the White House, I knew we had our work cut out for us.

Now it is June, and the 104th Congress will adjourn in a few months. While we are only now taking up campaign reform, I am still encouraged. For the first time in a long time, the Senate is considering a truly bipartisan bill. It has not been drafted by one party or another to give themselves a leg up.

It has been drafted by a Republican and a Democrat, JOHN MCCAIN and RUSS FEINGOLD, because they know that until the two parties come together and focus on common sense reforms we can all agree on, nothing will get done. It is supported by thoughtful new Senators like FRED THOMPSON of Tennessee and CAROL MOSELEY-BRAUN of Illinois who, like me, were elected to make changes in the political system.

We have a very narrow window of opportunity today. It is narrow because we have only a few months left in this Congress, and we have a lot of work to do. It is an opportunity because it is a bipartisan bill, free of taint, and maybe—just maybe—capable of restoring some faith to the people. In light of this, it is critical that we move quickly.

I urge my colleagues to stop, look, and listen. Listen to people at the coffee shops. Talk to friends, to family members. Walk through a neighborhood. A basic, fundamental lack of faith in Government lays at the root of peoples' concerns about the future. Until something dramatic happens to address public confidence in the political system, we can expect the gap between the people and their Government to widen.

There is nothing I can think of that would be worse for this country; for alienation breeds apathy, and apathy erodes accountability. America is the greatest democracy the world has ever known, and it was built on the principle of accountability: government of the people, by the people, for the people. We simply must restore peoples' faith in their Government.

At the core of the problem is money in politics. Right now the system is designed to favor the rich, at the expense of the middle class. It benefits the incumbents, at the expense of challengers. And most of all, it fuels the special interest, inside-the-beltway machine at the expense of the average person back home.

The average person feels like they can no longer make a difference in this system. Earlier this year, my campaign received a $15 donation from a woman in Washington State. She included a note to me that said, "Senator MURRAY, please make sure my $15 has as much impact as people who give thousands."

She knows what she is up against, but she is still willing to make the effort. Unfortunately, people like her are fewer and farther between, and less willing than ever to try to make a difference.

We see her problem when people like Ross Perot or Steve Forbes are able to use personal wealth to buy their way into the national spotlight. Ninety-nine percent of the people in America could never even imagine making that kind of splash in politics. Should we rely only on the benevolence of a few wealthy individuals to ensure strong democracy in this country? I don't think that is what the Founding Fathers had in mind.

The political consultants will say negative ads work, because they, quote, "move the numbers." They will say we need to raise millions of dollars because that is what it takes to get a message out.

But that ignores the reality in Main Street America every day. The very campaigns they say we need to run to win are bleeding the life out of our political system. Every time we go through an election with expensive, negative campaigns, we pay a severe price in voter participation and citizen apathy.

Add up election, after election, after election in the modern political era, and elected officials are facing a huge bill for accountability they may not be able to pay. I fear that once lost, citizens may never re-engage in their democratic system.

During this debate, I have heard Senators take issue with certain provisions in S. 1219. I have heard colleagues question the constitutionality of spending limits. I have heard them make the case that this bill takes the wrong approach. I have heard them argue for reform, but not this way.

Mr. President, these arguments miss the point entirely. The upcoming vote is not about whether you agree with every provision of S. 1219. It is about whether this Senate is willing to step up and pass campaign reform legislation this year.

I myself am not completely satisfied with S. 1219. The McCain-Feingold bill is very broad, and does something about nearly every aspect of the system: It restricts political action committee contributions; it imposes voluntary spending limits; it provides discounted access to broadcast media for advertising; it provides reduced rates for postage; it prohibits taxpayer-financed mass mailings on behalf of incumbents during an election year; it discourages negative advertising; it tightens restrictions on independent expenditures; and it reforms the process of soft money contributions made through political parties.

Mr. President, these are very strong, positive steps, especially the ones addressing independent expenditures. Over the past few years, through the so-called Gingrich Revolution, we have seen an explosion of campaign spending by special interest groups, many from Washington, DC, attempting to swing elections in their own favor. These expenditures are ideologically driven, often highly partisan, and serve only to manipulate voters in the most sinister way. They corrupt our elections. They are not disclosed, so we do not know who makes them, and they violate the spirit of every disclosure requirement in law today.

If enacted as a package, all the steps I just mentioned would make our system of electing Federal officials more open, competitive, and fair. I feel strongly that we must take such steps to re-invigorate peoples' interest in the electoral process, and in turn to restore their confidence in the system.

There are some provisions in S. 1219 that could be problematic, however. For example, the bill would require 60 percent of a candidates' donors to reside within his or her State. This might work fine for someone from New York or California. However, it could put small-state candidates at a real disadvantage, particularly if their opponent is independently wealthy.

I also question the ban on PAC's. Under the right regulations, I believe PAC's have a legitimate role in the process, for two reasons. First, PAC's are fully disclosed, and subject to strict contribution limits. That means we have a very detailed paper trail from donor to candidate for everyone to see. Second, they give a voice to individual citizens like women and workers and teachers who, if not organized as a group, might not be able to make a difference in the process.

A serious question about PAC's remains, however: do they unfairly benefit incumbents at the expense of challengers? This is a legitimate question, and one I think we should focus on closely in this debate.

Finally, I am deeply concerned about how this bill would effect organized fundraising by third party groups that do not even lobby Congress. Groups like EMILY's List and WISH List support pro-choice women candidates of both parties, though they do not actually lobby Congress on legislation.

They give people of modest means like me an opportunity to compete on the electoral playing field. For too long, this field has been dominated only by wealthy, well financed candidates, establishment candidates, or incumbents. In my 1992 campaign I was out-spent nearly three-to-one. Without the support of groups like this, I would not have even been able to make the race.

By banning these groups, S. 1219 would send a signal to people everywhere: do not even think about playing this game unless you can afford the price of admission.

However, as I said a moment ago, this vote is not about every little detail. Let us remember something: this whole debate—arguments for and against—comes against the backdrop of a campaign finance system that has not been reformed since Watergate, over 20 years ago. Public faith in government today has sunk below what it was in 1974. So in spite of my personal concerns, I will vote to invoke cloture on the McCain-Feingold bill. And after cloture is invoked, I will support amendments that address the issues I have raised.

Right now, we need to move forward. People in this country want to feel ownership over their elections; they want to feel like they, as individuals, have a role to play and can make a positive difference. Right now, for better or worse, not many people feel that way, and the trend is going the wrong direction. Real campaign reform will be the strongest, easiest step this Senate could take to begin restoring peoples' faith in the process.

Set aside the legalistic, technical arguments for a moment. Get out from behind all the procedural maneuvering. Put aside partisan leanings. We have an opportunity right now, today, to show the voters something. We can put pressure on the other body to act on similar legislation. We can actually move reform efforts forward in a credible way, and get something done this year.

A citizen from New Hampshire, Frank McConnell, made a good case just the other day. He came to Washington to push this bill, and he said if Congress wanted to, if it really wanted to, it could do the work and have a bill to the President's desk in a couple weeks.

We know the President would sign it, because he said so in his State of the Union Address earlier this year. Frank McConnell was right: if we want to, we can just do it. Here we are again. We are considering campaign reform legislation. There is not much time left. I thank the two sponsors of this bill, Senator MCCAIN and Senator FEINGOLD, and I urge my colleagues to step up and support the motion to invoke cloture.

Mr. BINGAMAN. Mr. President, I rise today to speak briefly on S. 1219, the Campaign Finance Reform Act and to discuss two amendments I intend to offer to the bill if the Senate invokes cloture on the bill tomorrow.

As a cosponsor of S. 1219, I am pleased to join with my friend and colleague from Arizona, Senator MCCAIN, and my friend and colleague from Wisconsin, Senator FEINGOLD, in supporting this legislation. I want to commend Senators MCCAIN and FEINGOLD for their efforts in bringing this measure to the Senate for its consideration. They have been tireless champions of the need to reform our campaign finance system and I am encouraged by the way they have worked together to develop a bipartisan approach to a problem that has escaped solution for so many years.

As my colleagues know, 2 years ago I completed an expensive and negative campaign. The only positive thing that I brought from that experience was the time I was able to spend listening to the concerns of New Mexicans and traveling around the State.

Unquestionably, one of the most significant recollections I have of the campaign is the enormous amount of money that I was forced to raise and spend to defend against a wealthy opponent who attacked early and continued with a negative campaign until the votes were counted.

That is one of the reasons why I support S. 1219 and why I have supported every serious attempt to fix our campaign finance system. Clearly, Mr. President, the system is broke and anyone who thinks otherwise simply has not looked at the facts. More and more of our time is spent raising money, special interest groups have too much influence at the expense of the individual American, and, most important, the American people have lost confidence in their elected officials because they no longer believe that we have time to listen to them. Instead they believe that only the wealthy can serve in Congress and that we are engaged in an endless pursuit of special interest money. While this is not true in all cases, I am very concerned that if we do not reform the current system soon, the fears of average Americans will become real.

Mr. President, we need to change the system and I believe that the bill offered by Senators MCCAIN and FEINGOLD offers us a chance to regain the confidence of those who sent us here.

If cloture is invoked tomorrow, I intend to offer two amendments to this legislation. These amendments are contained in legislation I offered earlier this year with my friends and colleagues Senator PELL and Senator CAMPBELL, S. 1723.

The first amendment requires that if a qualified candidate for Federal office references his or her opponent in a TV advertisement they must do so themselves if they want to take advantage of the lowest unit-rate charge provided to candidates for Federal office under the Communications Act of 1934. If the candidate voluntarily chooses not to make the reference herself, or himself, the candidate would not be eligible for the lowest unit rate for the remainder of the 45-day period preceding the date of a primary or primary runoff election or during the 60 days preceding the date of a general or special election. The candidate would, of course, continue to have access to the broadcast station and would be able to air whatever advertisement they wish, but they would not be eligible for the special benefit that Congress has provided under the Communications Act.

The second amendment requires that broadcasters who allow an individual or group to air advertisements in support of, or in opposition to, a particular candidate for Federal office, allow the candidate in the case where a candidate is attacked, the same amount of time on the broadcast station during the same period of the day.

Mr. President, these are not new concepts. In the 99th Congress, Senator Danforth offered a bill to require a broadcast station that allowed a candidate to present an advertisement that referred to her opponent without presenting the ad herself, to provide free rebuttal time to the other candidate. Since then, other variations of what has become known as talking heads legislation have been incorporated in overall campaign finance reform bills and introduced as free standing bills.

In a little over a month, both national parties will be holding their conventions. After that the race will be on, not only for the White House but also for 435 House seats and 33 Senate seats and untold number of State and local elections. I can say in all honesty

that I do not envy my colleagues here in the Senate, whether they are Republican or Democrat, because I now that they will soon be subjected to the same type of negative attacks ads that I had to face in my last election. Many of these ads will contain misrepresentations, distortions, and outright untruths. A voice will appear on the television but it will not be the candidate's. Perhaps an image will appear but it will not be the candidate's either. Instead, the candidate will be hiding behind the message and that message will undoubtedly be negative.

Mr. President, I am told that public opinion polls show that politicians are held in only slightly higher esteem than lawyers and journalists. While that may be true, I know that my colleagues, regardless of their political affiliation, are honorable men and women who care about their respective States and our Nation. They are also courageous. It is not easy putting your reputation and privacy on the line to run for public office at any level. Unfortunately, the negative perception persists. I believe that one of the reasons for that is the trend in today's campaigns to attack, attack, and attack, to go negative early and stay negative until the votes are counted. As Senator Danforth noted, legislation requiring the candidate himself to present ads that reference his opponent would serve the purpose, "to open up speech, open up the ability to respond, the ability to defend oneself. In the case of a candidate making a negative attack, we try to improve the sense of responsibility and accountability by making it clear that the candidate who makes the attack should appear with his own face, with his own voice."

I believe that the amendment I am discussing today, just like the legislation by Senators MCCAIN and FEINGOLD, will begin the process of restoring the confidence of the American people in public service as an honorable endeavor and in the election process as one where ideas and platforms, not the candidate's personalities, are debated.

Mr. President, I would again like to commend my colleagues Senators MCCAIN and FEINGOLD for their commitment to bringing this legislation to the floor of the Senate and I hope that we will all vote tomorrow to allow debate and votes on amendments and the underlying legislation. The American people deserve nothing less.

Mr. FRIST. Mr. President, I rise to discuss the important issue of campaign finance reform. I applaud the efforts of my colleagues on both sides of the aisle for bringing this issue to the forefront of our public policy debate.

The sole objective of any serious campaign finance reform must be to open up the political process—to make it easier for more Americans to get involved, to have more competitive races, to increase the free exchange of ideas and debate, and to make our elections more reflective of the will of the people.

To that end, I strongly support the following steps and believe they are a sound foundation for campaign finance reform:

First, we should insist on full disclosure of all campaign spending, by candidates, parties and nonparties alike. Currently, many special interest groups have a huge impact on elections yet are not required to and don't disclose anything about their political spending. Full and fair disclosure will let the voters weigh the relative influence of all who participate in the process.

Second, we should place PAC's and individuals on an even footing by increasing the individual contribution limit to $5,000 and indexing it for inflation. This will reduce both the influence of PAC's and the amount of time elected officials must spend fundraising;

Third, we should ban the use of franked mass mailings by incumbents in the calendar year of an election—although I would ban them completely; and

Fourth, we should require candidates to raise a stated percentage, for example 60 percent, of their individual contributions from people residing within their home States.

The first amendment is the starting point for any discussion of campaign finance reform. It ensures that, among other things, citizens can participate in politics through publicly disclosed contributions to the campaigns of their own choosing. It also permits citizens to spend their own hard-earned dollars, independent of any candidate, to influence elections via letters to the editors of their local papers, pamphlets, and even television, radio, and newspaper advertisements. This is a precious right to Americans. It sets us apart from many other countries.

Many, however, believe that we spend too much money on this first amendment right. Yet, given the importance of such speech, it is surprising to find that in the 1994 House and Senate races, said to be among the most expensive ever, we spent roughly $3.74 per eligible voter. According to columnist George Will, this is about half as much as Americans spend annually on yogurt.

Simply put, Mr. President, the amount of money spent in campaigns should not be the focus of our debate—that is not the problem. Let a well-informed public, not a Federal bureaucrat, decide whether a candidate has spent too much in a campaign or has accepted too much from a particular source. I believe there are significant negative consequences to current efforts to reduce campaign spending. First, significant restrictions on the amount of money that can be spent by a candidate will reduce the amount of information available to voters. Less information means a less-informed electorate. That is the opposite of what we want to accomplish. More importantly, spending limits on candidates will merely increase the influence and power of special interests because they are not subject to spending limits and aren't required to disclose their election financing efforts.

Second, limits on campaign spending would overwhelmingly benefit incumbents. Congressional spending limits are subject to manipulation that sets the spending threshold just below the amount that the challenger must spend to have a legitimate shot at defeating the incumbent. In testimony before the Senate Committee on Rules and Administration, Capital University law professor, Bradley A. Smith, said that in the 1994 Senate elections, the successful challengers spent more than would be allowed under the legislation currently being debated by this body, S. 1219. Thus, the spending limits proposed in S. 1219 would have worked to the incumbent's advantage in each case. Overall, every 1994 Senate challenger who spent less than the ceiling set in S. 1219 lost; every incumbent who spent less than that ceiling won.

Finally, spending limits reduce the ability of campaigns to speak directly to the voters, without the filter of the media. The news media does play a critical role in the election process, but further increasing their control over the flow of political information is not positive reform.

Similarly, a limitation on contributions, like spending limits, is inherently biased in favor of incumbents. Incumbents with high name recognition and existing voter data bases are able to raise necessary campaign dollars, in small amounts, with far more ease than no-name challengers. Therefore, challengers must look to a small number of large contributors to launch a campaign. This initial seed capital is essential for challengers to get their name and message out to the voters. The limits on contributions imposed by the 1974 amendments to the FECA have limited the ability of challengers to raise seed capital.

I believe that further restrictions on contributions will force candidates to spend more time fundraising and less time meeting voters and discussing the issues. Contribution limits are a significant cause of the drain that fundraising has become on a candidate's time. Instead, I favor placing PAC's and individuals on an even footing. The existing $1,000 limit placed on individuals should be raised to $5,000—the same level as PAC's—and indexed for inflation. The $1,000 contribution limit established by FECA in 1974, had it kept pace with inflation, would be worth approximately $3,000 today.

Raising the individual contribution limit will help level the playing field between challengers and incumbents. It will put individuals on an even par with PAC's, reduce the time candidates need to spend raising campaign funds, and reduce the emphasis on a candidate's personal wealth.

Yesterday and today, I've heard the arguments concerning other aspects of the current legislation before us, namely provisions that mandate free air time and greatly reduced postage rates to candidates. I am opposed to those provisions, however good intentioned they are, because they would place a greater burden for funding Federal campaigns on the backs of American taxpayers.

Proposals to force American businesses to give away their products free of charge are misplaced and run counter to a free-market society. Accordingly, I oppose attempts to mandate that private broadcasters be forced to give free air time to candidates. Similarly, allowing deep discounts in postal rates is merely a subsidy paid for by the general taxpayers. These are not sound reforms.

As I mentioned earlier, strong campaign finance reform should also mandate the complete and full disclosure of all funds that unions and other special interest groups spend for political activity. This is a critical point. We cannot outlaw special interest money, but the potential penalties for accepting it can be raised via the court of public opinion.

We are all aware of the current multimillion dollar effort by organized labor to spend upward of $35 million to try and buy back control of the House for the Democrats. They are getting the money for this massive, partisan campaign through compulsory union dues, even though 40 percent of their membership voted for Republicans in 1994.

No union member should be forced to make compulsory campaign contributions to support any candidate or issue unless they freely choose to do so. That is the foundation for our constitutional form of government and the first amendment freedoms we enjoy as citizens. To be forced, as a condition of employment to do otherwise, is wrong.

As unfair as this is to union members, it is even more poisonous to our political process. There is no disclosure or reporting of the sources or the expenditures paying for these activities. Under current law, the unions are not required to file and do not file any disclosure to report these political expenditures. This should be changed.

In closing, I would like to quote a section of the 1976 decision by the Supreme Court in the Buckley versus Valeo decision:

> In the free society ordained by our Constitution it is not the government, but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign.

Our system is not perfect, and we do need meaningful campaign finance reform. But, placing artificial limits on spending sends the opposite message of what we should be saying. We should not drive spending control away from candidates and parties and to special interests. We should not enact reforms that will result in less information to the public. We should open up the system to allow for maximum dissemination of information and maximum exchange of ideas and debate. I intend to work toward this type of campaign finance reform, and I urge my colleagues to do likewise.

Mr. BAUCUS. Mr. President, I rise in support of the important campaign finance reform legislation that is before us today.

I support this legislation because I believe it represents the right kind of change. While not a perfect solution, it will help put our political process back where it belongs: with the people. And it will take power away from the wealthy special interests that all too often call the shots in our political system.

Yet, ironically, by failing to act; by failing to pass this legislation; we will also be opening the door to change—the wrong kind of change. Our political system will continue to drift in the dangerous direction of special interest.

Over the years since 1971, when Congress last enacted campaign finance reform, special interest groups supporting both political parties have found creative new ways, some of questionable legality, to get around the intent of our campaign finance laws. Things like soft money, independent expenditures, and political action committees all came about as a consequence of very well-intended attempts at campaign finance reform.

NEED FOR REFORM

This is an arcane subject, but it hits home. One of the benefits to walking across Montana, in addition to the beautiful scenery, is that I hear what real people in Montana think. Average folks who do not get paid to fly to Washington and tell elected officials what they think. Folks who work hard, play by the rules, and are still struggling to get by.

People are becoming more and more cynical about government. Over and over, people tell me they think that Congress cares more about fat cat special interests in Washington than the concerns of middle class families like theirs, or that Congress is corrupt.

EFFECT ON THE MIDDLE CLASS

Middle-class families are working longer and harder for less. They have seen jobs go overseas. Health care expenses rise. The possibility of a college education for their kids diminished. Their hope for a secure retirement evaporate. Today, many believe that to make the American dream a reality, you have to be born rich or win the lottery. Part of restoring that dream is restoring confidence that the political system works on their behalf, not just on behalf of wealthy special interests.

I believe that this Congress has taken some small but important steps in that direction:

First, we passed a tough, fair gift ban to ensure that special interests are not out wining and dining Members of Congress and executive branch officials. Helping to reassure folks that individuals in Government, whether you agree with their policies or not, are acting in what they sincerely believe is the country's best interest. I am proud to say that my office has taken this one step further—and instituted a tougher than required gift ban—months before the Congress voted.

Second, we passed a comprehensive lobbying disclosure bill—eliminating the cloak of secrecy which lobbyists once operated under, by requiring greater disclosure of lobbying activities by both the individuals conducting and contracting the lobbying.

Now it is time for us to take the real step to win-back the public trust—it is time for us to pass a tough, fair, and comprehensive campaign finance reform bill. That bill must accomplish three things. First, it must be strong enough to encourage the majority if not all candidates for Federal office to participate. Second, it must contain the spiraling cost of campaign spending in this country. Finally, and most importantly, it must control the increasing amounts of undisclosed and unreported soft-money that is polluting our electoral system.

REFORM MUST REDUCE COSTS OF CAMPAIGNS

Under the current campaign system, the average cost of running for a Senate seat in this country is $4 million. In 1994, nearly $35 million was spent between two general election candidates in California. And nearly $27 million was spent in the Virginia Senate race.

There are some in Congress, I believe House Speaker NEWT GINGRICH is one, who say we do not spend enough on campaigns in this country.

When a candidate is faced with the daunting task of raising $12,000 a week—every week—for 6 years to meet the cost of an average campaign, qualified people will be driven away from the process. If we allow ideas to take a back seat to a candidate's ability to raise money—surely our democracy is in danger.

Let me be clear—my first choice would simply be to control campaign costs by enacting campaign spending limits. However, the Supreme Court, in Buckley versus Valeo, made what I believe was a critical mistake—they

equated money with free speech—preventing Congress from setting reasonable State-by-State spending limits that everyone would have to abide by.

I have voted several times to overturn the Buckley decision and allow Congress to set limits that everyone would have to obey.

WHAT'S RIGHT WITH THE BILL

While I must admit this bill is not perfect, compromise never is, it will do several crucial things to reign in campaign spending. First is, that it is the first bipartisan approach to campaign finance reform in more than a decade.

Second, the bill establishes a system that does not rely on taxpayers dollars to work effectively.

The bill encourages campaigns to accept a voluntary spending limit in exchange for free and reduced cost access to television advertising, and postal rates.

Last, the bill bans both PAC contributions, and indirect soft-money campaign spending, while at the same time increasing disclosure and accountability in political advertising.

Every election year, in addition to the millions of dollars in disclosed contributions, there are the hundreds of millions in unreported, undisclosed contributions spent by independent expenditure campaigns and issue advocacy funded by soft-money contributions to national political parties.

Where out-of-State special interest groups can spend any amount of money they choose, none of which is disclosed, all in the name of educating voters—when, in fact, their only purpose is to influence the outcome of an election. More times than not the seesawing 30-second sound bites do more to confuse than to educate.

This lack of accountability is dangerous to our democracy. These independent expenditure campaigns can say whatever they wish for or against a candidate, and there is little that candidate can do—short of spending an equal or greater amount of money to refute what are often gross distortions and character assasinations.

However, as I said earlier, the bill is not perfect. As currently written, it fails to address critical issues in campaign reform.

WHAT'S WRONG WITH THIS BILL

I am concerned that this bill forces an unfunded mandate on television broadcasters by requiring them to donate up to 30 minutes of free prime time advertising air time to each candidate who abides with the limits in the bill. While I believe this free and reduced cost air time is critical to encouraging campaigns to accept spending limits, I don't believe that broadcasters should be forced to bear the entire burden.

I'm pleased that the sponsors have included language to provide broadcasters with an exemption in the case of economic hardship, however, it is my belief that we should do more.

Last, but perhaps most importantly, this bill does not contain the strong enough enforcement provisions that are critical to ensure that individuals who promise to abide by the spending limits don't dump large sums of money into the campaign weeks or even days before the election.

Since 1985 I have fought to limit the spiraling cost of Federal elections in this country by cosponsoring five different campaign finance reform proposals, as well as supporting efforts to amend the Constitution to allow the Congress to set reasonable spending limits.

I remain committed to this cause and will do everything in my power to ensure that the Congress passes meaningful campaign finance reform, this year.

Mr. DOMENICI. Mr. President, those who follow campaign finance reform are well aware of my thoughts on this issue. I have long advocated four very straightforward and specific changes in reforms in campaign finance law:

First, a flat-out prohibition on House and Senate candidates raising money outside their home State;

Second, the abolition of PAC's as we know them;

Third, the creation of a strong disincentive to super-wealthy candidates throwing masses of family money into a campaign;

Fourth, the elimination of "soft-money:" contributions to political parties for activities such as voter registration drives and political advertising which indirectly—but intentionally—help one particular candidate;

I am pleased to see that this year's legislation includes campaign finance reform ideas I initiated many years ago, specifically, a limitation on the amount of personal or family funds a wealthy candidate may contribute to his or her own race; and a limitation on the acceptance of out-of-State contributions.

Unfortunately, this year's legislation also includes deeply problematic provisions. These provisions, so called voluntary restrictions on spending, are based on the premise that spending caps are the solution to the problems with our campaign system.

The taxpayers will end up helping finance these campaigns because by accepting spending caps under this bill, candidates would receive steep discounts from the Federal Government in postal rates, as well as from television and radio broadcasters for advertising time. In addition, once candidates exceed voluntary spending limits, the Federal Election Commission [FEC] would raise the contribution limits for the opponents of these candidates.

These spending caps threaten first amendment free speech rights. Moreover, these voluntary spending limits create burdensome new regulatory responsibilities and powers for the FEC. If enacted, the legislation before us today will create a quagmire of regulations making Federal campaigns even more dependent upon professional campaign strategists and lawyers, and less dependent upon, and more distant from, our constituents.

For these reasons, while I firmly believe that we need campaign finance reform, I cannot support today's proposed legislation in its current form.

Mr. SMITH. Mr. President, I rise in opposition to S. 1219, the Senate Campaign Finance Reform Act of 1996.

There are several major campaign finance proposals that are now being considered by the Congress. I am pleased to offer my views on each of them.

The most far-reaching campaign finance reform proposals involve the taxpayer financing of congressional campaigns. I do not favor that approach. I do not think that liberal Democratic taxpayers should be forced to finance my political campaigns any more than conservative Republican taxpayers should be forced to finance the campaigns of liberal Democratic politicians.

Other campaign finance proposals have sought to place limits on how much money campaigns can spend. Such proposals raise serious constitutional questions. In the case of Buckley versus Valeo, the U.S. Supreme Court held that it is unconstitutional for Congress to limit the ability of individual candidates to spend their own money to finance their own political campaigns. How is it fair, then, for Congress to limit the ability of candidates who are not wealthy to raise campaign money? If wealthy candidates can spend all of the money that they want while candidates of modest means cannot, then we will soon have a Congress made up almost exclusively of wealthy individuals.

Still another approach is that which is embodied by S. 1219. Under the McCain-Feingold bill, voluntary campaign spending limits would be adopted and candidates who complied with those limits would be provided with free and-or sharply reduced rates of advertising by the news media. I do not favor this approach because I do not think that Congress should compel private entities to offer their services at below-market rates. Therefore, I simply cannot support this bill.

The McCain-Feingold bill, as well as others, also proposes the elimination of political action committees [PAC's]. I have voted for this reform in the past.

I believe that the best way to reform our system of campaign finance is to find ways in which to encourage more participation by small donors. I am proud to say that in my political campaigns over the years, I have been supported by many thousands of small contributors.

I also strongly support the current system under which congressional campaigns must disclose the sources and amounts of financial contributions from all entities—large and small. I believe that the public has a right to this information.

I believe that a responsible and meaningful package of campaign finance reform legislation can and should be developed and passed by the Congress. I support that effort.

Mr. ABRAHAM. Mr. President, I rise today to express my concerns regarding S. 1219, the Campaign Finance Reform Act of 1996, and to explain my vote against the cloture petition.

Let me begin by stating that I support campaign finance reform. However, the reform we need is not to be found in S. 1219. In my view, the biggest problem with the way our political campaigns are financed is that it gives rise to the perception that special interest donations are dominating the political agenda. Indeed, many Americans believe that special interest money is the source of great corruption in our political campaign system.

While we should try to address this problem statutorily, I feel it is unnecessary to wait for legislation before those of us concerned act. To that end, when I ran for the Senate in Michigan in 1994, I personally imposed my own limits on the amounts I would accept from both out-of-State sources and political action committees, and they were as strong or stronger than those in S. 1219. I lived up to that pledge and still won my seat.

Now I recognize that not everyone will disarm unilaterally, so I do believe we must seek to achieve a similar outcome legislatively. Unfortunately, S. 1219 is overly broad and, if anything, likely to tilt the field even further in the direction of special interest influence.

In my view the central question we must address in reforming campaign financing is "whose voice shall be heard during the campaign?" The proposals set forth in S. 1219 would have the ironic effect of limiting the speech of the candidate while expanding the speech of the special interest groups. The proposed legislation would encourage candidates to abide by certain expenditure limits, thereby restricting their ability to communicate with the voters. Conversely, the legislation does little to curb the ability of special interest groups to spend their money independently of any restrictions. This allows interest groups to define the central issues of the campaign. It forces candidates to follow the lead of these interest groups, preventing the voters from hearing directly from the candidates and judging for themselves which candidate has the proper positions and the proper priorities.

I believe that the solution begins with limiting the amount of out-of-State/district contributions and PAC donations as I did in my own campaign. By limiting out-of-State/district contributions we can address the perception that House and Senate Members are not primarily focused on the priorities of their own constituents. Similarly, by placing a limit on the amount of PAC contributions a candidate may receive, we can address the concern that public officials are unduly influenced by special interest groups.

Mr. President, I am also concerned about provisions in S. 1219 which shift resources from the private sector to the candidates. These provisions, in effect, allow candidates to do as they please with other people's involuntarily extracted money. The idea that taxpayers, through special postage rates, should subsidize complying campaigns, seems to me wrong. And, just as the taxpayers should not be obligated to finance someone else's political speech I feel it inappropriate to extract such subsidies from the owners of broadcast entities.

Mr. President, I believe that campaign finance reform should focus on limiting PAC and out-of-State/district money. I have codified these limits in my own campaign finance reform bill which I believe has the effect of permitting candidates to speak freely while curbing the influence of special interest and out-of-State moneys. In contrast, S. 1219 permits the increased influence of special interest money while curbing candidates' ability to communicate with the voters. For these reasons, I have voted against cloture and look forward to advancing my own legislation in the future.

Mr. MCCONNELL. Mr. President, I have just been handed two very timely additions to this debate: an editorial in today's Wall Street Journal entitled "Muzzling Campaign Speech" and a letter dated today from the American Civil Liberties Union noting in some detail their many objections to the McCain-Feingold bill.

I would note for the benefit of those who persist in mischaracterizing the proposed spending limits as "voluntary" that the first point in the ACLU letter is the emphatic assertion that they, in fact, are not. The bill would severely handicap a noncomplying candidate relative to a complying candidate so there really would be no choice other than to comply. At this point, I ask unanimous consent that the ACLU letter and the Wall Street Journal article be printed in the RECORD. For the benefit of colleagues who have not yet read the editorial I would note that the closing sentence captures the essence of the bill before us today: "The Senate should vote down the McCain-Feingold bill before it does to American democracy what Clinton-Care would have done to medicine."

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

[From the Wall Street Journal, June 25, 1996]

MUZZLING CAMPAIGN SPEECH

Some 20 years after Congress first restricted campaign speech, the Senate will vote today on a campaign finance proposal that suggests the way to correct the problems those misguided "reforms" have created is with more restrictions. We don't think so.

To the government goo-goos, led by Common Cause, money is the root of all evil in politics and should be pulled out regardless of the cost or the Constitution. They have convinced GPO Senator John McCain and Democrat Russ Feingold to propose a bill that would pass out subsidies for low-cost mail and television advertising to candidates who abide by "voluntary" spending limits. This is public financing under another guise. Subsidizing the mailing of more campaign literature alone could cost $100 million, money the Postal Service would have to recover by raising rates for other customers.

Having created a permanent entitlement to cut-rate campaign ads, the goo-goos would then ban contributions from political action committees. Advocacy organizations from Emily's List on the left to the Christian Coalition on the right would see their activities scrutinized by the Federal Election Commission, which lately has seen one after another of its edicts struck down by the courts.

In 1976 the Supreme Court ruled in *Buckley* v. *Valeo* that political contributions and spending are the equivalent of political speech. Giving the FEC more control over politics will limit speech. The McCain-Feingold bill would cede authority to the FEC over any "expression of support for or opposition to a specific candidate" and permit it to block such expression with an injunction if the agency believes there is a "substantial likelihood that a violation . . . is about to occur." The prospect of this enhanced federal power had driven groups as disparate as the American Civil Liberties Union and the American Nurses' Association to oppose the bill.

The desire to police politics better by making the federal government a meaner watchdog with a longer leash is based on flawed premises. The first is that the influence of money in politics is excessive and out of control. In fact, House and Senate races, which unlike Presidential races don't rely partly on public financing, saw about $700 million spent on them in 1994. As George Will has pointed out, that's about half of what Americans spend on yogurt every year.

What is excessive in politics is not the money spent, but the amount of political power that government in our time has to direct economic outcomes and regulate behavior. Given that Congress can either put whole industries at risk or hand them a subsidized bonanza, what's surprising is that more money isn't spent trying to influence the people running for Congress. The reformers, especially inside the Beltway, give the clear impression that the government is so indisputably virtuous in its every mandate that private parties should bow before it, rather than spend money to defend themselves, an effort almost always seen by the Beltway as the work of non-virtuous "special interests."

The second mistaken premise behind campaign reform is that the country is clamoring for it. We're told, for instance, that 1992 Perot voters will have the heads of elected

officials on a platter if they don't crack down on campaign cash. But there is little evidence of that. A Tarrance Group survey in April found that just one voter out of a thousand identifies campaign reform as the country's most pressing problem. Voters are justifiably skeptical of political reforms proposed by incumbent politicians.

This is not to say that nothing can be done. We are attracted by the realistic ideas of Larry Sabato and Glenn Simpson in their new book "Dirty Little Secrets." They conclude that individual limits on campaign contributions, which haven't been indexed for inflation in 22 years, should be raised and a regime of full disclosure on all political spending should be created. That will let the voters both hear from candidates other than incumbents and let them weigh the relative influence of everyone participating in the process.

The current effort at campaign finance reform has a lot in common with the failed Clinton health-care plan, which sought to "fix" the problems created by government involvement in health care by having the government micromanage the entire health care sector. The Senate should vote down the McCain-Feingold bill before it does to American democracy what ClintonCare would have done to medicine.

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AMERICAN CIVIL LIBERTIES UNION,
*New York, NY, June 25, 1996.*

Dear Senator:

The American Civil Liberties Union had the privilege of testifying before the Senate Rules Committee on February 1, 1996 and at that time we elucidated our objections to the "reform" proposals set forth in the Feingold-McCain bill, S. 1219. Throughout the current Senate debate, our opposition has been repeatedly referenced. Rather than reiterate all of our objections in detail in this letter, I encourage you to read the testimony prepared on our behalf by Professor Joel Gora, of the Brooklyn Law School.

Congress is endeavoring to reform current campaign finance laws and regulations in an effort to reduce the perceived adverse impact of monetary contributions on federal elections. The call for reform is also punctuated by cries of corruption. If there is corruption then Congress does have the obligation to correct systemic problems, and to ensure that the Federal Election Commission is exercising fair and consistent enforcement of the existing laws. But influence is not synonymous with corruption, and labeling certain monetary contributions as such perpetuates notions of corruption that have not been, in our view, adequately borne out by the hearings before the Senate Rules Committee.

While rooting out corruption is a worthwhile objective, S. 1219 goes much further than merely attempting to eliminate perceived corruption. Current proposals before the Senate dramatically change the rules concerning financing of federal campaigns in ways that do greater harm to civic participation in the federal electoral process than good. Most importantly S. 1219 directly violates First Amendment guarantees of freedom of speech and freedom of association.

Some of our specific objections to the Feingold-McCain (S. 1219) and similar proposals include:

The bill's "voluntary" expenditure limits are coercive and violate First Amendment principles. The bill requires the receipt of public subsidies to be conditioned by a surrendering of the constitutional right to unlimited campaign expenditures. The bill grants postage and broadcasting discounts only those candidates that "volunteer" for spending limits. The bill raises an individual's contribution limit from $1,000 to $2,000 for those candidates that agree to spending limitations and therefore fiscally punishes those candidates who wish to maintain their constitutional right of unlimited spending.

The bill's ban of Political Action Committees are a violation of freedom of association and is therefore unconstitutional. Such a provision would result in a restriction in protected speech for any group the Federal Election Committee deemed a "political committee." All relevant constitutional precedent, including Buckley v. Valeo 424 U.S. 1, 57 (1976) and FEC v. National Conservative Political Action Committee 470 U.S. 480 (1985), clearly suggest that the Supreme Court would overturn such a ban.

The limitation on out-of-state contributions is constitutionally suspect and is disturbingly insular. In-state limitations potentially deny underfinanced, lesser-known insurgent candidates of the kind of out-of-state support they may need. As long as citizens in the affected district are the ones who select the candidate, how the candidate is financed is a less compelling concern. After all, Congress is our national legislature, and although its representatives are elected from separate districts and states, the issues it debates and votes on are of concern to citizens from all over the nation.

The bill's disclosure requirements and regulations on "soft money" do not take into consideration the constitutional divide between candidate-focused expenditures and contributions, which are subject to some regulation, and all other non-partisan, political and issue-oriented speech, which are not. This restriction does not live up to the "most compelling government interest" standard in regards to electoral advocacy as required by the Supreme Court in Buckley v. Valeo, 424 U.S. at 14–15, 78–80. This restriction also does not satisfy the minimum scrutiny of a "compelling" state interest in the regulation of political parties as required by the Supreme Court in Tashjian v. Republican Party, 479 U.S. 208 (1986).

The bill's new provisions governing the right to make independent expenditures unconstitutionally invades the absolutely protected area of issue advocacy. By broadening the definition of "express advocacy" the bill would encompass the kind of essential issue advocacy which Buckley has held to be completely immune from government regulation and control.

The bill so broadly defines "coordination" that virtually an individual who has had any interaction with a candidate or any campaign officials, in person or otherwise, is barred from making an independent expenditure. A disaffected campaign worker or volunteer for example, who leaves the campaign because he or she thinks a candidate has acted improperly, is barred from making independent expenditures against the candidate, for, ironically, they will be deemed a contribution.

The bill gives unacceptable new powers of political censorship to the Federal Election Commission. The FEC would be permitted to go to court and seek an injunction on the allegation of a "substantial likelihood that a violation . . . is about to occur." This is fraught with First Amendment peril because individuals and groups will face "gag orders" until a determination of wrongdoing is made.

This bill serves the purpose of unfairly protecting incumbency by further limiting the overall amount of speech allowed during a campaign. A limitation in the quantity of speech makes the incumbent's name recognition and ability to create free press and media attention all the more valuable.

This bill unfairly hinders access to the political process of independent and third party candidates by limiting access to public financing and avenues for receiving private donations.

Constitutionally acceptable campaign finance reform proposals could include the following elements:

Uncoerced public financing that include the following provisions: Floors or foundations upon which candidates can build their campaigns, not ceilings to limit them, the availability of public financing to all legally qualified candidates who have demonstrated an objective measure of support, the availability of matching funds without unconstitutional conditions attached, institution of the frank to all legally qualified federal candidates.

Raise individual contribution limits. This will serve to decrease reliance on PAC sources of support.

Modest tax credits of up to $500 for private political contributions.

Public access and timely disclosure of large contributions. This is the most appropriate way to deal with problems of undue influence on elected officials.

Thank you for your consideration of our views.

Sincerely,

LAURA W. MURPHY,
*Director.*

Mr. FAIRCLOTH. Mr. President, first and most importantly, I strongly support reform of our campaign finance system. Regrettably, there are several broad problems with McCain-Feingold bill.

First, I have serious concerns that this bill does more to limit the rights under the First Amendment, than it does to reform our campaign finance laws. It bans political action committee contributions—but it does nothing to empower the individual by raising individual campaign contribution limits.

Second, as we have come to learn, it is impossible to plug all of the money loopholes in politics. This legislation bans outside expenditures by political action committees and other interest groups, yet it does nothing to limit the use of labor union dues for political purposes.

Finally, there are unintended consequences of well-intentioned reform. After all, the present system we are attempting to change is a product of earlier "reforms" from the post Watergate years.

Mr. President, specifically, I have concerns that spending limits function as an incumbent protection act. Further, the spending limits aid those without a primary. Look at the recent Presidential election. Senator Dole spent the maximum to get the GOP nomination—and is now virtually out of money with respect to the spending limits.

If we really want to change our system, we should have enacted term limits. Members of Congress should be

more concerned with the next generation than the next election but the constant pressure of re-election affects votes and contributions.

Mr. President, any reform system should be tilted more in favor of public disclosure of campaign contributions. The Federal Election Commission's main mission should be to publicize campaign finance information to the people.

Finally, contributions limits from individuals should be adjusted to keep pace with inflation. The declining value in real dollars of the maximum contribution from an individual to a Federal candidate is now worth only about a third as much as when it went into affect in 1975. This change would lessen reliance on political action committee contributions and shorten the time candidates must spend asking for money.

Remember, State candidates in North Carolina can accept $4,000 contributions per election while Federal candidates can only receive $1,000. Adjusting the contribution limits for individuals coupled with greater disclosure would be a significant improvement.

For this reason, Mr. President, I cannot support the McCain-Feingold bill in its present fashion. We share the goal of reforming the campaign finance system but there is a difference in the details. My suggestion for reform includes term limits, greater public disclosure of contributions, and increasing the limits on contributions from individuals to lessen reliance on political action committees.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, to make concluding remarks, and later Senator MCCAIN will make other concluding remarks, let me again clarify the point about constitutionality. The Senator from Virginia said clarity of conscience prevents him from working for this bill because of the PAC ban. But the fact is the Senator from Kentucky and the Senator from Virginia and the Senator from Washington all voted for the Pressler amendment 3 years ago that does exactly what our bill does. It bans PAC's, but if the courts say PAC's cannot be banned, it has a voluntary limit on PAC's. The reason they voted for it then, the reason it is OK now, is because it is constitutional, and this is a red herring.

The real issue here is what this vote is going to be. This is the vote on campaign finance reform. I admire the candor of the Senator from Kentucky, who simply says he wants to kill campaign finance reform this session. He is not up here proposing an alternative. He admits that is his goal. That is the vote.

This is the first bipartisan bill in 10 years. Who will benefit from this bill? Many people will benefit. Incumbents will benefit from having more time to work on the issues, to not have their fractured attention, as the Senator from West Virginia indicated. Challengers will be the main beneficiaries. Just look at the real statistics. Incumbents blow challengers out of the water with the money. Does anyone out there believe this bill would actually help incumbents? I can tell you as a former challenger, this bill would have made a tremendous difference and would have made the process more fair.

We would also benefit in this country from the inclusion of all the people who never choose to run. You heard the Senator from West Virginia say he never would have run for office if it would have involved this amount of money. I bet the former majority leader, Senator Dole, would not have run either. So there will be winners under this bill and especially people back home.

But there will be losers under this bill. The losers are the people who got together on April 30, all the lobbyists and all the PAC's in this town that have been cited by the other side. They all got together to kill this bill. They said it would prevent their free speech. But the fact is, they are the Washington gatekeepers. They are the people you have to go up to when you are running for office and say, "Will you give us the money?"

I used to go back and say to a banker in Wisconsin or a labor member in Wisconsin, "Can you provide us with some help?" Do you know what they would say? "We have to check in with Washington. Washington has to say yes." This bill will drive people back to their own home States and take away the power from the gatekeepers.

How does it work? I mentioned it before. Here is one example. Here is a letter about how it works, and I will omit the name of the Representative.

> During this year's congressional debate on dairy policy, Representative [Blank] has led the charge for dairy farmers and cooperatives by supporting the federation's efforts to maintain the milk marketing order program and expand program markets abroad. To honor his leadership the federation is hosting a fundraising breakfast for [Blank] on Wednesday, December 6, 1995. To show your appreciation to [Blank], please show up at Le Mistral Restaurant at 8 a.m. for an enjoyable breakfast with your dairy colleagues. PAC's throughout industry are asked to contribute $1,000.

That is how it is done in this town. That is what the gatekeepers want to keep, and that is what we have to crack down on and eliminate.

To make my final remarks, let me say this thing has just gotten worse year after year. I want to finish by reading a few quotations from people who have been troubled about this over time. Woodrow Wilson:

> The Government of the United States is a foster child of the special interests. It is not allowed to have a will of its own.

President Eisenhower:

> Many believe politics in our country is already a game exclusively for the affluent. This is not strictly true; yet the fact that we may be approaching that state of affairs is a sad reflection on our elective system.

From Barry Goldwater:

> It is not "We, the people," but political action committees and moneyed interests who are setting the Nation's political agenda and are influencing the position of candidates on the important issues of the day.

From Jack Kemp, explaining why he would not run for President in 1996:

> There are a lot of grotesqueries in politics, not the least of which is the fundraising side. . .. I don't seem to be talking about the things that the fundraising people want me to talk about.

Finally, from Robert F. Kennedy, who said:

> The mounting cost of elections is rapidly becoming intolerable for a democratic society, where the right to vote—and to be a candidate—is the ultimate political protection. For we are in danger of creating a situation in which our candidates must be chosen only from among the rich, the famous, or those willing to be beholden to others who will pay the bills.

Mr. President, what Robert Kennedy said over 30 years ago is even worse than he could have imagined today. What he feared has come to pass, and our bill would begin the process of returning campaigns and elections, and yes, our Government, back to the people at home.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

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

The PRESIDING OFFICER. The Senator has 12 minutes.

Mr. MCCONNELL. Mr. President, I do not think there is any issue which we deal with that more clearly sums up the differences of the two parties toward American participation in politics than the issue of campaign finance reform.

Make no mistake about it, Mr. President, this is a partisan issue. The Republican National Committee opposes the bill. The Democratic National Committee supports the bill. So there is nothing particularly bipartisan about the bill. There are a few Republicans who support it and a few Democrats who oppose it, but the heart of the matter is, this is a very partisan matter as currently presented to the Senate.

Why is it partisan? It is partisan, Mr. President, because Republicans for the most part, accompanied by some interesting allies, from the ACLU to the National Education Association, believe there is nothing inappropriate about American citizens participating in the political process. We think that ought to be applauded, not condemned. We are not offended by those exercising their rights to petition the Congress, those exercising their right to engage in free speech. We do not think that is

bad for America, Mr. President. We think it is good for America.

Whether our opponents on the other side of the aisle like it or not, the Supreme Court has been very clear that the speech of political candidates cannot be restricted. Thank God for Buckley versus Valeo, one of the great decisions in the history of the Supreme Court.

The speech of candidates should not be restricted. That is an extremely important principle, Mr. President. After all, if we make the candidates shut up and if we make the people who want to support them shut up, who controls the discourse, the debate? Why, someone else. Where will this transfer of power go? One place it will go, obviously, is to the newspapers, most of whom love this legislation because they realize it will enhance their power as the campaigns' power to communicate is diminished. So they think this is a terrific idea.

Many of the large membership interest groups are not particularly worried about this legislation because they know you cannot constitutionally restrict their ability to communicate with their own members, what we call nonparty soft money, or in any real way restrict their ability to communicate with the public, what we call independent expenditures, both of which, or the latter of which is certainly protected by the Buckley case.

So what this is all about, Mr. President, is who gets to speak and how much—who gets to speak and how much—and whether or not private citizens can continue to band together and support candidates of their choice.

It is said that too much is spent, which means to say there is too much speech in the American political system. My view is that it is not inappropriate to ask, when you say too much is being spent—compared to what? In the last cycle we spent about as much on political speech as we did on bubble gum. Put another way, $3.74 per voter in the last cycle. I would argue, Mr. President, that is not too much political speech—not too much political speech.

Then they say, the public is clamoring for this reform. A comprehensive poll by the Tarrance polling group back in April of 1996 asked that question in a variety of different ways. Suffice it to say, one person out of the 1,000 interviewed thought this was an important issue confronting the country. There is no clamoring for this. The interest in this all depends on how you ask the question. If you ask the question: Do you think it is a good idea to restrict my right to participate in the political process? Obviously, people are not in favor of that.

There has been some debate about whether this is constitutional. Let me say maybe the other side has been able to scrape up a few people with a law degree calling this constitutional, but the heavies in this field do not think it is. The American Civil Liberties Union—sometimes we love them; sometimes we hate them, but, boy, do they know a lot about the first amendment and have had a lot of success over the years in this country. They believe this matter is clearly and unambiguously unconstitutional.

Assuming it could get past the constitutional problems, Mr. President, pushing all these people out of the process and putting a speech limit on the campaigns, how would those speech limits be enforced? By, of course, the Federal Election Commission, which would soon be the size of the Veterans Administration trying to restrict the free speech of not only 535 additional political races, but also of a bunch of outsiders who might inadvertently band together and try to speak. So the FEC is given injunctive relief, so it can go into court and shut people up who are engaging in speech that the Government does not want to be expressed.

That is what this bill is about—building a massive Federal bureaucracy to restrict the speech of candidates and of groups in this country. This is one of the worst ideas we have debated around here since the last time a proposal like this was up on the Senate floor.

The Court said very clearly, if you want to try to entice campaigns into shutting up, and the Government wants to say it is not good for candidates to speak more than a certain amount—we see that in the Presidential system and the nightmare that has become. As Senator GORTON pointed out yesterday, there is only one person in America who is told to shut up at that point, and that is one of two candidates who is running for President, Bob Dole. That is what we ought to be reforming, the Presidential system.

But the Court said, if you want to entice people into shutting up, not speaking too much, you can offer them some kind of subsidy, a Federal subsidy. So the Presidential system says to the candidates running for President: You can only raise $1,000 per person. So, when looking at that difficult task of trying to put together a nationwide campaign at $1,000 a person, every candidate virtually, except Ross Perot and John Connally, has said, "OK. I'll shut up. You bought me off. There is no way I can possibly raise enough money to run at $1,000 a person." Then they get the Federal subsidy.

In this bill, in order to allow the sponsors to claim that there is no taxpayer money in it, they shift the subsidy to a couple of private industries. They say, we are going to call on the broadcasting industry to reduce the prices for political ads by 50 percent. What will happen? Why, of course, they will pass on the cost of that to all the other people advertising. So those taxpayers are going to have to pay more for their product because of the Government-mandated program.

There is a second industry that is affected by this as well, Mr. President. That is the people who use the mails. There is a postal subsidy in here. The Postmaster General wrote me yesterday saying he opposed this. Of course, the Direct Marketing Association opposes this. Of course, the National Association of Broadcasters opposes this. They are not particularly interested in having to reach into the coffers of their businesses to pay for political views with which they might disagree.

So getting back to the direct mail subsidy, the rates of everybody else who uses the Postal Service are going to be increased so a subsidy can be provided by those taxpayers to support the expression of views with which they may disagree.

So, Mr. President, spending limits are not free. There is no way to concoct, under the Buckley case, any effort to shut people up that does not have some cost. You can shift it around and kind of claim it is not part of the Treasury. You can assess a business maybe. But they are not free.

So what is wrong with this bill? Just about everything you can think of. It is based on the fallacious assumption that too much is being spent. It is based on the notion that the public is clamoring for it. Neither of those propositions is true. It assumes there is some way to level the political playing ground for everyone, which is impossible to achieve. It is unconstitutional, clearly and obviously. It would create a gargantuan Federal Election Commission with the mission to shut people up all across America. It would call upon two industries, the broadcast industry and the direct mail postal users, to pay for the price of all of this big Government.

For all of these reasons, obviously, Mr. President, this bill should be defeated. The way to defeat this bill is to vote "no" on cloture.

Mr. President, I have a variety of magazine articles that have come out against this bill, including Weekly Standard, the Wall Street Journal, Rollcall, the National Review, and the Baltimore Sun, and I ask unanimous consent that the editorials be printed in the RECORD.

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

[From the Wall Street Journal, Nov. 16, 1995]

THE MAN WHO RUINED POLITICS

So Colin Powell is not running for President. Neither is Jack Kemp, Bill Bradley, Dick Cheney, Sam Nunn or William Bennett. Voters are left with the likely choice between two rather tired war horses, Bill Clinton and Bob Dole. No other Democrat is challenging an obviously vulnerable incumbent, and Republican contenders such as Phil Gramm, Pat Buchanan and Lamar Alexander hover in single digits. In this second rank we

now also have millionaire publisher Steve Forbes, who started from nowhere to grab the first rung on the ladder. And of course, billionaire Ross Perot still haunts the scene.

If you don't like the remaining field, blame Fred Wertheimer and Common Cause, the organization he until recently ran and still animates, are the principal architects of the cockamamie financial gauntlet we inflict on our potential leaders. Common Cause is point-lobby for the goo-goos, that is, the earnest folks always trying to jigger the rules to ensure good government. One of their conceits is that money is the root of all political evil, so they seek salvation in the Sisyphean task of eliminating its influence. The chief result of this is a rule outlawing individual political contributions of more than $1,000, and a bureaucracy called the Federal Election Commission to count angels on pinheads in deciding, for example, what counts as a contribution.

A serious Presidential campaign is likely to cost $20 million. This means a potential Presidential has to start by persuading 20,000 different people to pony up a grand. Take an arbitrary but probably generous hit rate of 5%, and he (or she) has to pass the tin cup 400,000 times. Admittedly these numbers oversimplify, but they give you the idea. Mr. Wertheimer's brainstorm means fund-raising is so consuming that candidates have no time for anything else. Even more important, it is a process virtually designed to drain a potential President of any residue of self-respect.

This may not be the only thing General Powell means when he says running requires a fire he does not yet feel, but it is certainly a big one. His adviser Richard Armitage explicitly said, "Colin Powell going out and asking people for money and then spending all that money wasn't attractive." Mr. Kemp was similarly explicit in not wanting to undertake the fund-raising exercise, and it no doubt inhibited Mr. Cheney as well. On the Democratic side, finding 20,000 donors to challenge an incumbent is an even more daunting challenge; Senator Bradley and Senator Nunn decided to quit rather than fight.

It is no accident that the dropouts are precisely the types the goo-goo crowd would like to keep in politics, which is to say, those motivated by principle instead of sheer ambition. In 1988, to take an earlier example, the exploratory field included Don Rumsfield, who had been a Congressman, White House Chief of Staff, Defense Secretary and a spectacularly successful corporate chief executive. But he threw in the towel rather than run up possibly unpayable debts—"as a matter of principle, I will not run on a deficit."

The doleful effect of such limitations were entirely predictable; indeed, they were predicted right here. As early as 1976, when the Supreme Court partly upheld the 1974 Federal Election Campaign Act, we wrote that the law "will probably act like the Frankenstein's monster it truly is. It will be awfully hard to kill, and the more you wound it, the more havoc it will create." In the face of hard experience, of course, the goo-goos prescribe more of the same, to the point where "campaign finance reform" has become the Holy Grail.

To be fair, the Wertheimer coven hasn't had its way entirely. The logic of the goo-goo impulse is public financing of political campaigns, an idea mostly hooted down by the same taxpayers who eagerly embrace term limits—though in Presidential campaigns public finance serves as the carrot getting candidates to accept the FEC nit-picking. And the Supreme Court, while backing away from the obvious conclusion that limiting political expenditures is *prima facie* an infringement of free speech, couldn't bring itself to say someone can't spend his own money on his own campaign.

Thus the millionaire's loophole. Mr. Perot was able to use his billions to confuse the last Presidential elections, going in, out and back in at will. So long as he doesn't accept public money, he can spend as he likes.

Mr. Forbes is an even more interesting case, since he was chairman of Empower America, the political roost of both Mr. Kemp and Mr. Bennett. Who would have guessed a year ago, the latter asks, that the Empower America candidate would be Steve Forbes. On the issues Mr. Forbes is perhaps an even better candidate than his colleagues—backing term limits where Mr. Kemp opposes them, for example—and without his message his money wouldn't do much good. Still, to have a better chance at ultimately winning, it would have been logical for him to bankroll one of his better-known colleagues. But that's against the law, thanks to Mr. Wertheimer, so Mr. Forbes has to hit the stump himself.

With widespread disaffection with the current field, and especially in the wake of the Powell withdrawal, the lunacy of the current rules is coming to be recognized. The emperor has no clothes, think tank scholars are starting to say—notably Bradley A. Smith of the Cato Institute, whose views were published here Oct. 6. Following Mr. Smith, Newt Gingrich said last weekend we don't spend too much on political campaigns but too little. This heresy was applauded this week by columnist David Broder, which may herald a breakthrough in goo-goo sentiment itself.

Formidable special interests, of course, remain opposed to change in the current rules. Notably political incumbents who want campaigns kept as quiet as possible and have learned to milk other special interests who want access. So rather than having some maverick millionaire funding his pet candidate on reasons that might relate to ideas and issues, we have all parties funded by Dwayne Andreas and his sisters and his cousins and his aunts, better to protect ethanol subsidies. Finally, of course, we have Mr. Perot and his United We Stand hell-bent for further restrictions on campaign finance, better to protect the political process for billionaires like himself.

Not so, thankfully, Mr. Forbes, who sees campaign spending limits as an incumbent protection device. He recently told an Iowa audience, "If Congress abolished the franking privilege, then I'd be impressed." Lift the caps on giving and spending, but make sure everything is disclosed, he says. "That's real reform."

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[From the Wall Street Journal, Feb. 2, 1996]

RUINING POLITICS—II

Not long ago these columns described how the crazy campaign-finance reforms dreamed up by the likes of Fred Wertheimer and Common Cause have been ruining politics. Oregon voters just got another such lesson in their special Senate election this week.

Democrats are understandably pleased with their narrow (less than 1% margin) victory, but so too are the Sierra Club, the League of Conservation Voters (LCV), the Teamsters, the gay and lesbian lobby, the public-employee unions, NARAL (the abortion rights outfit), the National Council of Senior Citizens and the AFL-CIO. All of these liberal groups weighed in with what campaign finance laws call "independent expenditures" on behalf of Democrat Ron Wyden. Call this the Common Cause loophole.

In the world of campaign reformers, money is the root of all evil. So they spend their time denouncing candidates who raise it for bending to "special interests." Yet what the reformers won't advertise is that there's nothing much they can do about the special interests who decide to spend money on their own.

As they did to great effect in Oregon. The AFL says it devoted 35 full-time professionals and sent out 350,000 pieces of partisan mail for the cause. The Sierra Club and LCV spent $200,000 on 30,000 postcards, 100,000 telephone calls and very tough TV and radio spots accusing Republican Gordon Smith of "voting against . . . groundwater protection, clean air, pesticide limits, recycling."

The topper was a Teamster radio spot, run on seven stations in five cities, that in effect accused Mr. Smith of being an accomplice to murder because a 14-year-old boy died in an accident at one of his companies. "Gordon Smith owns companies where workers get hurt and killed. He has repeatedly violated the law. Those are the facts."

In fact, the young worker had died after a fall in a grain elevator while being supervised by his father, who still works for Mr. Smith and doesn't blame him. An analysis of the ad in the liberal Oregonian newspaper essentially concluded that the whole thing was false. (By the way, the ad was the work of consultant Henry Sheinkopf, who is part of Bill Clinton's re-election team this year and likes to say he believes in the politics of "terror." We trust Mr. Clinton will soon give him his post-Oklahoma City "civility" speech to read.)

Even Mr. Wyden felt compelled to criticize the rhetoric of the ad, but since it wasn't run by his campaign, he couldn't be blamed for it, even as it cut up his opponent. That's the beauty of these "independent expenditures": They work for a candidate without showing his fingerprints. Mr. Wyden even took the high road earlier this month and announced that both candidates should stop negative campaigning, while his allies kept dumping garbage on Mr. Smith through the mail and on the airwaves!

Now, we understand that Republicans do this, too. The NRA doesn't play beanbag. And as a millionaire businessman, Mr. Smith was able to spend enough of his own money to answer this stuff in his campaign. But candidates who aren't millionaires have to find money somewhere else, which means from people and interests that have money. Yet if Mr. Wertheimer and Common Cause get their way, nonrich candidates would find their ability to raise that money drastically limited. The special interests would still be able to sling their junk, while a candidate would lack the cash to respond.

Something very much like this probably cost Republicans the governorship last year in Kentucky, where the AFL spent lavishly for the Democrat but the Republican was hemmed in by spending limits. And, of course, operations such as the AFL or the teachers unions have an unlimited supply of money from forced union dues, while other liberal special-interest groups get taxpayer subsidies that Republican Senators like Vermont's Jim Jeffords are refusing to kill. (Question: What does Mr. Jeffords have against electing other Republicans?) If Congress tried to restrict such "independent" spending in some new reform, the Supreme

Court would probably (and rightly) strike it down as a violation of the First Amendment.

The bigger point here is that John McCain, Fred Thompson, Linda Smith and other Republicans who've joined up with Common Cause need to rethink their allegiances. They're lending credibility to an exercise that is sure to backfire on their party, if not on them, and probably on our democracy. How ironic it would be if, in the name of controlling special interests, our sanctimonious reformers merely made them more powerful.

Mr. McCONNELL. I ask unanimous consent to have printed in the RECORD testimony on the constitutionality of the broadcast provisions in the bill prepared for the National Association of Broadcasters.

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

CONSTITUTIONAL INFIRMITIES OF PENDING POLITICAL BROADCASTING LEGISLATION

(Prepared for National Association of Broadcasters by P. Cameron DeVore, Gregory J. Kopta, Robert W. Lofton, of Davis Wright Tremaine)

SUMMARY

Pending Congressional campaign finance reform legislation would substantially expand federal political candidates' "reasonable access" to broadcast time, raising fundamental issues under both the First and Fifth Amendments to the United States Constitution. Several bills would require broadcasters to provide free and/or heavily discounted time to political candidates as an incentive for candidates to voluntarily comply with campaign spending limits. The goal of this legislation apparently is to reduce the cost of federal election campaigns for House and Senate seats and thereby enhance the integrity of the electoral process.

By requiring broadcasters to finance political candidates, the pending legislation would compel broadcasters to engage in protected speech. Such a requirement could only be justified by compelling necessity, and then only if precisely tailored to the government's interest. Mandating that broadcasters, rather than candidates, pay to communicate partisan political messages would not advance the government's interest in enhancing the integrity of the electoral process. In addition, the government could advance that interest more effectively through numerous alternatives that do not involve encroachments on First Amendment freedoms.

Broadcasters historically have been subject to more restrictions than have other media on their constitutionally protected editorial discretion, but the traditional rationale of spectrum scarcity no longer justified singling out broadcasters for reduced First Amendment protection, particularly in light of the multiplicity of other outlets for diverse viewpoints. The pending legislation nevertheless could not survive even the "intermediate scrutiny" requirements of narrow tailoring to a substantial government purpose. Compelling broadcasters to finance political campaigns would bear no relationship to broadcasters' public interest duties, and would upset the delicate balance between their journalistic freedoms and their obligations as licensees of the public airwaves. By singling out broadcasting from other media and usurping broadcast facilities and time, the proposed legislation also denies broadcasters equal protection of the law and takes their property without just compensation, in violation of the Fifth Amendment.

For all of these reasons, it is our view that those aspects of the pending legislation that require broadcasters to provide free or subsidized time for political candidates' speech would likely be held unconstitutional by the courts.

Mr. McCONNELL. Mr. President, I ask unanimous consent to have printed in the RECORD a constitutional analysis conducted for the National Right to Life Committee.

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

BOPP, COLESON & BOSTROM,
ATTORNEYS AT LAW,
*Terre Haute, IN, November 7, 1995.*

Re: Senate Campaign Finance Reform Act of 1995.

DAVID O'STEEN, Ph.D.,
*National Right to Life Committee,*
*Washington, DC.*

DEAR DR. O'STEEN: You have asked me, as General Counsel for the National Right to Life Committee ("NRLC"), to evaluate the proposed Senate Campaign Finance Reform Act of 1995 ("The Act"). We have done so.

Based on our evaluation, we recommend that NRLC oppose the Act because of the effects it would have on NRLC activities. These are set forth below.

SECTION 201

Section 201 would abolish connected political action committees ("PACs"). The Act prohibits membership corporations, such as National Right to Life, from having a connected PAC. This would abolish National Right to Life PAC. This would severely affect the ability of NRLC to influence federal elections because NRLC would not have a connected PAC.

Section 201 also permits only individuals or political committees organized by candidates and political parties to solicit contributions or make expenditures "for the purpose of influencing an election for Federal office." This appears to do two things.

First, it appears to prohibit independent PACs, so that persons associated with NRLC couldn't create an independent PAC to do express advocacy for or against candidates.

Second, it also appears to bar nonprofit, nonstock, ideological organizations—which under *FEC* v. *Massachusetts Citizens for Life*, 479 U.S. 238 (1986), could do independent expenditures—from making such independent expenditures on behalf of or in opposition to candidates.

SECTION 251

Assuming that under the Act independent expenditures can be done by someone other than an individual,[1] so that NRLC still could have a PAC capable of making contributions and expenditures to influence an election, there remains a problem. The problem is with the definition of independent expenditure in the Act.

The Act defines "independent expenditure" as an expenditure containing "express advocacy" made without the participation of a candidate. "Express advocacy" is defined extremely broadly:

"18(A) The term "express advocacy" means when a communication is taken as a whole and with limited reference to external events, an expression of support for or opposition to a specific candidate, to a specific group of candidates, or to candidates of a particular party.

"(B) The term "expression of support for or opposition to" includes a suggestion to take action with respect to an election, such as to vote for or against, make contributions to, or participate in campaign activity, or to refrain from taking action."

This extremely broad definition of "express advocacy" would sweep in protected issue advocacy which NRLC does, such as voter guides. For example, criticizing a candidate for his or her proabortion stand near an election time would fall within the express advocacy definition because it would constitute "an expression of . . . opposition to a specific candidate." This phrase goes far beyond what the United States Supreme Court said was permissible to regulate as electioneering in the case of *Buckley* v. *Valeo*, 424 U.S. 1 (1976). In *Buckley*, the Supreme Court held that in order to protect issue advocacy (which is protected by the First Amendment), government may only regulate election activity where there are explicit words advocating the election or defeat of a clearly identified candidate.

In sum, these provisions of the Act would prevent NRLC from engaging in constitutionally-protected issue advocacy.

SECTION 306

Section 306 of the Act authorizes an injunction where there is a "substantial likelihood that a violation . . . is . . . about to occur." Thus, the FEC would be authorized to seek injunctions against expenditures which, in the FEC's expansive view, could influence an election. Such a preemptive action against speech is an unconstitutional prior restraint and is unconstitutional except in the case of national security or similarly weighty situations. Prior restraint should never be allowed in connection with core political speech. There simply is no governmental interest of sufficient magnitude to justify the government stopping persons from speaking. Because prior restraints of speech are so repugnant to the Constitution, the usual remedy is to impose penalties after the speech is done, if a violation of law occurred in connection with the speech.

Therefore, under the Act, the Federal Election Commission would be authorized to pursue injunctions against the political speech of persons or organizations suspected of violating the Act. This means that NRLC would be subject to a prior restraint of its speech, even issue advocacy, on the eve of an important election. Given its history of expansive readings of its powers to regulate constitutionally-protected speech, the Federal Election Commission should never be handed the weapon of prior restraint.

As stated at the beginning, there are severe problems with the Act. The Act would profoundly alter NRLC's ability to affect federal elections. Therefore, we recommend that National Right to Life Committee oppose the Act.

Sincerely,

JAMES BOPP, Jr.
RICHARD E. COLESON.

[1] There is a way this could happen. Apparently due to concerns about the constitutionality of what Section 201 of the bill does (§324 of the FECA), the Act creates a fall-back position for times when those provisions might not be in effect, i.e., might be enjoined for unconstitutionality. This fall-back provision is that during the time when the ban on connected and independent PACs might be enjoined from enforcement the total that a candidate can receive from a "multicandidate" PAC is "20 percent of the aggregate Federal election spending limits applicable to the candidate for the election cycle." Thus, the fallback is that if connected and independent PACs cannot be abolished altogether, then the total contributions from such PACs would be capped. Under this provision, the ability of NRL PAC to contribute to federal candidates would be severely affected.

Mr. McCONNELL. In addition, I have individual columnists like George Will and David Broder who have expressed opposition to various parts of this measure, and I ask unanimous consent that those columns be printed in the RECORD.

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

[From Newsweek, Apr. 15, 1996]

CIVIC SPEECH GETS RATIONED

(By George F. Will)

Surveying the constitutional and political damage done by two decades of campaign finance "reforms," friends of the First Amendment feel like the man (in a Peter De Vries novel) who said "In the beginning the earth was without form and void. Why didn't they leave well enough alone?" Reformers should repent by repealing their handiwork and vowing to sin no more. Instead, they are proposing additional constrictions of freedom that would further impoverish the nation's civic discourse.

The additions would be the Forbes-Perot Codicils, abridging the right of a rich person to use his or her money to seek elective office. This will be called "closing a loophole." To reformers, a "loophole" is any silence of the law that allows a sphere of political expression that is not yet under strict government regulation.

Jack Kemp, Bill Bennett, Dan Quayle, Dick Cheney and Carroll Campbell are among the Republicans who were deterred from seeking this year's presidential nomination in part by the onerousness of collecting the requisite funding in increments no larger than $1,000. You may or may not regret the thinness of the Republican field this year, but does anyone believe it is right for government regulations to restrict important political choices?

There are restrictions on the amounts individuals can give to candidates and on the amounts that candidates who accept public funding can spend. Limits on individuals' giving force candidates who are less wealthy than Forbes or Perot to accept public funding. Such restrictions are justified as necessary to prevent corruption and promote political equality. But Prof. Bradley A. Smith of Capital University Law School in Columbus, Ohio, demolishes such justifications in an article in The Yale Law Journal, beginning with some illuminating history.

In early U.S. politics the electorate was small, most candidates came from upper-class factions and the candidates themselves paid directly what little campaign spending there was, which went for pamphlets, and for food and whisky for rallies. This changed with Martin Van Buren's organization of a mass campaign for Andrew Jackson in 1828. Democratization—widespread pamphleteering and newspaper advertisements for the increasingly literate masses—cost money. Most of the money came from government employees, until civil service reform displaced patronage.

Government actions—Civil War contracts, then land and cash grants to railroads, and protectionism—did much to create corporations with an intense interest in the composition of the government. Then government created regulations to tame corporate power, further prompting corporate participation in politics. Smith says that in 1888 about 40 percent of Republican national campaign funds came from Pennsylvania businesses, and by 1904 corporate contributions were 73 percent of Teddy Roosevelt's funds. Democrats relied less on corporate wealth than on the largesse of a small number of sympathetic tycoons: in 1904 two of them provided three quarters of the party's presidential campaign funds. By 1928 both parties' national committees received about 69 percent of their contributions in amounts of at least $1,000 (about $9,000 in today's dollars).

Only a few campaigns have raised substantial sums from broad bases of small donors. These campaigns have usually been ideological insurgencies, such as Barry Goldwater's in 1964 ($5.8 million from 410,000 contributors), George McGovern's in 1972 ($15 million from contributions averaging about $20) and Oliver North's 1994 race for a U.S. Senate seat from Virginia (small contributors accounted for almost all of the $20 million that enabled North to outspend his principal opponent 4 to 1 in a losing effort).

The aggressive regulation of political giving and spending began in 1974, in the aftermath of Watergate. Congress, itching to "do something" about political comportment, put limits on giving to candidates, and on spending by candidates—even of their personal wealth. Furthermore, limits were placed on total campaign spending, and even on political spending by groups unaffiliated with any candidate or campaign. In 1976 the Supreme Court struck down the limits on unaffiliated groups, on candidates' spending of personal wealth and on mandatory campaign spending ceilings. The Court said these amounted to government stipulation of the permissible amount of political expression and therefore violated the First Amendment.

But in a crucial inconsistency, the Court upheld the limits on the size of contributions. Such limits constitute deliberate suppression by government of total campaign spending. And such suppression constitutes government rationing of political communication, which is what most political spending finances. Furthermore, in presidential campaigns, limits on the size of contributions make fund raising more difficult, which coerces candidates (at least those less flush than Forbes or Perot) into accepting public funding. Acceptance commits candidates to limits on how much can be spent in particular states during the nominating process, and on the sums that can be spent in the pre- and post-convention periods.

Now, leave aside for a moment the question of whether the "reformers" responsible for all these restrictions remember the rule that Congress shall make no law abridging the freedom of speech. But why, in an era in which the United States has virtually eliminated restrictions on pornography, is government multiplying restrictions on political expression? (Here is a thought rich in possibilities: Would pornographic political expression be unregulatable?)

When reformers say money is "distorting" the political process, it is unclear, as Smith says, what norm they have in mind. When reformers say "too much" money is spent on politics, Smith replies that the annual sum is half as much as Americans spend on yogurt. The amount spent by all federal and state candidates and parties in a two-year election cycle is approximately equal to the annual sum of a private sector's two largest advertising budgets (those of Procter & Gamble and Philip Morris). If the choice of political leaders is more important than the choice of detergents and cigarettes, it is reasonable to conclude that far too little is spent on politics.

The $700 million spent in the two-year election cycle that culminated in the November 1994 elections (the sum includes all spending by general-election candidates, and indirect party-building expenditures by both parties, and all indirect political spending by groups such as the AFL-CIO and the NRA) amounted to approximately $1.75 per year per eligible voter, or a two-year sum of $3.50—about what it costs to rent a movie. In that two-year cycle, total spending on all elections—local, state and federal—was less than $10 per eligible voter, divided among many candidates. And because of the limits on the size of contributions, much of the money was not spent on the dissemination of political discourse but on the tedious mechanics of raising money in small amounts. Furthermore, the artificial scarcity of money produced by limits on political giving and spending has strengthened the incentive for the kind of spending that delivers maximum bang for the buck—harsh negative advertising.

Does a money advantage invariably translate into political potency? Try telling that to Forbes, who spent $440 per vote in finishing fourth in the Iowa caucuses. True, the candidate who spends most usually wins. But as Smith notes, correlation does not establish causation. Money often follows rather than produces popularity: many donors give to probable winners. Do campaign contributions purchase post-election influence? Smith says most students of legislative voting patterns agree that three variables are more important than campaign contributions in determining legislators' behavior—party affiliation, ideology, and constituent views. "Where contributions and voting patterns intersect, they do so largely because donors contribute to those candidates who are believed to favor their positions, not the other way around."

Smith argues that limits on campaign giving and spending serve to entrench the status quo. As regards limits on giving, incumbents are apt to have large lists of past contributors, whereas challengers often could best obtain financial competitiveness quickly by raising large sums from a few dedicated supporters. If today's limits had been in place in 1968, Eugene McCarthy could not have mounted his anti-war insurgency, which depended heavily on a few six-figure contributions. As regards spending limits, the lower they are the better they are for incumbents: incumbents are already well known and can use their public offices to seize public attention with "free media"—news coverage.

The rage to restrict political giving and spending reflects, in part, the animus of liberals against money and commerce. There are, after all, other sources of political influence besides money, sources that liberals do not want to restrict and regulate in the interests of "equality." Some candidates are especially articulate or energetic or physically attractive. Why legislate just to restrict the advantage of those who can make or raise money? Smith notes that one reason media elites are apt to favor restricting the flow of political money, and hence the flow of political communication by candidates, is that such restrictions increase the relative influence of the unrestricted political communication of the media elites.

To justify reforms that amount to government rationing of political speech, reformers resort to a utilitarian rationale for freedom of speech: freedom of speech is good when it serves good ends. This rationale is defensible; indeed, it has a distinguished pedigree. But it has recently been repudiated in many of the Supreme Court's libertarian construings of the First Amendment. Those

decisions, taking an expansive view of the First Amendment in the interest of individual self-expression, have made, for example, almost all restrictions on pornography constitutionally problematic. And such libertarian decisions generally have been defended by liberals—who are most of the advocates of restrictions on campaign giving and spending.

But liberals of another stripe also advocate campaign restrictions. They are "political equality liberals" rather than "self-expression liberals." They favor sacrificing some freedom of speech in order to promote equal political opportunity, as they understand that. Such liberal egalitarians support speech codes on campuses in the name of equality of status or self-esteem for all groups, or to bring up to equality groups designated as victims of America's injustices. Liberal egalitarians support restrictions on pornography because, they say, pornography deprives women of civic equality by degrading them. And liberal egalitarians support restrictions on political expression in order to achieve equal rations of political communication for all candidates.

Prof. Martin Shapiro of the University of California's Law School at Berkeley writes that "almost the entire first amendment literature produced by liberal academics in the past twenty years has been a literature of regulations, not freedom—a literature that balances away speech rights . . . Its basic strategy is to treat freedom of speech not as an end in itself, but an instrumental value." And Bradley Smith says that "after twenty years of balancing speech rights away, liberal scholarship is in danger of losing the ability to see the First Amendment as anything but a libertarian barrier to equality that may, and indeed ought, to be balanced away or avoided with little thought.

Fortunately, more and more people are having second thoughts—in some cases, first thoughts—about the damage done to the political process, and the First Amendment, by the utilitarian or "instrumentalist" understanding of freedom of speech. Campaign "reforms" have become a blend of cynicism and paternalism—attempts to rig the rules for partisan advantage or the advantage of incumbents' or to protect the public from what the political class considers too much political communication. Any additional "reforms," other than repeal of the existing ones, will make matters worse.

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[From the Washington Post, Nov. 14, 1995]

GINGRICH'S HERESY

(By David S. Broder)

Speaker Newt Gingrich (R-Ga.) knew he was headed into a test of wills with the president that might force a shutdown in the government and boost his already high negative ratings. The last thing he needed was another fight—especially one in which his position would guarantee denunciation from all respectable quarters.

Nonetheless, when Gingrich testified the other day at a congressional hearing on campaign finance, he deliberately committed heresy. He argued that too little money—not too much—is going into campaigns.

The editorial pages and columnists issued the predictable squawks. The speaker also took fire from the rear: The freshman Republicans who have been his shock troops were in shock. They wanted to hear him say, as everyone from Common Cause to Ross Perot regularly intones, that American politics is "awash" in special-interest money.

That is the operative premise of all the favorite "reforms": abolition of PACs (political-action committees); allowing only people from the home state or home district to contribute to a candidate; getting rid of "soft-money" corporate contributions, which pay for political party facilities and grass-roots operations.

All of this Gingrich challenged in his testimony on Nov. 2. The total amount spend on House and Senate races in 1994 was $724 million—a record sum and shocking to many. But the cost of 435 House races and 33 Senate campaigns was, he pointed out, roughly double what the makers of the three leading antacids budgeted for advertising last year. This is a scandal?

Ah, but it said, the candidates and officeholders were forced to spend an inordinate amount of time dialing for dollars, going hat in hand to prospective contributors. True enough, but the main reason is that contribution limits have not been adjusted for inflation in 21 years. In 1974 the limit on individual contributions was set at $1,000. That is worth $325 today. If you really want politicians spending less time fund-raising, Gingrich suggested, lift that limit to $5,000 and index it for inflation.

If this were not heretical enough, the speaker had one other idea. Instead of thinking of campaign finance as a separate problem, screaming for solution, think about a way to pay for the cost of politics that would actually serve the interests of voters and of governing.

Do that, he said, and you may find that the best remedy is not to legislate limits on contributions or spending but to enable greater activity by the political parties—Republicans, Democrats and any third force that may emerge to challenge them.

The biggest problem in our campaign finance system, he said, is the gross disparity between what House incumbents can raise and what most challengers can muster. The PACs are a big part of this problem for they use their contributions to ensure access to legislators handling their issues. The PAC system, as Gingrich said, "has become an arm of the Washington lobbyists" and needs to be reduced in significance.

But limiting PAC contributions is likely to be an empty gesture. Increasingly, organized interest groups are mounting independent expenditure campaigns, boosting their friends and targeting their enemies, which they can do without limit.

Since we cannot effectively stifle these special-interest voices, Gingrich said, let us submerge them in appeals from the parties. Increase substantially the limits on what people can give to political parties, he said. And allow those parties to contribute far more than they do now to help challengers offset the many advantages incumbents enjoy—not only greater leverage on the PACs but all the staff, office and communications facilities that are provided at taxpayers' expense.

Barring such changes, Gingrich rightly said, we are almost certain to see a continuation of the trend to millionaire candidates. Because the wealthy are allowed (by Supreme Court decision) to spend whatever they wish on their own campaigns, the Senate has become a millionaires' club and the House is moving in the same direction.

All of this was a challenge to conventional wisdom. But Gingrich is not, in fact, alone. In the same week that he testified, the libertarian Cato Institute and the liberal Committee for the Study of the American Electorate published essays arguing that the supply of political money should be increased, not decreased. As Curtis Gans, the author of the latter study, pointed out, "The overwhelming body of scholarly research . . . indicates that low spending limits will undermine political competition by enhancing the existing advantages of incumbency."

Gingrich has been accused of foot-dragging on the handshake agreement he struck with President Clinton last June to form a bipartisan commission on campaign finance.* * *

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[From the Washington Post, Jan. 17, 1996]

A SENATE OF MILLIONAIRES

(By David S. Broder)

Want a perfectly safe bet on the November election results? Bet that there will be even more millionaires in the U.S. Senate.

What once was called "The World's Most Exclusive Club" increasingly requires personal wealth as a condition for membership. The combination of rising campaign costs and foolishly frozen limits on individual contributions has increased the advantage of self-financed candidates. The 1996 candidate lists are full of them.

In Georgia, for example, all three Republicans seeking nomination to the vacancy created by the retirement of Democratic Sen. Sam Nunn are men of substantial means. In Minnesota, former Republican senator Rudy Boschwitz, a wealthy retired businessman, is trying to reclaim the seat he lost to populist professor Paul Wellstone six years ago. And in a half-dozen other states, Republicans either have or are trying to recruit challengers who can afford to pay their own way.

What is more striking is the extent to which the Democrats—the self-styled party of the people—have begun to rely on affluence as the criterion for picking their Senate candidates.

In Colorado, New Hampshire, South Carolina and Virginia, the favored candidates for the Democratic nomination are all men of independent means, and in many cases, without wealth would not be considered to have Senate credentials. In Illinois, North Carolina, Oklahoma and Oregon, men of similar backgrounds are given a chance of winning nomination because of their bankrolls. It is not a new pattern. Among the Democratic senators seeking reelection this year is John D. (Jay) Rockefeller IV of West Virginia, who spent more than $10 million of his own money to be elected in 1984.

Retiring Sen. Bill Bradley (D-N.J.), a banker's son who earned big money as a New York Knicks basketball star, writes about the advantage wealth confers on a politician in his newly published memoir, "Time Present, Time Past." Bradley recounts how he decided he could afford to give or lend a quarter-million dollars to his first Senate campaign in 1978—about one-fifth of his budget. "It assured me that I could compete even if I didn't raise as much as I had hoped," he says. "With the existence of that self-generated cushion, I was able to raise more. When potential contributors see a campaign with money, they assume it's well-run, and they are more likely to make contributions. Everyone likes to be with a winner, whether in basketball or politics."

Bradley points out that he was a piker compared with many of his colleagues. "Four years later in New Jersey, Frank Lautenberg, a wealthy computer executive with no elective experience, would spend over $3.5 million of his own money to win a U.S. Senate seat. . . . In Wisconsin in 1988, Herb Kohl promised to spend primarily his own money in his Senate campaign; $7.5 million later, he won."

Financial disclosure statements show that at least 28 of the 100 sitting senators have a

net worth of $1 million or more—many of them much more. Michael Huffington, a Texas oil man, spent $28 million of his own money in trying for a California Senate seat in 1994—but still lost. The price is going up.

Wealth is not a determinant of votes in the Senate. There are liberals like Rockefeller and Ted Kennedy along with conservatives. But wealth confers an unfair advantage in the campaigns for the Senate, and makes it much harder than it should be for people of talent, but no wealth, to compete.

The main reason for this disadvantage is the unrealistically low limit on individual contributions. The law, as Bradley notes, provides that "whereas a candidate could contribute as much of his own money as he chose, he could accept individual contributions of only $2,000 from others—$1,000 of it for the primary and $1,000 for the general election."

The contribution limits were set 22 years ago and never have been adjusted; inflation has eroded their value by two-thirds since then. Raising contribution limits is far down the list of proposals of most campaign finance reformers; many want to freeze them or reduce them.

But all the contribution limits are accomplishing today is to create an ever-greater advantage for self-financed millionaire candidates. Steve Forbes's rivals in the Republican presidential race are complaining that his wealth is tilting the odds in the contest, where he is the only one who is paying his own way and therefore spending as much as he wants. But the Senate picture is not very different.

If we really want to be ruled by a wealthy elite, fine; but it is a foolish populism that insists it despises the influence of wealth, and then resists liberalizing campaign contribution limits.

Rich men understand that. It's too bad the reformers can't figure it out.

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[From the Washington Post, Jan. 31, 1996]

"FRONTLINE'S" EXERCISE IN EXAGGERATION

(By David S. Broder)

As if the cynicism about politics were not deep enough already, PBS's "Frontline" last night presented a documentary called "So YOU Want to Buy a President?" whose thesis seems to be that campaigns are a charade, policy debates are a deceit and only money talks.

The narrow point, made by Sen. Arlen Specter (R-Pa.), an early dropout from the 1996 presidential race, about millionaire publisher Malcolm S. (Steve) Forbes Jr., is that "somebody is trying to buy the White House, and apparently it is for sale."

The broader indictment, made by correspondent/narrator Robert Krulwich, is that Washington is gripped by a "barter culture" in which politicians are for sale and public policy is purchased by campaign contributions.

The program rested heavily on a newly published paperback, "The Buying of the President." Author Charles Lewis, the head of the modestly titled Center for Public Integrity, was a principal witness, and Kevin Phillips, the conservative populist author who wrote the book's introduction, was also a major figure in the documentary.

It dramatized the view asserted by Lewis in the conclusion of his book: "Simply stated, the wealthiest interests bankroll and, in effect, help to preselect the specific major candidates months and months before a single vote is cast anywhere. . . . We the people have become a mere afterthought of those we put in office, a prop in our own play."

Viewers say a number of corporate executives—no labor leaders, no religious leaders, no activists of any kind, for some reason—who have raised and contributed money for presidents and presidential candidates and thereafter been given access at dinners, private meetings or overseas trade missions.

It is implied—but never shown—that policies changed because of these connections. As Krulwich said in the transcript of a media interview distributed, along with an advance tape, with the publicity kit for the broadcast, "We don't really know whether these are bad guys or good guys. . . . I'm not really sure we've been able to prove, in too many cases, that a dollar spend bought a particular favor. All we've been able to show is that over and over again, people who do give a lot of money to politicians get a chance to talk to those politicians face to face, at parties, on planes, on missions, in private lunches, and you and I don't."

If that is the substance of the charge, the innuendo is much heavier. At one point, Krulwich asked Lewis, in his most disingenuous manner, "Do you come out convinced that elections are in huge part favors for sale, or in tiny part?"

And Lewis replied that while "there are a lot of wealthy people that do want to express broad philosophical issues," the "vested interests that have very narrow agendas that they want pursued see these candidates as their handmaidens or their puppets. The presidential campaign is not a horse race or a beauty contest. It's a giant auction."

That is an oversimplified distortion that can do nothing but further alienate a cynical electorate. Of course, money is an important ingredient in our elections and its use deserves scrutiny. But ideas are important too, and grass-roots activism even more so. The Democratic Leadership Council's Al From and the Heritage Foundation's Robert Rector have had more influence in the last decade than any fund-raisers or contributors, because candidates have turned to them for policy advice.

John Rother of the American Association of Retired Persons and Ralph Reed of the Christian Coalition work for organizations that are nominally nonpartisan and make no campaign contributions at all. But their membership votes—so they have power.

The American political system is much more complex—and more open to influence by any who choose to engage in it—than the proponents of the "auction" theory of democracy understand, or choose to admit.

By exaggerating the influence of money, they send a clear message to citizens that the game is rigged, so there's no point in playing. That is deceitful, and it's dangerously wrong to feed that cynicism.

Especially when they have nothing to suggest when it comes to changing the rules for the money game.

At one point, Phillips said that the post-Watergate reforms succeeded only in having "forced them [the contributors and politicians] to be more devious." That is untrue. Those reforms, which mandated the disclosure of all the financial connections on which the program was based, also created publicity which, even Krulwich and Co. admitted, foiled the "plots" of some contributors.

And Krulwich, for his part, suggested very helpfully that "every high-profile politician agrees that some things have got to change. Change the limits. Change the rules. Change the primaries. Change the ads. Change enforcement. You gotta change something."

How about changing the kind of journalism that tells people that politicians are bought-and-paid-for puppets and you're a sucker if you think there's a damn thing you can do to make your voice heard?

Mr. McCONNELL. Mr. President, over the years working on this issue I have written several pieces which I ask unanimous consent to have printed—one in the Washington Post and one in the USA Today—in the RECORD.

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

[From the Washington Post, Feb. 21, 1996]

JUST WHAT IS A SPECIAL INTEREST?

(By Mitch McConnell)

President Clinton, in his State of the Union address, beseeched Congress to enact campaign finance reform to reduce "special interest" influence. Campaign finance reforms that the president favors would constrict fundamental democratic freedoms to participate in the political process. In other words: speech would be limited and some citizens' freedom to participate in elections beyond voting would be "reformed" out of existence based on their alleged status as "special interests." But if "special interest" is not defined, how are we to know just whose influence should be curbed?

Judging from the fervent bipartisan (and third party) scorn heaped on "special interests," the casual observer would logically assume that this scourge of democracy was readily identifiable. The Congressional Record, newspaper editorials and campaign speeches are replete with diatribes against the "special interests." A recent search of newspapers on the Nexis database found more than 60,000 articles and editorials containing the phrase "special interest."

"Special interest" is the most pejorative phrase in the American political lexicon since "communist-pinko." Judging from the reformers' scathing rhetoric, rooting out these special interests is a job for a new Senate Committee on Un-American Activities.

In fact, the special interest tag depends on the viewer's vantage point rather than on any objective criteria. So-called good government groups would have people believe that the antonym is "public" interest—as defined by them. These groups usually construe good government to mean big government and therefore deem big government to be in the public interest. By this logic, opposition to any government regulation or tax virtually guarantees a special interest charge.

Capitalism should not be a dirty word in a free society, but having observed the enmity directed toward its practitioners in many quarters, one could reasonably wonder. Some nonprofit so-called "good government" groups readily pin the special interest label on profit-seeking enterprises. Yet behind corporate balance sheets are employees, families, shareholders and communities of which they are part.

Does the special interest connotation extend to employees and their families? To the legions of Americans whose retirement funds and investments are keyed to the stock market? By such extrapolation does the "special interest" smear cut a wide swath.

What happens when a purported public interest organization is funded by a group that is universally regarded as a "special interest," such as the plaintiffs' lawyers? Are we to conclude that the special interest in this instance is subsumed in the nobler public interest? Or is the public interest group simply laundering the special interest influence

money and acting as a front organization? Or is it merely coincidence when their interests converge on, say, lawsuit reform?

Most people would probably conclude that a special interest is contrary to the majority interest. Should special interest be defined as being not immediately relevant to more than 49.9 percent of American citizens? Must its membership comprise a majority of the country to be legitimate? If so, such a qualification should be carefully pondered, as "special interests" could be equated with any narrow or minority interest, thus automatically tarnishing what could be a very worthy cause.

Being a senator from Kentucky, I regularly go to bat for Kentucky industries (and their employees, suppliers and subcontractors) threatened by onerous regulations and taxation. These industries may, in the minds of some people, epitomize "special interest." To me, they and the Kentuckians whose livelihoods depend on them are constituents, and my assistance to them is in the public's interest.

Is a Pacific Northwest lumber company automatically a special interest? The company's employees? How about the Washington-based environmentalists who would sacrifice jobs and disrupt human lives for the sake of an owl? Are owls special interests?

The truth is that the special interest label is a political weapon utilized, often reflexively and perhaps thoughtlessly, by people throughout the ideological spectrum. It can be found in statements I have made in the past. Using it is a hard habit to break. Nevertheless, in the interest of more honest and civil public discourse, the invocation of the "special interest" mantra to propel a reform agenda or wound an opponent is a habit that should be broken.

All Americans have a constitutional right to petition the government and participate in the political process, however unpopular the cause or narrow its appeal may be. Americans do not forfeit those rights because they have been tagged with the special interest label.

The campaign finance reform debate, in particular, is advanced on the premise that special interest influence is pervasive, corrosive, and must be abated at all costs. But the cost of the alleged reforms in terms of constitutional freedom for all Americans is high. And the special interest premise is deeply flawed. So the next time you hear someone hail campaign finance reform as the answer, ask them what is the question. And when they say special interest influence is the problem, ask them: What is a special interest?

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[From USA Today, June 11, 1996]

DISASTER FOR TAXPAYERS, CANDIDATES

[By Mitch McConnell]

The most talked-about campaign-finance schemes are unconstitutional, undemocratic, bureaucratic boondoggles. Further, their sponsors think taxpayers should foot the bill. And for good measure, these "reform" schemes also would greatly increase the power of the media.

Perhaps that is simply a fortunate happenstance for the liberal newspapers pushing them. In any event, the media clearly have a "special interest" in campaign finance "reforms" which would increase their power by limiting the speech of every other participant in the political process.

Because political campaigns exist to communicate with voters, the U.S. Supreme Court ruled two decades ago that campaign spending must be accorded First Amendment protection. Ergo, campaign spending limits are unconstitutional speech limits.

The simple fact is that communication with America's nearly 200 million eligible voters is expensive. For instance, one full-page color campaign ad in a Friday edition of USA TODAY would cost $104,400. Television and mail are also essential means of communicating with voters.

These are expensive venues, but they are the only way to reach all the voters in large, modern electorates. Limiting campaign spending would limit political discourse by candidates, thereby enhancing the power of the media. That is bad public policy.

For all the whining, the fact is that congressional campaign spending (less than $4 per eligible voter in 1994) is paltry relative to what Americans spend on consumer items like bubble gum and yogurt.

What we should do is adjust the individual contribution limit for inflation.

The contribution limits candidates must abide by in 1996 were set over two decades ago (when a new Ford Mustang cost $2,700). These inflation-eroded limits benefit the well-off (rich candidates who can fund entire campaigns out of their own pockets) and the well-known (principally incumbents) who have a large base from which to draw contributions.

Enhanced public disclosure of all campaign-related spending is also a worthy reform that would enable voters to make informed decisions on Election Day.

By comparison, the so-called "good government" groups' campaign-finance schemes would be disasters. Delay is preferable to the enactment of such constitutional monstrosities.

Mr. McCONNELL. Mr. President, some information about the cost to the Postal Service, estimated by this postal rate subsidy, and I ask unanimous consent that be printed in the RECORD.

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

U.S. POSTAL SERVICE,
*Washington, DC, June 24, 1996.*

Hon. MITCH MCCONNELL,
*U.S. Senate, Washington, DC.*

DEAR SENATOR MCCONNELL: I am writing to voice my concerns about campaign finance reform legislation, S. 1219, which would place an unfair financial burden on the Postal Service and its ratepayers.

Let me first say that the Postal Service takes no position on the general merits of campaign finance reform. This issue appropriately rests with the Congress. However, S. 1219, as well as several other campaign finance reform bills in the House and Senate, provide for reduced postage rates for eligible candidates. These bills do not contain a funding mechanism through which the Postal Service would be reimbursed for the difference between regular rate postage and the reduced rate used by the candidates. In essence, the legislation creates an unfunded mandate, and the costs would have to be absorbed by our customers, the postal ratepayers. Testimony at campaign finance reform hearings estimated the reduced postage costs for S. 1219 to be $50 million per election. Estimates for other campaign finance bills with reduced postage provisions range from $50 to $150 million per election.

I would also like to point out that it is very unlikely that the Postal Service and its customers would be made whole even if a funding mechanism were included in campaign finance reform legislation. After years of underfunding our annual appropriation for Congressionally mandated reduced rate mailings, Congress enacted the 1993 Revenue Forgone Reform Act. In eliminating future funding for reduced rate mailings, this law mandates that the Postal Service receive a series of 42 annual appropriations of $29 million as partial reimbursement for past funding shortfalls. Even this "partial" relief is now threatened as our House Treasury, Postal Service, and General Government Appropriations Subcommittee proposed that this appropriation be reduced by over $5 million during their markup of our FY '97 appropriations bill.

I recognize the importance of the campaign finance reform issue in Congress this year, and it is with reluctance that I express these concerns to you. Nonetheless, S. 1219, as well as others, would offer political candidates reduced postage costs at the expense of the Postal Service and its customers. I urge you and your colleagues to identify alternate provisions that would not require postal ratepayers to bear the burden of campaign finance reform.

Best regards,

MARVIN RUNYON.

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DIRECT MARKETING ASSOCIATION, INC.,
*Washington, DC, June 19, 1996.*

Hon. MITCH MCCONNELL,
*U.S. Senate, Washington, DC.*

DEAR SENATOR MCCONNELL: It now appears that S. 1219, campaign finance legislation sponsored by Senators McCain and Feingold, is scheduled for debate next week.

We strongly urge you to cast a *no* vote on the cloture motion that will be offered during the debate.

As I have written to you before, DMA is opposed to S.1219, largely because of the provisions for low cost mailings for Senatorial candidates, without compensation to the Postal Service for lost revenues.

We estimate that, should the House pass similar legislation, these provisions could cost the Postal Service as much as $350 million dollars over a two-year election cycle. Every penny of this will ultimately come out of the pocket of the businesses and consumers who use the mails.

The Postal Service finds itself in an increasingly competitive environment. In order to survive, the Postal Service must be able to price its products competitively. It cannot do this if costs are arbitrarily added to its rate base. Legislation such as this endangers the financial base of the Postal Service and the service it can provide to American businesses and consumers.

Again, we urge you to vote *no* on the cloture motion.

Sincerely,

RICHARD BARTON.

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NATIONAL ASSOCIATION OF BROADCASTERS,
*Washington, DC., June 24, 1996.*

Hon. MITCH MCCONNELL,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR MCCONNELL: First, I would like to thank you for the leadership role you have taken in opposing S. 1219, the campaign finance reform legislation introduced by Senators John McCain and Russ Feingold.

As originally introduced, this legislation would require broadcasters to offer qualified Senate candidates an additional 50% discount off the discounted television advertising rates candidates currently receive. The legislation further requires broadcasters give candidates free advertising time. We believe

these provisions are unconstitutional and impose significant financial burdens on local broadcasters and we must oppose the legislation.

We understand Senators McCain and Feingold have introduced a substitute to S. 1219. At your request we have reviewed the broadcast provisions of the substitute. We have done so and have determined that for the most part the broadcast provisions are the same as those in S. 1219. There is, however, new language in the broadcast section which causes us great concern.

The new provision would give to the U.S. Court of Federal Claims exclusive jurisdiction over challenges to the constitutionality of the broadcast rate and free time provisions. Further, by its terms it precludes any injunctive relief, providing only for money damages. It is unclear whether this is an attempt to somehow deny us the opportunity to bring a First Amendment claim against these provisions. No other section of the bill appears to have the same requirement and we do not understand why the broadcast provisions are given a different avenue for judicial review.

We must oppose the substitute to S. 1219, and we continue to support your efforts in opposing this legislation. If I can be of further assistance, please do not hesitate to phone.

Sincerely,

EDWARD O. FRITTS,
*President.*

Mr. MCCONNELL. Mr. President, calling the McCain-Feingold voluntary does not make it so, its proponents protestations to the contrary. Anyone who dared not to comply with its voluntary limits would have to: pay twice as much as their opponent for TV ads and more for postage; with half the contribution limit; and forgo 30 minutes of free time.

All this and their complying opponent's spending limit would be increased up to 100 percent to counteract any excessive spending. Moreover, the complying candidate could spend unlimited amounts to counteract—dollar-for-dollar—independent expenditures.

So I say again, technically, mugging victims had options, too. That does not mean that handing over their wallets to muggers were voluntary acts. And I should stress here that the essential point in regard to the voluntariness of the candidate spending limits is not—as the Senator from Wisconsin stated yesterday—that candidates who did not comply with spending limits would be giving up benefits they do not currently enjoy such as the 50 percent discount and the free TV time. What makes the provision unconstitutional is the severe handicapping candidates would experience if they did not comply with the limits.

This is a crucial distinction from the presidential system. Steve Forbes did not have to pay twice as much for TV ads as the complying presidential candidates. He did not forego free time and Bob Dole's spending limit did not increase when independent expenditures were made against him. And his spending limit did not increase when Forbes spent over the limit. Had the presidential system had the inducements of the McCain-Feingold bill, Steve Forbes might very well have elected not to get into the race, at all.

It simply would not make sense for a candidate not to comply with the McCain-Feingold bill unless he or she were so extraordinarily wealthy they could spend many times the spending limit for their own wallet. So you could have two extreme types of campaigns under McCain-Feingold—very low spending ones complying with the limits and extremely expensive campaigns. What would disappear is the middle ground—not as cheap as the McCain-Feingold model but not at the extreme high-end, either.

If you looked long and hard enough and had common cause and public citizen helping, even a tiny needle in a giant haystack could be found. And so it is that at long last—after a decade of debate on this scheme—some people with law degrees have been located to say the McCain-Feingold/common cause spending limit structure is constitutional. How expert they are remains to be seen and their submittals on the subject will certainly be scrutinized.

In any event objective liberals and conservatives can agree that the American Civil Liberties Union is the repository of expertise on first amendment issues. The ACLU led, and triumphed, in the fight against mandatory spending limits 20 years ago in the Buckley versus Valeo case. And the ACLU will be in front again—along side me—should anything resembling the McCain-Feingold bill ever become law. The ACLU is singularly focused on constitutional freedom and has probably aggravated just about everybody at sometime with unpopular stands. But they have a remarkable record of success in this area.

At this point I will read excerpts from the ACLU's testimony—given by professor and Buckley versus Valeo attorney Joel M. Gora—before the Senate Rules Committee on February 1 of this year.

The provision for "voluntary" spending limits in Senate campaigns violates the free speech principles of *Buckley* v. *Valeo*. The outright ban and severe fall back limitations on PACs violate freedom of speech and association, as do the limitations on "bundling." The unprecedented controls on raising and spending "soft money" by political parties and even non-partisan groups intrude upon First Amendment rights in a manner well beyond any compelling governmental interest. The revised provisions governing the right to make independent expenditures both improperly obstruct that core area of electoral speech and impermissibly invade the absolutely protected area of issue advocacy. The reduced recordkeeping threshold for contributions and disbursements, from $200 down to $50, invades associational privacy. And the new powers given to the Federal Election Commission to go to court in the midst of a campaign to enjoin "a violation of this Act" pose an ominous and sweeping threat of prior restraint and political censorship.

S. 1219 suffers from many of the same flaws as the original statute at issue in *Buckley* v. *Valeo*. There the ACLU contended that the Federal Election Campaign Act of 1974 was bad constitutional law because it cut to the heart of the First Amendment's protections of political freedom. It limited the ability of groups and individuals to get their message across to the voters. The very essence of the First Amendment is the right of the people to speak, to discuss, to publish, to join together with others on issues of political and public concern. This constitutional protection of the right of the people to join together to form groups and organizations and societies and associations and unions and corporations to articulate and advocate their interests is the genius of American democracy. And this is particularly vital in connection with political election campaigns when issues, arguments, candidates and causes swirl together in the public arena. Yet, the 1974 Act imposed sweeping and Draconian restraints on the ability of citizens and groups, candidates and committees, parties and partisans to use their resources, to make political contributions and expenditures, to support and embody their freedom of speech and association.

The ACLU also insisted the Act was poorly crafted "political restructuring" rather than real "political reform" because it exacerbates the inequality of political opportunity, enhances dependence upon money and moneyed interests in politics and magnifies the power of incumbency as the single most significant factor in politics. Limits on giving and spending make it harder for those subject to the restraints to raise funds and easier for those outside the restraints to bring their resources to bear on politics. Limiting individual contributions to $1,000 per candidate, while allowing PACs, made legitimate by the "reforms," to contributes $5,000 per candidate, would make it harder to raise money from individuals and make candidates more dependent on PACs. And PACs, often representing entrenched interests, would be more likely, though far from inevitably, to prefer incumbents to challengers as beneficiaries of their largesse. The Act would stifle not expand political opportunity. What you had, we warned, was an unconstitutional law, enacted by Congress, approved by the President, enforced by an agency, the Federal Election Commission, beholden to each, and designed to restrain the speech and association of those who would criticize or challenge or oppose the elected establishment. Talk about the powers of incumbency. That's why we called the Act an "Incumbents Protection Act."

In *Buckley* v. *Valeo*, the Supreme Court held that any government regulation of political funding—of giving and spending, of contributions and expenditures—is regulation of political speech and subject to the strictest constitutional scrutiny. The Act's limitations on political expenditures—by committees, campaigns and candidates, no matter how wealthy—flatly violated the First Amendment. Nothing can justify the government telling the people how much they could spend to promote their candidacies or causes. Not in this country. Nothing. "In the free society ordained by our Constitution it is not the government, but the people—individually as citizens and candidates and collectively as associations and political committees—who must retain control over the quantity and range of debate on public issues in a political campaign." *Buckley v. Valeo*, 424 U.S. 1,57 (1976).

Nor could the Congress try to help "equalize" political speech and the ability to influence the outcome of elections by imposing restraints on some speakers: ". . . the concept that government may restrict the speech of some elements of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment." *Buckley v. Valeo*, 424 U.S. at 48–49.

Unfortunately, the decision in *Buckley* upheld the Act's contribution limits of $1,000 for individuals and $5,000 for political committees. The Court did this because of its stated concern that unlimited gifts to candidates was a recipe for corruption, a ruling that ensured the two decades of frustration and unfairness that have ensured. With no limits on overall campaign spending or on wealthy candidates, and with independent campaign committees, issues groups and the press free to use their resources to comment on candidates and causes without limit; but with less well-funded candidates hampered in their ability to raise money from family, friends and supporters, the stage was set to make two factors dominant: the advantages of incumbency and the dependency on PACs.

The advantages of incumbency meant that public resources such as franking privileges, government funded newsletters and free television coverage (C-Span) made it easier for Members of Congress to communicate with the voters, while challengers have to spend restricted amounts of money in order to achieve the same visibility.

The dependency on PACs resulted from severe limitations on the amounts of money that individuals can contribute directly to candidates, coupled with the markedly increased cost of campaigning, which made PAC contributions a very important source of campaign funding. And the individual contribution limit was kept at $1,000, which, adjusted for inflation, is probably worth about $400 in real dollars today.

That is why for twenty years candidates have had to look more to PACs order to raise funds and incumbents, in particular, have had an easier ability to do so.

And for twenty years, the ACLU has suggested the way to solve these various disparities and dilemmas is to expand political participation, by providing public financing or support for all legally qualified candidates, without conditions and restrictions, not to restrict contributions and expenditures which enable groups and individuals to communicate their message to the voters.

Unfortunately, in all of its critical aspects, S. 1219, The Senate Campaign Finance Reform Act of 1995 fails to facilitate broader political participation and it also unconstitutionally abridges political expression.

Mr. President, the proponents of this bill are very mistaken if they believe the spending limits are constitutional. The ACLU differs:

Title I of the bill, providing "spending limits and benefits" for Senate election campaigns, is an attempt to coerce what the law cannot command: limitations on overall campaign expenditures and on the use of personal funds for a candidate's own campaign. It is a backdoor effort to impose campaign spending limits—which inevitably benefit incumbents—in violation of the essential free speech principles of *Buckley* v. *Valeo* and the doctrine of unconstitutional conditions. And it should be observed that what triggers benefits for some candidates and burdens for others is not that a candidate approaches or exceeds relevant spending limits, but simply refuses to agree to be bound by them.

The ACLU believes that the receipt of public subsidies or benefits can never be conditioned on surrendering constitutional rights. To do so would be to penalize the exercise of those rights. See *Perry* v. *Sindermann*, 408 U.S. 593, 597 (1972); *FCC* v. *League of Women Voters*, 468 U.S. 364 (1984). Since candidates have an unqualified right to spend as much as they can to get their message to the voters, and to spend as much of their own funds as they can, and to raise funds from supporters all over the country, they cannot be made to surrender those rights in order to receive public benefits.

In *Buckley* the Court suggested that Congress could establish a system whereby candidates would choose freely between full public funding with expenditure limits and private spending without limits, "as long as the candidate remains free to engage in unlimited private funding and spending instead of limited public funding." *Republican National Committee* v. *Federal Election Commission*, 487 F. Supp. 280, 284 (S.D.N.Y.), *aff'd mem.*, 445 U.S. 955 (1980). See *Buckley* at 57, n. 65. Contrary to its supporters' claims, S. 1219 does not establish such a regime of voluntary campaign spending limits. Rather, the bill denies significant benefits to and imposes burdens on those candidates who refuse to agree to limit their campaign expenditures, while conferring a series of advantages upon those candidates who agree to the limits.

First, by banning PAC contributions entirely, the bill makes it more difficult for candidates to raise and spend money at all, which will make them more susceptible to accepting the expenditure and other limitations. Candidates who refuse to accept spending limits have to work harder to raise funds because the limits on contributions to their opponents are raised automatically from $1,000 to $2,000. And then such disfavored candidates have to pay full rates for broadcasting and postage. Finally, the expenditure ceilings of their opponents are raised by 20% to make it easier to counter the messages of "non-complying" candidates.

In short, this scheme does everything possible to help the candidate who agrees to spending limits to overwhelm the candidate who does not. That is not a level playing field.

Indeed, in *Buckley* the Court upheld public funding of Presidential campaigns because its purpose was "not to abridge, restrict or censor speech, but rather to use public money to facilitate and enlarge public discussion and participation in the electoral process, goals vital to a self-governing people." 424 U.S. at 92–93. S. 1219 fails this test, for its purposes and effect are to limit speech, not enhance it. Recent cases have invalidated other schemes for making candidates "voluntarily" agree to expenditure and other restraints by penalizing those who do not, see *Shrink Missouri Government PAC* v. *Maupin*,—F.3d—, 64 Law Week 2409 (8th Cir. 1995) (restricting funding sources of those who refuse to agree to abide by expenditure limits violates the First Amendment) ("We are hard-pressed to discern how the interests of good government could possibly be served by campaign expenditure laws that necessarily have the effect of limiting the quantity of political speech in which candidates for public office are allowed to engage." *Id.* at—);

Moreover, even if the Act did create a level playing field, the incumbent starts the game 10 points ahead because of greater fund-raising ability, name recognition, access to the news media and other benefits of incumbency. All things being equal, the incumbent starts out ahead. Any law which imposes financial penalties and disincentives on speech because of the interaction between the status of the speaker and the content of the speech is constitutionally suspect. See *Simon & Schuster, Inc.* v. *Members of the New York State Crime Victims Board*, 502 U.S. 105 (1991) (law improperly escrowed profits from writings about a criminal's crime); *United States* v. *National Treasury Employee's Union*, 516 U.S.—(1995) (invalidating overbroad honorarium ban on moonlighting speeches and articles by federal employees). Schemes of public benefits for political action which are structured in such a fashion that the government seems to be showing favoritism to certain categories of candidates and penalizing others also have been held to be a form of unconstitutional political discrimination, violative of both free speech and equality principles. See *Greenberg* v. *Bolger*, 497 F. Supp. 756, 774–78 (E.D.N.Y. 1980) (preferential mailing rates for major parties struck down as violative of the First Amendment); *Rhode Island Chapter of the National Women's Political Caucus* v. *Rhode Island State Lottery Comm'n*, 609 F. Supp. 1403, 1414 (D.R.I. 1985) (allowing major parties but not other groups to conduct fundraising lottery events violated the First Amendment); *McKenna* v. *Reilly*, 419 F. Supp. 1179, 1188 (D.R.I. 1976) (state parties' allocation of tax check off funds to endorsed candidates and exclusion of funds to unendorsed candidates violated First Amendment).

Finally, some of the strings attached to the benefits offered would impose unprecedented controls on political speech by dictating the format of campaign speech. The requirement that free air time cannot be used for campaign commercials of less than 30 seconds is an impermissible interference with the content of political speech. See *McIntyre* v. *Ohio Election Commission*, 115 S. Ct. 1511, 1518 (1995). The only conceivable purpose for this restriction is that Congress thinks 10 second spot commercials are politically objectionable. That is the kind of content-based judgment that Congress cannot make, even when it is conferring a benefit; nor can Congress compel the structure of speech in that fashion. See *McIntyre, supra; Wooley* v. *Maynard*, 430 U.S. 705 (1977); *Riley* v. *National Federation of the Blind*, 487 U.S. 781, 797 (1988).

The *McIntyre* and *Riley* decisions also call into question the provisions of the Bill (Section 302, Campaign Advertising) that mandate certain specific identifications and disclosures in the text of print, display or broadcast political advertisements. In *McIntyre* the Court reaffirmed the historic right of political anonymity and invalidated a requirement that leaflets on referenda issues state the name of the person responsible for the publications. And in *Riley*, the Court struck down a compulsory disclosure statement on charitable solicitation literature, finding a violation of the settled principle that the First Amendment encompasses "the decision of both what to say and what *not* to say." 487 U.S. at 797.

2. *The complete ban on, as well as the "fall-back" restrictions of, Political Action Committees are invalid under clear Supreme Court precedent.*

Subtitle A of Title II, the Draconian provision which proudly proclaims that it enacts "Elimination of Political Action Committees from Federal Election Activities" and which bans PAC political activity, is flatly unconstitutional. In outlawing all political expenditures and contributions "made for the purpose of influencing an election for

Federal office"—except those made by political parties and their candidates,—Section 201 of the bill cuts to the heart of the First Amendment's protection of freedom of political speech and association. It gives a permanent political monopoly to political parties and political candidates, and would silence all those groups that want to support or oppose those parties and candidates.

"PACs" of course have become a political dirty word. We tend to think of the real estate PACs or the Trial Lawyers' PAC or the insurance and medical PACs or the tobacco-related PACs. But the ACLU's first encounter with a "PAC" was when we had to defend a handful of old-time dissenters whom the government claimed were an illegal "political committee." The small group had run a two-page advertisement in The New York Times, urging the impeachment of President (and re-election candidate) Richard Nixon for bombing Cambodia and praising those few hardy Members of Congress who had voted against the bombing. In the summer of 1972, before the ink was dry on the brand new Campaign Act of 1971, the Justice Department used that "campaign reform" law to haul the little group into court, label them a "political committee" and threaten them with injunctions and fines unless they complied with the law—all for publicly speaking their minds on a key political issue of the day. The Court of Appeals quickly held that the group was an *ad hoc* issue organization, not a covered "political committee." But we got an early wake-up call on what "campaign reform" really meant.

Of course, "real" PACs, i.e., those that give or spend money to or on behalf of federal candidates, come in all sizes and shapes. They can be purely ideological or primarily self-interested, or both simultaneously. And they span the political spectrum. Labor PACs were organized first, in the 1940's, usually to provide funds, resources and personnel to assist political candidates, usually Democrats. Corporate PACs came on line in the early 1970's, usually on the Republican side. And both corporate and labor PACs were legitimized and liberated by the "reforms" of the FECA, which allowed those and all other PACs to contribute five times as much money to federal candidates as individuals could. All this turned the Federal Election Campaign Act into the PAC Magna Carta Act.

We think all that PAC activity is simply a reflection of the myriad groups and associations that make up so much of our political life. And so many of them are an effective way for individuals to maximize their political voice by giving to the PAC of their choice. While many PAC contributors and supporters probably do fit the stereotype of the glad-handing, Washington-based influence peddler, millions of PAC supporters contribute less than $50 and expect nothing from the candidates in return. Indeed, for millions of Americans, writing a check to the candidate, committee or cause of their choice is a fundamental political act, second in importance and meaning only to voting.

Proposals to restrict, restrain or even repeal PACs would suppress the great variety of political activity those PACs embody. Most of those proposals are doomed to defeat as unconstitutional. All of them are doomed to defeat as futile.

BANNING PAC CONTRIBUTIONS

There is not a word in *Buckley v. Valeo* or any of the other relevant cases on regulation of PACs which suggests that the Court would uphold a total ban on PAC contributions to federal candidates. Political contributions are fundamentally protected by the First Amendment, as embodiments of both speech and association. PACs do amplify the political voices of their contributors and supporters across the entire spectrum of American politics, and the Court is not likely to let you still all those voices.

Moreover, banning PAC contributions is futile as a reform. All the PAC money that cannot be contributed directly to candidates will go instead into an upsurge of independent expenditure campaigns for favored or against disfavored candidates.

BANNING PAC EXPENDITURES

The Supreme Court made it clear that independent PAC expenditures are at the core of the First Amendment and totally off limits to restrictions. *Federal Election Commission v. National Conservative Political Action Committee*, 470 U.S. 480 (1985). It may be a little less tidy to run an independent campaign, than to write a check to your favored candidate, but PACs will adapt. They're good at that. And little will have been gained-except making it harder for candidates to raise money since you will have deprived them of a major source of resources, without providing any alternatives. Candidates of moderate means will be particularly vulnerable to campaigns by personally wealthy opponents.

REDUCING PAC CONTRIBUTIONS

The "fallback" provision, which goes into effect when the flat ban is ruled unconstitutional, as it surely will be, would lower PAC contributions from $5,000 to $1,000 per candidate per election. This might be a closer constitutional question. But the Court threw out a $250 limit on contributions to a referendum campaign committee. *See Committee Against Rent Control v. Berkeley*, 454 U.S. 290 (1981). Indeed, just recently the Eighth Circuit likewise invalidated a $300 contribution limitation for donations to statewide candidates. *Carver v. Nixon*, — F.2d — ,64 Law Week 2407 (8th Cir. 1995). And *Meyer v. Grant*, 486 U.S. 414 (1988) held that people had a right to spend money to hire others to gather election petition signatures, strongly reaffirming the right of a person to use his or her resources to enlist others to advance their causes. In any event, this provision is fatally overbroad because it treats all PACs alike, even those made up only of small contributors.

Finally, apart from the First Amendment issues, what purpose is served by reducing the ability of candidates to raise money without providing alternatives?

Mr. President, earlier I mentioned Col. Billie Bobbit (USAF), the EMILY's List member who is quiet certain the first amendment protects her right to participate in elections via bundling. Colonel Bobbitt's instincts are right on the mark as the ACLU testimony observes:

BUNDLING

The same objections pertain to the ban on "bundling" of individual PAC contributions. This fallback proposal would abridge freedom of association which the Supreme Court has recognized as a "basic constitutional freedom." *Kusper v. pontikes*, 414 U.S. 51, 57 (1973). And the Court has pointedly observed that "the practice of persons sharing common views banding together to achieve a common end is deeply embedded in the American political process." *Citizens Against Rent Control v. Berkeley*, 454 U.S. 290, 294 (1981). The practice of bundling reflects broad issue support to a candidate, indicating that continued support is dependent on continued adherence to the views represented by the group. The proposed bill would severely restrict ideological groups like Emily's List, which have made a critical contribution to expanding political opportunity and opening up political doors to candidates and groups so long excluded.

RECEIVING PAC CONTRIBUTIONS

The fallback provision would also prohibit any PAC from making a contribution which raises a candidate's PAC receipts above 20% of the campaign expenditure ceilings applicable to that election. But this restraint also seems overbroad. The corruption concern becomes very attenuated in this setting, and the rationale for the overall 20% limit seems weak against First Amendment standards. Once the limit is reached, candidates and PACs, in effect, would be banned totally from political interaction with one another, which would seem as constitutionally vulnerable as a total ban and have the effect of a limitation on campaign expenditures. And what of new groups that wanted to support a candidate after the candidate's PAC quota had been reached, especially if the campaign turns on an issue—abortion for example—of great moment to that group?

Finally, all of this begins to resemble yet another backdoor effort to limit overall campaign *expenditures*, in violation of *Buckley's* core principles.

LIMITING OUT-OF-STATE POLITICAL CONTRIBUTIONS

Somehow, I have always found particularly troublesome those proposals to limit the amount of out-of-district or out-of-state contributions to candidates. Section 241 does not seem to operate as a direct ban on out-of-State contributions. Rather it provides that a candidate must receive not less than 60% of their overall contributions from in-state individuals in order to remain in compliance with the spending limits and receive the statutory benefits. Obviously, this is a backdoor effort to limit PAC contributions to candidates, since so many PAC contributors come from States different from the candidates their PACs contribute to, as do the PACs themselves. It also seems to be an effort to insulate incumbents from well-funded challenges supported from another State.

Any potential justification for this ban seems highly unlikely to pass constitutional muster. Analogizing this restriction to a voter's residency requirement falls short after *McIntyre* v. *Ohio Board of Elections*,—US—(1995) which held that restrictions on political speech about candidates or referenda cannot be upheld on the grounds that they are merely ballot or electoral regulations, because, in reality, they are free speech limitations. Indeed, a federal court in Oregon recently so held in overturning a requirement that state and local candidates had to raise all their campaign funds from individuals who resided within their election districts. *Vannatta* v. *Keisling*,—F. Supp.—(D. Ore. 1995).

Moreover, in-state limitations could deprive particular kinds of underfinanced, insurgent candidates of the kind of out-of-state support they need. Just as much of the civil rights movement was funded by contributors and supporters from other parts of the nation, so, too, are many new and struggling candidates supported by interests beyond their home states. This proposal would severely harm such candidacies. Perhaps, that is its purpose.

Finally, Congress is our national legislature, and although its representatives come

and are elected from separate districts and states, the issues you deal with are, by definition, national issues that transcend district and state lines and may be of concern to citizens all over the nation. When such issues become central in certain campaigns, people and groups from all over the country should be entitled to have their views and voices heard on those issues. Any other approach takes a disturbingly insular and isolated view of political accountability and the obligations of a Member of Congress.

3. *The new controls on "soft money" contributions and expenditures are unprecedented and unjustified restraints on political parties.*

The new sweeping controls on "soft-money" contributions to and disbursements by political parties and other organizations, federal, state or local, would expand the reaches of the FECA into unprecedented new areas and far beyond any compelling interest would require.

For the first time, any amounts expended or disbursed by a political party in an election year "for any activity which might affect the outcome of a Federal election, including but not limited to any voter registration and get-out-the-vote activity, any generic campaign activity and any communication that identifies a Federal candidate. . ." would be subject to regulation. *See* Section 212. The full panoply of FECA compliance and control would be brought to bear on the enormous amount of political party activity which heretofore has been exempt from controls because it was not directly and explicitly focused on specific federal candidates. And even beyond that, "soft money" spending by persons other than political parties is also for the first time subject to comprehensive regulation, with reporting, disclosure and notification requirements mandated as well as a required certification of whether the disbursement "is in support of, or in opposition to, one or more candidates or any political party."

The reach of these new proposals is breathtaking. Starting with *Buckley v. Valeo*, the Court has recognized a fundamental constitutional distinction between candidate-focused expenditures and contributions, which can be subject to certain specific regulation, and all other non-partisan, political and issue-oriented speech, advocacy and association. *See Buckley v. Valeo*, 424 U.S. at 14–15, 78–80, *First National Bank of Boston v. Bellotti*, 435 U.S. 765 (1978); *FEC v. Massachusetts Citizens For Life*, 479 U.S. 238, 249 (1986). The reason for this First Amendment Continental Divide is to insure that the permissible regulation of candidate-focused political campaign funding remains confined to that area, and does not expand to encompass all the funding of all political issues and groups. These regulations of funding which is not candidate-focused transgresses this boundary and requires, at the very least, the demonstration of the most compelling governmental interests, necessarily and narrowly achieved by the sweeping new controls.

Moreover, any regulation of political parties is a regulation of a quintessential First Amendment instrumentality and likewise requires compelling justification, at a minimum. See *Tashjian v. Republican Party*, 479 U.S. 208 (1986); *Eu v. San Francisco Democratic Party*, 489 U.S. 214 (1989). Political parties play a vital role in galvanizing the political life of the nation. Indeed, many political scientists have expressed mounting concern that one consequence of the current regime of candidate-focused political funding and activity is unfortunately to undermine the role of parties, special interest groups or ad hoc coalitions as instruments for political activity and vitality. For that reason, an expanded amount of party spending on voter registration, party identification, get-out-the-vote drives, and partisan-based issue discussion ("The Republicans want to cut Medicare and Medicaid. Don't let them do it." or, "The Democrats support a welfare state. Say no to government dependents.") should be a welcome development, rather than the target for new and overbearing regulatory restrictions. It is also a constitutionally-derived right: ". . . Discussion of public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution . . . In a republic where the people are sovereign, the ability of the citizenry to make informed choices among candidates for office is essential." *Buckley v. Valeo*, 424 U.S. at 14–15.

Finally, to some extent the motivations for the new restraints on party activity may reflect a concern about the source of the "soft money" funding, namely, from corporations and large individual donors. In that regard, it should be observed that *Buckley* upheld the $1,000 limit on individual contributions to candidates in part because there would be so many other ways in which people and organizations could bring their financial resources to bear on politics. See 424 U.S. at 28–29, 44–45. The bill would block avenues of advocacy that the *Buckley* Court assumed would remain open.

These issues are presently before the Supreme Court in an important case in which certiorari was granted in early January. See *Colorado Republican Federal Campaign Committee v. Federal Election Commission*, O.T. 1995, No. 95–489, *reviewing*, 59 F.3d 1015 (10th Cir. 1995). At the very least, any action on this section of the bill should await the Court's resolution of the Colorado case. For your information, the ACLU plans to file an amicus curiae brief in support of the Colorado Republican Federal Campaign Committee.

4. *The new provisions governing the right to make independent expenditures improperly intrude upon that core area of electoral speech and impermissibly invade the absolutely protected area of issue advocacy.*

Two basic truths have emerged with crystal clarity after twenty years of campaign finance regulations. First, independent electoral advocacy by citizen groups lies at the very core of the meaning and purpose of the First Amendment. Second, issue advocacy by citizen group lies totally outside the permissible area of government regulation.

In *Buckley* the Court upheld the speech and association rights of individuals to engage in independent campaign expenditures expressly advocating the election or defeat of political candidates. In *Federal Election Commission* v. *National Conservative Political Action Committee*, 470 U.S. 480 (1985), the Court assured the same rights to political action committees. And in *Federal Election Commission* v. *Massachusetts Citizens for Life, Inc.*, 470 U.S. 238 (1986) the same right of express electoral advocacy was extended to certain kinds of non-profit advocacy groups despite their corporate form, although a later case held that other corporate entities could be restricted in this regard. See *Austin* v. *Michigan Chamber of Commerce*, 494 U.S. 652 (1990).

S. 1219 abridges these rights in two ways. First, Section 201 of the bill completely bans independent expenditures by PACs, which is flatly unconstitutional, as noted above. On the "fallback" assumption of such likely invalidation, Section 251 redefines independent expenditures so narrowly and "coordinated" expenditures so broadly that the area of freedom of speech and association is drastically reduced and abridged in the process.

Under current law, an independent expenditures is one made without the knowledge or permission of a candidate, his or her agent or campaign committee. See 2 U.S.C. section 431(17) ("The term 'independent expenditure' means an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of such candidate."). Coordinated expenditures are treated like and limited like contributions to a candidate.

The proposed bill, however, so broadly defines coordination that virtually any person who has had any interaction with a candidate or any campaign official, in person or otherwise, is barred from making an independent expenditure. For example, under Section 251, any expenditure is deemed coordinated, and not independent, if the person making it "has advised or counseled" the candidate or his agents on any matter relating to the campaign or election. If you use the same political consultant or firm as the candidate you are likewise deemed coordinated.

These restrictions embody a new and impermissible version of "guilt by association," and a new kind of "gag rule" by association. See *De Jonge* v. *Oregon*, 299 U.S. 353 (1937) (A speaker cannot be punished for organizing a meeting and appearing on the same public platform where radicals were also speaking). Indeed, it could have some perverse effects. A disaffected campaign worker or volunteer, who leaves a campaign because he or she thinks a candidate has acted improperly, is barred from making independent expenditures against that candidate, for, ironically, they will be deemed a contribution.

The other way in which the provision governing independent expenditures is fatally flawed is in its expanded definition of "express advocacy," which is defined as a communication that "taken as a whole and with limited reference to external events" communicates "an expression of support for or opposition to" a specific candidate or groups of candidates. "Expression of support" includes "a suggestion to take action with respect to an election," including "to refrain from taking action." "Throw the rascals out" has just become express advocacy.

This broadened definition of "express advocacy" would sweep in the kind of essential issue advocacy which *Buckley* and cases predating *Buckley* by a generation, see *Thomas v. Collins*, 323 U.S. 516 (1945), have held to be immune from government regulation and control. It seems to be targeted exactly against the kind of voting record "box score" discussion that emanates from the hundreds and thousands of issue organizations that enrich our public and political life. In *Buckley*, the Court adopted a bright line test of express advocacy (words that in express terms advocate the election of defeat of a candidate) in order to immunize issue advocacy form regulation: "So long as persons or groups eschew expenditures that in express terms advocate the election or defeat of a clearly identified candidate, they are free to spend as much as they want to promote the candidate and his views." *Id.* at 45.

Indeed, the 1975 Act contained a similar provision regulating issue groups and their "box score" activities, and that section was unanimously held unconstitutional by the *en banc* Court of Appeals, without any further appeal by the government. See *Buckley v. Valeo*, 519 F.2d 817, 832 (D.C. Cir. 1975). The expanded definition of "express advocacy" is similarly flawed.

5. *The bill gives unacceptable new powers of prior restraint and political censorship to the Federal Election Commission.*

With all of these problems with the bill, particularly those that pertain to issue advocacy and independent expenditures, giving the Federal Election Commission sweeping new powers to go to court to seek an injunction on the allegation of a "substantial likelihood that a violation . . . is about to occur" is fraught with First Amendment peril.

As indicated earlier in this testimony, the very first suit brought under the brand spanking new campaign reforms in 1972 was against a small group of dissenters who sponsored an ad in *The New York Times* criticizing the President and praising a handful of his Congressional critics. Reminiscent of some of the language in the bill before you, the government's claim was that the advertisement was an electioneering message because it was "in derogation of" candidate Nixon and "in support of" the praised Members who were also up for re-election. While the courts quickly and sharply rebuffed those efforts to use political campaign laws to control issue advocacy, see *United States v. National Committee for Impeachment*, 469 F.2d 1135 (2d Cir. 1972); *American Civil Liberties Union v. Jennings*, 366 F. Supp. 1041 (D.D.C. 1973), the Commission's record of sensitivity to First Amendment values in the area of issue advocacy was once described as "abysmal." See *National Committee for Impeachment, supra*, 469 F.2d at 1141–42 (Kaufman, C.J. concurring). And ever since then, non-partisan, issue-oriented groups like the ACLU, the National Organization for Women, the Chamber of Commerce, Right-to-Life Committees and many others, have had to defend themselves against charges that their public advocacy rendered them subject to all of the FECA's restrictions, regulations and controls. And the problem persists. See *Federal Election Commission v. Survival Education Fund*, 65 F.3d 285 (2d Cir. 1995) (holding, 2 to 1, that 1984 fund-raising mailings critical of President Reagan's foreign policies constituted a solicitation of a contribution subject to FECA requirements).

The kind of "chilling effect" that such enforcement authority generates in the core area of protected speech makes the strongest case against giving the Commission additional powers to tamper with First Amendment rights.

The PRESIDING OFFICER. The Senator has 16 seconds remaining.

Mr. MCCONNELL. Mr. President, I thank my staffers, Tamara Somerville and Lani Gerst for their good work on this most important issue. Tam and I have been through these battles a few times, including staying up all night, a couple years ago. She has been a great help. I have enjoyed working with her on this and thank her for her service to the Nation.

The PRESIDING OFFICER. The Senator from Wisconsin has 9 minutes.

Mr. FEINGOLD. Mr. President, I thank Andy Kutler, Susanne Martinez, and Mary Murphy.

I ask unanimous consent that a letter from President Clinton, a longtime supporter of campaign finance reform, urging the Senate to pass this legislation be printed in the RECORD.

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

THE WHITE HOUSE,
*Washington, DC, June 24, 1996.*

Hon. THOMAS A. DASCHLE,
*Democratic Leader, U.S. Senate, Washington, DC.*

DEAR MR. LEADER: Just over a year ago, I shook hands with Speaker Gingrich and publicly affirmed my commitment to reforming the nation's campaign finance laws. Now I call on Congress to send me legislation that will address the American public's desire for real change in our political process, and in so doing renew our democracy and strengthen our country. I support the legislation now being considered. In particular, I approve of several reforms such as placing limits on spending, curbing PAC and lobbyist influence, discounting the cost of broadcast time, and reforming the soft money system.

Organized interests have too much power in the halls of government. Oftentimes, representatives from such interest groups operate without accountability and are granted special privileges that ordinary Americans don't even know exist. In addition, elections that represent an opportunity in which ordinary voters should have the loudest voice have become so expensive that these voices are sometimes drowned out by big money.

Let us capitalize on the progress made in the last three years. In 1993, we repealed the tax loophole that allowed lobbyists to deduct the cost of their activities. In 1994, I signed a law that applies to Congress the same laws it imposes on the general public. Last year, Congress answered my call to stop taking gifts, meals, and trips from lobbyists, and I signed the Lobbying Disclosure Act into law. We now have an opportunity to finish the job by addressing campaign finance reform.

As we work to reform campaign finance, we must do everything in our power to ensure that we open, not limit, the political process. Our goal is to take the reins of our democracy away from big special interests, from big money, and to return them to the hands of those who deserve them—ordinary Americans. Real reform is now achievable. I urge the Senate to pass this legislation and give the American people something we can all be proud of.

Sincerely,

BILL CLINTON.

BROADCAST PROVISIONS

Mr. FEINGOLD. Mr. President, it has been suggested that the broadcast provisions in this bill may adversely affect the broadcast industry and I would like to respond to that point.

First, with respect to the free time provision, it is important to understand that this is really a limited free time benefit. It is limited to 30 minutes of free time. Second, the free time is only available to general election candidates—not primary election candidates. And third, of the general election candidates, it is only available to those general election candidates who agree to limit their spending.

We have also carefully crafted this provision to have as minimal effect on the broadcasters as possible. First, no one candidate can request more than 15 minutes of their free time from any one broadcast station. Second, use of the free time must occur in intervals between 30 seconds and 5 minutes. This will ensure that the requirement to provide free time will not interfere with the normal programming of the broadcast station.

And finally, the bill clearly states any broadcast station that can demonstrate that providing such free time will cause the station significant economic hardship is exempt from the free time requirement.

So clearly, the free time provision is not going to have a significantly burdensome effect on the broadcasters.

With respect to the 50-percent discount, it should be noted that this provision is really the linchpin of the legislation. Without public financing, there must be some alternative incentive to encourage candidates to voluntarily limit their campaign spending. Such an incentive had to have an effect similar to that of public funding in the Presidential system—that is, to lower campaign costs so the candidate can spend less time on the phone raising money and more time running a statewide grassroots campaign.

As we all know, the great proportion of a Senate candidate's campaign budget is devoted to broadcast advertising. And therefore, the most sensible solution for lowering campaign costs is to cut the costs of running television advertisements.

Keep in mind, Mr. President, current law already recognizes a public trustee standard with respect to broadcasters. Under current law, broadcasters must provide all Federal candidates with the lowest price they charge to commercial advertisers for similarly run advertisements.

That is current law. All we are doing is providing an additional discount to that special price.

This is entirely consistent with the Supreme Court's 1969 ruling in Red Lion Broadcasting Company versus Federal Communications Commission decision. In the Red Lion decision, the Court upheld the congressional determination made in 1934 that the airwaves belong to the American people, and this decision has subsequently been used to require the broadcasters to provide services such as lowest unit rate and equal time to qualifying Federal candidates.

To suggest that the provisions embodied in the McCain-Feingold bill are somehow a violation of the broadcasters first amendment rights is a proposition that has already been tossed out by the courts.

Let me quote from the legal analysis of this issue prepared by Law Professor Fred Schauer of Harvard University. Professor Schauer writes,

As long as Red Lion remains the law, Congress may within limits consider broadcast

time to belong to the public, and to be subject to allocation in the public interest. In this respect, therefore, price restrictions on advertising, and direct grants of broadcast time, will not violate the First Amendment as it is presently interpreted.

So it is clear that what we are requiring in this campaign finance reform bill is not only sound public policy, but completely within the confines of first amendment principles.

So now we come to the question of how this provision will affect the financial viability of the broadcast industry. Mr. President, when we talk about what sort of costs the broadcasters are going to incur as a result of this legislation, there are several important factors to keep in mind.

First, with respect to the free time provision, we are only talking about general election candidates who agree to voluntarily limit their spending. In any given State, where only two Senate elections occur every 6 years, this will have a nominal impact on broadcasters. Even if all general election candidates do agree to comply with the bill and receive the benefits, that means that all of the broadcasters in a particular State will only have to provide 2 hours of free time over a 6-year period.

It may interest my colleagues to know that the Congressional Research Service has analyzed the broadcast provisions of the McCain-Feingold proposal, and prepared a cost-estimate of how much these provisions might cost the broadcast industry.

I ask unanimous consent that the text of this report be placed in the RECORD at the conclusion of my remarks.

According to CRS, assuming all general election candidates were eligible for and used the free time benefit, this provision would cost the broadcast industry a maximum, a maximum Mr. President, of about $6 million per Senate election.

Figures provided by the National Association of Broadcasters [NAB] show that total political television advertising revenues in 1994 for the broadcast industry were $355 million. That is just political advertising revenues.

Total television advertising revenues in 1994 were $24.7 billion.

That means that the free time provision in the McCain-Feingold proposal, scored at a maximum of $6 million by CRS, would cost the broadcasters about 1.6 percent of their annual political advertising revenues, and less than three-hundredths of 1 percent (.025 percent) of their total annual advertising revenues. And of course, this would only occur in a brief period of time every 2 years.

And what about the 50-percent discount provision, that has been purported to be potentially catastrophic for the broadcast industry. According to CRS, the total cost of the 50-percent discount provision in the primary and general election would be $48 million, again, assuming all candidates were eligible for the discount.

So the most this provision would cost the broadcast industry according to CRS's independent analysis is less than $50 million.

Again, how does this compare as a percentage of the industry's revenues, both political and commercial?

Using the NAB's numbers on political advertising revenues and all other advertising revenues, this $48 million provision in S. 1219 would cost broadcasters, at most, about 13 percent of their political advertising revenues, and less than half of 1 percent (.19 percent) of their total advertising revenues. And again, this would only be every 2 years.

Mr. President, we are talking about less than one-half of 1 percent of the industry's revenues. And that is a maximum, it is likely to be much less than this.

And as you can see from this chart, the broadcast provisions in the McCain-Feingold proposal would cost the broadcast industry less than two-tenths of 1 percent of their total advertising revenues in 1994. And again, these nominal costs would only have to be incurred twice every 6 years.

So I think it is clear, Mr. President, that not only does the broadcast industry have a legal obligation to contribute to the political process, such a contribution would have a minimal effect on their overall revenues. The benefit to the public of cleaning up our congressional elections, in contrast, would be enormous.

Mr. President, it has been suggested that the bipartisan proposal put forth by myself and the Senators from Arizona and Tennessee would somehow further entrench incumbents and make it more difficult for challengers to run for office.

Mr. President, this is yet another argument put forth by the defenders of the status quo that does not pass the straight face test.

First of all, let us remember what sort of campaign finance system we currently have and how it affects challengers and incumbents. I don't think that anyone can dispute that the current campaign finance system confers significant benefits on incumbent Senators that provides incumbents an overwhelming advantage over challengers.

Incumbents start out with more name recognition. Incumbents are permitted to send out free mass mailings to the voters of their States, which often are little more than thinly disguised campaign newsletters.

And most importantly, as virtually every legitimate study has shown, the campaign cash overwhelmingly flows to incumbents. Whether it is PAC money, soft money, bundled money—you name it. The campaign money always flows to incumbents.

To suggest that spending limits will somehow make it more difficult for challengers to run for office is to suggest that challengers have access to the kind of money that incumbents have access to.

That assertion is just factually false.

Challengers cannot raise millions of dollars as incumbents can. The few challengers that are able to mount credible campaigns are those few challengers that are millionaires, and that is why more and more Senate campaigns are turning into races between an incumbent and a millionaire.

As this first chart demonstrates, money does matter. In 1990, 1992, and 1994, the Senate average winning candidate not only outspent the loser in that particular race, but far outdistanced them.

In fact, in most cases, the winning candidate doubled—doubled—Mr. President, what the losing candidate spent. That means that for every television spot the losing candidate was able to run, the winning candidate was able to run two television spots—in some cases, three or four or five times as many spots.

Now the fact that money is clearly the most determining factor in influencing the outcome of Senate elections is troubling by itself. It is a harsh indictment of the current limitless-spending campaign spending that the junior Senator from Kentucky is defending.

But if we know that the candidate who spends the most money is likely to be the winning Senate candidate, the next logical question is, who's getting the money?

As you can see, Mr. President, incumbents are getting the money. Not only are they getting the money, they are blowing challengers out of the water.

That is the current campaign finance system—a system in which the candidate who spends the most money is the likely winner, and a system in which the money flows overwhelmingly to incumbents. The current system is rigged to protect incumbents, and our proposal, for the first time ever, will provide challengers who do not have access to millions and millions of dollars to run a fair and competitive campaign.

We have spending limits in the Presidential system, Mr. President. Have they protected incumbents? They didn't protect President Ford. They didn't protect President Carter. And they didn't protect President Bush. The Presidential system, thanks to voluntary spending limits, has produced fair and competitive elections for 20 years now. The congressional system, with unlimited campaign spending, has produced the opposite.

The evidence is clear, Mr. President and I am hopeful my colleagues will see through the phony and absurd argument that spending limits hurt challengers.

THE CONSTITUTIONAL ARGUMENT

Mr. President, I have listened to the arguments of the Senator from Kentucky, the Senator from Washington, and others, with respect to the constitutionality of this campaign reform proposal.

I share his concern that we should not pass legislation that would be a clear violation of the first amendment.

I stand behind no one when it comes to defending the first amendment and the principles it stands for. That is why I will not support a constitutional amendment that would allow us to impose mandatory spending limits. At one time, I did vote for a sense of the Senate resolution regarding such an amendment but I have come to believe that we should respect the Supreme Court's rulings on this issue, and that these rulings have provided enough guidance and direction that we can write a constitutional proposal that would be upheld by the Supreme Court.

I have to say that what the Senator from Kentucky is suggesting, that the voluntary spending limits might be found by the courts to be unconstitutional, is unfounded. Mr. President, this argument is a giant red herring meant to divert attention away from the real issues.

Let us be very clear about what the Supreme Court held in the Buckley versus Valeo decision in 1976. The Court said two very important things in the Buckley decision;

First, the Court made a distinction between mandatory limitations on expenditures by candidates, and mandatory limitations on contributions to candidates. The Court said that we cannot place mandatory spending limits on all candidates, because that would infringe on the first amendment rights of those candidates who may wish not to abide by the spending limits.

Second, the Court upheld mandatory limitations on campaign contributions, declaring that such contributions could have, or appear to have, a corrupting influence on the recipient of those contributions, and contributions could therefore be limited.

Now, I have heard the Senator from Kentucky say on many occasions that the Supreme Court has said that money equals political speech and that since we cannot limit political speech, we cannot limit the flow of money. As the Senator from Kentucky just asserted, money, in his view, equals speech and we can't limit it.

However, Mr. President, the Supreme Court did not, in fact, say that money is speech and cannot be limited, and saying it over and over again doesn't make it any more true.

The Court did say that money is a form of speech, and can only be limited by the Government in certain circumstances. And as I said, one of those circumstances is in the form of limits on campaign contributions. If the Supreme Court had held that money equals absolute speech, then they would not have upheld limitations on campaign contributions.

Besides contribution limits, the Supreme Court has said that there are other ways we can constitutionally limit the flow of campaign money, including campaign expenditures.

As the Court said in the Buckley decision:

> Congress may engage in public financing of election campaigns and may condition acceptance of public funds on an agreement by the candidate to abide by specified expenditure limitations. Just as a candidate may voluntarily limit the size of the contributions he chooses to accept, he may decide to forgo private fundraising and accept public funding.

In short, the Presidential system is a completely voluntary system that offers incentives in the form of public financing to candidates who agree to limit their spending. That, the Court said, was perfectly constitutional.

And that sort of voluntary system, specifically upheld by the Supreme Court in the Buckley decision, is what the McCain-Feingold-Thompson legislation is modeled after. We provide a voluntary system of spending limits and benefits. No one is forced to participate, no one is coerced into participating, and there are no penalties, not a single one, for candidates who choose not to voluntarily comply.

Just like the Presidential system that has been specifically upheld by the Supreme Court.

The assertion that the Senator from Kentucky is making, that voluntary spending limits tied to the offering of cost-saving benefits is unconstitutional, is a challenge that has been specifically rejected by the courts. Let me repeat that Mr. President. The argument that the Senator from Kentucky is making, that voluntary spending limits tied to benefits is unconstitutional, has specifically been rejected by the Federal courts.

The case was Republican National Committee versus Federal Election Commission, and in that case a three-judge Federal panel specifically upheld the constitutionality of voluntary spending limits and rejected the argument put forth by the Senator from Kentucky. That decision was summarily affirmed by the U.S. Supreme Court.

It is true that unlike the Presidential system, the McCain-Feingold-Thompson proposal does not have public financing. It would have been my preference to have public financing, but I agreed to forgo public financing as a part of this compromise proposal.

Instead, we offer broadcast and postage discounts that will substantially reduce the costs of running for a Senate seat. And the outlandish suggestion has been made by a few—very few indeed—that this distinction, between public financing and advertising discounts, is what makes our legislation unconstitutional.

Mr. President, that is an absurd proposition. The only way such a voluntary system could possibly be unconstitutional is if the system were not truly voluntary, or in other words, if candidates were essentially coerced into participating. How do you coerce a candidate into participating? By making the benefits so incredibly valuable and by imposing tough penalties against those who choose not to comply, so that there really is not choice for a candidate to participate or not.

And this is where the Senator from Ketucky's—Senator MCCONNELL—argument completely falls apart. The court ruled in the Buckley case that public financing was not coercive. So for our bill to be unconstitutional, the benefits would have to be even more valuable than direct public financing.

Mr. President, the benefits in our bill are very valuable. The 50-percent broadcast discount alone will cut a candidate's advertising costs in half. But these benefits do not even come close to the value of direct public financing.

Suppose you are a Federal candidate running a $1 million campaign. And suppose you had a choice of two benefits; you could either have a 50-percent discount on your broadcast advertising, or you could have a check for $1 million. Which benefit are you going to take?

The question is obvious, Mr. President. Every candidate in America faced with such a choice would clearly favor the public financing. Public financing is a far more valuable benefit, and for the Senator from Kentucky to suggest otherwise flies in the face of the reality of our campaign system.

I find it interesting that during the course of the many hearings that have been held in the Senate Rules Committee, much testimony was heard from several constitutional experts. However, only one of those experts, Law professor Fred Schauer of Harvard University, made it clear that he had no position on the policy aspects of the McCain-Feingold bill. Every other expert called by the committee—on both sides of the issue—made clear that in addition to their legal views, they also has a bias as to either being in favor or opposition to the reform bill.

And how did Professor Schauer respond to the Senator from Kentucky's claim that the voluntary structure of spending limits in our bill was unconstitutional? After pointing out that the arguments asserted by the Senator from Kentucky were the same arguments rejected in the RNC decision, a decision that was summarily affirmed by the Supreme Court, Professor Schauer said:

> If we stick to the question * * * and separate the constitutional questions from the

policy question * * * voting against the bill on the assumption that it is clearly inconsistent with existing Supreme Court and federal court precedent is not an accurate characterization of the precedent.

Mr. President, the Schauer testimony is just a move in a chorus of objective analyses from constitutional experts around the country who have held that the voluntary spending limits in the McCain-Feingold-Thompson bill does pass constitutional muster. Without asking for anyone's view on the policy implications of our proposal, we asked several authorities in the legal and academic community for their opinions about the constitutionality of this proposal.

We asked the nonpartisan American Law Division of the Congressional Research Service to prepare a constitutional analysis of our proposal. The analysis, prepared by Paige Whitaker, a well-respected attorney with CRS who has prepared a number of reports for Congress on this issue and who has been called to testify before Congress on campaign reform, states very clearly that the voluntary system created in our bill of offering incentives in exchange for compliance with spending limitations is wholly consistent with the Court's ruling in Buckley versus Valeo.

In addition to CRS, my office contacted some of the most well-known and respected first amendment authorities in the country.

These authorities include Professor Daniel Hays Lowenstein of the UCLA Law School, Professor Cass Sunstein of the University of Chicago Law School, Professor Fred Schauer of Harvard University, Professor Jamin Raskin of the Washington College of Law at American University and Professor Marlene Arnold Nicholson of the DePaul University College of Law.

These experts, among the most widely respected first amendment and constitutional scholars in the country, all agree that the voluntary structure of spending limits tied to broadcast and postage discounts is fully consistent with the Constitution.

Now, Mr. President, some have also suggested that the provision in our proposal to prohibit Political Action Committee contributions to Federal candidates may not pass constitutional muster. I, for one, am skeptical that you can constitutionally prohibit a group of individuals from banding together, pooling their resources and contributing to a Federal candidate any more than you can prohibit any single individual from contributing to a Federal candidate.

However, we must remember that the Supreme Court has taken a favorable position with respect to the Government limiting campaign contributions, and indeed, the Supreme Court has upheld the constitutionality of absolute prohibits on specific entities making campaign contributions, such as labor unions and corporations.

Nonetheless, our proposal contemplates such a legal challenge, and contains specific fall-back provisions if the Supreme Court ruled a PAC contribution ban unconstitutional. These fall-back provisions would reduce allowable PAC contributions from $5,000 to $1,000, and stipulate that no candidate could receive more than 20 percent of the applicable spending limits in aggregate PAC contributions.

Where did this fall-back proposal come from, Mr. President? It is the exact same proposal, word for word, that was contained in the Pressler-Durenberger amendment offered to S. 3, the campaign finance reform bill considered in the 103d Congress.

That amendment, which not only banned PAC contributions, also banned all PAC expenditures in a Federal election including independent expenditures, included these very fall-back limitations on PAC contributions if the Supreme Court ruled such a ban unconstitutional. The Pressler-Durenberger amendment passed the U.S. Senate by a vote of 86 to 11.

Yes, 86 to 11, Mr. President. I voted for it. Most of the Members of this body, including the Senator from Kentucky, voted for it.

Our provisions dealing with PAC contributions are actually far more permissive than the provisions contained in the Pressler-Durenberger amendment which 86 Senators voted for.

I should also say, Mr. President, that a proposal to not only ban PAC contributions, but also to prohibit PAC's from engaging in independent expenditures as the Pressler-Durenberger amendment did, can actually be found in another reform bill—a bill introduced by the junior Senator from Kentucky. I am somewhat surprised that the junior Senator from Kentucky, who has condemned such a proposal as unconstitutional and a blatant violation of the first amendment, would include such a provision in the reform bill he wrote.

So, Mr. President, just a couple of years ago, 86 Senators went on record in favor of a PAC ban coupled with fall-back limitations in case of an unfavorable Supreme Court ruling. The provision in our proposal is actually far less restrictive than that included in the Pressler-Durenberger amendment, as we only limit PAC contributions, not their independent expenditures. If 86 Senators, including the Senator from Kentucky, believed a complete PAC prohibition to be constitutional enough that they could vote for it, I see no reason why the same number, or even more Senators now could not support a far less restrictive regulation.

In closing, Mr. President, I want to assure my colleagues that I believe, and the Senator from Arizona believes, that the key provisions of this legislation would be upheld by the courts. Moreover, nonpartisan experts from around the country, including the Congressional Research Service, who do not have a prejudice one way or the other on this proposal, have told us that these provisions are constitutional.

I ask unanimous consent that a statement designating that the broadcast provisions in the bill would have only a relatively nominal impact in the broadcast industry be printed in the RECORD.

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

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
*Washington, DC, February 8, 1996.*

To: Honorable Russell Feingold, Attention: Andy Kutler.

From: Joseph E. Cantor, specialist in American National Government, Government Division.

Subject: Estimated value of free and discounted TV time under S. 1219—the Senate Campaign Finance Reform Act of 1995.

This memorandum provides information relevant to estimating the dollar value of the free and discounted TV air time that would be offered to Senate candidates under S. 1219, the Senate Campaign Finance Reform Act of 1995.

S. 1219, introduced by Senator McCain and you, establishes a system of voluntary expenditure limits for Senate candidates, in exchange for three cost-reduction benefits: (1) 30 minutes of free TV time; (2) additional TV time at 50 percent of the lowest unit rate (LUR); and (3) a reduced postal rate for two mailings per eligible voter. This memorandum focuses on estimating the value of the first two benefits, dealing with TV time.

As I have explained to you, and as has been reinforced in my conversations with all my sources, both these tasks are highly speculative, and the resulting estimates I have derived are subject to challenge on any number of grounds. I have used different methodology and sources for each of the two tasks, relying in both cases on a combination of actual cost figures, published estimates, and educated guesses and assumptions by appropriate authorities. While these assumptions can legitimately be challenged, I believe this effort to represent a reasonable, logical attempt at a rough approximation of the dollar value of the proposed benefits. Appropriate caveats and sources are noted herein.

BENEFIT NO. 1: FREE TV TIME

PROPOSAL

The bill would provide 30 minutes of free television air time to participating candidates, to be used: (1) in the general election period (i.e., once the candidate has qualified for the general election ballot); (2) on Mondays-Fridays, between 6 PM and 10 PM (unless the candidate elects otherwise); (3) in segments of between 30 seconds and 5 minutes; and (4) on stations within the State or an adjacent State, but with no more than 15 minutes on any one station.

METHODOLOGY

Our goal was to make a reasonable determination of the dollar value of 30 minutes of television advertising time which Senate candidates would use during a general election period.

At the outset, one is faced with the fact that there are enormous variations in costs

of TV time. First of all, there are 211 media markets in the U.S., with substantial differences in costs among them. Second, the broadcast market is a commodity market, subject to the laws of supply and demand. Hence, there are wide variations in costs within a single market or broadcast station, even for comparable periods of time on comparable TV shows. Furthermore, there are no sources on the exact cost of TV ads, because of the extremely complex system for buying and setting rates for TV time. Finally, our task was compounded by the uncertainties involved in a political campaign setting, with the number of candidates eligible for the benefit unknown and with the way in which candidates might use the benefit (within the parameters outlined in your legislation) unknowable.

In undertaking this project, I was fortunate in obtaining assistance from two Washington-area media buyers who are substantially involved in campaign work.[1] Despite their cautionary notes about the nature of this task (as outlined above), they understood the value of devising an intellectually defensible estimate and provided essential guidance in the process.

Our effort first focused on devising an average cost of a TV spot, based on the following assumptions: the 30 minutes would be used by the Senate candidate in the form of 60 spots of 30 seconds each; the candidate would seek to place all free spots in prime time (your bill covers the early news (6 PM—7 PM) and prime access (7 PM—8 PM) periods, as well as most of the prime time (8 PM—11 PM) period; and the candidate would place the ads on as many of the most popular (i.e., highly rated) shows as possible.

According to the Media Market Guide[2] for the fourth quarter of 1995 (which covers the months relevant to a general election), the national average cost per rating point for a 30-second spot in prime time (aimed at an audience of all adults over the age of 18) was $25,403.[3] As this represents the cost for a commercial advertiser, we subtracted 15 percent to reflect the rate most stations charge to political advertisers (this political rate, not required by law, should not be confused with the lowest unit rate which Federal law requires broadcasters to offer candidates). We arrived at a national political rate per point of $21,593. I then calculated a national average cost per rating point, by dividing $21,593 by 211 (the number of U.S. media markets), yielding an average political cost per point of $102.

In order to get a cost figure for an actual 30-second spot, one must multiply the cost per point by the number of points which a particular program (or TV show) commands. We chose five popular TV shows in Monday through Friday prime time, and then averaged their national rating point numbers. The shows (and their national rating points) were: NYPD Blue, ABC (15.90); 20/20, ABC (17.10); Law and Order, NBC (12.80); Frasier, NBC (14.70); and Chicago Hope, CBS (14.90).[4] The average national rating points of these shows came to 15.1. Hence, the average 30-second spot on a popular prime time show is 15.1 multiplied by $102, or $1,540.

If 60 of these 30-second spots are used, the benefit equals $92,400 per candidate, on average. Obviously, a New York area candidate's benefit would be much higher, while a Montana candidate's benefit would be much lower.

ESTIMATED TOTAL

To derive a national figure, we made a simple calculation, based on the assumption of 66 major party general election candidates, with no qualifying minor party candidates. Of course, it is a considerable assumption that all major party nominees would participate in this system, just as it is that no minor party candidates would qualify. But as your bill calls for an hour of free time per State, having minor parties qualify would not change the total. Hence, multiplying $92,400 by 66 candidates yields a national total of $6,098,400, rounded to $6 million.[5]

BENEFIT NO. 2: DISCOUNTED TV TIME

PROPOSAL

Your bill also provides participating Senate candidates the benefit of buying additional broadcast time at 50 percent of the lowest unit rate. This benefit would be available during the last 60 days of the general election (when the LUR requirement is in effect) and the last 30 days of the primary election (the LUR is now available to candidates in the 45 days before a primary, but your bill would change that to 30 days).

METHODOLOGY

Whereas the first benefit involves a specified amount of time in specific time periods, this provision would affect an indeterminate amount of broadcast purchases. Also, rather than involving a new form of candidate activity (i.e., a free service), this second benefit involves one candidates already use, but with a prospectively lower cost. Hence, whereas the first exercise was more theoretical, the second can be based more on what we know about current behavior among Senate candidates.[6]

Specifically, by estimating the current level of campaign air time, one can make a reasonable assessment of the dollar value of the reduced cost benefit to candidates. This exercise involves deriving a percentage estimate of the share of overall campaign expenditures that can be attributed to TV time buys during the periods affected by your bill, and then extrapolating this percentage onto campaign expenditure data.

There is no official source for data on broadcast expenditures in Federal elections. While campaign expenditures are required to be disclosed with the Federal Election Commission (FEC), payments to broadcast stations usually are not itemized and are often included among other payments to media consultants; nor do the reports group expenditures by category for easier retrieval of desired information. Furthermore, the Federal Communications Commission does not systematically compile data of this nature from the broadcast stations. Until very recently, observers were forced to rely on anecdotes, surveys, or estimates of the amount of campaign money that was directed specifically to broadcast time purchases.

Following the 1990 congressional elections, two reporters for The Los Angeles Times undertook a massive, systematic study of congressional campaign expenditures in that election—based on candidates' disclosure filings—and arranged the data into categories.[7] Comparable studies were done following the 1992 and 1994 elections, by Dwight Morris (one of the original authors) and Murielle Gamache. Because of their exhaustive efforts and professional skill, these studies are widely accepted by campaign finance experts as containing the most reliable, authoritative data on campaign expenditures by type of service. Consequently, my estimates are based heavily on the data in the most recent published study: Handbook of Campaign Spending: Money in the 1992 Congressional Races, By Dwight Morris and Murielle E. Gamache (Washington, Congressional Quarterly, Inc., 1994. 592 p.). (The 1994 edition will be published later in 1996.)

The summary tables, copies of which are attached, reveal that in 1992, major party Senate candidates who ran in the general election spend $86.8 million on "electronic media advertising." This category was defined on page xiv of Handbook of Campaign Spending as including: All payments to consultants, separate purchases of broadcast time, and production costs associated with the development of radio and television advertising.

Because the data unavoidably include production costs and consultant fees (which are irrelevant to the benefits in S. 1219 concerning air time), it is necessary to estimate the percentage solely for air time. The authors report that most media consultants add a 15-percent charge to media buys for their services (which include producing the ads). Hence, I would subtract this 15 percent, or $13.0 million, and assume the remaining 85 percent of the "electronic media advertising" total went for air time purchases. This leaves $73.8 million for air time costs.

Several other factors must be taken into account in making the data in this study applicable to our purposes. First, the electronic media figure includes radio advertising; our interest is solely in television. In a telephone discussion on February 1 with Dwight Morris, one of the authors, we agreed that it would be reasonable to assume that 95 percent of the total went for television. Hence, subtracting another 5 percent, or $3.7 million, leaves $70.1 million for TV air time cost.

Second, the data include spending by the candidates in the primary as well as the general election period, as FEC data unavoidably does. The benefits in S. 1219 would apply to both periods, but only for the last 30 days in the primary and the last 60 days in the general election. In our phone discussion, Dwight Morris and I agreed that it would be reasonable to assume that 90 percent of the media expenditures occurred in the general election period. Taking 10 percent of $70.1 million yields $7.0 million for primary TV air time spending and $63.1 million for TV air time in the general election.

The final estimation involved the extent to which the air time in the primary is bought in the last 30 days and the air time in the general election is bought in the last 60 days. Morris and I agreed (as did some of the media buyers I worked with in the first estimate) that at least 95 percent of the air time would be used in those periods. Hence, subtracting an additional 5 percent in each case leaves an estimated $6.7 million for TV air time in the last 30 days of a primary and $59.6 million for TV air time in the last 60 days of a general election.

GENERAL ELECTION BENEFIT

Step 1. Starting with $86.8 million total for electronic media advertising, I subtracted the estimates of $13.0 million for consultant fees, $3.7 million for radio time, $7.0 million for primary spending, and $3.5 million for time purchased before the final 60 days of the general election. The resulting $59.6 million (for TV air time in the final 60 days of the general election) represents approximately 69 percent of the "electronic media advertising" figure and 27 percent of the $219.1 million in total Senate candidate expenditures in the Morris/Gamache study.

Step 2. Although the comparable 1994 data are not yet available, it may be instructive to apply the 27 percent figure cited above to the total expenditures reported to the FEC by 1994 Senate candidates. The FEC reported

[1] Footnotes appear at end of letter.

that $270.7 million was spent by major party Senate general election candidates in the 1993–1994 election cycle.[8] Because the Morris/Gamache study included data for the six-year period leading up to and including 1992, I added the $12.6 million 1994 Senate candidates spent from 1989 to 1992 (which I calculated from the same press release). Hence, I arrived at a total of $283.3 million spent by major party Senate general election candidates in the entire six-year period. Assuming the same 27 percent of total spending went for TV air time in the last 60 days of the general election, I got an estimated 1994 figure of $76.5 million.

Step. 3. The 1992 estimated cost of TV air time of $59.6 million and the 1994 estimate of $76.5 million can be averaged (in case one of the years was an anomaly in the context of overall spending trends), to yield $68.1 million, rounded to $68 million for convenience. While this is just an estimate, subject to all the caveats inherent therein, I would be fairly comfortable using this as the basis for any further estimates you may wish to make, specifically that the value of the broadcast discount would be 50 percent of this, or roughly $34 million.

PRIMARY ELECTION BENEFIT

The process for estimating the benefit in the primary period is complicated by the fact that our primary data source not only does not distinguish between primary and general spending, but it leaves out candidates who lost the nomination contest. Hence, I added a fourth and fifth step to the process: (1) use the Morris/Gamache 1992 data on cost breakdowns, apportioning amounts to specific functions; (2) apply the same percentage to 1994 FEC data; (3) average the 1992 and 1994 figures; (4) examine 1992 and 1994 FEC data on primary losers, apply an appropriate percentage, and average the two dollar figures; and (5) add the average from step 4 to the figure in step 3.

Step 1. To apportion the share of primary election candidates expenditures that were spent on TV air time in the last 30 days of the primary, I started with the $86.8 million total for electronic media advertising in the Morris/Gamache study. I subtracted the estimates of: $13.0 million for consultant fees, $3.7 million for radio time, $63.1 million for general election spending, and $.35 million in time purchased before the final 30 days of the primary election. This left an estimate of $6.7 million as being spent by 1992 major party Senate candidates for TV air time in the final 30 days of the primary election. This figure represents approximately 8 percent of the figure listed for electronic media advertising and 3 percent of the $219.1 million in total Senate candidate expenditures in the Morris/Gamache study.

Step 2. I next applied the 3 percent figure cited above to the total expenditures reported to the FEC by 1994 Senate candidates. Again, I started with the $270.7 million spent by major party Senate general election candidates in the 1993–94 election cycle, and then added the $12.6 million these candidates spent from 1989 to 1992. Applying the 3 percent figure from 1992 to the resulting total of $283.3 million, I got a 1994 figure of $8.5 million for the cost of TV air time in the last 30 days of the primary election.

Step 3. I averaged the 1992 estimated TV cost of $6.7 million and the 1994 estimate of $8.5 million, to yield $7.6 million, rounded to $8 million for convenience. This represents estimated spending on TV air time during the last 30 days of the primary by candidates who went on to compete in the general election.

Step 4. Major party Senate candidates who were defeated in primary elections spent a total of $75.9 million in 1992[9] and $45.9 million in 1994.[10] Because all of this money was spent on the primary election, we adjusted only for consultant fees, radio time, and time purchased before the final 30 days. I assumed the same total percentage of money went for TV time by the primary losers as by all candidates in this six year study. Starting with the $86.8 million total for electronic media advertising, I subtracted the estimates of: $13.0 million for consultant fees, $3.7 million for radio time, and $.35 million for time purchased before the final 30 days of the primary. This left $69.8 million, which is approximately 32 percent of the $219.1 million in total expenditures reported in the Morris/Gamache study.

Applying this 32 percent to the $75.9 million spent by 1992 primary losers yields $24.3 million; applying the same percentage to the $45.9 million spent by 1994 primary losers yielded $14.7 million. Averaging the 1992 and 1994 figures gave us $19.5 million, rounded to $20 million; this represents an estimate of TV air time purchases in the last 30 days of the primary election by Senate primary losers.

Step 5. Finally, I added the $8 million from step 3 for party nominees to the $20 million for primary losers, yielding an estimated total of $28 million as being spent on TV air time by Senate candidates in the final 30 days of the primary.[11] Reducing this by half left us with $14 million, as the estimated value of the 50 percent LUR reduction to Senate primary candidates.

ESTIMATED PRIMARY AND GENERAL TOTAL

Using the methodology in this memorandum, I estimate the value of the 50 percent broadcast rate reduction to be worth $34 million to Senate candidates in the general election and $14 million in the primary—a total of $48 million.

I trust that this memorandum and the accompanying material meet your needs in this matter. Please feel free to contact me 7-7876 if I can be of further assistance.

FOOTNOTES

[1] Carole Mundy, of Fenn-King-Murphy-Putnam Communications, Inc. in Washington, D.C., assisted in developing the methodology and obtaining source material. Gail Neylan, of Neylan & Roy—an independent media buying service, provided guidance in corroborating and finetuning the approach developed with Ms. Mundy.

[2] Media Market Guide, 4th Quarter 1995 (October-December). NY, Bethlehem Publishing, Inc. 1995.

[3] Those cost per (rating) point is the standard unit used by advertisers and media buyers in evaluating relative costs of delivering one percent of the audience share in different markets.

[4] Ratings based on: A.C. Nielsen Company, Network Programs by DMA, November 1995.

[5] A more thorough effort might involve looking at each State's media dynamics, given the variations in media market configurations. A candidate in New Jersey, for example, has to buy time in both the New York and Philadelphia markets, while more than 90 percent of California voters are reached by seven markets, all within that State's boundaries. These types of calculations, while yielding perhaps a more accurate estimate, involved undue time investment and raised significant, complex additional questions.

[6] One caveat, of course, is that this approach is based on current candidate behavior, not taking into account prospective increased TV air time purchases because of the lower cost. While this could well occur, this tendency would be clearly circumscribed by the overall campaign spending limits to which participating candidates must agree.

[7] Fritz, Sara, and Dwight Morris. Handbook of Campaign Spending: Money in the 1990 Congressional Races. Washington, Congressional Quarterly, Inc., 1992. 567 p.

[8] U.S. Federal Election Commission. 1994 Congressional Fundraising Sets New Record (press release): November 1995.

[9] U.S. Federal Election Commission. 1991–92 Congressional Spending Soars to $680 Million (press release): January 1994.

[10] U.S. Federal Election Commission. 1994 Congressional Fundraising Sets New Record (press release): November 1995.

[11] It may seem counterintuitive that primary losers would spend twice as much on TV as primary winners, and this may point up a flaw in our estimation process. But it is often the case that well-funded primary candidates (often wealthy individuals) spend large sums of money in losing attempts at nomination, while in perhaps the majority of cases, Senate party nominees (especially incumbents) have little or no real opposition in the primary.

Mr. FEINGOLD. I yield the remainder of my time to my friend and a leader today in the future on campaign finance reform, the Senator from Arizona.

Mr. MCCAIN. I yield 30 seconds to the Senator from California.

Mrs. BOXER. Mr. President, I thank my friend for yielding. I thank him for his leadership, as well as that of Senator FEINGOLD. Let me say, as one of the two Senators from California, we need to raise at least $20 million—that is obscene—to win a Senate seat. That means a candidate running for Senate for California must raise $10,000 a day, 7 days a week, for each day of the 6-year term. This is unconscionable. I will support cloture. I will support campaign finance reform.

I intend to vote for campaign finance reform and for this measure cutting off debate so we can have the opportunity to discuss this crucial issue. We must pass campaign finance reform this year.

I feel we must limit the influence of special economic interests so that the public has no fear that Senators are representing those interests instead of the people of their State and the Nation.

As a Senator from the largest State in the Union, I am particularly aware of the need for reform. Candidates for the U.S. Senate in California must raise at least $20 million. This means that a candidate running for the Senate must raise at least $10,000 a day, 7 days a week, for each day of a 6-year term. This is obscene.

For me it is more important to meet with constituents here and in the State, write legislation, and participate in debates like this one, let alone read as much as I can.

There are several important aspects of campaign finance reform.

First, to establish limits on campaign spending. The root of our problems with the current system is that campaigns spend too much. To me limits are one of the most important elements of reform.

Second, we must end the practice of using soft money to evade contribution limits. Soft money originally was intended to be used for party building activities, but in many cases, it has turned into a negative campaign apparatus.

There are many approaches to campaign finance reform. I favor the Feinstein bill because it recognizes the

rights of organizations of every political persuasion to participate in the political process by gathering small donations to candidates.

I speak from the heart when I say that we must pass campaign finance reform this year and begin to restore the faith and confidence of the American people.

Mr. McCAIN. Mr. President, the Senate is about to determine whether bipartisan campaign finance reform will be an accomplishment of this Congress or not. As I noted yesterday, the Members of the 104th Congress can point with pride, well-earned pride, to the substantial institutional reforms that were passed by this Congress. But the reform which the public believes to be most necessary and most urgent—campaign finance reform—is not yet among the accomplishments of this reform-minded Congress.

Today, the Senate has an opportunity to begin remedying that deficiency, and take a giant step toward becoming one of the most important reform Congresses in American history. Invoking cloture cannot guarantee this legislation will be enacted into law, but we will be well on the way, Mr. President. Momentum toward final passage may well prove irresistible in the wake of a successful cloture vote.

But should we fall short of that goal today, it will not mean a permanent end to this effort. Mr. President, we will have campaign finance reform; if not this year, then next; if not the 104th Congress, then the 105th. We will have campaign finance reform because the people demand it. The people have perceived in the manner in which we finance our reelection a profound inequity between incumbent and challenger; an inequity which serves to distance Members of Congress from the will of the people; to further estrange us from our employers, and indebt us to an array of monied interests. The people's will cannot be forever denied no matter how well inoculated we are by the financial advantages we claim as incumbents. The people will have this reform, if not by our work, then by the work of our replacements.

Some may see in that statement a contradiction. If current campaign financing laws so greatly advantage incumbents then we should prove immune to public pressure for reform. We are indeed greatly advantaged by the current system, Mr. President, but no one, no matter how abundant his or her campaign coffers, can forever disregard a demand for reform that is supported by three-quarters or more of the American public. No one.

Not all campaigns are waged in such clear opposition to the public will. In most elections, candidates generally avoid giving great offense to the voters. It is in most elections that incumbents are undeniably, unmistakably, and overwhelmingly advantaged over challengers.

Opponents of this measure, who are my friends, argue eloquently that we who propose this reform are the enemies of the first amendment; that we are engaged in that most un-American of activities—the attempted abridgement of every American's right to free speech. I believe we have effectively refuted that serious charge, in part because we have had an ample body of opinion by constitutional scholars to rely on. For the record, let me state the obvious: I did not seek public office so that I might violate the Constitution. In my life, I have taken no oath more seriously than my oath to defend the Constitution. I hope my colleagues will accept that I am their equal in my love of our Constitution.

Mr. President, we proponents of campaign finance reform do not seek to curtail the free speech of incumbents. We seek to give voice—a greater voice—to challengers than is usually the case under the present system of campaign financing. These are voluntary spending limits we have proposed. Yes, there are incentives in this bill to encourage candidates to abide by these limits, and disincentives to discourage candidates from exceeding them. But if a candidate feels that circumstances necessitate campaign expenditures in excess of these voluntary limits, he or she is free to make those expenditures.

Their opponent, however, should not be unfairly disadvantaged by the other candidate's refusal of spending limits. So, we have included provisions in our legislation to help a candidate who abides by the limits keep pace with the campaign of the candidate who rejects the limits.

Implicit in the arguments of this bill's opponents is the definition of free speech as more speech. They argue that if an incumbent does not spend more money on advertising than the challenger, either because of voluntary limits or because the challenger is allowed more discounted advertising and postage rates, then somehow the incumbent's free speech has been curtailed. In reality, Mr. President, our legislation does not abridge the incumbent's right to free speech; it advances the free speech of challengers. It refutes the notion that for speech to be free, one candidate must have more of it than another.

Again, these are voluntary spending limits. They are voluntary and they are fair.

Mr. President, the opponents of campaign finance reform are as passionate in their opposition as we are in our support. I do not doubt the sincerity of their conviction that too little money is spent on campaigns today. I disagree, of course, but I cannot challenge their earnestness nor resent the passion with which they advance their argument. On a few occasions, I have been known to invest my arguments with a little heated rhetoric, and it would be unfair of me to begrudge the genuine ardor our opponents hold for their cause, as unsound as that cause might be.

I commend them for their willingness to extensively and openly debate this legislation, so that the public may judge from our arguments who has carried the day. The cloture vote will indicate legislative failure or success today. But it will not necessarily indicate whose argument has prevailed. Nor, as I noted at the beginning of my remarks, will this vote, should we fail to reach cloture, signal an end to this campaign for reform. We will be back next year. We will ultimately prevail.

Before I conclude, Mr. President, I want to again commend the Republicans and Democrats who sponsored and helped to craft this first genuinely bipartisan campaign finance reform bill. They have all distinguished themselves in this debate, and in this crusade to keep faith with the people's just demands for reform. First among these friends is my partner, the Senator from Wisconsin, RUSS FEINGOLD. The Senator is a man of honor, and his sense of honor prevails over his sense of politics. That is a virtue, Mr. President, a sometimes inexpedient virtue, but a virtue nonetheless, and one which I greatly admire.

Mr. President, the Senator from Wisconsin and I came to the Senate to argue with one another. We came to the Senate with different ideas about the proper size and role of Government in this country.

We came here to serve our constituents by serving those ideas, and we want to spend our time here in open, fair, and honest debate over whose ideas are the most sound. We did not come here to spend the majority of our time raising vast funds to ensure our reelection. Nor did we come here to incur obligations to a few narrowly defined segments of this country. All Americans deserve fair representation by their Congress.

Mr. President, despite our philosophical and political differences, Senator FEINGOLD and I have made a common cause in our pursuit of genuine campaign finance reform. To do so, we both knew that we would have to relinquish all partisan advantages that had undermined previous legislative attempts at reform. We were determined to be fair, Mr. President, and on no occasion—no occasion—did Senator FEINGOLD, or any of the cosponsors, attempt to seed into this legislation an advantage for one party or the other. We were fair, we were committed to genuine reform, and we were and are determined.

I have found the experience liberating, and I commend it to all of my colleagues. I urge all of my colleagues to join us in this necessary endeavor, to accept the public will and restore the public's respect for the institutions

that are derived from their consent. Vote for cloture. Vote for reform.

## RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 1 o'clock having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 1:02 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

## CAMPAIGN FINANCE REFORM

The Senate continued with the consideration of the bill.

Mr. DASCHLE. Mr. President, the McCain-Feingold campaign finance reform bill is not a perfect bill. But it is a good bill. More important, it provides a good start on what ought to be one of our top priorities: loosening the grip of big-money special interests on politics.

I will vote for cloture not because I think this bill cannot be improved—it can—but because we must change the way campaigns are financed, and this is, for now, the only means we have to make that change.

There are those who say they oppose cloture because they want to be able to amend this bill and improve it. But let no one in this Chamber be fooled: a vote against cloture is a vote to kill campaign finance reform. We know that because the leading opponent of this bill has told us he intends to filibuster this bill and kill it if we give him the chance.

To block reform with calls for debate is more than cynical. It is dangerous.

A while back, the Kettering Institute conducted a survey of Americans' attitudes about the influence of money on politics. The survey found a widespread belief that "campaign contributions determine more than voting, so why bother?" It described "a political system that is perceived of as so autonomous that the public is no longer able to control or direct it."

"People talk about government," the study said, "as if it has been taken over by alien beings."

We will never restore faith in government if people believe the political system is rigged against them, if they believe it serves the wealthy, the powerful, and the politically connected at their expense.

The McCain-Feingold proposal, as I have said, is not perfect. For instance, I believe we should encourage participation in our political process by individuals who get together not because they have some narrow economic interest in a particular bill but because they have a broad interest in the direction of government. That is exactly the kind of grassroots participation that groups like EMILY'S List and, yes, WISH List, encourage. Yet this bill would ban such participation. In my opinion, that is a serious flaw.

But this bill does fix some of what is most broken about the current campaign finance system. It sets reasonable spending limits. It makes political campaigns more competitive for challengers. And it sets reasonable limits on the influence of PAC's.

This is not an attempt by one party to rewrite the rules to its own advantage. This is a bipartisan effort that will be good for both our parties, and for our Nation. I want to thank Senators MCCAIN and FEINGOLD for their leadership in getting us to this point against what must have seemed at times very long odds.

I will vote for cloture because I believe it is wrong if another Congress comes and goes and does nothing about campaign finance reform.

Talk may be cheap. But when endless talk is used to block action on campaign finance reform, it becomes terribly expensive because special interests are able to undermine efforts to solve the problems that matter most to America's families.

A while back, the Speaker of the House said, and I quote—"One of the big myths in modern politics is that campaigns are too expensive. The political process is not overfunded; it is underfunded."

Mr. President, the American people do not agree. A poll conducted earlier this year by a Republican and a Democratic pollster asked people whether they agreed that "those who make large campaign contributions get special favors from politicians." Sixty-eight percent said yes, they agreed, and they said they were deeply troubled by it.

So the need for campaign finance reform will not go away, even if, for some reason, campaign finance reform is not enacted in this Congress. Ultimately, we must change the rules. We must lessen the influence of money on politics. I urge my colleagues to join me in beginning that change by voting now to bring this reasonable, modest proposal forward for a vote.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent that I may use leader time for a very brief statement.

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

Mr. LOTT. Mr. President, just very briefly, I want to commend the Senate for the quality of the debate on this campaign finance reform issue. I have been able to listen to several of the speeches that have been given. I think on both sides of the issue and on both sides of the aisle, it has been an outstanding debate.

I commend specifically Senator MCCAIN, Senator FEINGOLD, Senator THOMPSON, and others who have sponsored this legislation, and for the quality of their cooperation and debate.

I also commend the courage, once again, of the outstanding leader of the opposition to this campaign finance reform, Senator MCCONNELL. He has done a magnificent job. I think we should recognize that.

I think this is an important issue which we will address, I am sure, again in the future. But I think it is too important to address right at this point in the heat of the national election debate.

I do not think we have the solutions here. So I urge that cloture not be invoked.

I hope the Senate will not invoke cloture on the McCain-Feingold substitute amendment to S. 1219.

We all agree that campaign finance reform is an important issue. But it's become too important to deal with it during the heat of a national election.

It is already too late in the calendar year to make this bill's provisions apply to the elections of 1996. So we are not going to lose anything by waiting until early next year to get this job done.

When we do it, we have to do it right—the first time. We should not make the same mistake the Senate made back in 1974, when it hastily cobbled together a campaign reform bill that later came apart at the seams before the Supreme Court.

Since the Court's decision in Buckley versus Valeo in 1974, the Congress has been on notice that, when it comes to imposing rules and restrictions on the financing of political campaigns, we must be scrupulously careful of the first amendment.

In short, our good intentions must pass constitutional muster. My personal judgment is that this bill does not do so.

I recognize that others may disagree, but when it comes to the free speech protections of the first amendment, I prefer to err on the side of caution, rather than zeal.

I need not go into all the details already covered by other speakers, but I note that one of the key provisions in this legislation—concerning political action committees—has a fallback provision, in case the original provision is overturned by the Supreme Court as a violation of the first amendment.

What that means to me is that we know at least some parts of this bill are on shaky ground. I think we should craft campaign finance reforms that are rock solid.

Two of our colleagues from the Republican side of the aisle have played crucial roles with regard to this legislation. Both have acted out of conscience and principle, and have come to opposite conclusions.

Senator MCCAIN took the lead in shaping this legislation and advancing

it to this point. His determination has kept this issue in the spotlight, and I know he will not give up the fight now.

I hope to work with him over the next several months to see how we can build on his efforts for a bill that will be more broadly supported and, finally, enacted into law.

Senator MCCONNELL has, in this 104th Congress as in preceding years, been a consistent critic of campaign finance laws which, in his judgment, would limit access to the political process or inhibit participation in it.

To speak bluntly, he has put his neck out to defend the first amendment rights of all Americans, even when it was not fashionable to do so. I commend him for doing so. I know he will be equally vigilant in the future, to ensure that the Congress does not attempt to achieve a worthy goal by less than worthy means.

I think everyone has had their say about campaign finance reform. Now it's time for the Senate to move on to other pressing issues.

So I will vote against cloture. And if my colleagues agree with me, and cloture is not invoked, it will then be my intention to return to the Department of Defense authorization bill.

## CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the cloture motion having been presented under rule XXII, the Chair directs the clerk to read the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 1219, the campaign finance reform bill:

Trent Lott, John McCain, Judd Gregg, Bob Smith, Rick Santorum, Sheila Frahm, Claiborne Pell, Jeff Bingaman, David Pryor, John F. Kerry, Paul Wellstone, Patty Murray, Fred Thompson, Bob Graham, Herb Kohl, Russell D. Feingold.

## CALL OF THE ROLL

The PRESIDING OFFICER. The mandatory quorum call has been waived.

## VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 1219, the campaign finance reform 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 PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 54, nays 46, as follows:

[Rollcall Vote No. 168 Leg.]

YEAS—54

| | | |
|---|---|---|
| Akaka | Ford | Mikulski |
| Baucus | Glenn | Moseley-Braun |
| Biden | Graham | Moynihan |
| Bingaman | Harkin | Murray |
| Boxer | Hollings | Nunn |
| Bradley | Inouye | Pell |
| Breaux | Jeffords | Pryor |
| Bryan | Johnston | Reid |
| Bumpers | Kassebaum | Robb |
| Byrd | Kennedy | Rockefeller |
| Cohen | Kerrey | Sarbanes |
| Conrad | Kerry | Simon |
| Daschle | Kohl | Simpson |
| Dodd | Lautenberg | Snowe |
| Dorgan | Leahy | Specter |
| Exon | Levin | Thompson |
| Feingold | Lieberman | Wellstone |
| Feinstein | McCain | Wyden |

NAYS—46

| | | |
|---|---|---|
| Abraham | Frahm | Lugar |
| Ashcroft | Frist | Mack |
| Bennett | Gorton | McConnell |
| Bond | Gramm | Murkowski |
| Brown | Grams | Nickles |
| Burns | Grassley | Pressler |
| Campbell | Gregg | Roth |
| Chafee | Hatch | Santorum |
| Coats | Hatfield | Shelby |
| Cochran | Heflin | Smith |
| Coverdell | Helms | Stevens |
| Craig | Hutchison | Thomas |
| D'Amato | Inhofe | Thurmond |
| DeWine | Kempthorne | Warner |
| Domenici | Kyl | |
| Faircloth | Lott | |

The PRESIDING OFFICER. On this vote the yeas are 54, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. FEINGOLD. 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. LOTT. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

## MORNING BUSINESS

Mr. LOTT. We do have some requests for time. With the agreement of the Democratic leader, I ask unanimous consent that we be in morning business until the hour of 3 p.m., at which time we hope to have the unanimous-consent request involving a number of issues ready.

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

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

## IOWA STATE FAIR

Mr. GRASSLEY. Mr. President, one of the best ways to tell the Iowa story already unfolds each year in Iowa's capital city, Des Moines. The Iowa State Fair has become an icon of life in Iowa—it is a reflection of what is best about Iowa and its people. Sparking the interest of hundreds of thousands of visitors each year, the State fair offers a diverse range of exhibits and performances. And it is among the largest agricultural expositions in the Nation.

In 1854, 8 years after Iowa joined the Union, the first State fair was held in Fairfield, IA, on a 6-acre field. Even in those early years, Iowans came from miles around. Although the fair was only a 3-day event, an amazing crowd of 7,000 to 10,000 arrived 3 days before and camped in covered wagons along the road. In 1878, the fair grounds were permanently moved to Des Moines. Today, the fairgrounds span 400 acres, including 160 acres of campgrounds.

During the early years, a sampling of popular entertainment features included female equestrians and a contest among seven men to plow one-quarter or an acre the fastest. In 1911, the Wright brother's biplanes demonstrated each day of the fair.

The State fair began a unique tradition in 1916 that holds true today and continues to unite all ages of fair goers. That year, young 4-H club members started a livestock and beef judging show. The following year boasted the largest sheep exposition of its time. To this day, young Iowa 4-H and FFA exhibitors continue to impress visitors and judges with their livestock and homemaking projects. By the way, I am proud to say that 4-H was started in Iowa.

For over 141 years the essence of the Iowa State Fair has not changed. Its main focus continues to revolve around agriculture and its vast opportunities. The tradition of excellence in Iowa agriculture products has stood the test of time. Take a quote from a fair judge in 1854: "as to corn, it is useless to talk of finding any better."

Many Americans may have read a novel called, "State Fair," or perhaps watched a version of it on the big screen. Yes, it was written by an Iowa newspaperman and was based on the Iowa State Fair. The famous Rodgers and Hammerstein musical also was inspired by the Iowa State Fair. Last year, "State Fair" debuted at the Civic Center in Des Moines and opened on Broadway in March of this year.

Folks from all walks of life come each and every year to enjoy the sights, tastes, and sounds of the State fair. Iowans hold a very special place in their hearts and take pride in our annual celebration of Iowa's culture, history, agricultural products, and commerce. Without a doubt, individual and community efforts have made the Iowa State Fair a major event in the Midwest. The bounty and achievements from across our great Nation and from overseas is honored each summer at the Iowa State Fair.

So put on some comfortable clothes and shoes. Remember that the temperature will be hot and the air humid. And let us go help judge the jelly and jam, look at the livestock, take a ride

on the midway, eat a corn dog, and marvel at how realistic the cow sculpted from pure butter looks. Let us all go to the Iowa State Fair.

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you.

## OUR NATION'S SCHOOLS

Ms. MOSELEY-BRAUN. Mr. President, 2 years ago my colleagues, Senators KENNEDY, PELL, SIMON, WELLSTONE, and KERRY joined me in asking the General Accounting Office to study the condition of America's schools. Since then, the GAO has surveyed 10,000 schools in over 5,000 school districts. They have visited 41 schools and interviewed State officials responsible for school facilities in all 50 States. They have now written six reports documenting the condition of America's schools.

Today, Mr. President, I am pleased to present the final two reports in the series. The first, "America's Schools Report Differing Conditions," documents crumbling school facilities in every State, in every region of the country, in every type of community, and in every type of school serving every kind of American child. The second report, "Profiles of School Condition by State," presents all the information that the GAO has compiled on the condition of school facilities in each State, building conditions and readiness for computers, as well as State funding needs and the level of State support for school facilities.

Mr. President, these reports document a problem that transcends geographic and demographic boundaries. Crumbling schools is not just an inner-city problem, it is not just a problem for poor children or for minority children. Crumbling schools are everywhere. It is an American problem. And it relates directly to our future ability to maintain the quality of life that Americans expect.

I have charts here that paint the picture of the schools' conditions in the four regions of our country. In every region, the GAO reports that whole buildings are inadequate, that building features, like roofs, walls, and windows, are inadequate, and that the environment for learning, like the lighting, ventilation, and indoor air quality is inadequate.

In the Northeast, 30 percent of the schools report inadequate buildings, 59 percent report inadequate building features, and 57 percent report inadequate environmental conditions.

In the Midwest, 31 percent of the schools report inadequate buildings, 57 percent report inadequate building features, and 57 percent report inadequate environmental learning conditions.

In the South, 31 percent of the schools report inadequate buildings, 53 percent report inadequate building features, and 54 percent report inadequate environmental conditions.

And in the West, 38 percent of the schools report inadequate buildings, fully 64 percent report inadequate building features, and 68 percent report inadequate environmental conditions. Mr. President, crumbling schools span our country.

In the urban areas, 38 percent of the schools reported at least one inadequate building. In rural areas, it is 30 percent. In the suburbs, it is 29 percent. This problem is not just confined to urban, rural, or suburban schools. It is across the board. Inner city schools are in disrepair, but so are suburban schools, as well as rural schools.

My home State of Illinois is a microcosm of the Nation. We have Chicago, farmland, wealthy suburbs, and the poorest slums. Schools are crumbling across my State. Mr. President, 31 percent of Illinois schools report at least one inadequate building, 62 percent report at least one inadequate building feature, 70 percent report at least one inadequate environmental condition.

In Illinois' wealthier communities, schools are full of computers and are designed to meet every student's and teacher's needs. The situation is different in all too many other communities. There, computers sit idle because the electrical power to run them is not available, or because there is nowhere to put them, or no one who knows how to use them.

Five years ago, in his book, "Savage Inequalities," John Kozol described the unbelievable conditions of some of Illinois schools. He reported schools "full of sewer water," without playgrounds, science labs, or art teachers. He went to schools where the stench of urine permeated the halls. He wrote of schools that were, in his words, "extraordinarily unhappy places."

Today, Mr. President, the GAO reports that these conditions still exist, in all 50 States—in States that place a high priority on education, as well as those that do not.

I point out that these facility problems are not cosmetic. A study released last month found a direct correlation between crumbling schools and student achievement in the North Dakota schools. This study is the latest in a string of reports that consistently prove that students can't learn if their schools are falling down.

When we send our children to crumbling schools, we subtract from their opportunities. A generation ago, a college graduate earned about twice as much as a high school dropout. Today, the ratio is nearly 3 to 1.

The income gap between educated Americans and uneducated Americans is growing. Gone are the days when strength and hard work were enough to raise a family. In the information age, education is a prerequisite to employment. A good education has become a form of currency that buys quality of life. According to the Department of Labor, by the year 2000, half of all new jobs will require an education beyond high school.

When we send our children to crumbling schools, we subtract from America's opportunities. Education benefits the Nation as much as it benefits the individual.

When students do not learn, we all contribute to the costs of remedial education. We pay for government-sponsored health care, welfare, child care, job training. We pay for crime prevention to house millions of prisoners, more than 80 percent of whom are high school dropouts.

Every year the Federal Government spends nearly half a trillion dollars on antipoverty, crime prevention, and health care programs.

Investing in education would save much of these costs and much of this money. Yet we have neglected the needs of our elementary and secondary schools, and it has shown up in our children's test scores. It affects their ability to concentrate and to learn and to receive the kind of education they need to keep America competitive in the 21st century.

The time has come for a new school facilities paradigm. Local school districts are simply overwhelmed. The local tax base often cannot itself keep up with routine maintenance costs—let alone the costs of upgrading schools for 21st century learning, or to ease overcrowding. Of course, local bonds issues fail regularly.

State governments, the GAO reports, are not fixing the problem. In 1994, they spent only $3.5 billion all told—a far cry from the $112 billion need that the GAO has documented.

I believe that the time has come for a partnership between all levels of government. The national interest compels us to support elementary and secondary educational opportunities on a consistent national basis, and in ways that do not interfere with local control of education.

Just as the Federal Government pays for the Interstate Highway System, but the construction decisions are made at the State and local levels, the Federal Government can support education infrastructure without getting involved in the kinds of decisions that belong at the State and local levels.

I have sent every Senator and Governor the GAO results for their State and for the country. I welcome their input. It is time for us to open a dialog about this issue because I believe that together we can address this problem and we can fix our schools.

When America was faced with a challenge of adapting to the industrial age, we did, and we emerged as the world's economic, military, and intellectual leader. Now, we are moving into the information age. We have to adapt again.

Investment in the infrastructure needed to support the technological change the world has witnessed is an inefficient and appropriate place to start.

These reports today complete the first comprehensive school facility survey in over 30 years and the most exhaustive study ever. Their work provides the foundation for the new kind of Federal, State, and local partnership that we need to make our schools work for the 21st century.

Mr. President, crumbling schools is a ticking time bomb. In this global economy, in the information age, we should be able to devote some small measure of our national resources to prepare our children with a chance to learn.

Mr. KENNEDY. Mr. President, the Nation's schools are facing enormous problems of physical decay. According to two GAO reports released today, "School Facilities: America's Schools Report Differing Conditions" and "School Facilities: Profiles of School Condition by State," 14 million of the Nation's children in one-third of our schools are learning in substandard school buildings. About half of the schools have at least one unsatisfactory environmental condition, such as poor air quality.

Massachusetts is no exception—Forty-one percent of Massachusetts schools report that at least one of their buildings needs extensive repair or should be replaced; 75-percent report having at least one inadequate building feature, such as a plumbing or heating problem, and 80 percent have at least one unsatisfactory environmental factor.

It is difficult to teach or learn in dilapidated classrooms. Student enrollments will reach an all-time high next year and continue to rise. By this fall, 51.7 million students will be enrolled in elementary and secondary schools—surpassing the previous record of 51.3 million in 1971, and enrollment will increase to 54.1 million by 2002. We cannot tolerate a situation in which facilities deteriorate while enrollments escalate.

GAO estimates that American schools would need $112 billion just to repair their facilities. Yet the Republican budget cuts education by $25 billion, or 20 percent in real terms, over the next 6 years, with no provision at all for maintaining or upgrading facilities. In the Republican appropriations bill scheduled for consideration in the House this week, Federal aid to Massachusetts schools would be cut by almost $40 million next year, compared to the President's budget.

Obviously, the Federal Government cannot meet all the needs of all the Nation's schools. But education is a national priority and a national investment. Clearly, Congress should not be slashing aid to schools when their needs are so vast.

## LICKING VALLEY GIRL SCOUT COUNCIL GIRL SCOUT GOLD AWARDS

Mr. FORD. Mr. President, I want to draw special attention today to six young women from northern Kentucky. These six young women from the Licking Valley Girl Scout Council are recipients of the Girl Scout Gold Award—the highest achievement a Girl Scout can earn. Each one has demonstrated outstanding achievements in the area of leadership, community service, career planning and personal development.

Girl Scouts of the U.S.A. serves over 2.5 million girls and has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. Recipients of the award have not only earned patches for the Senior Girl Scout Leadership Award, the Senior Girl Scout Challenge, and the Career Exploration Pin, but also designed and implemented a Girl Scout Gold Award project.

But perhaps most importantly, these six Gold Award recipients have made a commitment to community that should not go unrecognized.

Jacqui Meier, Julie Ann Greis, Angela Schierberg, Christina Teeters, Christie DeMoss, and Mindy Hiles have put an extraordinary amount of work into earning these awards, and in the process have received the community's and the Commonwealth's respect and admiration for their dedication and commitment.

For 85 years, the Girl Scouts have provided "an informal educational program to inspire girls with the highest ideals of character, conduct, patriotism, and service so they will become resourceful, responsible citizens." The Licking Valley Girl Scouts alone serve over 5,000 girl and adult members.

Mr. President, I know my colleagues share my enthusiasm and admiration for the Girl Scouts' commitment to excellence. And, I know you will agree with my belief that this award is just the beginning of a long list of accomplishments and successes from these six Girl Scouts.

## COMMENDING INDIVIDUALS WHO HELPED RESOLVE FREEMEN STANDOFF

Mr. BAUCUS. Mr. President, I would like to take this opportunity to commend to the Senate some valiant individuals who demonstrated courage, patience, and understanding while working to end the standoff between the Government and the so-called Freemen.

We in Montana are not accustomed to the national spotlight. We are content to mind our own business. But we have received a great deal of publicity the last 2½ months for the standoff of the so-called Freemen.

The standoff took a long time, and was never without a serious threat of danger. Everyone involved with bringing these fugitives to justice deserves our respect.

First off, I would like to applaud two individuals who dealt with the situation years before the national media took an interest in the Freemen. Charles Phipps, Garfield County sheriff, and Nick Murnion, Garfield County attorney, had to endure death threats, imminent peril and, finally, intense media scrutiny. Through it all, they handled themselves and their jobs with calm rational professionalism and great courage.

I would also like to thank several Federal officials who were instrumental in bringing this confrontation to a peaceful resolution. Sherry Matteucci, U.S. attorney and Jim Seykora, assistant U.S. attorney. And working for the Federal Bureau of Investigation were: Weldon Kennedy, Robert Bryant, Robert Blitzer, Thomas Kubic, Robin Montgomery, James Cleaver and Thomas Canady. These people's dedicated service can best be seen in the final peaceful resolution of the conflict.

Their work on this case is a textbook example of how to get the job done right. I salute these individuals who gave and risked a lot to see that the Freemen were brought to justice without the loss of life.

And finally, I would like to thank the people who have been patient for over 2 years. They have exhibited a shining example to the rest of the country, and they welcomed the influx of law enforcement officials with open arms. These people are the residents of Jordan, MT, and the surrounding area. They are regular Montanans. I had the chance to visit with many of them. They were not particularly happy about all the fuss they were getting, but they knew that it would eventually pass. Without their patience and resolve, we could not be enjoying the results that we do today.

Now that the standoff is over, life in eastern Montana will return pretty much to normal. Folks can go back to the lives they have come to miss over the past few months. But as we do so, it is important that we learn from this experience. And due to the efforts of the individuals I named, my State, our country, is a little better and a little wiser.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, I think so often of that November evening long ago, in 1972, when the television networks reported that I had won the Senate race in North Carolina. It was 9:17 in the evening and I recall how stunned I was.

I had never really anticipated that I would be the first Republican in history to be elected to the U.S. Senate by the people of North Carolina. When I

got over that, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

I have kept that commitment and it has proved enormously meaningful to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the 23 years I have been in the Senate.

A large percentage of them are greatly concerned about the total Federal debt which back in February exceeded $5 trillion for the first time in history. Congress created this monstrous debt which coming generations will have to pay.

Mr. President, the young people who visit with me almost always are inclined to discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 25, 1992. I decided that it was important that a daily record be made of the precise size of the Federal debt which, at the close of business yesterday, Monday, June 24, 1996, stood at $5,110,926,525,572.12. On a per capita basis, the existing Federal debt amounts to $19,275.61 for every man, woman, and child in America on a per capita basis.

The increase in the national debt in the 24 hours since my report yesterday—which identified the total Federal debt as of close of business on Friday, June 21, 1996—shows an increase of more than $1 billion—$1,225,352,306.06, to be exact. That 1-day increase alone is enough to match the total amount needed to pay the college tuition for each of the 181,695 students for 4 years.

## BILL EMERSON MEMORIAL BRIDGE

Mr. BOND. Mr. President, I rise to tell my colleagues of the death of a good friend and colleague, Congressman BILL EMERSON, who, until Saturday night, represented southeast Missouri's Eighth Congressional District. BILL EMERSON was, I believe, well known to many in this body, certainly to many around this city, and was loved by the people of southeast Missouri. He had a long and distinguished history of service in the U.S. Congress.

BILL EMERSON was a 15-year-old congressional page in 1954 when a Puerto Rican nationalist sprayed gunfire on the House floor. BILL helped carry a wounded Member off the House floor on a stretcher. After high school and graduation from Westminster College, he served as administrative assistant to Representative Bob Ellsworth of Kansas, and then to Senator Charles "Mac" Mathias of Maryland. Subsequently, he served in various legislative relations positions with Fairchild Industries, Interstate Natural Gas, Federal Elections Commission, and TRW.

In 1980, it was a new day. BILL was elected as a Republican Congressman in the Eighth Congressional District, the first Republican to win that seat in 52 years. BILL EMERSON was from that district. He knew the district. He spoke to the hearts and minds and souls of the people of that district. They returned him again and again, very strongly each time he ran. BILL always served his constituents. He was an expert in agriculture affairs. Had he lived, he would have been the Republican chairman of the House Agriculture Committee.

He was well known for his work in agriculture, including being a strong advocate of food donation programs. He had worked with the late Congressman Leland on many of the food programs that they shared a common interest in. One of his legislative priorities this session was a bill that would make it easier for food unused by restaurants, supermarkets, and other private businesses to end up in food pantries and shelters, rather than in garbage cans and dumpsters.

BILL EMERSON was also in touch with the needs of his constituents in southeast Missouri on transportation and other infrastructure improvement issues. He worked for levies, for highways, and most recently, a bridge—a bridge which he fought hard to get Federal funding from the Federal Highway Administration for. It took several years, but BILL's persistence paid off. The groundbreaking for the new Cape Girardeau bridge will occur this summer. It is estimated to be completed in the year 2000.

He commanded great respect on both sides of the aisle in both Houses, and was well known and well respected by the media. In honor of BILL EMERSON, I now send to the desk a bill to designate the bridge estimated to be completed by the year 2000 as the BILL EMERSON Memorial Bridge.

I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1903) to designate the bridge, estimated to be completed in the year 2000, that replaces the bridge on Missouri highway 74 spanning from East Cape Girardeau, Illinois, to Cape Girardeau, Missouri, as the "Bill Emerson Memorial Bridge," and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BOND. Mr. President, I point out the mark of respect to BILL EMERSON is the fact that I introduced this bill on behalf of my colleague, Senator ASHCROFT, and we just started to work on the bill last night, and the cosponsors include Senator LOTT, Senator DASCHLE, Senator INHOFE, Senator JEFFORDS, Senator SMITH, Senator AKAKA, Senator CRAIG, Senator COATS, Senator DEWINE, Senator DORGAN, Senator THOMAS, Senator GREGG, Senator SIMON, Senator MIKULSKI, Senator BROWN, Senator SNOWE, Senator MACK, Senator KYL, and Senator CAMPBELL.

Mr. President, I ask unanimous consent that the distinguished President pro tempore, the distinguished Senator from South Carolina, be added as a cosponsor as well.

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

Mr. BOND. I ask unanimous consent that Senator ROBB be added as a cosponsor.

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

Mr. BOND. Mr. President, I ask unanimous consent that the bill be deemed read the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

The bill (S. 1903) was deemed read the third time, and passed, as follows:

S. 1903

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF BILL EMERSON BRIDGE.**

The bridge, estimated to be completed in the year 2000, that replaces the bridge on highway 74 spanning from East Cape Girardeau, Illinois, to Cape Girardeau, Missouri, shall be known and designated as the "Bill Emerson Memorial Bridge".

**SEC. 2. REFERENCES.**

Any reference in a law, map regulation, document, paper, or other record of the United States to the bridge referred to in section 1 shall be deemed to be a reference to the "Bill Emerson Memorial Bridge".

Mr. BOND. I thank the Chair and my colleagues. This means a great deal to the family of BILL EMERSON, to his constituents, and all of his good friends. We very much appreciate the expeditious handling of it.

Mr. THURMOND. Will the Senator yield?

Mr. BOND. I am happy to yield.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I want to commend the able Senator for taking the action that he has. I knew Congressman EMERSON. He was an outstanding man, a man of integrity, ability and dedication. I think the action taken here today categorizes this man for what he is: a man who loved this country, who served it well. This action taken is altogether taken to honor his memory.

I yield the floor.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. Mr. President, I would like to add a word on behalf of BILL EMERSON. My perspective comes principally from the personal side. All of the Members of Congress, of course, represent their districts and return to their districts often. But, frequently, they spend time in the communities here in or around the Washington area. BILL EMERSON and his family were members of our church, and were active participants. We sat with them. We saw them. We experienced part of this particular struggle, and we developed enormous respect for him and for his family.

I join with and commend the distinguished Senator from Missouri and the others who have cosponsored this particular resolution and have spoken out on behalf of BILL EMERSON. He was a very fine human being. I think all of us who had the privilege of knowing him certainly respect what he did for his country, for his State, and we will miss him in his service in the Congress of the United States.

With that, I yield the floor.

Mr. COATS. Mr. President, I came to the Congress in 1980, in the class that included BILL EMERSON. It was a special class, elected at a unique time, so we developed a pretty close relationship.

In addition to serving with BILL in the House of Representatives for 8 years, we were friends of the family. BILL's daughter, Tori, is the same age as my son, Andrew. They went through school together and just recently graduated together. We attend the same church as the Emersons, and so we have a number of things in common with them.

I have had the opportunity to observe BILL and his reaction to the tragic news of his illness and the way in which he handled that. It was an extraordinary demonstration of courage and faith that he so magnificently handled what many would view as a tragic situation.

There are many measures of BILL EMERSON. It would be impossible for me to list them all—diligent worker, someone who knew Congress inside and out, starting here at the age of 15, someone whose life was devoted to public service, someone who deeply loved his family and was a man of considerable faith. But I think the memory that I share of BILL EMERSON is one passed on to me by my wife during the graduation ceremony when our two children graduated just a week or so ago. I did not see BILL at that time. I rushed in from the Senate to the graduation just in time for the beginning of the ceremony, but Marsha had met BILL, just literally days away from his death, suffering from terminal cancer, sitting in a wheelchair, assisted in his breathing with oxygen, with two dozen roses in his lap and a big smile on his face, watching as his daughter received her high school diploma.

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

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

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

Mr. LOTT. Mr. President, I ask unanimous consent that we resume consideration of the Department of Defense authorization bill for debate only, until I seek further recognition at approximately 3:20, while we continue to put the final touches on our UC request involving a number of bills.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1745) to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Kyl/Reid amendment No. 4049, to authorize underground nuclear testing under limited conditions.

Kempthorne amendment No. 4089, to waive any time limitation that is applicable to awards of the Distinguished Flying Cross to certain persons.

Warner/Hutchison amendment No. 4090 (to amendment No. 4089), to amend title 18, United States Code, with respect to the stalking of members of the Armed Forces of the United States and their immediate families.

Mr. NUNN. Mr. President, as we begin the fourth day of consideration of this bill, I thought it would be appropriate to give the Senate my own view of where we have been and where I think we are going if we are going to finish this bill, which is a very important measure.

Thus far, we have debated this bill for about 24 hours. We have disposed of 34 amendments. I have not kept an exact count of the amount of time consumed by consideration of three nonrelevant, nongermane amendments thus far to our bill, but I will make a conservative estimate, and a charitable observation, that well over half of the time of our debate has been devoted to these three nonrelevant amendments.

While I believe the issues of reopening Pennsylvania Avenue, pharmaceutical patents under the GATT agreement, and the stalking of women are certainly worthy of Senate debate, none of them are in the jurisdiction of this committee, and none of them are in the jurisdiction of the conference when we go to conference. All of them, even if they are passed on this bill, will require outside conferees and are unlikely to be accepted by the House.

The simple fact is that we cannot afford the time it takes to consider and to continue considering these nonrelevant amendments. I may vote for all of them. But, at some point, the Senate has to decide whether it wants to pass a defense bill. If so, then both sides of the aisle have to cooperate and not continue putting these kinds of amendments on the bill.

I know the leadership is now discussing a unanimous-consent agreement on the minimum wage, which would be a big step forward, because if that does not occur, then that will certainly come up on this bill, in which case we will never finish this bill this week.

I know Senators have a right to offer such amendments, but—and I know that my colleague from South Carolina, the chairman of the committee, and I have talked about this, and he has already addressed it—I hope that we can resist the temptation from this point on to have amendments that are not germane to the bill, have nothing to do with defense, are not in the jurisdiction of this committee, would not be in the jurisdiction of the conference, and would be very unlikely to be accepted in the conference. If we do that, we can push forward with completion of this bill by offering those amendments that are relevant to this bill.

Toward that end, over the past 4 days, the committee's Democratic staff has been working hard on our side of the aisle to compile a list of what would be considered the major defense amendments to be offered by Democratic Senators, and time agreements for the consideration of these amendments. We have that list, and we are working with the leadership to finalize the list. I would not say it is final now, but we certainly have some idea—more than we did the other day.

In addition, we will continue to urge Senators who have an amendment to offer on this bill to notify us of their intention as soon as possible so that we can develop a finite list of amendments that will lead to a time of completion of the Senate consideration of S. 1745.

I know that a cloture motion has been filed on the defense bill and a vote will occur on that tomorrow morning. I understand where the Senator from South Carolina and the leadership is coming from in proposing that motion. I do not intend to support cloture at this time. Invocation of cloture would require not only relevancy, but also germaneness. Many amendments that directly relate to defense and that are in the jurisdiction of the committee,

which would be considered by the conference and that would not require outside conferees, are relevant to the bill but not germane to the bill, which would be required under cloture.

So I do not intend to support cloture tomorrow. If it is invoked, everyone should realize that most of these amendments that I would call nonrelevant would be ruled out.

I mentioned that considerable time has been consumed on nonrelevant amendments. I hope that we can find ways to have time agreements. I hope we can find a way to get a definite list of amendments and make sure that those are the only ones that are going to be offered so we know we can finish this bill. If we can do that on both sides, then, of course, we will not need to invoke cloture. If we are not able to do that on both sides in the near term, then at some point I will support cloture. But I do not intend to do so tomorrow.

The defense bill was started last Tuesday, and one of the reasons I will not support cloture—in addition to the relevant and germane considerations, which are very technical but very important when people are frozen out of amendments—is we have been interrupted over and over again in the consideration of this bill. Although we have had the bill before us for 4 days, we have not had many hours for debate on the bill itself.

We have been interrupted, as I said, by nonrelevant, nongermane amendments. We were interrupted for consideration of Federal Reserve nominations on last Thursday. I understand that. I certainly understand that we had no choice on that.

We, also, of course, have had a day and a half of debate during this time on the campaign finance bill which we voted on cloture on a few minutes ago. That was on the floor both Monday and a half day Tuesday.

So we have not really had a clear shot at moving this bill forward with genuine defense amendments. I think we ought to give that a real try as we move forward this week. If we do not make progress in debating major defense amendments—we keep getting these amendments that are well-meaning and I am sure very sincerely pursued by Senators but that have nothing to do with defense and in all likelihood would not be part of a defense bill that went to the President. If we continue to get those, we will simply not be able to finish this bill.

So with the continued leadership of our chairman, Senator THURMOND, and the leaders, I am hopeful that by the end of the day today we will begin to have a road map to lead us to the conclusion of this bill. I urge everyone on this side of the aisle to let us know about your amendments. Many of them can be worked and altered somewhat and accepted. Some of them can be accepted the way they are now. But if we are able to get those amendments, I would want to work with the Senator from South Carolina in every way possible to have a definite list of amendments on the Democratic side that would represent all of the amendments that would be offered so that we could get a unanimous consent agreement that no other amendments would be offered, and then we would be able to see the light at the end of the tunnel.

Mr. President, I yield the floor.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

STUDY OF ALTERNATIVE FORCE STRUCTURES

Mr. ROBB. Mr. President, I first of all commend the ranking member of the committee for his work in attempting to reduce the number of amendments so that we can handle this bill. I expect to follow his lead tomorrow with respect to at least the first vote on cloture. Shortly we will resume consideration, and it would be appropriate to offer amendments, and at that time I believe the next amendment to be offered will be offered by the distinguished Senator from Connecticut, Senator LIEBERMAN, shared by the current occupant of the chair, the Senator from Indiana, Senator COATS, and a number of us.

I would like to speak for just a few minutes on that particular amendment in anticipation of its being offered sometime after the majority leader opens the bill up for amendments at that time.

Mr. President, the amendment that we are going to be considering very shortly will require a major review of the force structures of the Armed Forces and, in my judgment, it could be the most important matter we will address in the consideration of this year's Defense authorization bill, or in similar authorization bills through the end of the century, because it goes right to the heart of why we have a military and what we can expect in terms of national security for many years to come.

Admittedly, the Department of Defense had some reservations about our approach initially, but we have worked out those concerns, and I really believe this amendment is critical if we are serious about our role in the international community and our simultaneous quest for credible deterrence and fiscal responsibility.

Mr. President, we have to start by reexamining the basic structure of the U.S. Armed Forces. That structure, though smaller, has changed very little in its composition since the end of the cold war even though the nature of the threat and the means for countering it are dramatically different.

I believe we need to take a long, hard look at the weapons systems that are on the drawing board and determine which are truly critical for the 21st century. I believe we have to look for ways to leverage our Nation's technological advantages.

By expanding the range and accuracy of our weapons and the effectiveness of our support equipment, we may be able to reduce the number of troops and logistics operations. We certainly need to take greater advantage of our exceptional intelligence communications capabilities which have the potential to dramatically affect how we develop and deploy strategic doctrine and battlefield tactics.

Mr. President, each of these areas of endeavor ought to be explored in a major review of our force structure. We also need to assess the Bottom-Up Review's assumptions about our capabilities in a more realistic fiscal context.

In particular, we need to take a much more critical look at the kinds of threats to U.S. national security interests that we will likely face 15, 20, or even 30 years from now.

While the original Bottom-Up Review served a useful purpose, its analysis of the personnel, weapons, and military doctrine required by a 21st century American force is simply no longer adequate.

The review that we are proposing should take a tabula rasa look at the nature and effects of unconventional threats such as regional and ethnic conflicts, nationalism, political extremism, and failed nation-states, proliferation of weapons of mass destruction, technology transfer, and information warfare and terrorism, both international and domestic.

The review should, of course, look at the continuing threats of major regional conflicts such as that of the Persian Gulf, but it should specifically look as well at the possibility of a major peer emerging or reemerging as a competitor on the world stage.

The obvious candidates over the 15-year horizon are Russia, and especially China with its booming economy fueling its military revitalization and modernization program.

Mr. President, in our long-term planning, we should also consider anew the potential for armed conflict in broad geographic regions. Take, for example, the tinderbox of the so-called Rising East where the United States has fought five times in the last 100 years. In addition to the United States presence and the armies of Russia and China there, this vast area is home to the world's five other largest armed forces: North and South Korea, Vietnam, and the potentially nuclear-capable India and Pakistan. The latter may be particularly problematic.

What on its face looks like a regional conflict might require redefinition somewhere between global and regional, if nuclear weapons are exchanged, and affect a great many neighboring countries.

It would be incumbent on those conducting the review to detail the specific forces—by active, reserve, and

support force type—needed to execute alternative strategies that run the gamut from global war to two nearly simultaneous major regional conflicts—or MRC's, as we call them—to a number of contingencies smaller than an MRC.

Assumptions about Reserve readiness, allied mission sharing, warning times, and the effect of developing technologies on the force structure must also be addressed.

Other questions should include, at a minimum: What are the risks under alternative force structures, if funding through 2010 and beyond remains constant? Should forces be sized against specific enemy threats, against national security commitments, or against available national resources? Are the Reserves optimally trained, equipped, and deployed? Do peacekeeping operations necessitate changes in the way we have organized, trained, and deployed forces? How should we bring our teeth to tail ratio back in line.

What outsourcing opportunities offer the greatest potential for stretching the defense dollar? Are there better measures of readiness available? Does the current structure of the unified combatant commands make sense for the next century?

Mr. President, many defense analysts—in the Department, academia, and industry—are asking similar questions. I have been giving each of these matters a great deal of thought in recent months, and my staff has done a great deal of research. When I learned that Senator LIEBERMAN and others, including the current occupant of the chair, were looking at different elements of the same challenge, we joined forces on this amendment to ask the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, to consider all of the matters that I have just highlighted in the quadrennial defense review.

This review, recommended by the Roles and Missions Commission, is an examination of U.S. defense strategy and force structure through 2005. But we believe the Secretary ought to have a second opinion as well.

As such, this amendment will call for the creation of a parallel but independent panel of private experts from the Nation's major think tanks, academia, and the defense industry. The panel that we are going to describe would have full access to DOD resources and analyses and will provide its assessment of the quadrennial defense review by Secretary of Defense by March 14, 1997.

With this input, the Secretary of Defense would finalize his quadrennial defense review and provide his summary, an assessment by the panel, and comments by the Chairman of the Joint Chiefs of Staff to the congressional defense committees by not later than May 15. It is a safe bet, it seems to me, Mr. President, that the ensuing hearings would be provocative and enlightening.

Once the quadrennial defense review is completed, the panel will take the next step of pushing the envelope in long-range thinking.

Looking out to 2010 and beyond, the panel will explore a range of threat scenarios, build force structures to meet those scenarios, and explore the risks and costs associated with each. In the process of conducting this forward-thinking assessment, the panel will again have the authority to task any DOD component for data and analysis.

The panel's final product will be delivered to the Secretary of Defense not later than December 1, and the Secretary, in turn, will submit the panel's report to the Congress no later than December 15, along with his comments on the report.

In the final analysis, we need to acknowledge that defense spending has fallen to a level that simply will not meet the national military strategy for fighting and winning two nearly simultaneous major regional conflicts.

Overall defense spending as a percentage of GDP has fallen to its lowest level since just after World War II. It absorbed about 10 percent of the gross domestic product during the early 1960's. Today, that number has dropped to below 4 percent, and it is projected to continue to fall in the outyears.

I submit that we ignore the implications at our peril.

It is up to us to ensure that future generations of Americans are afforded the strong measure of security that we have come to expect as a Nation for the last 50 years, and the best way we can assure this is through the judicious application of foresight and steadfastness.

Defense spending in the 5 budget years immediately after the cold war was $350 billion less than the amount projected in the cold war budget. Make no mistake; that was a huge peace dividend, and our country has since cashed it on discretionary domestic spending, entitlements and interest on the national debt. When all is said and done, the only thing that remains of the peace dividend is the opportunity for continued peace. And we can only achieve that through the kind of preparedness to which this review will lead us.

It is my understanding that this amendment is now broadly acceptable on both sides of the aisle, and when it is formally offered by my distinguished colleague from Connecticut in a few minutes and discussed by a number of colleagues who have been working on it, I urge that all of my colleagues join in adopting this particular amendment.

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

Mr. COATS addressed the Chair.

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

Mr. COATS. Mr. President, very briefly, I wish to add to the remarks just made by the Senator from Virginia.

I had planned to be here when the Senator from Connecticut, Mr. LIEBERMAN, introduces this amendment. It is something that the Senator from Virginia, the Senator from Connecticut, the Senator from Arizona, the Senator from Georgia and I have worked together on. Unfortunately, I have a schedule conflict which will take me off the floor, so I would like to make a preliminary statement prior to our going to the amendment.

This amendment is a natural convergence of thinking of members on the Armed Services Committee and other Senators regarding the need for more information with which to make assessments about future defense spending programs and plans.

Clearly, we rely a great deal on the Department of Defense for provision of information and guidance in terms of how the committee operates, but I think many of us felt we needed additional information in order to take a longer look at how we strategize, plan for, fund, and program Department of Defense needs.

We felt it might be helpful to have an outside review panel help us in that process. So over the past several months, a number of us have talked about coordinating and combining our efforts into language that we can insert in the next fiscal year's defense authorization bill. This language will direct the Secretary of Defense to appoint and work with an independent review panel to give us a broader, longer look at defense strategy and defense needs.

I am pleased to join with Senator LIEBERMAN in authoring this effort. Senators ROBB, MCCAIN, NUNN, INHOFE, KEMPTHORNE, WARNER, HUTCHISON, SANTORUM, MURKOWSKI, LEVIN, and FORD have all joined in this effort. It is bipartisan, and I believe you could say a nonpartisan, effort. We do not provide for our national security as a partisan issue. We do not view it even necessarily as a bipartisan issue. Rather, our national security is a nonpartisan issue. We want to take as objective a look as we can at our current situation, at future threats to our national security and what kind of strategies, forces, and implementing needs we will have to face in the years ahead.

This is a worthy effort. I wish to commend my colleague from Connecticut for taking the bull by the horns and pulling this effort together. It has been a cooperative effort among a number of us who worked with the Department of Defense to iron out some concerns they had, and I think we have an excellent provision which we will

shortly be adding to the Defense Department bill.

PRIVILEGE OF THE FLOOR

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that Stanley Kaufman, a Brookings Institution fellow, and Mark Rosen, Institute for National Securities Studies fellow assigned to my office, be permitted the privilege of the floor for the duration of the debate on the fiscal year 1997 defense authorization bill.

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

Mr. LIEBERMAN. Mr. President, before he leaves the floor, I thank my colleague, the Senator from Indiana, for his support and his work in preparing the amendment that he spoke of on a force structures study for the United States and also to thank our colleague from Virginia, Senator ROBB, for the very thoughtful, forthright, and very constructive words that he spoke on behalf of the amendment that we hope to offer to the defense authorization bill before too long this afternoon, after a unanimous-consent request is agreed to by the leadership.

If I may, to expedite matters, I would like to take this opportunity to comment on the amendment that I will be offering at the appropriate time. I am honored to be offering it on behalf of Senators COATS, ROBB, MCCAIN, NUNN, INHOFE, KEMPTHORNE—the occupant of the chair—WARNER, HUTCHISON, SANTORUM, MURKOWSKI, LEVIN, FORD, BOND, and, I am pleased to say, last but not least—last but most—the distinguished majority leader of the Senate, the Senator from Mississippi, Mr. LOTT.

This amendment calls on the Secretary of Defense to conduct a thorough study of alternative force structures for our armed services. What are we talking about? We are really talking here about providing the members of the Senate Armed Services Committee, most of whom are cosponsors of this amendment, and then in turn the full Congress, with the information to help us answer fundamental questions about our future national security. The questions are as simple as this: To the best of our knowledge, to the best of the knowledge of the best thinkers we have on these matters, both inside and outside the Pentagon today, what are the security threats that America is likely to face in the next century and how can we best meet those security threats? It is as simple, and in some ways as complicated, as those simple questions suggest.

Those of us who are sponsoring this amendment believe that such a study is essential if the United States is going to be able to meet the security challenges of the 21st century in light of the dramatic changes that have occurred in the geopolitical situation, the changes in the threats to our security which, in the view of some experts, are even more daunting than those we faced in the cold war, and the ever-present but increasingly more difficult problems of resource constraints, which is to say budget pressure—limited amounts of money to spend on the full range of governmental responsibilities; remembering, as we approach this function of Government, that the reason governments were formed in the first place was to provide that underpinning of security without which we cannot then go on to secure and provide the freedom and opportunity and benefits that Government attempts to provide for our people.

This study that will be authorized by this amendment is also an attempt to not just provide a road map to our future national security, but to break out of the day-to-day momentum, the inertia of the process of authorization and appropriation for defense needs as it exists now. Many changes have occurred, dramatic changes responding to changes in technology, which provide our war fighters with capability that no war fighters in history have ever possessed. Yet the changes are so dramatic, the world so uncertain, our fundamental responsibility to provide for our national security so great, that what we who will put forth the amendment are asking is that we step back from the day-to-day, that we look out over the horizon. As one of my cosponsors said, that we go up to 30,000 feet and we look out as far as we can see to the future security threats we may face and how we can best meet them; to ask the bold questions, the questions that unsettle the status quo, that do not always, in the normal course of the process, get asked here. That is really what this is all about.

The United States obviously is, today, the world's only true superpower. On the other hand, there is no shortage of threats to our national interests. We see them all around. In many real ways our military has been operating at a greater tempo since the end of the cold war than it did before. We face many dangers—rogue states like Iran, Iraq, North Korea, the more profound and we hope longer range and perhaps never-realized potential for the emergence of another superpower peer competitor, perhaps a resurgent Russian nationalism, perhaps China in the next century—those are factors we need to consider and attempt to evaluate as we plan and execute our national security programs.

Obviously, there is also the insidious and dangerous and more near-term threat posed by terrorists who may come to possess weapons of mass destruction, and who also, unfortunately, possess a disregard for human life which might restrain rational actors from employing those weapons of mass destruction and, in fact, have restrained those who possessed those weapons in the past from doing so. Add to this the major advances in and proliferation of ballistic missile technology, which make possible the ability to deliver these weapons of mass destruction cheaply, effectively, and with stealth, and we have to conclude that the world is not only not as predictable as it once was but in many respects it is actually more dangerous than it was during the cold war.

Our ability to deal with these changing conditions is, of course, affected by limited defense budgets, as I have said. In moving, as we are doing, slowly but directly, to a balanced budget, we are going to be under increasing pressure, in meeting our defense needs and other needs, to get the maximum bang for the buck. If we are to succeed in making the best use of these limited defense dollars, we have to continually ask: Are we spending our defense dollars as wisely and efficiently as we possibly can? Are we buying the right things to support a properly sized force structure? Are we taking maximum advantage of technology to avoid being bested in the future, being defeated in the future by an opponent that is now inferior but one that may invest wisely in the next generation's technologies and take advantage of vulnerabilities that we may have?

Again, underlying all these questions are those fundamental questions I posed a few moments ago: What are the threats we will face in the future and what do we need to deter and, if necessary, defeat those threats?

We have to determine the bottom line of what is it we want our military to do, not just in the sense of military capabilities, but also in the broader context of what responsibilities we want the United States to accept in the next century and what we will need our military to be able to do in order for our country to fulfill those responsibilities.

Once we answer those questions—those fundamental questions—we can move on to define how we shape, size, and equip those military forces so they can confront the wide range of challenges we will face and if necessary, again, deter and defeat an opponent's military forces.

Mr. President, we need to generate here an informed national debate on what our defense posture should be in the 21st century. The fact is, that these questions of national security are too frequently discussed and debated only by a small group of Americans, yet they are the fundamental questions that any society faces. How do we protect our security? How does the Government best do that?

It is the hope of those of us who will introduce this amendment a bit later on in the afternoon that the study, the inquiry authorized by this amendment, both within the Pentagon and by the independent, nonpartisan commission created by the amendment, will engender what will challenge, not just those

of us here, but those outside the building, outside Washington, to engage with us in a great debate as to how we can continue to protect our national security in the next century.

We cannot afford, either fiscally or strategically, to continue to tinker at the margins of our military forces or to procure cold war systems we have previously bought but only in diminishing quantities and at ever-increasing prices. We need the Secretary of Defense and the chairman of the Joint Chiefs to put their best minds to work on these ideas and issues in a focused and comprehensive and independent way.

The amendment that we will offer does not in any way second-guess or infringe on the duties and prerogatives of the Department of Defense. In fact, we know that there is much thinking in the department today along the very lines this amendment would request. We believe our amendment will strengthen the department's hand and help it prepare in the assessment and recommendations which will serve as the basis for fortifying the national bipartisan, nonpartisan consensus for defense which we must have in the years ahead.

This is not just a question of measuring by the dollars. What the Senator from Virginia said is worth bearing in mind as we judge our defense spending, which is that we are now committing less money to defense as a percentage of our gross domestic product than we have since the second world war. The pressure is on to continue to reduce those expenditures.

We have to be devoted to eliminating waste and overlap and taking maximum advantage of new technologies so that the dollars are not the only measure. But it is worth noting, as we consider those broader and deeper measures, that even this year's defense authorization bill, with the additional money added by the Senate Armed Services Committee, represents the 11th consecutive year in which our spending for national defense has dropped in real dollars. That is something that all of us here, and as many people as we can stimulate into the discussion out there in the citizenry, ought to ponder.

Mr. President, this amendment has a unique feature which is central to the goal of the amendment, which we hope will help in reestablishing the kind of national debate on national security, and a consensus to follow, which I think we all believe is essential.

The amendment provides for what might be called a Team B, a group of wise men and women, recognized defense experts, to be appointed by the Secretary of Defense, in consultation with the Senate and House defense authorization committees, to review the work of the Pentagon called for in this amendment and to offer comments and suggestions on how America can most effectively meet our defense needs in the next century.

This group would provide its proposals and ideas to the Secretary for his consideration as he prepares to report to the Congress, required by the amendment. The real hope here is that this nine-person, nonpartisan commission, appointed by the Secretary of Defense, would essentially go out of the box and ask the questions that either we have not thought of or we have decided are unthinkable or that we should not think about, to force us to face the tough questions about our security needs, to help us do what we have been trying to do on the Armed Services Committee of the Senate, which is to break out of business as usual.

For the benefit of my colleagues, I will briefly explain what the amendment does. First, it acknowledges that the Defense Department has been planning to do a quadrennial defense review at the beginning of the next administration, pursuant to a recommendation made by the Commission on Roles and Missions. And it then, in a sense, makes statutory that quadrennial review. It requires the review to go forward.

It would be a comprehensive examination of the defense strategy, force structure, modernization plans, infrastructure, and other elements of the defense program with a view toward determining the defense strategy of our country as far forward as the year 2005.

Then the amendment would establish the nonpartisan, independent, nine-person panel of recognized defense experts that I have spoken of. We are calling it, in the amendment, the National Defense Panel. It would be tasked, first, with assessing the Pentagon's quadrennial defense review, as it progresses, as well as the final report upon completion, and then would comment on the findings of the review to the Secretary of Defense.

The amendment also requires the Panel to conduct an alternative force structure assessment which would result in a variety of proposed force structures that could meet anticipated threats to our national security. In this case we take it through the year 2010, and if the panel determines it is appropriate and rational, beyond the year 2010.

The amendment specifies, although it does not limit, a baseline of issues which this national defense panel must address. These will include near-term and long-term threats, including weapons of mass destruction, terrorism, and information warfare, a whole new category of threat to our country built on the dependence that we have developed on information technology and the fear that many have that an enemy may be able to disrupt our society by disrupting our information systems, our computer systems, particularly those critical ones, not only in the defense areas, but, for instance, in financial areas.

The National Defense Panel must also consider scenarios based on these threats, which would include the possibility of both large and small conflicts, recommended force structures that would permit military responses to those scenarios, and an assessment of the funding which would be required.

The Panel would submit its report to the Secretary of Defense, which in turn he would add his comments before providing it to the Senate Armed Services Committee and the House National Security Committee by December 15, 1997. So we have the Secretary of Defense, consistent with our belief of civilian control of the military that is so fundamental to our democracy, overseeing the development of the in-house quadrennial defense review.

The National Defense Panel convenes in December of this year if this amendment passes. It begins its own work, and it works with the Defense Department as the department is developing the quadrennial review.

It offers suggestions and responses to those working in the department on the quadrennial defense review. That review is then submitted to the Congress next spring. The National Defense Panel continues its work, comments on the final product of the quadrennial defense review, and then offers to the Secretary of Defense, by next fall and into the early winter, its report—bold, hopefully, in some measure unsettling and provocative, which the Secretary of Defense then turns over to us by December of next year.

Mr. President, there have been some concerns expressed about this schedule. Some, for instance, have said that December of next year is too late. Others have argued that this timetable does not give the Department of Defense adequate time to address all of these important issues.

I believe we have struck a good middle ground here with the schedule that is in the amendment, building on work which is underway, has been done, or will be initiated if this legislation passes. The sooner the Members of Congress can get these important analyses and these recommendations, the sooner we will be able to hold hearings on them, try to involve the public in our considerations, and begin to make the very important decisions that will affect our national security in the coming decades.

There is no time to waste, but, of course, these are such complicated, fundamental, important questions that we are giving both the Defense Department and the National Defense Panel, that we felt they deserved a reasonable amount of time to complete their work.

There is one last very important point which I do want to emphasize.

That is that this amendment was developed in a truly bipartisan way, such that we really consider it—those of us who are sponsoring it—to be a nonpartisan amendment. Of course, it ought to be. When we are dealing with our national defense, there ought not to be Democratic and Republican positions. There ought to be American positions. That is the spirit in which the work on this amendment has gone forward.

Members and staff from both sides of the aisle on the Armed Services Committee were involved in writing this amendment. The process we used resulted in lengthy, thoughtful, and spirited debates about the future of our national security and our Armed Forces. Each of us, I think, undertook this endeavor because we care about our national security and have tremendous respect for the professionals who serve every day, in and out of uniform, in the Department of Defense.

My special thanks go to Senators COATS, MCCAIN, ROBB, and their staffs who contributed so much to this effort, as well, of course, to Chairman THURMOND and Senator NUNN and their professional staff members, for their encouragement and their very, very concise and constructive support.

We also appreciate the time that was spent by personnel in the Department of Defense, particularly Deputy Secretary of Defense John White and his staff, who reviewed and advised us on this amendment, and who have wanted to go forward in a spirit of cooperation not only among the parties here but between the Congress and the executive branch.

The future of our national security is obviously far too important to be left to business as usual at either the executive or legislative branch. I cannot thank the Department of Defense enough for the support, encouragement, counsel, occasional disagreement, but ultimate consensus that is expressed in this amendment.

In summary, and finally, Mr. President, what this is all about is becoming engaged in a very difficult, complicated, farsighted but critical debate about how we can have the best national security possible for America, particularly now as we, in some sense, reign supreme, unchallenged, as the greatest superpower in the world, understanding that history teaches us that the special position of power and relative invulnerability is not enjoyed by nations for long periods of time unless they plan and act to make that so. Nations rise and nations fall over the course of history.

What this amendment is about is making sure that the United States of America remains strong and dominant, able to deter threats to our security and, if necessary, to defeat them far into the next century. We have the resources, we have the brain power, we have the courage and skill of our war fighters to make that happen. This amendment is all about making sure that we use and develop those natural strengths that America has to the best of our ability.

I come back to the final point that we have to involve the American people more in these discussions. Sometimes, particularly when we exist, as we do now, at a time of relative national security, it is hard to get people to focus in on the details and on the need to continue to commit adequate resources to our national defense. I am convinced that if we find ways to involve more of our citizens in these discussions, in the work of a nonpartisan panel, a national defense panel, in the hearings that it may hold, in the hearings that will surely be held here in Congress after we receive these reports from the Secretary of Defense, then the American people and we, their Representatives in Congress, will surely provide the resources necessary to preserve our liberties and defend our national principles and interests.

Mr. President, an informed public will always understand the wisdom and the memorable comment made by the great British soldier and leader, Sir John Slessor, when he said,

> It is customary in democratic countries to deplore expenditure on armaments as conflicting with the requirements of social services. There is a tendency to forget that the most important social service that a government can do for its people is to keep them alive and free.

Mr. President, I hope when we introduce this amendment later in the afternoon that other colleagues will join us in cosponsoring it and, of course, in voting for it.

I thank the Chair for the opportunity to address the amendment. I look forward to returning and actually introducing the amendment when the appropriate unanimous-consent agreement is entered. I yield the floor. I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

Mr. THURMOND. 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. THURMOND. Mr. President, I rise in support of this amendment to be proposed by the able Senator from Connecticut, and I ask unanimous consent that I be listed as a cosponsor.

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

Mr. President, for the past 3 years the Clinton administration has failed to articulate a sound and credible national security strategy. A large part of this failure is the result of the President refusing to submit a budget request which provides the necessary funds to support the force structure required by his own strategy. In fact, it is frequently noted that the force structure is underfunded by as much as $150 billion. Not only has this administration failed to provide the funds required to sustain the numerous foreign adventures in which the President involves our military forces, but the administration has also failed to provide the funds required to modernize our military forces for the conflicts of the 21st century.

Mr. President, the people of the United States cannot afford to continue down this dangerous path.

Since the collapse of the Soviet Union and the end of the cold war, the United States has conducted two substantial assessments of the force structure necessary to protect American interests in an increasingly chaotic world. The base force of the Bush administration laid a credible foundation for restructuring our forces in order to meet the realities of the post-cold war world. However, President Clinton's Bottom-Up-Review, which replaced the base force, failed to make any meaningful contribution because it did not outline a force structure that would protect American interests into the next century. As we look toward the future, it is essential that we re-examine the world security environment and develop a military force that will be capable of defending American interests in future conflicts.

Mr. President, the proposed amendment will set this reexamination in motion. The amendment requires the Secretary of Defense to perform an assessment of the national security strategy, and the force structure necessary to support that strategy, through the year 2005. In addition, the amendment creates an independent, nonpartisan panel of national security experts to review the Secretary's assessment and provide a report to the Congress which offers alternative force structures to that which is provided by the Secretary.

The information that is provided by each of these reports will be available to both the administration and the Congress for use in making decisions to prepare the armed forces of the United States for the 21st century. These reports will make a significant contribution to ensuring that our national security strategy is sufficient to protect American interests in the future, and that the force structure is sufficiently funded to support that strategy. We must be sure that the strategy and force structure are balanced and affordable.

Mr. President, now is the time that we should undertake a fundamental reexamination of our national security requirements. The national security strategy of the Clinton administration has failed to provide for the future security of the United States. We cannot

commit the security of our children to this failed strategy and insufficiently funded force structure. Therefore, I urge my fellow Senators to support this amendment.

Now, Mr. President, in closing, I want to commend the ranking member, Senator NUNN, for the remarks he made on this subject, about going ahead. We need to know what the amendments are. Any Senator who has an amendment to the defense authorization bill should come forth and present that amendment. Time is fleeting. We want to finish this bill by Thursday night, and we would like to know what it is.

The other thing I want to mention is that amendments should be defense-related. If they are not defense-related, they should be offered on some other bill and not on this particular bill.

Mr. President, this is important. We have to finish this bill in due time, and we should waste no time in getting these amendments in. Let the amendments be defense-related, or offer them to some other bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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## UNANIMOUS-CONSENT AGREEMENT—H.R. 3448, H.R. 3415, AND S. 295

Mr. LOTT. Mr. President, I would like to join now with the Democratic leader in getting a very large unanimous-consent agreement. A lot of effort has gone into the preparation of this unanimous-consent agreement. It is based on a lot of give and take in negotiations and trust and good faith. I will continue to try to proceed in that way.

I want to thank Senator DASCHLE for his cooperation, and I hope we can continue to work in this way. I would like to proceed now with the request, and we can discuss it further as we go along, or after we get the agreement entered into.

I ask unanimous consent that on Monday, July 8, at a time to be determined by the majority leader, after notification of the Democratic leader, the Senate turn to the consideration of H.R. 3448, the minimum wage bill, and it be considered under the following restraints:

That immediately following the clerk reporting the bill by title, the committee amendment be agreed to and considered original text for the purpose of further amendments, and the Senate then deal with amendments to title I, the small business tax title; that there be one first-degree amendment relevant to the small business tax title for each leader, with no other amendments or motions to refer in order to the bill, other than the minimum wage amendments listed below, except for any manager's amendment which can be cleared by the two managers and the two leaders, and that no points of order be considered as having been waived by this agreement.

I further ask unanimous consent that upon the disposition of the small business tax amendments, Senator KENNEDY be recognized to offer an amendment making modifications with respect to minimum wage and time on the Kennedy amendment be limited to 1 hour, to be equally divided in the usual form; that no amendments, points of order, or motions be in order during the pendency of the Kennedy amendment, and following the conclusion or yielding back of the time, the amendment be laid aside.

I further ask that following the debate on the Kennedy amendment, Senator LOTT or his designee be recognized to offer an amendment relative to minimum wage, and it be considered under the same restraints as outlined for the Kennedy amendment, and following the conclusion or yielding back of time, the Senate proceed to a vote on the Lott amendment, to be followed immediately, regardless of the outcome of the Lott amendment, by a vote on the Kennedy amendment.

I further ask that time for debate on the bill be limited to 1 hour to be equally divided in the usual form, and further, that following the disposition of the Kennedy amendment, no further minimum wage amendments be in order to the bill. I will ask at a later time that the minimum wage amendments be printed in the RECORD.

Further, I ask that all remaining first-degree amendments be submitted to each leader in the form of a summary by 12:30 p.m. on Wednesday, June 26, provided that either leader may void this agreement after consultation prior to 3 p.m. on Wednesday, June 26, 1996.

I emphasize here that this is so that everybody will be on notice as to what the content is. It is our intention that we would go forward and that it would not be void at that point. But we felt that extra protection was called for.

I further ask that following the disposition of the above listed amendments the bill be advanced to third reading and final passage occur, all without further action or debate.

I further ask unanimous consent that the Senate may turn to the consideration of H.R. 3415 regarding the gas tax repeal, at a time to be determined by the two leaders and if the bill has not been reported by the Finance Committee it be automatically discharged and the Senate proceed to its immediate consideration and it be considered under the following time agreement:

That there be 1 hour of debate on the bill to be equally divided in the usual form, that the bill be open to four first-degree amendments to be offered by Senator LOTT, or his designee, relevant to the gas tax bill, and subject to relevant second-degree amendments and four first-degree amendments to be offered by Senator DASCHLE, or his designee under the same terms as outlined for Senator LOTT, with no motion to refer in order and no points of order to be considered as having been waived by this agreement, and following the disposition of the above-listed amendments and the conclusion or yielding back of time the bill be advanced to third reading, and final passage occur, all without further action or debate.

Finally, I ask unanimous consent that immediately following the passage of H.R. 3448 the Senate proceed to calendar No. 389, S. 295, the TEAM Act, under the following restraints:

Two amendments in order to be offered by the Democratic leader, or his designee, and two amendments in order to be offered by the majority leader, or his designee, and that all first-degree amendments in order to S. 295 be relevant and submitted to the two leaders in the form of a summary under the same terms as described for H.R. 3448 with the same veto authority expiring at 3 p.m. on Wednesday, June 6, 1996, and that time for debate on the bill be limited to 1 hour in the usual form, with time on each amendment limited to 1 hour equally divided, and that no other amendments or motions to refer be in order and no points of order be considered waived by this agreement.

I further ask that following the disposition of the above-listed amendments the bill be advanced to third reading and the Labor Committee be discharged from further consideration of H.R. 743, and the Senate proceed to immediate consideration, that all after the enacting clause be stricken, the text of S. 295, as amended, if amended, be inserted, the bill be advanced to third reading and final passage occur, all without further action or debate.

And, finally, I ask unanimous consent that no call for the regular order serve to displace H.R. 3448, H.R. 3415, S. 295, or H.R. 743 during their pendency.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Reserving the right to object, I shall not object. I wonder if I might be afforded a few moments to comment after we get the agreement.

Mr. LOTT. I believe the Senator wanted 10 minutes. I ask unanimous consent that Senator KENNEDY be able to proceed for not more than 10 minutes after this agreement has been entered into.

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

Mr. PRYOR. Mr. President, reserving the right to object, I do not care to object at this moment. On last Thursday I attempted to lay down, but I did not actually send to the desk, an amendment to the defense authorization bill relative to closing of a loophole that we created in the GATT treaty that relates to two or three drug companies that are making enormous windfall profits as a result of our mistake.

Mr. President, I got in a little bit late on the distinguished majority leader's request. I am wondering if anywhere in the unanimous consent request if my thrust of offering this amendment is going to be impaired in any way, or will there be an opportunity?

Mr. LOTT. If I might respond, Mr. President, there is nothing in this agreement that in any way affects that, or stops it being offered. I know the Senator has indicated the desire to do that at any and every opportunity. This in no way impairs that right.

Mr. PRYOR. Mr. President, I was trying to protect my rights and protect the opportunity to offer this amendment at the appropriate time either on the DOD or some other subsequent piece of legislation.

Mr. President, I will not object. I thank the Chair for recognizing me.

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

Mr. LOTT. Mr. President, if I could be recognized—I know the distinguished Democratic leader would like to be recognized—to summarize.

This means we will take up the minimum wage, small business tax package, and amendments to that on Monday July 8, and I am sure it will go over until Tuesday, July 9. That will be followed by the TEAM Act which involves employee-employer relationships in the workplace. That will be taken to final passage.

And then at a time and in a way that we will work on further, the gas tax repeal bill will also be brought up at a later date.

I am sure there are a lot of Senators that are not totally happy with this on both sides of the aisle. But I think this is what needs to be done to move these issues through the process, allow the Senate to offer amendments, and have debate and have votes. And then we will see what the result is, and we will go on from there.

But we do have very serious work that we need to do for our country, and we are still working on hopefully an agreement on health care reform. We are hoping that we can—well, we intend to complete the defense authorization bill this week. We have a number of other bills that we need to consider for the good of the country—nominations that are pending. And I think this helps get us moving again.

Again, I want to thank all Senators on this side of the aisle for their cooperation, and also Senator DASCHLE for his cooperation. A lot of work has gone into this. I do not think it serves any purpose to say that this was given or that was taken. I think it is a fair enough deal for all concerned. I am glad we were able to achieve this agreement.

I yield the floor, Mr. President.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, let me associate myself with the remarks of the distinguished majority leader. A lot of work has gone into the negotiations on this compromise proposal now for the last several weeks. I appreciate his willingness to work with us to achieve this agreement today. We will have an up-or-down vote as we have requested on minimum wage on July 9. I appreciate very much his willingness to work with us to achieve that.

This effort would not have been successful were it not for the distinguished ranking member of the Labor Committee. He has been stalwart in the effort to find a way to ensure that we have this opportunity. I applaud and thank Senator KENNEDY for his contribution to these negotiations and his arduous work in making sure that we have been successful this afternoon.

As the distinguished majority leader said, this allows us to move the process forward. We will have a series of votes and an opportunity to vote on relevant amendments. That was key during these negotiations—relevant amendments during the consideration of these bills. Once that has been achieved we will go to conference.

I am very hopeful, very desirous, and fully confident that we can resolve these matters with the House in conference sometime during the month of July—sooner rather than later. It is my expectation they will be resolved successfully in a form that will allow us to bring back a conference report that is acceptable to the Democrats and that the President can sign. I will work with the majority leader to ensure that that happens. My colleagues have my commitment that I will make every effort to see that that happens in the next several weeks.

As the distinguished majority leader also mentioned, the health bill is not part of this package. It was our hope that we could resolve the differences with regard to health as well. But we will work on that next.

It is not our desire to offer the health bill as an amendment today to the defense bill. I hope that at some point in the next 24 hours, the majority leader and Senator KENNEDY and I can sit down to work on that, as we worked on minimum wage, to see if we can find a way to resolve the impasse and leave with the week intact and with the confidence of knowing we can resolve health, as now we have been able to resolve the matter of the minimum wage, in an acceptable manner procedurally at least.

So, again, I thank very much all of those who were involved in this negotiation. I am hopeful that we can now look with some promise, some confidence to this issue being resolved in a successful way in the very near future.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

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## THE MINIMUM WAGE BILL

Mr. KENNEDY. Mr. President, I join our two leaders in welcoming this agreement which will permit the Senate to vote on the issue about whether families that work hard 40 hours a week, 52 weeks a year, ought to have a livable wage. I think it is important to note that with this agreement the time of obstruction, delay, and stonewalling has been put aside.

It did not have to be this way. Increases in the minimum wage have been bipartisan in times past, and they should be bipartisan today if we are going to reward work and respect work and make sure that families that are working will have enough of an income to provide for themselves, for their children, to put food on the table, and pay a mortgage.

That has been a proud tradition for the last 58 years. Fifty-eight years ago today President Roosevelt signed the first minimum wage bill. It was 25 cents an hour. He predicted at that time there were going to be voices raised saying this was to be the end of democracy in America. So often with the increases that I have seen in the minimum wage since the early 1960's, there have been similar calls, that any increase was going to destroy the free enterprise system.

Of course, that is not what this is about. It is about fairness. It is about decency. It is about respect for work. It is about making sure American families are going to be treated fairly.

So I am grateful that we will have that issue before the Senate. Today is really a victory for working families, those working families that came here and appeared before various forums in the House of Representatives and the Senate of the United States. We were not permitted to have hearings to hear from these families, denied those hearings in the past year and a half. Nonetheless, we were able to have forums. Families told us about their hopes and dreams, told us how they work not one job but two jobs. Families pointed out they did not mind working one job, two jobs, three jobs but what they resented most was not having sufficient income so they could set aside a few hours to spend with their children and members of their family.

That is what this is about. Women in the work force, 65 percent of those who receive the minimum wage are women in the work force. It is about children of working families in the work force.

So, Mr. President, we will look forward to debating this issue when we come back after the Fourth of July break.

Finally, as we are looking at this moment, we also have to consider what our friends on the other side are offering as an amendment to the minimum wage and their view about what the minimum wage should be. If perchance their amendment is accepted, then even the position of the House of Representatives, which said that the minimum wage would have gone into effect at the time of July 1, just a couple of weeks after the time of the passage, their proposal is going to delay that until the early part of next year, January of next year—another delay.

Second, it is going to have a provision to provide 180-some days, so that any entrant into a new job for 180 days can still be paid at the old wage of $4.25 an hour. We have seen other gimmicks in the past on the minimum wage. We had a 90-day delay called the Youth Training Program, even though there never was a training program included, and then another 90 days included if that youth were under 18 years of age.

Now we have a delay of 180 days for the entrant at the minimum wage, whether that be a teenager—the 30 percent of those who are making the minimum wage who are teenagers—or whether that be a single mother who has to provide for her family. If we pass this bill and get it enacted into law, it is going to be delayed until the early part of next year under the Republican amendment, and then it will be delayed another 180 days under the Republican amendment. And then the final provision of the Republican amendment is to have a carveout for businesses of up to $500,000. That will carve out approximately 10 million Americans that will no longer be included in coverage for the minimum wage.

So on the one hand, as we are going to have an agreement to at least vote on this issue and to address this issue of fundamental fairness, we also have to be aware that there will be a proposal on the floor of the Senate that will carve out 10 million of the 13 million Americans who would be affected by this minimum wage, will carve out those new entrants into the job market at the lower level of the ladder for 180 days from getting any benefit of the increase in the minimum wage, should we support it, and then delay that program until the first of next year. That is a totally unacceptable proposal, and I hope it will be resisted here.

But I am grateful to our leaders for working out this proposal. I am particularly thankful to those on our committee and here on this side of the aisle who have been constant. Every Member on our side of the aisle has voted in support of the increase in the minimum wage, and I commend the number of Republicans who have also joined with us and have reflected their support for the minimum wage in the past. We thank them for their constancy and indication they were going to take every step that was going to be necessary to get a vote on this issue.

I hope that over the period of the next few weeks, the American people will look at what the alternative will be in this Chamber that effectively, on the one hand, will give an increase in the minimum wage and, on the other hand, withdraw it. That is an unacceptable way of proceeding. I hope that amendment will be defeated. It is important that the American people in these remaining days, when they see their Members of the Senate at the Fourth of July parades and at the picnics over this period of time, say, when you go on back to the Senate of the United States on the 8th and 9th, OK, take care of those small business men and women, up to $13 billion in terms of additional kinds of help and support; OK, take care of those small businesses—and many of those provisions I will support—but do not go in and carve out the millions and millions of Americans who otherwise would have participated in an increase in the minimum wage.

I am grateful for this agreement, and I thank the Senator from South Dakota, the Democratic leader, who has been the leader on this issue as in so many other issues and with his leadership has really brought us to this place where at last we will have an opportunity to vote on this matter.

Mr. President, I yield back the remainder of my time.

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## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

The Senate continued with the consideration of the bill.

Mr. THURMOND. Are we ready to vote?

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I would like, in responding to the chairman, to now——

Mr. THURMOND. Has the Senator proposed the amendment yet?

Mr. LIEBERMAN. We have not, and if it is OK with the chairman, I would like to go ahead and introduce the amendment now.

AMENDMENT NO. 4156

(Purpose: To provide for a quadrennial defense review and an independent assessment of alternative force structures for the Armed Forces)

Mr. LIEBERMAN. Mr. President, I call up amendment No. 4156 to the Department of Defense authorization bill and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself, Mr. THURMOND, Mr. COATS, Mr. ROBB, Mr. MCCAIN, Mr. NUNN, Mr. INHOFE, Mr. KEMPTHORNE, Mr. WARNER, Mrs. HUTCHISON, Mr. SANTORUM, Mr. MURKOWSKI, Mr. LEVIN, Mr. FORD, and Mr. BOND, proposes an amendment numbered 4156.

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

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

The text of the amendment is printed in today's RECORD under "Amendments Submitted."

Mr. LIEBERMAN. I thank the Chair.

Mr. President, as previously discussed, this is the amendment which would provide for both an in-the-Pentagon-and-outside-the-Pentagon, under the Secretary of Defense, national defense panel review of our national security structure to answer basic questions: What are the threats to our national security in the coming decades, and how can we best meet them? It is an attempt to get out of the box, get out of the day-to-day here and look forward, over the horizon, so that we are ready to face and meet whatever threats to our security exist, and to do so in the most cost-effective way.

Mr. President, I appreciate the broad bipartisan support for the amendment, including the statement from the chairman of the committee, Senator THURMOND. I believe my cosponsor, the Senator from Indiana, who spoke only briefly before, does have further comments.

I do want to indicate to my colleagues here that Senator COATS and I do intend to ask for a rollcall vote on this. We do not expect the debate will be long, but we do hope to do so sometime soon this afternoon.

I look forward to the debate and I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, America's preeminence in the world is accompanied by the opportunity and burden of leadership to shape the international community. I have been somewhat perplexed that our concerns with national defense are often no broader than the level of defense spending, which we generally debate only during the annual authorization and appropriation cycles. It is incumbent that we consider the scope of the demands and expectations placed on our military in support of America's role in shaping the work today, and through the next century. Included are the fundamental issues of our national security interests, the nature of future conflicts, and

the most appropriate military strategy for which the Department of Defense should develop its military capabilities. These considerations must be made deliberately, not by default. Failing to do so will lead the United States to react, rather than control, events in the next century.

The actions we take on the defense authorization bill will fundamentally influence our national security strategy and force structure well into the next century. Properly done, these decisions will be a powerful investment in the future. Unfortunately, there is widespread consensus—both in and out of the Pentagon—that the administration's 1993 Bottom Up Review strategy is not the strategy America needs to guide its military into the 21st century. The strategy has been chronically underfunded, with shortfall estimates ranging anywhere from $50 to $150 billion. There is great skepticism with the two major regional conflict [MRC] yardstick that undergirds the Pentagon force planning. And, perhaps most disquieting, is the BUR's implicit assumption that the nature of future conflicts will closely resemble those of the past. The effects of misinvesting in a strategy that has lost its relevance are immense.

Congress has done its best to reconcile the sizable disconnect between the BUR's requirements to fight and win two nearly simultaneous MRC's and the funding needed to execute such a strategy. But, while Congress has supported the military in sustaining readiness, in modernizing for the future, and in holding the line against additional force structure cuts in order to meet the BUR requirements, the administration has accused Congress of pork barrel politics. When Congress has tried to rectify serious funding shortfalls in programs at the urgings of senior military leaders, the administration has accused Congress of contributing to inefficient defense spending. The political gamesmanship over issues crucial to America's national security has created such hyperbole that the merits in investing defense dollars today for an uncertain future tomorrow confuse most Americans. I have serious concerns over the impact this political spin may ultimately have a public support for our troops.

In an era of competing budget priorities, an expanding continuum of military operations, the uncertainty of future threats and emerging new technologies, we can ill afford a business as usual approach on investing in our future defense. Senator LIEBERMAN, myself, and a host of cosponsors have worked in a bipartisan effort to ensure that the Defense Department and Congress will make only the most prudent investments in defense. Through this amendment—a review of the Armed Forces force structure—we intend to do more than affect the next military strategy and its resultant force structure. In establishing an independent, nonpartisan National Defense Panel, prominent defense experts will assess alternative force structure strategies in light of future threats, emerging technologies, required capabilities, and a broad continuum of military operations that may be likely in the future. The National Defense Panel's assessment will be far more comprehensive than previous force structure assessments, and will explore innovative, forward-thinking ways of meeting future national security challenges. The complete assessment will provide alternatives to a singular military strategy and its resultant force structure that will, in turn, enable Congress, the Defense Department, and the American public to better consider the level of defense spending our Nation requires in support of its national interests.

The National Defense Panel will also assist the Defense Department as it undertakes its quadrennial strategy review over the next year. The Department's Quadrennial review, while more narrow in focus, will examine force structure, modernization plans, infrastructure, defense policies and other elements of the defense program to develop a new defense strategy replacing the Bottom Up Review.

A salient feature of this amendment is that it will challenge current thinking about defense. Senator LIEBERMAN and I, along with the cosponsors of this amendment, share the concern that the tendency to focus on immediate issues has distracted from the task of structuring the military to meet new operating environments, accommodate revolutionary changes in military technology and prepare for the possibility of entirely new kinds of threats and competitors. As Paul Bracken wrote in his 1993 article entitled "The Military After Next,"

> The military posture for the next 20 years is conceptualized implicitly in terms of the problems of today, rather than in terms of deeper forces that reflect both the changing character of war and the military transformation taking place in the world. Immediate U.S. problems are characterized by deep military budget cuts, regional contingencies, "messy operations" [such as Bosnia, Haiti and Somalia] and a substantial military capacity inherited as a legacy from the Cold War. All of these are worthy of attention. But, if anything is certain, it is that in 20 years the current budget crisis, the regional strategy . . . will be forgotten as new problems of national security and international order appear.

Although our Nation still faces a range of current threats, we must not let current threats lead us into assuming that incremental improvements to our military will be sufficient to deal with the range of scenarios we may face in the 21st century. Our country has a strong tendency to defer revolutionary changes in favor of these incremental improvements. The BUR strategy of fighting 2 MRC's is a prime example, taking the Desert Storm model and geographically tailoring it to future scenarios. But it is not an adequate guide for future innovation. We can no longer afford to conveniently fit current situations to existing planning and resource allocation processes. Doing so will yield a defense program geared to the most familiar threats, as opposed to those most likely to occur.

In closing, I would submit that the familiar path of the past—as convenient as it may be—will not necessarily lead us to the future we wish to shape. The review of the Armed Forces force structures amendment before us now will provide Congress and the Defense Department with comprehensive analysis addressing a range of force structures and capabilities appropriate for future threats. It is our hope that, ultimately, this amendment will serve to further public and congressional debate over the priority our Nation should place on its defense. Our Nation must have confidence in its military strategy, must provide for the capabilities our Armed Forces require to perform the missions expected of them, and must understand and accept the risks of doing otherwise. I urge the support of this amendment—it is a major step forward toward smarter defense planning and investing, and enjoys wide bipartisan support from Members throughout the Senate.

Mr. President, let me state this is the culmination of some effort on the part of the Senator from Connecticut, who has taken the lead in this effort, myself, and a number of other members of the Armed Services Committee who are concerned that we are not adequately addressing some of the major questions that need to be addressed in preparing a strategy and setting a program in place relative to our national security needs for the next century. The next century sounds like a long way away, but it is only 3½ years. In fact, it is actually the next millennium. It is almost difficult to comprehend.

As history has shown, civilizations have been weakened and even collapsed, and mighty armies and navies have been defeated because they were rooted in the wars of the past. They were rooted in the procurement of weapons to fight those wars based on what worked before, not what they might need in the future.

None of us has a crystal ball that can tell exactly what will constitute an adequate national security apparatus and national defense in the future. Yet we need to examine the questions about the kinds of threats and the nature of those threats that we will be faced with in the future.

We are in the midst of a technology explosion that obviously is impacting on warfare. We had a glimpse of that explosion and what it means during our viewing of the Persian Gulf war on

"CNN Live." There were remarkable pictures of a war in progress and a demonstration of what technology can do in terms of changing the terms of warfare. I am sure the nation of Iraq thought it was amply prepared to successfully defend its aggressive takeover of Kuwait, only to find itself hopelessly, not outmanned, but outsmarted, from a technological standpoint. No nation is going to make that mistake again. No aggressor is going to make that mistake again. Future aggressors will contemplate about what it is going to take in the future to encounter the United States. The conflicts we face in the future will be much different from those we have encountered in the past.

We need to take advantage of the remarkable research, development, time and ability to bring new technologies to bear in terms of our armed services and our national defense. Unfortunately, it seems the Congress is locked into a "what do we need right now" mentality. We do our thinking and spending and planning in 1-year increments, 2 years at best. As a result, it seems we are measuring on the basis of what we did last year, and trying to make a decision on what incremental changes we can adjust to for the future years. Basically what we do is make incremental changes.

The Pentagon is well aware of this problem, and they are attempting to address this through a strategy called the quadrennial review. That takes a 4-year look and it coincides with the possibilities of each administration, each new administration. But we need to look beyond that. To do so, we are asking the Pentagon to address a number of issues of concern to us, and establish an independent review panel to give us certain assessments. The results of these assessments will provide us with a better, broader body of knowledge with which to evaluate the potential threats, with which to evaluate the potential strategies—and I use the plural, not the singular use of the word—which we might employ to deter or counter those threats and on which we can make procurement decisions, research decisions, and allocate the increasingly scarce dollars available for our national defense. This was less of a problem in the 1980's because we had ample funds available from which to take advantage of many different alternatives and select the one which best fit. We do not have that luxury now. We do not have anywhere near that luxury. Defense is now in its 12th straight year of decline in terms of budget allocations. The military has been scaled back nearly 40 percent in just about every category. We have to make decisions on the basis of a far smaller margin of error.

In that regard, having a broader assessment of our potential threats, our potential responses to those threats, is going to allow us to make better decisions to spend those dollars more wisely. That is really what this amendment is all about.

I was pleased to have the opportunity to work with the Senator from Connecticut and with others of my colleagues on the Senate Armed Services Committee. I am pleased this amendment has a growing list of bipartisan—nonpartisan—support. I think a year from now we are going to be in the midst of a process which is going to give us some very relevant information from which we can base decisions that are extremely critical to our future. So I am pleased to be a coauthor and a cosponsor of this amendment.

With that, I observe we might be prepared, unless the managers are aware other Senators are coming to the floor to speak, to move to a vote.

I believe it is appropriate to ask unanimous consent the pending amendments be set aside. I am not exactly sure what the parliamentary request needs to be in order to bring this amendment up.

Mr. LIEBERMAN addressed the Chair.

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

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, it was my understanding the pending amendments had been set aside and this amendment was now the pending business. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LIEBERMAN. Mr. President, after consultation with the chairman of the committee, I ask unanimous consent that, when the vote occurs on this amendment, it occur by rollcall and the rollcall be held at 5 this afternoon, with no second-degree amendments in order.

Mr. THURMOND. Mr. President, we have no objection.

The PRESIDING OFFICER. Is there objection to the vote occurring at 5 o'clock and that no second-degree amendments be in order?

Without objection, it is so ordered.

Is the Senator seeking the yeas and nays?

Mr. LIEBERMAN. I was about to do that. I was going to ask when a vote be taken it be taken by the yeas and nays.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. McCAIN. Mr. President, I rise as an original cosponsor of an amendment to require a much-needed new assessment of future U.S. military force structure requirements. In March of this year, I released a paper which called for a new study of our national security strategy and the military force structure that supports our strategy. If adopted, this amendment will ensure that the Department of Defense and the Congress work together to create a flexible U.S. military force structure capable of adapting effectively to meet the ever-changing challenges of the 21st century.

Very briefly, let me summarize the amendment. First, it would require the Secretary of Defense to provide a report to Congress on the quadrennial defense review, which is expected to be completed in the spring of 1997. The QDR is the Secretary's effort to reassess our current strategy and force structure and is intended to form the basis of our military planning through the year 2005. The amendment would require the Secretary to consider certain specific issues in his review.

The amendment would also provide for two separate, independent assessments of the quadrennial defense review, to ensure that the Congress has a full understanding of the assumptions and conclusions of the QDR.

One assessment would be done by the Chairman of the Joint Chiefs of Staff and provided to Congress with the QDR. This provision is included in the amendment because it is essential that we have the views of our professional military leaders as we determine the future of our military strategy and force structure for the next century.

Another assessment of the QDR would be undertaken by an independent, nonpartisan National Defense Panel, which the amendment would establish. The Panel would also be charged with developing a variety of alternative proposals for force structures and budgets, using analyses and information acquired from the Department of Defense, the Joint Staff, and other agencies. The Panel would focus on developing a longer term assessment than the QDR, through the year 2010 and beyond, where possible. The Panel's assessment of the QDR and alternative proposals would also be provided to Congress.

Mr. President, the amendment enjoys broad bipartisan support among Senators with experience in defense issues. The principal cosponsors are Senators LIEBERMAN, COATS, and ROBB, joined by others of our colleagues.

Mr. President, we crafted this amendment in recognition of the pressing need for a full reassessment of our military force structure in light of the changing realities of the post-cold war world. In the past 5 years, since the collapse of the Soviet Union, our Armed Forces have shrunk from a force of 2.1 million active duty personnel to approximately 1.4 million people today. While these reductions were being implemented, the Pentagon has conducted two evaluations of the organization, composition, and equipment requirements of our smaller force in light of the changing realities of the post-cold war world. The results are contained in the Bush administration's

"Base Force" and Clinton administration's "Bottom Up Review" assessments.

Both assessments were laudable early efforts to adjust the post-cold war world, and both served an important purpose in focusing attention on the need to reevaluate the military posture of the United States. But neither were truly innovative approaches to a comprehensive, critical review, and reshaping of our strategy and military forces. In fact, the Bottom Up Review was a top down directive, shaped largely by budget targets established before the exercise began and by strategy and force goals that then-Congressman Aspin had developed a year earlier.

The pending amendment seeks to address many of the concerns expressed by Congress and national security experts alike about the last attempt to conduct a strategic review. The amendment is also driven by the recognition, just 3 years after completion of the Bottom Up Review, that the swift pace of global change has created the need for a new and fundamental reassessment of the force structure of the Armed Forces required to meet threats to the United States in the 21st century.

First, the amendment would require a comprehensive assessment of potential threats to our future security, which is an essential element of determining our future military force requirements. The amendment specifically identifies several categories of potential threats to our future security, both near- and long-term, which must be addressed in any strategic review. These threats include:

The continuing proliferation of weapons of mass destruction and means to deliver them, as well as the transfer of technology relating to such weapons,

Conventional threats across a spectrum of conflicts, which would include the rise of radical Islamic fundamentalism and other political extremist movements,

The vulnerability of our information systems and other advanced technologies to nontraditional threats,

Domestic and international terrorism, and

The potential emergence of a major challenger in the future.

The amendment would specifically direct the independent National Defense Panel to analyze each of these threats and provide an assessment of the challenges posed to our future security. The Panel would also provide its comments with respect to the threat assessment underlying the quadrennnial defense review, thus ensuring that all foreseeable future threats are examined and considered in the review.

Second, the amendment would ensure that both the quadrennial defense review and the Panel's independent assessment consider some very important issues which were not fully addressed in connection with the Bottom Up Review. Let me take a moment to mention several of the explicit instructions contained in this amendment:

The amendment requires a full analysis of the potential impact of allied cooperation and mission sharing on U.S. force size and structure.

It requires a clear explanation of assumptions about levels of acceptable risk in conflict scenarios and force levels.

It also requires a clear statement of the assumptions about warning time for future conflicts and planning for simultaneous or nearly simultaneous conflict scenarios.

It requires a full assessment of the impact of preparing for and participating in peace operations and military operations other than war on force structure requirements in likely conflict scenarios.

It requires a detailed description of anticipated future technology advancements and their impact on force size and organization.

It requires an analysis of manpower and sustainment policies, Reserve versus active component mix, tooth-to-tail ratio, and airlift and sealift requirements for the future.

These specific guidelines will result in a more thorough and detailed review of the military capabilities required to meet future threats.

Finally, this amendment recognizes the inadvisability of predetermining future Defense budgets before conducting an analysis of our security requirements—a significant flaw of the Bottom Up Review. The amendment would require that a topline funding projection be developed for each scenario-driven force structure plan developed by the Panel. It would also require the Panel to independently assess the validity of the budgetary requirements reported by the Secretary of Defense for his quadrennial defense review. In this way, the Department of Defense and the Congress will be able to consider both security requirements and affordability when reviewing alternative force structure options.

Mr. President, this last point is very important. We cannot ignore fiscal reality in military planning, but we must never acquiesce to demands for reduced defense spending regardless of the threats to our national security.

Because of the cuts in defense spending over the last 12 years—a nearly 40-percent reduction in real, inflation-adjusted terms, we now face a significant gap between our overall force plans and the resources available to implement them. Independent assessments of the cost of the Bottom-Up Review force show that it exceeds the funding levels dedicated by the Clinton administration in the Future Years Defense Program by $150 to almost $500 billion. As a result, we have had to make a series of Hobson's choices among defense priorities. We have had to choose among cutting force strength, maintaining readiness, or funding force modernization. The result has been reductions in all three areas.

The Republican-led Congress has added more than $18 billion to the defense budget in the past 2 years, but even this amount has not slowed the too-rapid decline in defense spending. The fact remains that our rising Federal debt and ongoing efforts to achieve a balanced Federal budget will continue to put enormous pressures on Federal spending.

Mr. President, this amendment will help us determine the appropriate level of funding to ensure our Nation's security in the next century. This amendment would ensure both the Department of Defense and the independent National Defense Panel conduct a thorough assessment of the threats we are likely to face, take a realistic look at potential future conflict scenarios, and provide alternatives for an effective military posture together with credible budget estimates. With the information this amendment would make available, the Congress and the administration could work together to ensure that our future national security requirements will be met while, at the same time, recognizing appropriate fiscal constraints.

Mr. President, let me take just a moment to thank Senator LIEBERMAN for taking the lead in putting this amendment together. I particularly want to thank John Lilley, who has left Senator LIEBERMAN'S staff for a more lucrative position in the private sector. He worked very closely with my staff and with the staffs of the other principal cosponsors of the amendment, and he is to be commended for his diligence and fairness in addressing all of our concerns.

Mr. President, in closing, the fast pace of change in our world requires that we create and maintain a flexible military force for the future, which will be able to adapt quickly to the changing requirements of our future security. It is now time to undertake a thorough and innovative effort to reassess our military force structure and the national security strategy that it supports. This amendment would ensure that all aspects of national security planning are thoroughly assessed in formulating recommendations for our future military force structure. I urge my colleagues to support the amendment.

Mr. FORD. Mr. President, I am happy to join my cochairman of the Senate National Guard Caucus in cosponsoring the amendment by Senators LIEBERMAN, COATS, ROBB, and MCCAIN to review the Armed Forces force structure.

Just a few years ago, Congress approved the establishment of the Roles

and Missions Commission. However, many of us were very disappointed with the Commission's findings, because those findings were clearly written with a bias against the National Guard.

Mr. President, the authors of this amendment have worked with Senator BOND and myself to make sure that the National Defense panel established by this legislation considers the Guard and Reserve without prejudice. To accomplish this, the amendment directs the "review is to involve a comprehensive examination of defense strategy to include Active, Guard, and Reserve components."

Just a few months ago, the chairman of the Readiness Subcommittee, Senator MCCAIN, along with the ranking member Senator GLENN, held a hearing on the readiness requirements of the National Guard and Reserve forces. At that time, the General Accounting Office presented information that Senator BOND and I found to be either out of date or simply inaccurate. I ask unanimous consent that the letter Senator BOND and I sent to Senator MCCAIN be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. FORD. Mr. President, the National Guard Caucus is very concerned by the determination of individuals within the Defense establishment to keep putting out negative information on the National Guard. The inaccurate and out-of-date information from GAO is just another example in a long string of misinformation.

It is my hope this report will be different—that it will be accurate. Because the sponsors of this amendment have assured me that it will, I join with my cochairman, Senator BOND, in cosponsoring this amendment.

EXHIBIT 1

U.S. SENATE,
*Washington, DC, April 29, 1996.*

Hon. JOHN MCCAIN,
*Chairman, Readiness Subcommittee, U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: As Co-Chairmen of the Senate National Guard Caucus, we commend you and Senator Glenn on your active roles in examining the readiness requirements of the National Guard and Reserve forces. We strongly support your efforts to provide sufficient resources to ensure that the nation has a capable and well trained military force. The Caucus remains convinced that, under the pressures of a reduced defense budget, the requirements to develop and produce modern replacement weapon systems coupled with a continued draw-down of our active forces, will result in an ever-increasing requirement for our nation to once again rely on part-time citizen soldier combat forces—the National Guard.

Over the past several years, the Caucus has attempted to identify those areas that are impediments to producing a combat ready National Guard which would be available in a timely manner to respond to major contingencies around the world. We are convinced that the recently-announced National guard proposal to convert and realign a large portion of the Guard combat divisions to meet other identified Army requirements, have gone a long way toward reaching that objective.

We do however have concerns regarding some of the material presented at your Subcommittee hearing by witnesses from the General Accounting Office. We believe this information to be out-of-date or otherwise inaccurate.

1. The GAO contended that the National Guard Enhanced brigades can't meet the 90-day readiness goal set for them in the current military strategy.

During Operation Desert Storm in 1990-91, the 48th Infantry Brigade was certified as combat ready in 91 days of which only 55 days were actually needed for training. this number is very close to their pre-mobilization estimate of up to 42 days.

2. The GAO testified that the brigades are having difficulty meeting the training goals set for their platoons.

Since the GAO did not indicate which brigades are supposedly having trouble, we can only say that the most up-to date information the Senate National Guard Caucus has indicates that the platoon goals of the Enhanced Brigades are being met ahead of time and some of the Enhanced Brigades are already operating at the battalion level.

3. The Roundout Brigades weren't ready in time "when they were needed" in Desert Storm.

The 48th Brigade from Georgia and the 155th of Mississippi had been replaced within their parent Division by active army units months before they were mobilized. The other brigade, the 256th from Louisiana rounded out an active duty army division that did not deploy. The major reason given by the Defense Department for not calling these units up earlier was the law at the time (10 USC 673) permitted only a 90 day call up with a 90 day extension and DOD felt at the time that the deployment would be for a longer period. As you are aware, Congress authorized a longer call up and these Brigades began mobilization on November 30, 1990. The brigades did not have to undergo six months of postmobilization training. The 48th had been validated as combat ready in 91 days (55 days of actual training). If the 48th had been mobilized when the Presidential Selected Reserve Call-up was authorized (August 22, 1990) and validated 91 days later (November 21, 1990), it could have deployed before the VII Corps began moving from the U.S. and Germany to Saudi Arabia.

4. Turbulence and turnover rates preclude reaching readiness goals and higher unit training.

This is the oddest GAO statement yet made and they obviously did not bother talking to anyone at the National Guard Bureau. If the GAO had bothered to check their facts, they would have learned that the turbulence and turnover rates in the National Guard enhanced readiness brigades are generally well below those of comparable active Army units! It is incredible that the GAO does not know that turbulence in the military is not caused by promoting a loader in a tank crew to the position of driver in the same crew! Maybe the Director of the General Accounting Office ought to send his employees to Fort Knox to learn about how a tank crew operates before they are assigned to develop a report such as that provided to your Committee. Military units—Active or Reserve—need a certain amount of turnover; they cannot keep the same soldiers in the same job forever. American soldiers, whether in the National Guard or active Army units, seek additional responsibility and status that come with promotion. Units that don't have a healthy level of turnover stagnate and have over-age-in-grade problems.

5. Combat arms jobs, particularly armor and infantry, are too hard to do for reservists with only 38 days training each year so our reserve components should be limited to only those tasks that are similar to what the soldiers do in their civilian occupation.

The average Guardsman trains 45.1 paid days each year. Officers and NCOs are more likely to train more than 45.1 paid days. At the lower enlisted levels, combat arms jobs are no harder to train for than most support jobs such as positions in Engineer and Field Artillery units. Yet National Guard Field Artillery brigades were deployed to Desert Storm with minimal post-mobilization training and performed well. The Marine Corps reserve deployed tank battalions to Desert Storm and performed well.

6. The Reserve Component soldiers can do well only those tasks that are similar to their civilian jobs so their roles should be limited to support tanks.

Once again it is obvious that the GAO did not discuss this conclusion with the National Guard Bureau. Had the GAO checked with the Guard they would have learned that there is very little correlation between Reserve Component civilian skills and military duties; across the board, fewer than 20% of the Guardsmen and women in a particular military field do a similar job in civilian life. Hers are some of the figures supplied to us by the National Guard Bureau: Aviators 14.8%; Military Police 19.4%; Truck Delivers 5.8%; Mechanics 16.9%; and Engineers 10.7%.

7. The GAO says it would take years to deploy all 15 Enhanced Brigades.

Since the GAO does not identify their source for this information, we think the Committee should take the information from responsible professionals at the United States Army Forces Command which is the responsible agency for developing plans to ensure that all Reserve Components are validated for deployment following mobilization. Their current plan, using only four post mobilization training sites, would deploy the first four brigades in 90 days or less and all 15 brigades in 180 days. Should additional sites be available and additional training resources be made available, potentially all 15 brigades could be deployed in 90 days or less. As to GAO's claim that there has been no analysis to justify the National Guard's 15 brigades and eight divisions, the only analysis that has been done to date (1993 Bottom-up Review) calls for the very force that exists today.

As the Defense Department forces are called upon to do more and more will less and less, the National Guard and Reserve will be required to perform their Federal missions with greater regularity. Military analysts agree that, in the near future, a spike in funding for the National Guard and Reserves will be required in order to keep these forces adequately resources. We raised these issues in order to highlight our concern over the funding, manning and utilization of our National Guard and Reserve forces nationwide.

We look forward to working with you and your staff during the year to ensure the National Guard remains a viable partner in the Total Force defense posture of the nation and remains more than capable of performing its state and Federal missions.

Sincerely,

CHRISTOPHER S. BOND.
WENDELL H. FORD.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I ask unanimous consent the pending business be temporarily set aside and I be allowed to speak in morning business for no longer than 5 minutes.

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

The Senator from Indiana is recognized.

Mr. COATS. I thank the Chair.

(The remarks of Mr. COATS pertaining to the introduction of S. 1904 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

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

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise briefly to associate myself most emphatically with the remarks of the Senator from Connecticut and the Senator from Indiana in regard to the National Defense Panel to review of our defense needs. I ask unanimous consent that I be made a cosponsor of that amendment.

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

Mr. MOYNIHAN. Mr. President, I do so in the context of a commission created in the 103d Congress, the Commission on Protecting and Reducing Government Secrecy, which was established to review the whole pattern of the protection of the Nation's intelligence and defense secrets as we moved into a very different era from that from which we are clearly emerging.

The present regime for protecting secrecy in our country was basically put in place in a very few days, weeks at most, in the aftermath of the declaration of war on Germany in 1917. The Espionage Act of 1917 was introduced in the first week of April, 1917, as the United States entered the First World War, and is still in place, though an amendment passed the following year known as the Sedition Act—largely a revision of section 3 of the Espionage Act—was subsequently repealed.

In that same first week of April 1917, the Civil Service Commission presented to President Wilson a request for an Executive order on the question of the loyalty of Federal employees. Again, demonstrating a pattern, although one interrupted, that we see in our present situation—the arrangements put in place near the beginning of the century remain in place today.

These are very considerable arrangements. Some 2,300,000 American civil servants have clearances for various levels of access to classified material. Some 850,000 persons in civilian employment in defense industries in the main are similarly cleared for classified material. The cost is very considerable, the issue is consequential.

We did deal at great length with the problem of espionage in this country during the First World War. The Central Powers and the Allied Powers were very much contending for American support. It is a known fact that the German Ambassador to this country brought with him on one of his trips $150 million in Treasury bonds, the equivalent of $1 billion today, to use for just that purpose. And it had its consequences.

During the 1930's, again, there were efforts of this kind from Hitler's Germany. Simultaneously, from the beginning of the establishment of the Communist Party in the United States, the Soviet Union had been involved in espionage activities, having as their most dramatic event the infiltration of the Manhattan Project. They successfully transferred to the Soviet Union the essential plans for the first atomic bomb. The Soviet Union had an atomic bomb about four years from the time that the United States did. It was almost, bolt for bolt, modeled on the original device tested at Alamogordo and the bomb that was dropped on Nagasaki, Japan.

The details of this espionage effort are just emerging as the Venona transcripts are being released by the National Security Agency. We feel in our Commission that we have been something of a catalyst with regard to the Venona release, and with it we are beginning to see just how much the United States was up against and how necessary some of these measures were. We also begin to ask ourselves whether they are still necessary in the face of a very different international setting today.

The Commission has a distinguished membership. I serve as Chairman; the Honorable LARRY COMBEST, the chairman of the House Permanent Select Committee on Intelligence is Vice Chairman; the Honorable John Deutch was originally appointed when he was Deputy Secretary of Defense, and continues to serve on the Commission in his role as Director of Central Intelligence.

We are finding, and I think the Senator from Connecticut will know this and will agree, that in the new world of electronic communication, the security of American encrypted messages is very much problematic, and the capacities of persons all over the world, for whatever reason, to break into the Pentagon files and intercept messages is almost difficult to comprehend for someone over the age of 30. We learned just yesterday in the New York Times that a 16-year-old British youth with a small computer in his bedroom in North London was intercepting messages from American agents in North Korea, and there are several criminal prosecutions going on in the United Kingdom of that kind. How to deal with this entirely new set of challenges is the reason for establishing such bodies as the Commission on Protecting and Reducing Government Secrecy—and I think that the commission proposed here to inquire into the nature of our military defense needs in the future, with a larger view than the quadrennial review—is wholly in order. I am honored to be a cosponsor of the amendment. I hope the work of the Commission on Protecting and Reducing Secrecy might be of some utility to this commission, as it begins its work.

I thank the sponsors, and I yield the floor.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague, the Senator from New York, for joining me as a cosponsor and for his characteristic informed comments. He goes right to the heart of it.

The fact is that it was the experience of the commission with regard to the Nation's intelligence structure that worked in the 1970's that is the inspiration for that concept being included in this amendment. The work he is doing now in this area with this commission, I hope, will be considered by the panel convened under the amendment.

As the Senator indicates, changes that have occurred are extraordinary. Former Deputy Chief of Staff, Admiral Owens, who was very comfortable with the new technologies and very farsighted, said we are now at a point where our commanders can, for the most part now or on the verge in the very near future, can see the whole battlefield for miles ahead, around them, and in front of then. That has never been the case for people who have gone to war. This is because of these extraordinary not only satellites but helicopters, the unmanned aerial vehicles. The fact is at a given moment in real time today the commanders on the field—in fact, the heads of our military structure back at the Pentagon—can see exactly what is happening on the battlefield and be involved.

As the Senator indicated, the dependence we have on communication and information, the potential threats to current methods of encryption of our messages is exactly what I hope this commission will go at. The fact is that part of what we are asking it to do is look at the United States not as the world's great superpower, but from the perspective of one who would want to do us harm, and to begin to determine what are the points of vulnerability.

It may be, as Senator COATS indicated before, we are tremendously well defended to fight the last war, but some relatively weaker power than we may have the capacity to either break our communication systems or to shake up or incapacitate our information systems in a way that renders us as weak, as if we had suffered a major conventional military defeat.

I want to thank the Senator for his support and for his right-on-target comments and the thought-provoking words that he spoke. I thank the Senator.

Mr. MOYNIHAN. I thank my friend.

Mr. NUNN. Mr. President, I want to commend Senator LIEBERMAN and Senator COATS for their leadership on this issue. The amendment they are offering, of which I am an original cosponsor, and which I worked with them on, will build upon the recommendations of the 1995 report on the Commission on Roles and Missions of the Armed Forces, that there be a quadrennial defense review.

Secretary Perry has decided to conduct that review. This would ensure that a number of important defense issues are addressed during the course of that review, and will establish a national defense panel that will play a key role in the defense review that would conduct its own forward-looking review of force structures.

I am reminded, Admiral Owens, former Vice Chairman of Joints Chiefs of Staff, in his testimony on the eve of his retirement, and in frank discussions with many of us, stated that he believed that the acquisition of new platforms such as planes, ships, and tanks, are far less important than the incorporation of new, forward-edge technologies and information systems and the platforms already in the military's inventory. He even stated that such technologies would permit cuts in existing platforms, in terms of numbers.

It is my belief and my hope that national defense panel would be able to chart a road forward for us that takes a look at, certainly, Admiral Owens' review, looks at contrary views to that, and makes some recommendations that would be a benefit to both the Congress and the administration. I urge adoption of the amendment.

Mr. LIEBERMAN. Mr. President, I note there is a minute or two remaining. I add this word to everything that has been said. In one sense, Senator COATS said this is an attempt to liberate the process from the inevitable instinct that institutions have to continue down the road they have been down before and to make sure that the roads that we are heading down are the right roads. I am talking not just about the Defense Department, but our institution, as well.

In one sense, what I hope will come out of this, both from within the Quadrennial Review and the National Defense Panel, is the continuing effort that certainly has been going forward under Secretary Perry with the various reforms to our procurement, the examination of ways in which to essentially outsource, to bring in, to privatize, to gain the economic benefits of these creative actions, to make sure that we have maximum dollars available to actually provide for our national defense.

In one sense, what we are asking for here—and it is a big order—is to do what in the private sector we call reengineering the corporation, to go back and ask, if a piece of paper of the organizational structure and system in front of us was blank, what would we write on the paper to make sure we were fulfilling the goals that we have? I understand that is a big order in a system as historically successful and complicated as ours.

Essentially, what we are asking here in our national interest is that, together, we go back to first questions and say, what are the threats we are going to face to our security in the next century? If we could begin it all over again, how would we most effectively and efficiently meet those threats, and then to try, in the reality of the process, to get as close to that as we possibly can.

Again, I thank all of those who have spoken. I think it has been a very thoughtful and constructive debate. I cannot thank enough the broad group of bipartisan sponsors of this proposal, including, particularly, the chairman of the committee, Senator THURMOND, and the ranking Democrat, who I have occasionally burdened by referring to him as my mentor, the Senator from Georgia, Mr. NUNN.

I urge my colleagues to support the amendment. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The hour of 5 o'clock having arrived, the question is on agreeing to the amendment of the Senator from Connecticut.

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas, 100, nays, 0, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—100

| | | |
|---|---|---|
| Abraham | Feingold | Levin |
| Akaka | Feinstein | Lieberman |
| Ashcroft | Ford | Lott |
| Baucus | Frahm | Lugar |
| Bennett | Frist | Mack |
| Biden | Glenn | McCain |
| Bingaman | Gorton | McConnell |
| Bond | Graham | Mikulski |
| Boxer | Gramm | Moseley-Braun |
| Bradley | Grams | Moynihan |
| Breaux | Grassley | Murkowski |
| Brown | Gregg | Murray |
| Bryan | Harkin | Nickles |
| Bumpers | Hatch | Nunn |
| Burns | Hatfield | Pell |
| Byrd | Heflin | Pressler |
| Campbell | Helms | Pryor |
| Chafee | Hollings | Reid |
| Coats | Hutchison | Robb |
| Cochran | Inhofe | Rockefeller |
| Cohen | Inouye | Roth |
| Conrad | Jeffords | Santorum |
| Coverdell | Johnston | Sarbanes |
| Craig | Kassebaum | Shelby |
| D'Amato | Kempthorne | Simon |
| Daschle | Kennedy | Simpson |
| DeWine | Kerrey | Smith |
| Dodd | Kerry | Snowe |
| Domenici | Kohl | Specter |
| Dorgan | Kyl | Stevens |
| Exon | Lautenberg | Thomas |
| Faircloth | Leahy | Thompson |
| | | Thurmond |
| | | Warner |
| | | Wellstone |
| | | Wyden |

The amendment (No. 4156) was agreed to.

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

Mr. KEMPTHORNE. I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. LIEBERMAN. Mr. President, I would like to take this opportunity to give very special thanks to several individuals who worked very hard on the amendment providing for the study of alternative force structures for the Armed Forces. They spent many long hours amidst their very heavy workloads assisting their Senators and me in developing the concept of a bipartisan approach toward pointing our Armed Forces in the right direction for the 21st century.

In particular, I would like to thank Ann Sauer of Senator MCCAIN's office, Rick Debobes of Senator NUNN's staff, Sharon Dunbar, a Brookings Institution Fellow working in Senator COATS' office, Bill Owens of Senator ROBB's office, and Stan Kaufman, a Brookings Fellow who works for me. Their dedication, expertise, professionalism and public service made me very proud to be associated with them. It has been a real pleasure being involved in such a successful bipartisan effort. In addition, I would also like to call out the exceptional responsiveness and quality advice we received from Charlie Armstrong of the Senate's Legislative Counsel's Office. When the staffers worked late into the evenings and over the weekends on this amendment, Charlie was right there for us.

But I would like to convey particular thanks to John Lilley, a former staffer of mine who recently left my employ to move on to a situation which could provide him more time to spend with his young family. When I originally conceived the idea of the alternative force study, it was John who was instrumental in developing the detailed proposals we have been discussing today and in working closely with the staff of the cosponsors in achieving a common approach. I will miss John's good counsel very much, and I wish him well in his future endeavors.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator will withhold.

The Senate will come to order, please.

The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I ask unanimous consent that the pending amendments be set aside that I may offer an amendment.

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

AMENDMENT NO. 4274

(Purpose: To provide for certain scientific research on possible causes of Gulf War syndrome; and to provide military medical and dental benefits for children of Gulf War veterans who have congenital defects or catastrophic illnesses)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 4274.

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

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

The amendment is as follows:

At the end of title VII add the following:

**SEC. 708. RESEARCH AND BENEFITS RELATING TO GULF WAR SERVICE.**

(a) RESEARCH.—(1) The Secretary of Defense shall, by contract, grant, or other transaction, provide for scientific research to be carried out by entities independent of the Federal Government on possible causal relationships between the complex of illnesses and symptoms commonly known as "Gulf War syndrome" and the possible exposures of members of the Armed Forces to chemical warfare agents or other hazardous materials during Gulf War service.

(2) The Secretary shall prescribe the procedures for making awards under paragraph (1). The procedures shall—

(A) include a comprehensive, independent peer-review process for the evaluation of proposals for scientific research that are submitted to the Department of Defense; and

(B) provide for the final selection of proposals for award to be based on the scientific merit and program relevance of the proposed research.

(3) Of the amount authorized to be appropriated under section 301(19), $10,000,000 is available for research under paragraph (1).

(b) HEALTH CARE BENEFITS FOR AFFLICTED CHILDREN OF GULF WAR VETERANS.—(1) Under regulations prescribed by the Secretary of Defense, any child of a Gulf War veteran who has been born after August 2, 1990, and has a congenital defect or catastrophic illness not excluded from coverage under paragraph (2) is eligible for medical and dental care under chapter 55 of title 10, United States Code, for the congenital defect or catastrophic illness, and associated conditions, of the child.

(2) The administering Secretaries may exclude from coverage under this subsection—

(A) any congenital defect or catastrophic illness that, as determined by the Secretary of Defense to a reasonable degree of scientific certainty on the basis of scientific research, is not a defect or catastrophic illness that can result in a child from an exposure of a parent of the child to a chemical warfare agent or other hazardous material to which members of the Armed Forces might have been exposed during Gulf War service; and

(B) a particular congenital defect or catastrophic illness (and any associated condition) of a particular child if the onset of the defect or illness is determined to have preceded any possible exposure of the parent or parents of the child to a chemical warfare agent or other hazardous material during Gulf War service.

(3) No fee, deductible, or copayment requirement may be imposed or enforced for medical or dental care provided under chapter 55 of title 10, United States Code, in the case of a child who is eligible for such care under this subsection (even if the child would otherwise be subject to such a requirement on the basis of any eligibility for such care that the child also has under any provision of law other than this subsection).

(c) DEFINITIONS.—(1) In this section:

(A) The term "Gulf War veteran" means a veteran of Gulf War service.

(B) The term "Gulf War service" means service on active duty as a member of the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(C) The term "Persian Gulf War" has the meaning given that term in section 101(33) of title 38, United States Code.

(D) The term "administering Secretaries" has the meaning given that term in section 1072(3) of title 10, United States Code.

(E) The term "child" means a natural child.

(2) The Secretary of Defense shall prescribe in regulations a definition of the terms "congenital defect" and "catastrophic illness" for the purposes of this section.

Mr. BYRD. Mr. President, last Friday, the Department of Defense made a remarkable admission—as a matter of fact, it was a startling admission—regarding the possible exposure of some gulf war veterans to chemical warfare agents resulting from the destruction of Iraqi ammunition bunkers. In a widely covered news conference, Department of Defense spokesman Kenneth Bacon announced that between 300 and 400 U.S. soldiers were within 3 miles of a bunker complex when it was destroyed in March, 1991 and may have been exposed to mustard gas and sarin. U.N. inspectors have confirmed that the bunker complex contained rockets and artillery shells containing the chemical nerve agent sarin and the blister agent mustard gas.

Although none of these soldiers exhibited any symptoms associated with acute exposure to these chemical warfare agents, the Department of Defense announced that it would initiate research efforts into whether this exposure might have had long-term effects on the health of the soldiers.

I am concerned about the possible harm that might have been done to these 300 to 400 soldiers. I am even more concerned that they may only be the first drop in the bucket. Between 80,000 and 100,000 veterans are on the Department of Defense and Department of Veterans Affairs registry for gulf war veterans who suffer from a wide range of disabling symptoms collectively known as "gulf war syndrome." Some of these sufferers believe that they may have been exposed to chemical warfare agents while serving in the gulf and that this exposure may be the cause of their illness. DOD spokesman Kenneth Bacon alluded to the possibility when he noted that DOD is examining other reports and other bunkers for chemical weapons, so other groups of soldiers may also be at risk.

Additionally, U.S. and coalition forces bombed many bunker complexes and chemical and biological weapons production facilities during the air war in 1991, so U.S. forces may have been exposed as a result of those actions as well. This is a very troubling situation.

Mustard gas and sarin, the two chemical agents that were found in the destroyed bunker, are known, I am advised, to cause central and peripheral nervous system problems as well as to cause birth defects in children born to exposure victims. Medical research is needed to determine whether exposure to low levels of chemical warfare agents causes the symptoms described by gulf war veterans.

Previous funding provided by Congress for medical research into gulf war syndrome, awarded only last Thursday by the Department of Defense, investigates the possible links between the illness and exposure to diesel fuel, pesticides and insect repellents, stress, disease, fatigue, and nerve agent pretreatment pills. Almost $1 million of the $7.3 million total is designated for a study of ill British veterans. None of the research funded thus far examines the link between the illness and the exposure to chemical warfare agents. The amendment I am offering would provide $10 million from within other defense medical research efforts for independent medical research into this issue.

This amendment also provides relief to the most helpless victims of that war—the children of gulf war veterans with birth defects or other catastrophic illnesses that may be linked to their parents' exposure during the gulf war.

Life magazine ran a story about these children in November 1995. On the cover—and here is a replica of the cover of Life magazine, which ran the story about these children in November 1995. On the cover is a picture of Jayce Hanson, with his father. His father is Sergeant Paul Hanson of Wheeling, WVA. Three years old, Jayce was born with hands and feet attached to twisted stumps. As those who observe the picture of the cover of Life magazine can see in the picture to my left, they will notice the hands that were attached to twisted stumps, and his lower legs, which were amputated in order to accommodate prosthetic legs. He also had a hole in his heart and suffers from a hemophilia-like blood condition and underdeveloped ear canals that cause frequent ear infections.

Sergeant Hanson is still in the Army and is currently serving in Bosnia. During the Persian Gulf war, serving with the 16th Engineers of the 1st Armored Division, Sergeant Hanson was involved with bunker- and mine-clearing operations. He was not, apparently, involved in destroying the chemical weapons bunker identified in the Department of Defense announcement,

but it is not known if other bunkers he helped to destroy contained chemical weapons.

Mr. President, these children, like Jayce, suffer twice. First they are born with disabling and disfiguring birth defects, or suffer from invisible but equally devastating illnesses. Their parents may be suffering from gulf war syndrome. Then, when their soldier parent leaves or is discharged from the military as medically unfit due to illness, the family loses its health care. The insult added to the injury comes when the child is denied civilian health insurance because of its preexisting medical condition—its birth defect or illness.

Even gulf war veterans still on active duty, with birth-defect children, face difficulties. They must seek appropriate medical care from civilian doctors through the Department of Defense's CHAMPUS program, which has a 20 percent copayment requirement. These children need continuing medical attention; they may need multiple operations or expensive medical treatments before they can function normally. The costs of this care can reach $100,000, and a 20 percent copayment, or $20,000, can be financially crippling for an enlisted serviceman.

Sergeant Hanson's family has been helped by the Shriners organization, which has paid some of Sergeant Hanson's son's medical costs, but they were forced to seek assistance through the SSI program. Now Sergeant Hanson's combat pay for serving in Bosnia has pushed his income over the limit for SSI eligibility, so assistance is no longer available from that source.

Mr. President, an enlisted service member should not have to rely on a welfare program or charity to meet the health care needs of his family, particularly when there is some reason to believe that the catastrophic health care needs of his child might have resulted from his military service. Jayce deserves better than that. His father is willing to risk his life in the service of his country. He should not be asked to risk the life and health of his son.

The amendment I have offered would make these children eligible for care in the military health care system, which includes military hospitals and civilian practitioners through CHAMPUS, and would waive the 20 percent copayment requirement. The number of children affected is not large, according to the Department of Defense, but they are in truly desperate straits. Until research can prove that these children's maladies are not linked to their parents' service in the gulf war, they should be given the benefit of the doubt.

President Clinton last month announced that he would seek legislation to provide benefits for children of Vietnam veterans born with spina bifida as a result of their parents' exposure to Agent Orange. Let us not wait 20 years before we acknowledge the incalculable difficulties faced by the children of the gulf war that may have resulted from their parents' service.

Mr. President, I yield the floor. I had understood that the managers might be willing to accept the amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, it appears this amendment has merit, and we will accept it.

Mr. BYRD. Mr. President, I thank the distinguished chairman of the committee, Mr. THURMOND.

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

Mr. DOMENICI. Mr. President, before Senator BYRD leaves the floor, might I just take 1 minute? Is there a time limit on this?

The PRESIDING OFFICER. There is not.

Mr. DOMENICI. First, I congratulate Senator BYRD for bringing up this issue. Clearly, we have to come up with a better scientific answer to this problem than we have come up with. I just want to share with the Senator another research effort that is taking place. It is not in need of any of the resources he speaks of, but, in the State of New Mexico, there is a world renowned toxicology center that deals with what happens to our lungs depending on what we breathe. I have just recently learned that they are engaged now in an indepth research project with reference to the war that the Senator speaks of that centers around the kerosene heaters; that, in fact, they are going to be checking in depth to see if there possibly could be a relationship between some of the fume components and some injury to the pulmonary—breathing apparatus. I just wanted to share that as another proof of the fact that this is serious enough for our country to be involved in a very major way.

Of course, the Senator has added one that has not been looked at at all, that has just recently come to light. I wanted to share that with the Senator and commend him.

Mr. BYRD. Mr. President, I thank the distinguished Senator from New Mexico for his observation and his sharing of this information with me. I thank him also for his expression of support for the amendment.

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. Is there further debate?

The Senator from Georgia.

Mr. NUNN. Mr. President, I support the amendment offered by our colleague from West Virginia, Mr. BYRD. We need to do all we can to deal with gulf war syndrome. We have seen reports, just in the last week, about new discoveries that have been made relating to the Iraqi chemical stockpile and the possibility of that being connected to some of the terrible problems that our service people are experiencing.

We all know all the problems with Agent Orange and how long we spent on that one. I think it is time to come to grips with this, and I believe the Byrd amendment is a positive step in the right direction. So I urge our colleagues to support the amendment.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Georgia for his support.

Mr. President, I ask unanimous consent that the amendment be laid aside temporarily.

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

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 4275

(Purpose: To require the Secretary of Defense to take such actions as are necessary to reduce the cost of renovation of the Pentagon Reservation to not more than $1,118,000,000)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. BRADLEY, and Mr. FEINGOLD, proposes an amendment numbered 4275.

Mr. BINGAMAN. 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 398, after line 23, insert the following:

**SEC. 2828. RENOVATION OF THE PENTAGON RESERVATION.**

The Secretary of Defense shall take such action as is necessary to reduce the total cost of the renovation of the Pentagon Reservation to not more than $1,118,000,000.

Mr. BINGAMAN. Mr. President, this is an amendment that would have the effect of reducing the $1.2 billion cost of renovating the Pentagon by $100 million. I send this to the desk on behalf of myself, Senator BRADLEY, and Senator FEINGOLD. This would be the first reduction in funds for this very expensive project since its inception half a decade ago. It would amount to about a 10-percent reduction in the total.

Mr. President, dramatic shifts have occurred in geopolitical terms during the past decade, and these shifts have caused fundamental changes in our defense posture. As we have realigned our defense programs to meet changing needs, the funds for many projects have been reduced and eliminated.

Despite significant reductions in defense spending, the Pentagon renovation project has enjoyed a steady flow

of cash. In my view, the time has come to impose greater financial discipline on the Pentagon, just as the Pentagon has asked other military organizations to be more frugal. Too many of our military members are forced to work and live in unhealthy and unsafe conditions. We need to ensure that the renovation of the Pentagon does not jeopardize funding for other more urgent needs.

Many things have changed in this world since this 15-year-long project began, and I believe the Pentagon renovation plans can be better aligned with today's new realities. There are many factors which ease the impact of a reduced renovation budget. For example, the Department of Defense is downsizing. As the civilian military work force is steadily reduced, demands for work space have eased as well. Construction costs in the Washington, DC, area have fallen. Contract costs for the renovation have turned out to be considerably lower than originally estimated.

On one construction contract alone, for example, costs were 36 percent less than anticipated. Also, modern communications technology makes it unnecessary to have large staffs at the Pentagon to manage dispersed operations.

Mr. President, in 1990, Congress transferred responsibility for the operation, maintenance, and renovation of the Pentagon from the General Services Administration to the Secretary of Defense. Congress recognized that the serious structural problems in the Pentagon building had to be addressed without further delay, and we took this action to get the long overdue project moving forward.

Congress earmarked $1.2 billion that the DOD would have paid to GSA in rent for the next 12 or 13 years as a breakeven way to pay for the renovations. The $1.2 billion was not based on any projected cost of renovation, it was simply a sum that was available. This seemed to be a logical way to fund the renovation, so Congress provided the Department of Defense great flexibility in managing the project.

Mr. President, this $1.2 billion cap people need to understand, Senators need to particularly understand that this $1.2 billion cap which has been in the law for several years now does not include all the renovation costs. In fact, there are four categories of expenses which add substantial amounts to the total.

For example, the Pentagon estimates that the cost of buying and installing information management and telecommunications equipment will be another $750 million. This amount is not part of the $1.2 billion cap. Neither is the heating and refrigeration plant, the classified waste incinerator, the furniture or the 780,000 square feet of leased space for people who have to be moved during the renovation itself. The figure of $1.2 billion is, therefore, misleading. The expense of renovating the Pentagon easily will exceed $2 billion.

Last year, the Senate did pass essentially this same amendment that I am offering today to cut the Pentagon renovation expenses by $100 million. During the conference, unfortunately, the conferees agreed to eliminate that requirement and, instead, they directed that the Department of Defense review the renovation plans and recommend some cost saving options.

This review has been underway, I am informed, since March of 1995. The well-publicized review was supposed to produce a report which was expected in February of this year. We did not receive that report. On the 5th of June, the Armed Services Committee staff did receive a single-page memo which states that the Department has found a savings of $37 million and will continue to look for more.

A reduction of $37 million out of a total of $1.2 billion is not what I consider an aggressive response to our call to reduce costs, and the one-page memo is not what I consider a thorough analysis of options for reducing costs. Over the past 6 years, we have dramatically reduced defense spending and manpower without once reducing the funds for the renovation of the Pentagon.

Fifteen months ago, the Pentagon itself publicly announced its intent to reduce the cost of the project. The Department identified a new spending target only after last year's threat of a reduced cap and after I announced at the Readiness Subcommittee markup on April 30 that I would offer this same amendment this year if I was not convinced by the Pentagon's long overdue report.

Mr. President, that long overdue report is still overdue. I am not convinced that $37 million is the best the Pentagon can do in the way of savings. The only way in which we can force additional savings is to keep up the pressure and insist on more in the way of accountability for this very, very large project. That is what this amendment does. Americans have been asked to tighten their belts. They expect no less from their Government. The Pentagon needs to be expected to do the same.

I yield the floor.

YEAS AND NAYS VITIATED—AMENDMENT NO. 4274

Mr. BYRD. Mr. President, I ask unanimous consent that the order on the yeas and nays on my amendment be vitiated.

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

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 4275

Mr. THURMOND. Mr. President, I want to say to the Senator that we think he has a meritorious amendment, and we will accept it.

Mr. NUNN. Mr. President, I urge the adoption of the Bingaman amendment and, as I have already done, I urge the adoption of the Byrd amendment.

The PRESIDING OFFICER. If there is no further debate on the Bingaman amendment, the Senate will proceed to vote.

The question is on agreeing to the amendment.

The amendment (No. 4275) was agreed to.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4274

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia.

The amendment (No. 4274) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. THURMOND. I believe Senator BINGAMAN has an amendment.

AMENDMENT NO. 4276

(Purpose: To repeal the permanent end strengths)

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

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 4276.

Mr. BINGAMAN. 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:

Strike out section 402 and insert in lieu thereof the following:

**SEC. 402. REPEAL OF PERMANENT END STRENGTHS.**

(a) REPEAL.—Section 691 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of such title is amended by striking out the item relating to section 691.

Mr. BINGAMAN. Mr. President, this amendment that I have just sent to the desk would propose to repeal a provision that was adopted in last year's defense authorization bill. That provision makes it the permanent law of the land that we will have at least 1,445,000 active duty military personnel, including

at least 495,000 in the Army, at least 395,000 in the Navy, at least 174,000 in the Marine Corps, and at least 381,000 in the Air Force.

That is a permanent provision of law that we added last year. The provision states these "end strengths . . . are the minimum strengths necessary to enable the armed forces to fulfill a national defense strategy calling for the United States to be able to successfully conduct two nearly simultaneous major regional contingencies."

The provision gives the Secretary of Defense only half a percentage point leeway in meeting these minimum active duty levels. Even if the Secretary of Defense, in any given year, persuades Congress to go to a lower end strength level, under the provision which is now permanent law, the following year the Secretary is again bound to the 1,445,000 end strength level unless he again asks and again Congress agrees to approve a waiver.

Mr. President, it is just bad law. The committee has included a provision in the bill before us that makes it minimally tolerable in the coming year by giving the Secretary of Defense not half a percent leeway but instead a 5 percent leeway for each of the services. The committee report points out that "the committee has found that one-half percent flexibility is not enough, is insufficient to prevent the services from taking short-term management actions that may adversely affect service members, solely to meet the assigned end strengths at the end of the fiscal year."

Mr. President, every year since I came to the Senate, section 401 of the defense authorization bill has established a maximum active duty end strength for each of the services. That seemed to me to make some sense. Last year however was the first time in memory that Congress established a minimum active duty end strength as well as a maximum.

In this coming year the minimum and maximum will be identical, or almost identical, for three of the services, the Army, the Marines, and the Air Force. This makes no sense from the point of view of running a personnel system.

This provision in permanent law is not just bad personnel policy; it is fundamentally flawed in its ties to the Bottom-Up Review and the need to "successfully conduct two nearly simultaneous major regional contingencies." This is the only place that I am aware of where the Congress has chosen to memorialize the Bottom-Up Review in permanent law.

During the debate we just had a few minutes ago on the Coats-Lieberman amendment, which mandates a new strategic review to replace the Bottom-Up Review, we heard a great deal of criticism of the Bottom-Up Review and its underlying assumptions. I agree with that criticism.

How then, assuming that criticism is accurate—and the vote certainly would reflect the Senate agrees that the criticism is valid—how do we justify leaving this provision in title 10 of the United States Code the permanent law of the country, when we know that next year, whoever is President, the Bottom-Up Review will be overtaken and the two major regional contingency assumptions will be history?

Mr. President, let me remind my colleagues that the Republican Congress and the President are fundamentally in agreement on the total resources this Nation will devote to defense in the coming years.

Let me just show a chart here that makes that point very dramatically, I believe. I know we hear a lot of rhetoric on this Senate floor about who is stronger, which of the parties has the strongest position with regard to our national defense, but this chart makes the case, I think very persuasively, that spending between fiscal year 1997 and 2002 under the President's budget as scored by the CBO and spending under the final Republican budget resolution is essentially indistinguishable.

The total spending increase over the 6 years proposed by the Republicans is $18.6 billion, with $11.3 billion of that coming in the first year. When you go through all the different numbers, Mr. President, it is clear that we have less than a 1 percent increase difference. This is the dire emergency that we have heard discussed in reference to spending. It turns out that President Clinton was 99 percent right on defense spending levels according to the Republican defense spending plans, if not according to their defense oratory.

Mr. President, the central justification which has been made for much of the additional money that is being added to this bill is that the Pentagon is underfunding modernization of our military. The bill that we have before us adds about $7.7 billion in procurement, about $3.7 billion in research and development. We have heard often during debate on this bill about the Joint Chiefs' $60 billion target for procurement and how short the bill is in meeting that goal, even with the additional money that we are adding in.

The fact is that the Republican outyear defense budgets will never reach that target either unless there is a significant additional drawdown in military personnel on the order of several hundred thousand active duty personnel. The fact is the Republican deficit hawks who put a premium on balancing the budget by 2002 have won the battle, the budget battle, over the Republican defense hawks. But they have generously granted a 1-year reprieve, one last spending spree to the defense hawks in an election year.

Mr. President, this does not make sense. You cannot say that you are going to balance the budget, that you are going to increase funds for modernization and for quality of life and for readiness, and you are going to keep the active duty force level at 1,445,000.

The Republican budget resolution does not add up, nor, for that matter, does the President's defense budget. What is going to give, I predict, whoever is President, has clearly got to be the force structure level.

Mr. President, I favor modernization of our Armed Forces. I favor quality housing for our troops. I favor providing full pay raises to our forces. I favor long-term research to help keep our forces at the forefront of this "revolution in military affairs."

I favor investments in the mobility of our forces and maintaining the readiness of our forces, although I welcome the efforts that have been made to look at tiered readiness.

But for this Senator, all of these priorities—modernization, pay, housing, readiness, mobility and research—all of them take precedence over the size of the force structure within constrained budgets. The Nation needs a well-equipped and well-paid and well-housed and highly mobile military to deal with the reduced threats of this post-cold-war world. It will be a smaller force than the Bottom-Up Review force. We will not have 1,445,000 active duty personnel.

We all know that that is where the Pentagon is headed next year, whoever is elected this fall. Under the bill that we have before us, we are going to put off until next year, perhaps even the year after, any serious discussion about future force requirements. We are going to put off any serious discussion about necessary trade-offs between force structure and modernization and readiness within budget constraints. This year this bill proposes one last shopping spree before we cut up the credit cards. That is not what we should be doing.

Mr. President, by passing my amendment and by repealing the provisions from last year's authorization bill that mandates the 1,445,000-person active duty force in permanent law, the Senate would spur a debate on these trade-offs. If we do not repeal the provision this year, we will be doing it next year or the year after. It is only a matter of time. I urge the adoption of my amendment. Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I rise to oppose this amendment.

This amendment would repeal the end strength floors enacted in the National Defense Authorization Act for fiscal year 1996. The goal in establishing these floors was to prevent the Department of Defense and the administration from sacrificing active duty strength below levels necessary to successfully prosecute two major regional

contingencies in favor of other budget priorities.

Earlier this afternoon, we debated and adopted an amendment offered by Senators LIEBERMAN, COATS, MCCAIN, NUNN, LOTT, ROBB, THURMOND, and others which called for a commission to review the national security strategy and to recommend a new, requirements-based force structure plan. I support that amendment and I think that repealing the active duty end strength floors before such a force structure review is completed would be premature.

Mr. President, just to set the record straight, I want my colleagues to understand that the uniformed personnel chiefs have not opposed the end strength floors. The floors are set at the level requested in the administration's Bottom-Up Review. This number represents the end state of the defense downsizing. No military or civilian leader in the Department of Defense has requested more reductions to our active force during testimony before our committee. Section 401 of the defense authorization bill we are now debating provides the services the flexibility which the uniformed personnel chiefs requested.

Any further reductions to military strengths must follow congressional concurrence with a new force structure review and a comprehensive revision to the roles and missions of our Armed Forces. Repeal of the active duty end strength floors in the absence of such reviews and recommendations would be foolhardy and ill-advised. I urge my colleagues to oppose this amendment.

Mr. President, I thank the chair and yield the floor.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I am persuaded that my amendment would substantially improve the bill if it were adopted. I think the legislation in the bill, the permanent law we are dealing with, is not appropriate for the time we live in and not appropriate for the budget constraints that we realistically have to deal with. I am also well aware that in this even-numbered year, it is very difficult to get the necessary majority to vote for an amendment such as the one I have proposed here.

One of the real fears of many in this body, I am sure, is that they might in some way be viewed as being soft on crime or weak on defense. I do not in any way think that my amendment is a signal that a person is weak on defense. I think it is a sign that a person is realistic about the resources that we have to devote to our national defenses, and that both the President and the Republican leadership here in Congress have committed to devote to our resources over the next several years.

I think we would be well off to get on with the repeal of these minimum force provisions that are in permanent law. I recognize, though, that with the opposition of the leadership of the Armed Services Committee on this issue, that we would not prevail with this amendment. For that reason, I will withdraw the amendment and keep it for another day when we will have a greater opportunity to prevail with it.

At this point, I withdraw the amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

The amendment (No. 4276) was withdrawn.

Mr. THURMOND. Mr. President, I wish to thank the able Senator from New Mexico for withdrawing the amendment.

NATO SECURITY INVESTMENT PROGRAM

Mr. CAMPBELL. Mr. President, as we consider the fiscal year 1997 Defense Authorization bill, I would like to take this opportunity to point out our financial and security investments in NATO.

Too often, Mr President, we in Congress find ourselves in the position of having to justify to our constituents the rationale for providing foreign assistance, particularly during a time when budgetary constraints are hindering what we can do right here in our own home towns. For this reason, foreign spending often has become negative and is distorted in the public eye. While this is an understandable concern, few recognize just how much the United States benefits from its financial investments and active participation in foreign activity. The NATO Security Investment Program is a model that readily defies this negative image and I would like to highlight this for my colleagues today.

The NATO Security Investment Program, which sustains the NATO Alliance facility operations and technical requirements, supports U.S. security and economic interests, while providing an impressive commercial return on our investment. Where the United States has invested approximately $1 billion in the NATO Security Investment Program over the past 5 years, U.S. businesses have enjoyed a total of $1.7 billion in high-tech contracts. During this same time period, a $25 million investment of U.S. dollars yielded $100 million worth of military construction contracts which were awarded to U.S. companies. In fact, nearly 40 percent of all NATO high-tech and communications projects are awarded to U.S. contractors.

This current rate of return continues to grow and benefit the U.S. economy. Right now, there are 12 NATO contracts under way which total $73 million in returns for U.S. companies, significantly impacting five States. In the upcoming years, there will likely be 10 NATO projects awarded to American contractors in five States which will total nearly $169.8 million.

Since the collapse of the Warsaw Pact, the NATO alliance has undergone fundamental and significant changes as its strategy has shifted from a stationary defensive position to a lean, responsive body, capable of handling a variety of challenges. With the drawdown and overall mission redefinition complete, the NATO alliance has embarked upon several projects and operations that will refocus NATO's efforts throughout the European theater. These operations need our strong financial support.

Opposition remains, however, as many continue to argue that with the end of the cold war should come a decreased need for U.S. military dollars abroad. This position is readily refuted, when one considers the truly surprising financial opportunities and benefits that exist for our economy within these operations.

We must continue to recognize the tremendous tangible rewards that are generated by our leadership and participation in such foreign investment. These figures clearly reflect the direct benefits and future potential of our involvement in NATO, not only in terms of security but in economic terms as well. I would encourage my colleagues to observe and remember the many benefits the United States is afforded through our involvement in the NATO alliance.

AMENDMENT NO. 4277

(Purpose: To state the sense of the Senate relating to the apparent inappropriate use of Federal Bureau of Investigation files)

The PRESIDING OFFICER. The Senator from New Hampshire.

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

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

The clerk will report the amendment.

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

Mr. FORD. Mr. President, I object.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

At the appropriate place, insert the following:

SEC. . (a) The Congress finds that—

(1) Federal Bureau of Investigation background files contain highly sensitive and extremely private information;

(2) the White House is entrusted with Federal Bureau of Investigation background files for legitimate security purposes but it should ensure that any files requested are needed for such purposes and that these files remain confidential and private;

(3) the White House has admitted that the personnel security office headed by Mr. Livingstone inappropriately requested the files of over 400 former White House pass holders who worked under the past two Republican Presidents;

(4) Craig Livingstone, the director of the White House personnel security office, has been placed on paid administrative leave at his own request;

(5) the President has taken no action to reprimand those responsible for improperly collecting sensitive Federal Bureau of Investigation files; and

(6) the taxpayers of the United States should not bear the financial responsibility of paying Mr. Livingstone's salary.

(b) It is the sense of the Senate that the President should terminate Mr. Livingstone from his position at the White House immediately.

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

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, I do believe it is appropriate for us to discuss this issue at this time. It is very obvious, in my opinion, and I think the opinion of many in this Chamber, that something unusual and inappropriate and——

Mr. FORD. No more votes tonight.

Mr. COATS. Mr. President, could we have order in the Senate, please.

The PRESIDING OFFICER. The Senate will be in order.

Mr. GREGG. More than 400 names, with FBI files, have been requested by the White House, pursuant to what appears to be the request of the director of the White House personnel security office. In this instance, this is clearly a violation of a proper handling of the most sensitive information about individuals who have worked for the Government or who may be politically active.

It appears from all press reports that these files represented primarily Republican members or Republican individuals who identify themselves with the Republican Party. The fact is that has created a clear concern amongst not only those people whose files were requested, but I think amongst anyone who is interested in the proper functioning of a democratic Government.

The issue here is, at what point can the police powers of the State be used for purposes of investigation which exceed the legitimate purposes of the White House or some other agency of the Government? The issue here involves the question of, when does the police power of the State, when abused, significantly abridge the rights of individuals and citizens of the country, because this information was collected under the authority of the police power, the FBI. But how information regarding 400 individuals, many of whom had not been involved in any form of White House access for years, could be legitimately requested by the White House raises very significant and serious questions. There is no doubt, really, that what happened here was some sort of, at the minimum, fishing expedition for information, and one suspects and is concerned that the goal and the purpose of that fishing expedition was not involved in the necessary function of access to the White House, because a large number of the people on this list involve people who had no active involvement with the White House and who, clearly, had no potential future active involvement with the White House. And, therefore, to obtain this sort of information on them makes no logical sense in relationship to the purpose of the security office of the White House. So what you have is a very serious issue of the proper usage of information, which had been developed by the FBI, or the police power of the State, in the functioning of the Government.

It has become pretty obvious from this exercise that at least one individual is primarily culpable for this action—this action which is not defensible. In fact, the White House has said it was not defensible. In fact, the White House has used terms such as "inexcusable." I believe the President has even used that term. Clearly, the Chief of Staff has used that term. But that individual continues to be paid by the taxpayers of this country. He was not asked to leave. He is on self-requested administrative leave, I believe. So your tax dollars, my tax dollars, the American people's tax dollars, and even the tax dollars of those 400 folks whose files have been gone through in this manner, are being used to fund the salary of this individual. That seems, to me, to be not only incredibly ironic, but extraordinarily inappropriate and inconsistent with the policy stated by the President when he was running for this office.

When the President was running for office, if people will recall, there was an incident that occurred at the State Department that involved the review of the passport file of the then-candidate, Governor Clinton. At that time, he stated with considerable and, I think, appropriate outrage that had such an incident occurred, or should such an incident occur during his administration, that person would be—the person responsible for that action—quickly terminated.

Well, not only has the person responsible not been quickly terminated, but the person responsible is now actually being paid by the taxpayers of this country his full salary. That is wrong.

I think it is wrong on all sorts of levels, but it is wrong on the issue of logic. It is wrong on the issue of fairness to the people whose files were gone through, but, most importantly, it sends the wrong signal on a matter of this seriousness. He should have been fired outright, as I think the President suggested when he was running for office. There is no question about that. That would have been the proper course of action. But, at the minimum, he should not have been able to request administrative leave. He should have been put on leave by this White House, without pay. What has happened, however, is just the opposite. He was put on leave at his request, with pay, an action which one has to question rather significantly.

Now, let us review again what happened. There were 400 names—maybe more, we are not absolutely sure yet—which were requested by the director of the office of White House personnel security. Now, the director of White House personnel security has the obligation, under the White House rules, to manage who has access to the White House. Traditionally, that post has been under the direction of career individuals, people who specialize, through their activities in the Government, in the management of security for the White House. That has been the traditional individual who has managed that office.

However, with the ascension of President Clinton to this White House, there was an individual appointed as director of the office of personnel security named Mr. Livingstone. It has been reported, rather widely, that Mr. Livingstone's basic experience was as a political operative within the campaigns of several different candidates—the President's candidacy, obviously, but I believe even the Vice President's candidacy at one time, and I believe he also worked for former Congresswoman Geraldine Ferraro. His basic purpose was to manage political affairs and security within the campaign structure. So he was moved into this position of director of the White House personnel.

It has, again, been reported that, in that position, he reported to a series of people within the White House, many of whom also managed political activity within the White House. That, of course, raises the question of, what is the proper way to manage this office? But that is a secondary question. The primary question was, why would this individual have requested these 400 files on these 400 individuals, almost all of whom are Republicans?

FBI files, by the way, are very unique files. They are not a credit union file. They are very serious reviews of a person's activities, going into all sorts of background checks that are extraordinarily substantive. The FBI, if nothing, is one of the most thorough investigative organizations in the country. They are not a credit union report. In fact, FBI files are so seriously viewed that when I, as a Member of the Senate, asked to look at an FBI file of a person nominated for a position, which is subject to senatorial review—for example, say, the Surgeon General—before I could look at that file, I have to request that file of the FBI, the FBI has to clear that request through the White House, and then a White House individual, who is designated by the FBI—and they may actually work for the FBI; I am not sure which, because sometimes I think it differentiates—in any event, a person from the White House physically comes to my office, or I go to their office, and sits with me

while I review that file. And I am only allowed to review that file by myself. I am not allowed to make any copies of anything in that file. I am not allowed to in any way reproduce any part of that file. While I review that file, sitting directly across from the table is this handler of that file—usually a White House individual but I believe a detailee of the FBI at the White House.

So it is not a casual event that somebody looks at an FBI file. It is not a casual event at all. It is a very seriously viewed event. It is that way because these files are so in depth and because they involve such a totality of information about the person whose name is in that file. These same types of files are no different from the one that I must sit in an office and review by myself with a member of either the FBI or the White House present. These same types of files are the exact types of files which were sent down to the White House en masse—400 of them approximately—and kept there under the auspices of the Director of White House Personnel for Security, Mr. Livingstone.

You would ask: What would he do with those 400 files as security officer? Logically, if somebody was going to come into the White House, the White House has every right to say, "We have to check out who that person is. We have to know who that person is. We have to know their background for security reasons."

So they have every right to an FBI file on individuals who are seeking access to the White House. But these 400 names were not people who had asked to get into the White House. That is the point. They had not asked for it. They were not seeking access. Many of them never expected to return to the White House in their life even for a tour, I do not think. Some of these 400 people were just folks who had a job there when Ronald Reagan was President or when George Bush was President; did their job, and had gone home. Some of them were national figures of fairly significant notoriety. But the one thing they had in common was that almost all of them were not seeking access to the White House.

In fact, one of the interesting questions here is, "Well, where did the list of 400 names come from if they had not actually asked to get into the White House?" Nobody appears quite clear on that. There was an indication, initially made by Mr. Livingstone, that the 400 names came off the list that he had been supplied by the Secret Service. But the manner in which these names were listed and the manner in which the files were requested is inconsistent with the Secret Service's filing system. They do not have a list of names which go from A to G—which are the names involved—that meets the identification or would be listed in the manner in which they are requested by the White House security. They do not have them in that form. So it was not the Secret Service which had brought the list of names forward. Rather, it was very clearly some other manner in which these names had evolved.

So, as a practical matter, what we have is a situation where a group of names were requested, 400 names with their FBI files, and the responsibility for that request—which was totally inappropriate, which was out of the normal mode of operation of the White House security office, and which was inconsistent with the rights of these individuals whose names were in these files —was under the auspices and management of the Director of White House Personnel and Security, Mr. Livingstone.

For the moment all roads, therefore, lead back for this rather incredible act of disregard for the constitutional rights of American citizens to Mr. Livingstone. And one must conclude that when the President said—or his spokesperson, Chief of Staff, Mr. Panetta, said—it was an inexcusable act, that it was just that and therefore it should not be excused. What do you do when you have an inexcusable act? You do not excuse it. You do not reward it. You do not say, "Well, we are going to continue to pay you. You did an inexcusable act, and we are going to continue to pay you." No. You should fire the person, and you should terminate their pay. But in this instance that has not happened.

So the taxpayers I believe have a right to ask: Why has this individual not been terminated? Why has his pay not been terminated? What is it that this individual has done which justifies him to continue to be paid by the taxpayers of this country? Even if you are not going to fire him, you should at least put him on leave without pay.

I suppose by some contorted manner of logic you could argue that he should not be fired. It would be inconsistent with what President Clinton had originally suggested during his campaign for the Presidency. But let us assume that was the decision that was made. But clearly, if he is going to be put on leave, he should not be paid.

I am not the only person that has reviewed this. In fact, I have sensed that on the other side of the aisle there is a fair amount of consternation about what has happened here, and I believe that is reasonable because there are good and decent people who are concerned about the status of the Constitution; many. All of us in this Chamber are. Some have reviewed and evaluated this situation and have said, "Listen. This individual should be fired." I believe the Senator from Illinois has made that statement on occasion, and I believe the Senator from Vermont has also.

So it is not a partisan position. It is simply a logical position that, if someone has acted in this manner, they should not be rewarded with taxpayer dollars.

Do we have the capacity in this bill to terminate him? Do we have the capacity to fire him? Do we have the capacity to say he should not be paid as a matter of law? Well, we might, I suppose. But it would be very hard and complex, and it would be tortuous to do that.

So rather than make it an amendment that would have the force of law, I have simply suggested that as a sense of the Senate we go on record and say that we feel that this individual should no longer be paid by the taxpayers of the United States. We are basically suggesting that what is right should be done. And it is not unreasonable to seek to do what is right.

This is such an obvious point—that what is appropriate and right almost should go unsaid. It should not have to be said. There should not have to be a sense of the Senate on this point. The President should have just done it just like he suggested that he would during the campaign. But in this instance that has not occurred.

So I believe it is appropriate that we take up this sense of the Senate. As a result, I have brought it forward at this time. I recognize the consternation this may create, and I certainly wish to apologize to the leader of the Armed Services bill, the Senator from South Carolina, who I greatly admire, and, as does everyone in this institution, hold in absolute esteem. But the vehicle to bring this up is the only vehicle that is on the floor. And if it were not brought up on this vehicle it would not be able to be brought up probably for weeks—certainly until after the Fourth of July recess, and maybe not even then. Thus, I feel that I should go forward at this time. And thus, I have.

At this point I would ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

Several Senators addressed the Chair.

Mr. THURMOND. Mr. President, if the Senator will withdraw it for just a moment.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. 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. GREGG. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

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

AMENDMENT NO. 4277, WITHDRAWN

Mr. GREGG. Mr. President, in order to move the process along, and in order

to help the Senator from South Carolina, whom I greatly admire, I have decided at this time to withdraw my amendment. I ask that the amendment be withdrawn.

The PRESIDING OFFICER. The amendment is withdrawn.

The amendment (No. 4277) was withdrawn.

Mr. NICKLES. Mr. President, one, I compliment the Senator from New Hampshire for offering this amendment. This amendment deals with the issue of Filegate. It is not related to the Department of Defense bill. The chairman of the Armed Services Committee, Senator THURMOND, requested that he set this amendment aside or withdraw it so we can move ahead with the Department of Defense bill. I understand Senator THURMOND's request. Senator GREGG has assented to that request. But I think his amendment is an important one and it is a timely one.

There were very serious actions or deeds taken by officials in the White House that are very troubling. Over 400 FBI files were requested and received by White House officials, almost all of which are on Republicans who previously worked in the White House. They were requested in December 1993 and beyond so, in other words, all those officials had left the White House at least a year before, some quite some time before that. Yet, FBI files were requested as if for access to the White House, when those individuals did not need access to the White House.

That is a serious problem. It may have been a crime. I remember one individual became somewhat famous during Watergate. Chuck Colson went to prison for misusing or disclosing an FBI file. FBI files are very privileged information. I know in my tenure in the Senate I have only seen them a few times, primarily on judges for confirmation or possibly U.S. attorneys or marshals or something.

But I remember, every time we had an FBI file brought to my office, it was for my eyes only. While I had access to that FBI file I did not Xerox it, I could not make notes from it. I was not entitled to take that file home. I was not entitled to keep it in my office alone. During access to that file, there was an FBI agent present or a Senate staff person who had a particular clearance. So in other words, in the Senate we really protect FBI files, as we should. The files are locked up. They are not opened for staff. They are not opened for rummaging through the files. As a matter of fact, it is against the law to do so.

The Privacy Act, which was passed post-Watergate, was passed to protect individuals, to make sure that those files would not be misused or abused. That information should be kept secret for very limited access purposes, to make sure that individuals that have very high security operations or needs would be cleared, to make sure there are no real problems.

This is maybe the most serious abuse of FBI files in history. It remains to be seen. The Senator from New Hampshire is saying that the individual primarily responsible for that, Mr. Livingstone—he is still on salary, still on paid vacation, I guess. He is on leave but he is being paid. That is troubling. The Senator had a resolution that said he should be terminated. He should be terminated. I know I have heard that not just from Republicans, but Democrats alike.

So, Mr. President, I compliment the Senator from New Hampshire for, one, bringing this issue to the floor of the Senate. I note there will be hearings tomorrow dealing with this issue. Mr. Livingstone, and others, will be testifying before Congress. This is important. It is vitally important that Congress get to the bottom of it, find out the information. But in the process, it is troubling to think that at least one of the individuals that was responsible for it is not only on leave, but he is also on paid leave, that he is on a paid vacation, I guess, at taxpayers' expense.

So the Senator from New Hampshire, I think, had a resolution that if we vote on—I might mention he has withdrawn it so the Senate can proceed. I ask our colleagues on the Armed Services Committee to return to the floor so we can conduct business on the DOD authorization bill. He has withdrawn it so we can proceed. He agreed to the request by Senator THURMOND, the chairman of the Armed Services Committee, to move forward.

I respect the Senator from New Hampshire for his willingness to do so. I respect the Senator from South Carolina for his desire to move this bill forward. He also has a right to reoffer it at a different time, just as the Senator from Arkansas has for an amendment dealing with pharmaceuticals. He offered it last week; he withdrew it. He has a chance to offer it again. That is his right. It may be germane to this bill to some extent but somewhat limited in its germaneness. It is my hope, too, that we will pass this bill.

So, again, I thank the Senator from New Hampshire for his action in bringing this issue to the floor of the Senate and also for his willingness to withdraw the amendment so we can proceed and move forward with this bill tonight and hopefully make significant progress on this bill tonight.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I also want to thank Senator GREGG. As a member of the Armed Services Committee obviously interested in moving this defense authorization bill forward, I appreciate Senator GREGG's willingness to withdraw the amendment. But I guess I join my colleague from Oklahoma in stating that it is a perfectly justifiable amendment given the circumstances of the situation.

I think a lot of us are feeling we do not quite understand what is going on down at the White House. The person in charge of the travel office, who is not political, gets fired because they want to put somebody who is political in the office; but the person who is political does not get fired. It seems to be kind of a double standard and a disconnect.

So Senator GREGG is pointing out something that I think needs to be addressed. I just appreciate the fact that he is willing to allow, in deference to the Senator from South Carolina and those of us who feel it is important to go forward with the defense authorization bill, the opportunity to move forward with this legislation.

But what is happening here is nothing more than what has happened to us. We have tried to move relevant legislation forward, and the Senator from Massachusetts and others insist on adding nongermane, nonrelevant amendments to every bill that the Republicans put on the floor. So, whether it is the minimum wage or whether it is the Glaxo issue, or whatever, there is a whole series of nongermane, nonrelevant amendments being offered to bills that everybody agrees need to be moved forward. So I think Senator GREGG is perfectly within his rights in offering that amendment. I think it is an appropriate subject for debate and discussion. I do commend him for recognizing the importance of the defense bill and being willing to withdraw it at this time.

I hope, Mr. President, that Members on the other side of the aisle will not now take the opportunity to continue the practice of offering nongermane bills, and I hope Members on this side of the aisle would also honor that from this point forward. It is a little tit for tat here. We spent 3 weeks, or a little less than that, trying to resolve an issue of a nongermane, nonrelevant amendment being offered on bill after bill after bill. We finally had a tortuous unanimous consent agreement—it probably set a record for the number of words or pages in that unanimous consent agreement—finally worked out by the new majority leader and the minority leader. Maybe the best thing we can do here is to agree to both move forward with the business at hand and then allow Members to take up these other issues.

Certainly the Senator from Massachusetts has the right to address the issue of minimum wage, but it ought to be done on a relevant bill. Certainly the Senator from Arkansas has the right to address the issue of the Glaxo-GATT matter, but it ought to be done on a relevant or standalone basis. Certainly the Senator from New Hampshire has the right to address what I

think is one of the most fundamental ethical issues that we are dealing with at this particular time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I also want to commend the Senator from New Hampshire for offering that amendment. I know it is not germane to the defense authorization bill, yet I think it is important that we begin to discuss some very serious issues that I think deserve to be debated and discussed here on the floor of the U.S. Senate.

I was just made aware that the other partner in crime or potential partner in crime, Mr. Marceca, just announced that he has made available 300 additional files, in addition to the 481; there are now 300 additional files, some of them national security files, that he has now made available and has just showed up on an AP wire. This issue continues to get broader and broader and broader and more and more files trickling out. Frankly, not much has been said here on the floor of the U.S. Senate one way or another.

I can say this is an important issue. This is an important issue beyond the politics of it. It is an important issue of who has access to secure documents? Who has access to national security documents? And what are they doing with those documents? How to we treat people who do things with those documents? Who ordered them to do it? Who else knew about it? I like to think that Mr. Livingstone, maybe, was just a wild guy acting on his own, and Marceca was another one of these wild men who was off doing his own thing. I know a little bit about how things function in this town, and there are very few things that are run independently.

Now we are seeing this list getting broader and broader and information trickling out. We still have 2,000 pages under subpoena in the House that the Executive Office is claiming privilege over. By the way, they claim "privilege" over the original 1,000 documents, of which this file information was uncovered. If they claimed that under the original 1,000, what is in the 2,000 they are holding on to? Maybe some of these national security documents that are now being discussed or mentioned in these 2,000 documents being held by the White House under claim of Executive privilege.

I commend the Senator from New Hampshire for bringing this issue to the floor, for talking about the firing of Mr. Livingstone, but I do not think we want to make Mr. Livingstone to be the heavy here. The fact of the matter is this was a man who was trusted by very high-up people in the White House. George Stephanopoulos said this is a man who "knows how to get things done." If he only knew. Or maybe he did know. I do not know.

Those are the kind of things I think we should be discussing here and we should be investigating here. I think the Senator from New Hampshire's resolution was, frankly, pretty mild. I suspect if we had a public vote on that resolution—and the reason we are not having a public vote on that resolution is because, obviously, the other side does not want to debate or discuss this; they put in a quorum call, which means we have a time out and we cannot go back into play on the field here to move forward with our business until the other side allows us to go back into play. This institution would have been shut down the rest of the night as long as the Senator from New Hampshire's amendment was on the floor because they do not want to talk about this. They certainly do not want to vote on this. I suspect if there is a public vote on this, which is the way we do things in the U.S. Senate, it would pass 100 to 0. I do not think there are too many who would stand up and defend the conduct of Mr. Livingstone. I do not think the issue is that there are too many people over there that want to defend Mr. Livingstone.

The issue is that a lot of people do not want this to be the discussion on the U.S. Senate floor. I do not blame them. This is not a pretty subject, but it is a serious matter. It is a very serious matter, and it is not a political matter. Yes, there are political implications, I am not naive to that. But this is a very serious breach of security matter. The American public must have faith in their Government's ability to keep classified information just that, classified, and away from people for using it for dirty tricks or just for their own jollies, as may be the case here.

I do not know, maybe it was two rogue guys who were just having fun or maybe it was a bureaucratic snafu, where someone just made a mistake. But if someone just made a mistake, and I am the general counsel, and I am looking through these documents that were released just a few days ago, and I see in here that we have 481 documents that we should not have had sitting at the White House for a year at that time, when I am reviewing the subpoena request from the House and I see this, and I claim Executive privilege over this information for a year, then somebody else had to know something. It is not just these two folks running around having fun in the basement of the White House. Someone very high up said, "Yes, we know these documents are here. In fact, we will let them sit here for another year, and we are going to claim privilege over these documents." That someone, at least tacitly, is condoning what they are doing in the general counsel's office.

The American public has a right to know that people in the White House or in the Congress are not playing fast and loose with the private lives of ordinary American citizens. At the very least, that is what is going on here. I heard the Senator from Oklahoma talk about when he has reviewed FBI files. I have reviewed FBI files as a member of the Armed Services Committee. They do bring the files and they sit there with you while you review them. You cannot take notes, you cannot make copies, you cannot do anything with those files. If you have a question, you ask the question of the individual and they track down the answer for you. They do treat these things as very confidential because there is information in there that is not substantiated. It is a lot of hearsay in many cases. "A said this about B, who said this about this person." There is all sorts of stuff in there, and a lot of it is unsubstantiated, and probably some of it is false. It is a complete record. It is unedited. To have those laying around the White House or someplace for 2 years, 1 of those 2 years the information letting us know that those documents were there, was under subpoena, and they held it, that is serious.

To suggest the Senator from New Hampshire should not be able to come up here and debate that subject and get a decision on the part of the U.S. Senate when the evidence is very clear of what is going on here—we will have testimony tomorrow by these two gentleman who are going to tell their story, or maybe tell their story. We will see. I do not know whether they will tell their story. I hope they do. They will be there tomorrow. Maybe after we hear the testimony of Mr. Livingstone, maybe there will be a resolution that will be bipartisan that calls for his resignation or dismissal. Somehow, I think we need to send a message out of the floor here of the U.S. Senate that this is a serious matter that should be treated as such by a President, who I think right before the election said he would have the most ethical administration in the history of this country. Do you want to talk about a promise? That is a great promise. I will leave it to you to determine whether you think he has kept that promise, whether you believe this administration has been the most ethical administration in the history of this country, whether you believe it is ethical for members of the administration to gather FBI files on, conveniently, almost all Republicans and have them laying around the White House—private, confidential files, classified files—for 2 years.

As I said, that is only a third of the papers that have been asked for. There are still other documents out there that we are waiting to look at, which are being protected by the White House, which I suspect they consider more politically damaging. I think we have an obligation, not from a partisan perspective, but from the perspective

of getting to the bottom line of what is going on here. Maybe all of those 2,000 pages will show the snafu, will exonerate the President, will exonerate everyone up and down the chain of authority there, that this was, in fact, what they are claiming—a little mistake. It would take a lot of paper—much more than 2,000 pages, in my opinion—to do that, but maybe it will.

So be it. But we should have that information. What is hanging over this investigation right now is a cloud of potential criminal activity. The White House knows if there is potential criminal activity discussed in those documents, they cannot claim Executive privilege. It is clear that they cannot claim Executive privilege if there is illegal activity involved in those documents.

So let us wait and see. Let us wait and see how this is going to play out. If there is any problem I have with the resolution of the Senator from New Hampshire, it is that it targets one person. I would suspect that what we are going to see here, as this issue develops, is that we are going to see everyone turn in their guns on Mr. Livingstone and Mr. Marceca. They are going to have horns and a little beard, and they are going to be the scapegoats, the bad guys. Everybody is going to point the finger at them and try to make them out to be the villains and the guys who did all the bad things here, and all of the rest of us are as pure as the wind-driven snow, and we did not know what the bad boys were doing all this time.

That is what, I guarantee you, will be the line. Once we find out this was not a snafu, that this was, in fact, a pretty bad happening, we will then turn from the snafu to the scapegoat. And they will stonewall and stonewall as long as they can, putting those two guys out front to take the fall.

Well, let us see what this body is going to do about it. Let us see how bipartisan we can be to get to the truth on something that has serious, serious liberties implications. Let us see how bipartisan we are going to be. Let us see how much we really want to find out the truth, or how much we want to protect for political purposes.

I am willing and anxious to see the bipartisanship on this investigation. I am anxious to see resolutions brought to the floor that have bipartisan support, which say that we need to get to the bottom of this, and we need to speak as one voice in the Senate and speak up for privacy rights of individuals and against unethical behavior in the White House.

When I start to see some of that happening, then maybe we will not have to have these little breaks in time here on the floor. Maybe we would not have to have a shutdown like the one that occurred this afternoon, the shutdown of this bill, which is a very important bill to this country, the defense authorization bill. Maybe we will not have to see a shutdown. Maybe we will see true cooperation for the betterment of this country, instead of a continual, well, let us try to put this behind us. There is an investigation going on, and let us not deal with this. Let us not talk about it. Let us not put it before the American public so that they know what the heck is going on. Let us not tell them what is really at stake here, and what classified files really mean.

Mr. President, I think we do need to talk about that. I think the American public needs to know what is involved in these documents, what is involved in the law. I hope that Members who certainly know the acts better than I do, who are on the Judiciary Committee, will come here and actually talk about that, talk about what is involved. I know many Senators have done so. I think it needs to be explained more.

This is a serious problem, and the Senator from New Hampshire, who, I would say, somewhat courageously stood up and took the risk of getting some missiles fired at him—which was done—did so. But I think he did so to let it be known that this is not an issue that we believe is exempt from discussion here on the Senate floor during this very important time.

So I am anxious to see what happens tomorrow. And maybe depending on what happens tomorrow, we may be back here on the Senate floor with further discussion and possibly other kinds of resolutions that express the sense of the Senate, or even do more than that, with regard to this situation. It is one that I hope we can deal with in a bipartisan fashion, as I said before. If the Senator from New Hampshire actually had a chance to have a vote on his resolution, I think if the vote was public, it would be 100 to 0—even if it was private, it would be 100 to 0. That is how most Members feel about it.

Most Members feel very uncomfortable about this. I am not asking them to defend this. There is a reasonable side to say that the jury is still out, and let us wait and see what happens, let us not draw conclusions from everything. I think, certainly, from the evidence revealed so far, we have some very serious problems here that need to be addressed, and I hope this body will be as active in pursuing that oversight responsibility that we have as the House of Representatives Government Oversight Committee.

I want to commend my colleague from Pennsylvania, someone whom I have known for a long, long time, BILL CLINGER, the chairman of the Governmental Affairs Committee over in the House of Representatives. I had the honor, as a college student at Penn State, to work as an intern for BILL CLINGER. He is someone who I think, frankly, is seen in the House as being beyond partisanship. BILL has been a stand-up guy, who is not engaged in partisan activities. I think maybe more than any other Member over there, he has the ability and legitimacy to take on this issue in a very fair-minded way. I think he has done that. BILL CLINGER does not pursue things unless he believes there were some misdeeds. He pursued it, and he pursued it honestly and forthrightly. He did not make partisan statements during that time. He stuck to his guns, stuck to the facts, and he has done an outstanding job. I am only disappointed that he is not running for reelection. I hope he does so, and that he finishes his term in the same manner that he has conducted himself—keeping to the facts, keeping on this case, and following through to its conclusion.

Thank you, Mr. President.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, normally they serve sandwiches and coffee following a political speech. We have had four of them. Although the Senate is not a Republican precinct convention, and it would violate the rules to serve sandwiches and coffee, one would almost expect that following the speech we have been treated to.

I come from ranching country in western North Dakota. I am thinking of the old phrase, "All hat and no cattle." It is kind of interesting to listen to this discussion. The last speaker just told us that he has registered his verdict on a whole series of issues, and now tomorrow he is going to a committee hearing to hear the evidence. That is a new approach, I guess, to making judgments about things.

One hour ago this Chamber was filled with Senators. In these six seats sat the chairman of the Armed Services Committee, the ranking member of the Armed Services Committee, and their staff. We were voting on defense authorization amendments. Senator BYRD offered an amendment. Senator BINGAMAN offered an amendment. We had other amendments. We were working on a series of amendments on the defense authorization bill. Some of us thought that those who said they wanted to finish this bill were serious and we were interested in getting the work of the Senate done and offering amendments to this bill.

Then a Senator, perfectly within his rights, jumped up and offered an amendment that had nothing at all to do with this bill but had instead to do with an issue dealing with the White House. In four subsequent speeches, four Members of the Senate used the time of the Senate sufficiently so that now nearly 2 hours later the Senate is vacant. There will be no more business tonight. There will be no further votes tonight. There will be no further work done on the serious business of the defense authorization bill.

But the accomplishment was that four relatively political speeches were made on the floor of the Senate. It is an election year. It is June. The election is in November. We understand it all. I am not divergent about all of this. I understand. Everyone has the right to do this. But you do not have the right, it seems to me, to complain that you are not getting anything done if you are causing the circumstances to avoid getting things done.

Last week on this bill we were treated to an amendment—and I think a several-hour debate—about whether Pennsylvania Avenue in front of the White House should be opened or closed; a very significant military issue apparently. Or was it an issue that had nothing at all to do with this bill? I think it was the latter.

The issue has been raised about files at the White House. I would say this—I think the President would say this if he were standing on the floor of the Senate: If anyone has been guilty of wrongdoing, if laws have been violated, if people have abused their privileges with respect to those files, they deserve to be fired—end of story; no excuses. As all my colleagues know, we have an independent prosecutor, an independent counsel, now at the request of the Attorney General conducting an investigation at the White House, hopefully as we speak. If it is discovered that anyone has abused those files, or misused information in the files, or requested files that were inappropriate, or done anything in any way that would lead the American people and Members of Congress to believe that they have not behaved properly, I fully expect this President to discharge them and to do so immediately. But that is not what this is about.

There is one common element between all of the Members who spoke—myself, my friend, the Senator from Kentucky, and the Senator from West Virginia. There is one common element that binds us all together tonight; that is, none of us know the facts. We are going to. But we do not know because there is an independent investigator trying to understand what those facts are. If ignorance is bliss, this place must be ecstatic on this issue. None of us understand the facts. Get the facts, get them quickly, understand them, digest them, and then take appropriate action.

But that is not what this was about. This was about something much different from that. We have for a number of months here in the U.S. Senate seen an agenda in the Senate that wants to stay away from things that really affect families and their circumstances as they try to work every day, do their business, and take care of their needs.

That is not what the agenda has been on the floor of the Senate by the majority party. One aspect of being in the majority is that you control the agenda on the floor of the Senate. You decide what comes up and when it comes up. The fact is the majority party did not want the minimum wage to come to the floor of the Senate.

Some of us suggested the last time there was an adjustment in the minimum wage was in 1989. Those who work at the bottom rung of the minimum wage economic ladder, 40 percent of whom are the sole breadwinners of their family out working hard trying to make ends meet, those people have not had an adjustment in 6 years. Some said maybe it is time for at least a modest adjustment on the bottom. We have folks on the top getting adjustments worth millions. They downsize, fire 20,000 people and get a $4 million raise; that is, the folks at the top of the economic ladder.

We ask whether it was not reasonable that the folks at the bottom of the ladder, the kind of people that I referred to in some letters I used the other day who work at the bottom of the ladder for minimum wage—the woman who told me that they had lost everything in a fire in their trailer house. They had sickness and problems in their family. She works. Her husband works for minimum wage. She says,

> I don't know how I am going to tell my two sons who want to play summer baseball that I do not have the $25 that it requires as a fee to sign them up let alone buy them baseball gloves.

That is the daily story of people at the bottom of the economic ladder.

We said that we would kind of like to see an adjustment after 6 years. But they do not want that on the floor of the Senate.

So for 4 months we have been wrestling with the notion of whether we could bring to the floor of the Senate a modest adjustment that helps those at the bottom of the economic ladder. For 4 months we are the ones that have advanced this legislation saying that we ought to do something about health care.

We finally passed the Kennedy-Kassebaum health care bill that says you can take your insurance with you when you move from job to job so you are no longer held prisoner in a job because you are going to lose your insurance. It says you are not going to be able to be denied insurance because of preexisting conditions. It is the right thing to do. But do you know what? That is being held hostage because we have people saying we are not going to let you pass that bill that millions of American families need unless you agree with us on these things called medical savings accounts, and if you do not agree with us, as far as we are concerned, they say, we are going to hold that bill hostage.

So they would deny the opportunity to get a minimum adjustment on the minimum wage at the bottom of the economic ladder, deny the opportunity of families to have the kind of health coverage and protection that will be allowed them under the Kassebaum-Kennedy bill. What they say is, Well, we want tax cuts. So we say to them, All right, you want tax cuts. We think we ought to reduce the deficit first. Let us reduce the deficit first and then let us talk about tax cuts. They say no, they cannot do that. We want tax cuts. We want to cut Medicare to give you tax cuts. We said, Well, look, is there any common ground at all? How about agreeing with us on this? How about agreeing with us that you will limit the tax cuts to those families earning $100,000 a year or less? They said no, we will not agree to that at all.

We had a vote, a partisan line vote. We lost. We say, Well, what about at least agreeing with us that you limit the tax cuts to those families making under a quarter of a million dollars a year and less? No, we will not agree to do that. We insist people above a quarter million dollars a year get a tax cut as well. All right, we said. At least could you agree that at a time when we are up to our neck in debt trying to reduce the Federal deficit, at a time when you are saying that 60,000 kids, all of whom have names, aged 3 and 4, living in homes of low income and in difficult circumstances, you are going to say to them we cannot afford to keep you on the Head Start Program, Timmy, Tommy, Jane, we are going to kick you off the Head Start Program, a program that we know works, a program that we know improves their lives; cannot we at least agree when you are suggesting that we will not give tax breaks to families whose incomes are over $1 million a year, at least limit the tax cuts to families $1 million a year and less? Do you know what? The majority voted no. Said, no, we will not limit it. Why? Because the package of tax cuts that they truck into this Chamber is a package of tax cuts that have very, very generous plums to some of the richest, the wealthiest families in this country, at a time when we have a deficit problem, at a time when we are telling children that we cannot afford them on the Head Start rolls, at a time when they are saying that it ought not be an entitlement that a child be eligible for Medicaid, at a time we are saying that it ought not be an entitlement for a poor kid to get a hot meal in the middle of the day at school because we cannot afford it. But we can afford to give a family that has $10 million a year in income a big tax cut?

That is the agenda that they do not want discussed. Instead, what they want to do is talk about extraneous issues, nongermane amendments offered to this bill and that bill in order to take us over into this political corner or that political corner.

I have been trying to offer an amendment for some long while that I would

have hoped one of these days I could get passed. It defies imagination that we actually say to companies in this country, shut your doors, close your company, fire your workers, and move overseas and hire a bunch of foreign workers and ship your goods back to America. Guess what? If you do that, we will give you a tax break.

Yes, that is right. That is what our Tax Code says. Move your plant overseas. Get rid of your American workers. Hire foreign workers. Make the same product and ship it back, and we will pay you to do it—$2.2 billion in 7 years. We will pay you to do it. But you think we can get that amendment, the amendment that shuts down that insidious tax break, that actually pays companies to move jobs overseas, do you think we can get that back in this Chamber to get rid of that tax break? No, because that is not part of the agenda. You see, that tax break inures to the largest multinational companies that no longer say the Pledge of Allegiance, that are international corporations, and whatever they want—if they have a headache, we want to treat them. If they have a shoulder ache, we want to give them an aspirin. That is the attitude of the majority party.

Let me conclude by saying there will not be any wallflowers in this Senate, in my judgment, on the issue of protecting the confidentiality of the American people with respect to any files, FBI files or any files. If someone is determined to have broken the law, to have violated procedures, to have in any other way abused the privileges of the information contained in those files, then they ought to be fired and fired instantly.

I will say this about President Clinton. Some might say they like him, some do not like him. It seems to me that this President has done exactly what he was required to do when this latest issue developed, and that is to have his Attorney General immediately investigate, and she decided she wanted the independent counsel to do that investigation. Wherever that investigation leads, this President will, in my judgment—I am confident he will—take immediate action to resolve it.

Not only that, but this administration has taken action now with respect to the files that are used for background checks, has taken steps that are unprecedented, that have never been taken before in this country to safeguard that information. But there is not disagreement between any of us and any others in this Chamber about whether this ought to be investigated. Of course, it should, and it is.

There is not disagreement, I hope, about the fact that none of us know what has happened, including the President at this point. When this investigation tells us what has happened, then I would expect the President to be the first to take action, appropriate action and decisive action, so the American people can have confidence in this process.

I finally say this. I hope that as we meander through this process this year in the Senate and talk about the agenda we want to pursue, the agenda is one that finally begins to address some of the things we are concerned about, and those things are the things that families talk about at night when they sit down for supper and talk about their lot in life. How is it going? How is the job? Did you get downsized? Are you age 50 and just lost your job, have no more health care? You expected your retirement to be there, but somebody took it. How about Junior? Junior is getting out of college. Will Junior have a job? And how about the daughter-in-law who is working on minimum wage and has been there 4 years and has not had a change in the minimum wage?

Those are some of the issues we ought to deal with, appropriate issues, issues that respond to the needs of families who, when they sit down and talk about their lot in life, worry about these things.

So, Mr. President, I started by suggesting there should be sandwiches and coffee following the other four speeches. I suppose some would suggest that they could now be served as well. It was my intention, however, to have talked about the things that I think we should be addressing in the Chamber of the Senate.

Everyone has a right to offer an amendment even if it is nongermane. Everyone has a right. The Senator who offered this amendment early this evening is a good friend of mine. I like him a lot. He has the right to do that. But another Senator stood up a little later and complained about those who offered nongermane amendments; you cannot do that.

I do not understand this. They offer nongermane amendments, and then they stand up and complain about people who offer nongermane amendments? Walk around with a mirror, for gosh sakes. Either we are going to finish this bill and stop this political nonsense, or we are not. If we have people who want to just play political games on this bill, then this bill is never going to get done. My preference would be we decide let us advance down the road, do the amendments, get rid of this bill, deal with the bill appropriately.

This is a very large piece of legislation with very important issues involved in it, but it is not going to help this Senate to do what we just saw happen about 2 hours ago. It essentially shut down the process. There will be no further work tonight, and that puts us behind rather than ahead. I hope that this is not the way we will begin a new set of leadership and begin dealing with the issues that all of us know this Senate has a responsibility to deal with in the weeks and months ahead.

Mr. President, I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, a long time ago, I was a Republican, and I was brought up in a Republican family. It was not the kind of Republican family which is very much respected these days because it was referred to as "Rockefeller Republicanism," and that is about the worst thing you can say about a Republican because this primarily came from my Uncle Nelson, who liked to get things done for the people of New York State and also for the country. He was also Vice President. He was very active. He was constantly worried about housing, and he wanted to get things done.

I grew up, and I was not very political, was not very interested in politics. I was interested mostly in Japanese language and Chinese history and all kinds of things which were not very germane to politics. But I got into politics the way people really should get into politics, and that is because they started a program. I remember President Eisenhower used to call it "the Kiddy Corps," and I was still in Japan at the time. It was actually the Peace Corps they were talking about starting, and I was in Japan when President Kennedy was elected. He was my first vote. I came back in time to vote for him and not for Nixon, but that did not make me a Democrat. It was just that Kennedy was obviously going to be a better President than Nixon.

I did not care that much about politics. Then I got into the Peace Corps, and I saw what was going on in the rest of the world. And then I joined a program which really was started by the Democrats also, in this case, President Johnson, along with Bobby Kennedy, that now is called VISTA.

As the Senator from Kentucky knows, I went to West Virginia in 1964, and I was a registered Republican. Now, I had been voting Democratic, but politics did not mean that much to me. What West Virginia taught me and what the people of West Virginia taught me was that getting things done for people that have a variety of types of problems, much like the Senator from North Dakota was talking about, was what really interested me. I really cared about that.

I did not know I had really cared about that. I was in my midtwenties, but that was something that really grabbed me, and all of a sudden being able to speak Chinese or talk about Japanese history or whatever did not seem quite as important to me. So I made a decision to get into politics. At that point, I had been, in effect, a Democrat for 6 years.

It is very interesting, this whole day and particularly this last couple of

hours helps me understand again and again and again and again why it was I became a Democrat, because the complaint that you constantly hear about Republicans and about us in Congress in general, but the Republicans run the Congress—they run the House. They run the Senate. We just had an election of the new majority leader. He has a new team, all in power, all set to go. And the question that is always raised is: Why don't they ever talk about things which affect average people's lives?

I think that is a pretty fair question, because they do not. It is the fact that the Senator from New Hampshire got up and started rambling on about something he did not know anything about, or when he withdrew the amendment the Senator from Pennsylvania, who represents people who have all kinds of problems in Allegheny County, PA, and the counties around there, and the steel towns and coal towns—used to be coal towns and steel towns—lots of unemployment, lots and lots of problems, that he went on for a long period of time after the amendment had been withdrawn. And, as the Senator from North Dakota said, it shut down the Senate. We were on an authorization bill. We had the Senator from South Carolina who certainly, shall we say, has some experience around here and has put in some time around here. I assume he wants to get that done. It is called defense authorization, one of the most important bills that we have. Now that is dead and gone.

Yesterday, I gave a speech about things we have to take up in this Congress, that we have to solve, that people expect us to solve. We are the only people who can solve it. It cannot be done by Executive order. It cannot be done by the States. It can only be done by us. I do not know exactly how many legislative days we have left, but it cannot be very many, 35, 40, 45 days? If this is the way we are going to spend our time, then I can understand why the American people say those people up there do not get anything done. But, even more, it helps me understand why it is that I am a Democrat, because Democrats keep worrying and coalescing and forming coalitions and meeting about how they were to get things done for average working families.

Raising the minimum wage is one of them. What is the minimum wage worth today? About $3.10 in purchasing power, compared to 20 years ago. That would affect, I say to the Senator from Kentucky, one out of every four workers in West Virginia, working people in West Virginia—not people on welfare, people who work every day who could go on welfare and who, in many cases, would do better to go on welfare in terms of their own financial self-interest because they would get health care, they would get lower rent, they would get food stamps. But no, they are interested in something called pride. Welfare is down in West Virginia; work is up in West Virginia, as it is in a lot of the country.

We should be doing something about raising that minimum wage to encourage people to stay off welfare and to continue working. Some of us spent a lot of time fighting for something called the earned-income tax credit. I would say to the Presiding Officer, if the earned-income tax credit was combined with the minimum wage, increased as we did it for George Bush in 1991, with bipartisan support—I do not know what is so different about today—then the great majority of American families would move out of poverty. That may not be of interest to the majority party but that is of enormous interest to me and makes me very proud about being a Democrat, and very concerned about doing something about these problems. The politics part is not important but the inactivity part is important, the fact that nothing is getting done here, week after week after week after week after week.

Tomorrow or the next day in the Finance Committee, on which I serve, they are going to take up Medicaid and make it into a block grant. The majority party is going to pass that. It will pass the Senate Finance Committee because they control that. They control the floor. It will pass. It will happen. And then we are going to see the results.

But we have done nothing, and we have been talking about it for months, about the Kassebaum-Kennedy bill. The Senator from Kansas, with all of the things she has done for her people and this country over all of these years, I would think there would be some on the other side who would really want to make certain that, when she left, she had her name on the only piece of health care legislation that passed in the first 4 years of the Clinton Presidency. But I am now beginning to be convinced that the majority party does not want to see that happen. I really do not understand that. That is very hurtful to the people I represent, many of whom are Republicans, many of whom are Democrats. Why do they not want to do that?

It is because of a single insurance company that had a tremendous amount of influence on a previous Member, so it was laid out there, and the House Republican leadership is very strongly attached to that concept, and it is called MSA's, medical savings accounts. It is very, very effective for savings and for all kinds of things for people who are rich and healthy, and does absolutely no good to people who are average working families and are not wealthy, and are not necessarily healthy.

Why can we not pass the Kassebaum-Kennedy bill? It passed the Senate 100 to nothing. Why can we not pass that? Nothing takes place around here. That is why the American people say, about the majority party, why do they not ever talk about things which relate to my life? And they do not. We get, instead, diatribes on political things. People fire up from the other side—and we do from our side, presumably, from time to time—but they fire up. For anything that is remotely political they are on their feet and ready to go. I am so sick of telling the story of how many hearings we have had on Medicare and Medicaid as opposed to Whitewater, I will not even do it.

We are not discussing the things that affect the American people and there are some of us here who desperately want to do that because we come from States where that kind of discussion, and the action that comes from it, is needed.

The Senator from Kentucky represents three States: western Kentucky, central Kentucky, and eastern Kentucky. And eastern Kentucky is just exactly like my southern West Virginia, and they need a lot of help. They have a whole lot of people in eastern Kentucky who do not have any insurance, cannot possibly afford it because they have something called a preexisting condition, or they are laid off from one job and they would like to be able to carry their insurance to another job. But they cannot do it now. Except that NANCY KASSEBAUM changed that and made it possible for them to do it in a bill which passed this body 100 to nothing. Now we cannot get it passed. We cannot get it taken up. We cannot get it passed: MSA's.

I do not understand that. And I regret that. I regret that we have a chance to lift people out of poverty through something called welfare reform and we do not seem to be able to get to it. I resent that we have a chance to lift people out of poverty by increasing the minimum wage—which is no shocking deal. It was not in 1991, when George Bush passed it and signed it. Business people were not screaming and yelling, or if they were they stopped pretty quickly because nothing much happened except people began to get some more money. Now, actually, we are offering a smaller amount of money increase. It is exactly the same that he offered, $4.25 to $5.15 in 2 years—wow, that is really throwing money around—but of course that is worth much less today, what we are offering, than the same amount of change back in 1991.

People criticize us because we are not getting things done. I want to say, some of us are trying. Some of us are really trying. We care about what happens in the Persian Gulf. We care what happens in health care. We care what happens with average working families. We care what happens with pension security. We care what happens with job

instability. We care what happens with minimum wage. We care what happens with welfare reform. We care what happens with neglected and abused children. We care about what happens with a whole lot of things which people pay us a very good salary to come up here and do something about—and we are not doing it. I think the principal reason we are not doing it is because the proclivity of the majority party, there is some kind of a gene or something, or computer chip stuck into that majority party, that causes them to always aim, go cutthroat for politics. The meanest politics I have heard in the 12 years I have been up here, frankly, have come from the other side.

Am I out of place with what I said? I have no idea. It is what I believe. I know I am a Democrat, but I do not really care about that so much because I know why I am here in the Senate. I am here to help average people, people I represent and the people we all represent. Nobody has to represent millionaires, they represent themselves. Our duty is to help people who need wise public policy. That is our job, and we are not doing it. It is sad, and it is shameful.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant 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 Calendar No. 433, S. 1745, the Department of Defense authorization bill:

Trent Lott, Don Nickles, Dirk Kempthorne, Rod Grams, Jim Jeffords, Craig Thomas, Kay Bailey Hutchison, Christopher S. Bond, John Ashcroft, Conrad Burns, Judd Gregg, Larry Pressler, Orrin G. Hatch, Mitch McConnell, Hank Brown, Sheila Frahm.

Mr. GRAMS. Mr. President, for the information of all Senators, this second cloture vote, if necessary, will occur on Thursday, June 27, 1996, and also Senators should be reminded that all first-degree amendments to the DOD authorization bill must be filed by 1 p.m. on Wednesday, June 26, in order to qualify under the provisions of rule XXII.

## MORNING BUSINESS

Mr. GRAMS. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak up to 5 minutes each.

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

## MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate, on June 25, 1996, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 2803. An act to amend the anti-car theft provisions of title 49, United States Code, to increase the utility of motor vehicle title information to State and Federal law enforcement officials, and for other purposes.

S. 1579. An act to streamline and improve the effectiveness of chapter 75 of title 31, United States Code (commonly referred to as the "Single Audit Act").

The enrolled bills were signed subsequently by the President pro tempore [Mr. THURMOND].

## MESSAGE FROM THE HOUSE

At 7:10 pm., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the resolution (H. Res. 459) expressing profound sorrow of the death of the Honorable Bill Emerson, a Representative from the State of Missouri.

The message also announced that the House has passed the following bill, without amendment:

S. 1903. An act to designate the bridge, estimated to be completed in the year 2000, that replaces the bridge on Missouri highway 74 spanning from East Cape Girardeau, Illinois, to Cape Girardeau, Missouri, as the "Bill Emerson Memorial Bridge," and for other purposes.

## MEASURES REFERRED

The following bill, previously received by the House of Representatives for the concurrence of the Senate, was read the first and second times by unanimous consent and referred as indicated:

H.R. 3415. An act to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury; to the Committee on Finance.

## MEASURES PLACED ON THE CALENDAR

The following measure was placed on the calendar:

S. 1219. A bill to reform the financing of Federal elections, and for other purposes.

## ENROLLED BILLS PRESENTED

The Secretary of Senate reported that on June 25, 1996, he had presented to the President of the United States, the following enrolled bills:

S. 1136. An act to control and prevent commercial counterfeiting, and for other purposes.

S. 1579. An act to streamline and improve the effectiveness of chapter 75 of title 31, United States Code (commonly referred to as the "Single Audit Act").

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–3133. A communication from the Secretary of Transportation, transmitting, pursuant to law, an annual report concerning maritime terrorism for calendar year 1995; to the Committee on Foreign Relations.

EC–3134. A communication from the Acting Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a final rule concerning an amendment to the list of proscribed destinations, received on June 13, 1996; to the Committee on Foreign Relations.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–627. A resolution adopted by the Legislature of the State of Colorado; to the Committee on Armed Services.

SENATE MEMORIAL 96–1

"Whereas, For more than 40 years, the federal government developed, produced, and tested nuclear weapons in a number of government-owned facilities throughout the country, including Rocky Flats in Colorado; and

"Whereas, Contamination from these facilities has contributed to environmental damage at the sites, including radiological had hazardous surface and subsurface soil and groundwater contamination at Rocky Flats; and

"Whereas, As a result of the end of the Cold War, the federal government has shifted its focus to environmental restoration and waste cleanup at the facilities; and

"Whereas, The Department of Energy has committed to clean up the nuclear weapons complex; and

"Whereas, If the nuclear weapons complex is not cleaned up in accordance with known health standards, citizens in Colorado and across America will be affected directly or indirectly by the dangers that will continue to exist; and

"Whereas, the cost of cleaning up the Rocky Flats site is estimated to be $9 billion or more; and

"Whereas, To reach total cleanup, an increase in funding over the next five years is needed but no commitment to this funding has yet been made by the federal government; and

"Whereas, Commitment by the federal government to the full funding of the necessary costs associated with these cleanup activities may be sacrificed as a result of current budget discussions by Congress; now, therefore, be it

"*Resolved by the Senate of the Sixtieth General Assembly of the State of Colorado, the House of Representatives concurring herein,* That we, the members of the Colorado General Assembly, urge the federal government to recognize that cleanup of Rocky Flats and other weapons facilities is a related expenditure to the $4 trillion spent for the Cold war; be it further

"*Resolved,* That we urge the federal government to:

"(1) Make a sustained commitment to completing environmental cleanup at Rocky Flats and its other facilities at a reasonable and justifiable pace that protects human health and the environment;

"(2) Strive not only to comply with environmental laws, but also to be a leader in the field of environmental cleanup, including addressing public health concerns, ecological restoration, and waste management; and

"(3) Consult with officials in Jefferson county, Colorado, and other affected county governments regarding transportation of cleanup materials; and be it further

"*Resolved,* That we urge Congress and the President of the United States to approve full funding of all necessary cleanup activities at Rocky Flats and other nuclear weapons facilities."

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POM-628. A resolution adopted by the Municipal Assembly of Trujillo Alto, Puerto Rico relative to Cabotage; to the Committee on Energy and Natural Resources.

POM-629. A resolution adopted by the Legislature of the State of Alaska; to the Committee on Energy and Natural Resources.

"LEGISLATIVE RESOLVE NO. 46

"Whereas Alaska has at least 26 trillion cubic feet of natural gas reserves in the Prudhoe Bay field and perhaps two to three times that amount of potential natural gas reserves; and

"Whereas, beginning in the period 2002-2005, there may be an increasing gap between supply and demand for natural gas in the Pacific Rim; and

"Whereas market and economic studies indicate favorable conditions for the sale of liquefied natural gas (LNG) to these Pacific Rim markets; and

"Whereas major permits for a pipeline route from the North Slope to Valdez have been completed; and

* * * * *

"and be it further

"*Resolved,* That the State of Alaska respectfully requests the President of the United States to demonstrate national support for an ANS gas transmission project to Asian LNG buyers; and be it further

"*Resolved,* That the Governor is respectfully requested to

"(1) assure the Asian LNG buyers that the state will provide continuity and stability in regards to North Slope natural gas supply, tax structure, and regulatory policy;

"(2) continue support of the Joint Pipeline Office, which administers an innovative, efficient, and cost-effective permitting system;

"(3) encourage the private developers of the gas pipeline and the state's labor forces to develop an Alaska hire agreement for the ANS gas transmission project; and

"(4) meet with all parties to determine how the state can help facilitate the ANS gas transmission pipeline; and be it further

"*Resolved,* That the President of the Senate and the Speaker of the House of Representatives, Alaska State Legislature, appoint an interim working group to track progress and assist the transportation permit holder, the working interest owners of the Prudhoe Bay and Point Thompson units, and the administration in developing a unified proposal for presentation to the Asian market; the legislative interim working group shall report on the status of the project and any proposed legislative actions to the Resources Committees of the Alaska House of Representatives and Alaska Senate by February 1, 1997; and be it further

"*Resolved,* That the Alaska State Legislature strongly supports the construction of an ANS gas transmission pipeline and offers its assistance to the parties involved in order to speed completion of an ANS gas transmission project."

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POM-630. A concurrent resolution adopted by the Legislature of the State of Michigan; to the Committee on Environment and Public Works.

"SENATE CONCURRENT RESOLUTION NO. 266.

"A concurrent resolution to make an urgent request to the Congress of the United States to release to the states, including Michigan, all federal road funding due under the gas tax formula.

"Whereas, The quality of Michigan roadways has a great deal to do with the state's competitiveness in attracting and retaining jobs for our citizens. Every individual and every business in Michigan is affected when Michigan roads suffer from insufficient maintenance. Finding the means to meet this financial challenge is of the utmost importance to both state and local policymakers as we prepare for the twenty-first century; and

"Whereas, The difficult task of providing excellence in transportation in Michigan is made far worse by some of the current practices of the federal government with regard to the allocation of money raised by the federal gas tax; and

"Whereas, The current practices of the federal government with regards to the allocation of dollars raised by the federal tax made it difficult for Michigan to improve and expand its transportation system. Of the states required to send money to the federal government, in accordance with the federal funding formula, Michigan sends significantly more money to Washington than it receives back. In 1993, for example, Michigan paid a total of $733.7 million to the Federal Highway Trust Fund, and only $520.1 million was returned; and

"Whereas, In addition, even more money designated for return to Michigan, and several other states, is being withheld by federal transportation authorities. This money is critical to our transportation infrastructure and a vital component of the state's economic well-being.

"Whereas, The current budget debate offers an opportunity to reexamine this critical aspect of public spending. This examination should include immediately correcting the gross inequities in allocating the funds generated by the federal gas tax; now, therefore, be it

"*Resolved,* by the Senate (the House of Representatives concurring), That we respectfully, but urgently, ask the Congress of the United States to release to the states, including Michigan, any federal road funding due under the gas tax formula but currently being held back by the federal government; and be it further

"*Resolved,* That copies of this resolution be transmitted to the President of the United States Senate, the Speaker, of the United States House of Representatives, and to each member of the Michigan congressional delegation with the request that each member review this issue, offering a formal response to this body, the Michigan State Senate."

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POM-631. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Finance.

"SENATE JOINT RESOLUTION 96-11

"Whereas, Encouraging the private provision of health care coverage is a laudable and legitimate governmental objective; and

"Whereas, The provision of health care insurance or other health care coverage assists in mitigating the impacts of providing uncompensated health care on the health care system; and

"Whereas, Tax benefits associated with the payment of health care insurance premiums and the costs of funding other methods of covering health care costs should be fair and equitable regardless of the method used; and

"Whereas, Individuals and employees should be encouraged and have the freedom to choose the method by which they provide for the expenses of the health care they receive; now, therefore, be it

"*Resolved by the Senate of the Sixtieth General Assembly of the State of Colorado, the House of Representatives concurring herein:* That we, the members of the Colorado General Assembly, are desirous of federal legislation that affords equal tax treatment for the costs of health care insurance purchased by employers, by employees and individuals who are self-employed, and by individuals who are not self-employed; be it further

"*Resolved,* That we support federal legislation that affords equal tax treatment for the management of health care costs through the use of medical savings accounts; be it further

"*Resolved,* That we call for the United States Congress to establish a plan for tax equity in the treatment of contributions, expenses and costs associated with employer-based health care insurance, individually-paid health care insurance, health care not covered by Medicare, and the use of individual medical savings accounts; and be it further

"*Resolved,* That copies of this Resolution be sent to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each member of Colorado's Congressional delegation."

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## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1996" (Rept. No. 104-289).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 1802. A bill to direct the Secretary of the Interior to convey certain property containing a fish and wildlife facility to the State of Wyoming, and for other purposes (Rept. No. 104-290).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1871. A bill to expand the Pettaquamscutt Cove National Wildlife Refuge, and for other purposes (Rept. No. 104-291).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

H.R. 1772. A bill to authorize the Secretary of the Interior to acquire certain interests in the Waihee Marsh for inclusion in the Oahu National Wildlife Refuge Complex.

H.R. 2660. A bill to increase the amount authorized to be appropriated to the Department of the Interior for the Tensas River National Wildlife Refuge.

H.R. 2679. A bill to revise the boundary of the North Platte National Wildlife Refuge.

H.R. 2982. A bill to direct the Secretary of the Interior to convey the Carbon Hill National Fish Hatchery to the State of Alabama.

By Mr. BOND, from the Committee on Small Business, with an amendment in the nature of a substitute:

S. 1784. A bill to amend the Small Business Investment Act of 1958, and for other purposes.

## 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. HEFLIN:

S. 1902. A bill to provide for the establishment of National Senior Citizen Hall of Fame Commission, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BOND (for himself, Mr. ASHCROFT, Mr. LOTT, Mr. DASCHLE, Mr. INHOFE, Mr. JEFFORDS, Mr. SMITH, Mr. AKAKA, Mr. CRAIG, Mr. COATS, Mr. DEWINE, Mr. DORGAN, Mr. THOMAS, Mr. GREGG, Mr. SIMON, Ms. MIKULSKI, Mr. BROWN, Ms. SNOWE, Mr. KYL, Mr. CAMPBELL, Mr. MACK, Mr. GRAMM, Mr. THURMOND, and Mr. ROBB):

S. 1903. A bill to designate the bridge, estimated to be completed in the year 2000, that replaces the bridge on Missouri highway 74 spanning from East Girardeau, Illinois, to Cape Girardeau, Missouri, as the "Bill Emerson Memorial Bridge", and for other purposes; considered and passed.

By Mr. COATS:

S. 1904. A bill to implement the Project for American Renewal, and for other purposes; to the Committee on Finance.

By Mr. KOHL:

S. 1905. A bill to establish an independent commission to recommend reforms in the laws relating to elections for Federal Office; to the Committee on Rules and Administration.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 1906. A bill to include certain territory within the jurisdiction of the State of Hawaii, and for other purposes; to the Committee on Energy and Natural Resources.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HEFLIN:

S. 1902. A bill to provide for the establishment of National Senior Citizen Hall of Fame Commission, and for other purposes; to the Committee on Governmental Affairs.

THE NATIONAL SENIOR CITIZENS HALL OF FAME ACT OF 1996

Mr. HEFLIN. Mr. President, I rise to introduce a bill which will provide for the establishment of a National Senior Citizens Hall of Fame Commission. This concept grew out of an idea by Dr. Ruben Hanan, who chairs the Alabama Senior Citizens Hall of Fame Commission, and Dr. Earl Potts.

Each year, the Alabama Senior Citizens Hall of Fame Commission bestows honor upon living Alabamians in recognition of their outstanding accomplishments, services, and contributions to the lives of older American citizens.

The Alabama Senior Citizens Hall of Fame was created by the Alabama State legislature in 1933, and has been very successful in inducting worthy individuals into the organization. I am delighted that Dr. Hanan and Dr. Potts came up with the idea of establishing a National Senior Citizens Hall of Fame. The National Hall of Fame will provide a forum to bestow honor and recognition upon deserving citizens for their outstanding accomplishments, services and contributions to the lives of older American citizens.

Mr. President, the population of older Americans is projected to increase to 35 million by the year 2000. This means that older Americans would constitute 13 percent of the total population. As the national population is projected to exceed 300 million by the year 2000, the senior population would drastically increase with the entry of the baby-boomers in the senior population. Therefore, by the year 2030, the senior population will increase to approximately 70 million.

Mr. President, the older population is growing. If we look back over the last few years, we will notice that in 1993, the age group between 75 and 84 was 10,800,000. This was 14 times larger than in 1900. Every day, more than 5,000 individuals in the United States celebrate their 65th birthday. Their mature judgment, keen insight, historical perspective, perceptive vision, and gifted leadership are invaluable to our Nation.

By establishing a Senior Citizens Hall of Fame, we will have in place an organization that will recognize the contributions made by older American citizens to our Nation. I am delighted that the Alabama Senior Citizens Hall of Fame Commission, which has contributed greatly to the well being of thousands of Alabamians, will serve as a model for this national entity. In addition, the Alabama Hall of Fame Commission has improved the quality of life of those in need, and many have served in the Retired Senior Volunteer Program.

Finally, a National Senior Citizens Hall of Fame will also honor patriotic Americans for their spirit of loyalty and selfless labor in serving the needs of the people of our Nation.

I urge the entire Congress to join me in the adoption of this important legislation.

By Mr. COATS:

S. 1904. A bill to implement that Project for American Renewal, and for other purposes; to the Committee on Finance.

THE PROJECT FOR AMERICAN RENEWAL ACT

Mr. COATS. Mr. President, earlier today I joined with my colleagues from the House, the chairman of the Budget Committee, JOHN KASICH, in reintroducing a program that I have been working on for a long time. It is called the Project For American Renewal.

It attempts to address the question of how we can more effectively provide assistance to people in need, people living in poverty, without resorting to more of the same, which is simply funneling money into Washington, establishing a bureaucracy, and handing out welfare checks to, in many cases, perpetuate a lifestyle and a behavior that is not desirable, not giving us the results we wanted.

A lot of well-intentioned programs have been offered to deal with some of the social problems that exist in our country: teen pregnancy, spousal abuse, juvenile delinquency, substance abuse, and on and on it goes. Many of those, as I have said, have been well-intentioned but have simply missed the mark. They have not solved the problem. And, in many cases, they have made it worse.

It seems that the alternative to that that has been discussed in the last year or so is what was called devolution, a word that I hate. I do not know for sure exactly what it means, but I think it means washing our hands of the problem, and let somebody else worry about it.

I do not believe either of those alternatives are acceptable alternatives. I do not believe more of the same or none of the above are the alternatives we ought to be examining. I believe there is a place for our encouragement of hopeful solutions to some of the problems that exist in our society as it affects our families and our children and our neighborhoods and our communities.

The Project for American Renewal is my attempt at addressing those questions, to strengthen families, to encourage communities and to utilize mediating institutions of volunteer associations, of charities, particularly of faith-based charities, to address some of these most pressing problems. Utilization of these institutions, other than Government institutions, means that we can bring to bear not just efforts to meet the material needs of individuals, but also the spiritual needs of individuals. We can bring to bear values that are important in addressing some of these more fundamental problems.

The Project for American Renewal consists of 16 separate pieces of legislation designed to strengthen families, to provide mentors where fathers are not present, to strengthen communities, rebuild communities across America, and to provide effective compassion. The centerpiece of this is the charity tax credit, which will allow a joint-filing couple to contribute up to $1,000 a year as an offset against their taxes.

Today I joined with Congressman KASICH in announcing how we would pay for this charity tax credit, estimated at $44.8 billion over a 5-year period of time. We propose that we will ask the Ways and Means and the Finance Committee to designate a third of that amount in corporate loophole closings, corporate welfare.

We think if we are addressing some of the most fundamental problems in America, we ought to look for funding sources to offset the revenue loss from subsidies given to special interests over the years that do not serve as high a national purpose.

We also think it is appropriate to shift some resources from some of the existing Federal social policy programs that have not proven effective. While we do not specify directly what those offsets should be in the corporate welfare area, we do specify offsets of some of the Federal programs that we do not think are as effective as they ought to be.

The goal here is to encourage mediating institutions to play a greater role in addressing some of our more fundamental problems. They can bring hope and a vision of hope that, in many cases, Government is constrained to bring or is unable to bring.

I am today reintroducing this legislation, with the hope that it will continue to be a topic of discussion among our colleagues as to where we go next with some of these great social debates. It is my hope that it can be a very important part of our party's platform, a very important part of the discussion that will take place, as this is a Presidential election year and an election year that will elect or reelect 435 Congressmen and 34 Senators.

It is then, finally, my hope that we can seriously address this issue in the next Congress, make it part of our budget discussion, and examine ways in which we can more effectively provide assistance to those in need.

These programs are directed to those in poverty. The credit is available to those programs either currently existing or which will be constituted as a result of this legislation that devote 75 percent or more of their effort to either preventing or alleviating poverty.

It is a solution that goes beyond Government. It acknowledges the failure of Government, in many instances, to address these problems. It does not offer the total solution, but it offers, I believe, a step in the right direction. I hope it will become an important part of the debate ahead.

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By Mr. KOHL:

S. 1905. A bill to establish an independent commission to recommend reforms in the laws relating to elections for Federal office; to the Committee on Rules and Administration.

THE CAMPAIGN FINANCE REFORM COMMISSION ACT OF 1996

Mr. KOHL. Mr. President, I rise today to continue the debate on the issue which we have voted on today—campaign finance reform. Today the Senate voted on S. 1219, the Senate Campaign Finance Reform Act of 1996. While a majority of the Senate voiced its support for this meaningful legislation, sadly, we did not get the required 60 votes to end the filibuster against the bill.

Mr. President, I supported and cosponsored S. 1219 because I felt it was the best legislation moving through the Congress to reform our campaign finance system. My Wisconsin colleague, Senator FEINGOLD and Senator JOHN MCCAIN deserve our gratitude and praise for keeping this issue alive. It's been nearly 20 years since Congress enacted meaningful campaign finance reform, and they have come closer than anyone at passing a bipartisan plan.

We are, however, at a crossroads in this debate. America's campaign finance laws have not been significantly altered since the 1970's. Since that time we have seen an explosion in the costs of running campaigns and a growing public perception that special interests are far too influential in the electoral process. Despite these widely agreed-upon problems, Congress and the President seem incapable of enacting a campaign finance reform bill.

We have seen initiatives by Democratic and Republican Presidents, Democratic and Republican Congresses, even widely-hailed bipartisan approaches all fail. One can only conclude that this issue is so mired in partisan politics, trapped in a quagmire of self-interest and special interest, that Congress will not be able craft a comprehensive reform bill. S. 1219 was the best legislation to be proposed in two decades, and yet we can not get 60 Senators to support it, and the House of Representatives will not even guarantee the House counterpart legislation will get an up-or-down vote.

Mr. President, after two decades it is time to try a new approach—time for us to embrace a new method for addressing this vital issue.

Therefore, I am introducing today the Campaign Finance Reform Commission Act of 1996. Let me be clear from the outset: I would prefer to pass a bill such as S. 1219. But after today's vote, we must be honest with ourselves and the American public—that is not going to happen.

The Campaign Finance Reform Commission is modeled on the successful Base Realignment and Closure Commissions. The legislation would establish a balanced, bipartisan commission, appointed by Senate leaders, House leaders and the President to propose comprehensive campaign finance reform. Like the BRAC Commissions, the proposals of the Campaign Finance Reform Commission would be subject to congressional approval or disapproval, but no amendments would be permitted. The Commission would have a limited duration—1 year after its creation. And Congress would have a limited time to consider the Commission's proposals.

Mr. President, there are many who will object to this plan and argue that, through the creation of a commission, the Congress is conceding that it cannot solve this problem on its own. To the contrary, the creation of a Campaign Finance Reform Commission would be a concrete sign to the American public that Congress is serious about reforming our election laws. We have seen the success of the BRAC Commissions in removing political influences from the decision-making process. This same formula could be used for our campaign finance reform laws.

When Congress enacted the first BRAC Commission law, it was argued that a non-partisan commission was required because the closure of military bases was so politically sensitive, Congress could not be expected to make the tough choices of closing bases. Well, Mr. President, if closing military bases is considered tough, altering the campaign laws that literally determine whether Members could retain their jobs must be just as politically sensitive, if not more so.

Again, I wish to praise the efforts of Senators FEINGOLD, MCCAIN, and the broad coalition of grassroots organizations which have kept the campaign finance issue in front of the American public and the Congress. We have come so close to enacting real campaign finance reform. The creation of a pure bipartisan commission, modeled on the Base Closure Commission, is final act to achieve the reform we all desire.

Mr. President, like all common sense ideas, this one did not spring from a text book but came from a simpler setting. A year ago President Clinton and House Speaker Newt Gingrich held an historic conversation at a New Hampshire meeting. The first question came from a retiree, Mr. Frank McConnell Jr. Mr. McConnell had a simple, common sense idea—form a commission like the one that closed the military bases to reform our election system, so, in Mr. McConnell's words, "it would be out of the political scene." The time for Mr. McConnell's idea has come.

I am pleased to put Mr. McConnell's idea into legislative form and urge my colleagues to join me in this effort. This commission could give us the reform we all demand. And, it would give

the American public a restored faith that their democratic institutions have responded to their cry for change in our electoral system.

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. 1905

*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 "Campaign Finance Reform Commission Act of 1996".

**SEC. 2. ESTABLISHMENT OF COMMISSION.**

(a) ESTABLISHMENT.—There is established a commission to be known as the "Federal Election Law Reform Commission" (referred to in this Act as the "Commission").

(b) MEMBERSHIP.—

(1) APPOINTMENTS.—The Commission shall be comprised of 8 qualified members, who shall be appointed not later than 30 days after the date of enactment of this Act as follows:

(A) APPOINTMENTS BY MAJORITY LEADER AND SPEAKER.—The Majority Leader of the Senate and the Speaker of the House of Representatives shall jointly appoint to the Commission—

(i) 1 member who is a retired Federal judge as of the date on which the appointment is made;

(ii) 1 member who is a former Member of Congress as of the date on which the appointment is made; and

(iii) 1 member who is from the academic community.

(B) APPOINTMENTS BY MINORITY LEADERS.—The Minority Leader of the Senate and the Minority Leader of the House of Representatives shall jointly appoint to the Commission—

(i) 1 member who is a retired Federal judge as of the date on which the appointment is made; and

(ii) 1 member who is a former Member of Congress as of the date on which the appointment is made.

(C) APPOINTMENT BY PRESIDENT.—The President shall appoint to the Commission 1 member who is from the academic community.

(D) APPOINTMENTS BY COMMISSION MEMBERS.—The members appointed under subparagraphs (A), (B), and (C) shall jointly appoint 2 members to the Commission, neither of whom shall have held any elected or appointed public or political party office, including any position with an election campaign for Federal office, during the 15 years preceding the date on which the appointment is made.

(2) QUALIFICATIONS.—

(A) IN GENERAL.—A person shall not be qualified for an appointment under this subsection if that person, during the 10-year period preceding the date on which the appointment is made—

(i) held a position under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations;

(ii) was an employee of the legislative branch of the Federal Government, not including any service as a Member of Congress; or

(iii) was required to register under the Lobbying Disclosure Act of 1995 (2 U.S.C. 1601 et seq.) or derived a significant income from influencing, or attempting to influence, members or employees of the executive or legislative branches of the Federal Government.

(B) PARTY AFFILIATIONS.—Not more than 3 members of the Commission shall be members of, or associated with, the same political party (as that term is defined in section 301(16) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(16)).

(3) CHAIRPERSON AND VICE CHAIRPERSON.—The members of the Commission shall designate a chairperson and a vice chairperson from among the membership of the Commission. The chairperson shall be from a political party other than the political party of the vice chairperson.

(4) FINANCIAL DISCLOSURE.—Not later than 60 days after appointment to the Commission, each member of the Commission shall file with the Secretary of the Senate, the Office of the Clerk of the House of Representatives, and the Federal Election Commission a report containing the information contained in section 102 of title 5, United States Code.

(5) PERIOD OF APPOINTMENT; VACANCIES.—Members of the Commission shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(6) TERMINATION OF COMMISSION.—The Commission shall terminate 1 year after the date of enactment of this Act.

(c) POWERS.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this Act. Upon request of the Chairperson of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) PAY AND TRAVEL EXPENSES.—

(1) MEMBERS.—Each member of the Commission, other than the Chairperson, shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(2) CHAIRPERSON.—The Chairperson shall be paid for each day referred to in paragraph (1) at a rate equal to the daily equivalent of the annual rate of basic pay payable for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(e) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director of the Commission, who shall be paid at the rate of basic payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(2) OTHER PERSONNEL.—(A) Subject to subparagraph (B), the executive director may, without regard to the civil service laws and regulations, appoint and fix the pay of such other additional personnel as may be necessary to enable the Commission to perform its duties.

(B) The pay of any individual appointed under this paragraph shall be not more than the maximum annual rate of basic pay payable for grade GS–15 of the General Schedule under section 5332 of title 5, United States Code.

(3) DETAIL OF FEDERAL EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(f) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

**SEC. 3. DUTIES OF COMMISSION.**

(a) IN GENERAL.—The Commission shall—

(1) identify the appropriate goals and values for Federal campaign finance laws;

(2) evaluate the extent to which the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) has promoted or hindered the attainment of the goals identified under paragraph (1); and

(3) make recommendations to the Congress for the achievement of those goals, taking into consideration the impact of the Federal Election Campaign Act of 1971.

(b) CONSIDERATIONS.—In making recommendations under subsection (a)(3), the Commission shall consider with respect to Federal election campaigns—

(1) whether campaign spending levels should be limited, and, if so, to what extent;

(2) the role of interest groups and whether that role should be limited or regulated;

(3) the role of other funding sources, including political parties, candidates, individuals from inside and outside the State in which the contribution is made;

(4) public financing and benefits; and

(5) problems in existing campaign finance law, such as soft money, bundling, and independent expenditures.

(c) REPORT AND RECOMMENDATIONS.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the Congress—

(1) a report on the activities of the Commission; and

(2) a draft of legislation (including technical and conforming provisions) recommended by the Commission to amend the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) and any other law relating to elections for Federal office.

**SEC. 4. FAST-TRACK PROCEDURES.**

(a) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such it shall be considered as part of the rules of each House, respectively, or of that House to which it specifically applies, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to such House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) DEFINITIONS.—As used in this section, the term "Federal election bill" means only a bill of either House of the Congress which is introduced as provided in subsection (c) to carry out the recommendations of the Commission as set forth in the draft legislation referred to in section 5.

(c) INTRODUCTION AND REFERRAL.—Not later than 3 days after the Commission submits its draft legislation under section 5, a Federal election bill shall be introduced (by request) in the House of Representatives by the Majority Leader of the House and shall be introduced (by request) in the Senate by the Majority Leader of the Senate. Such bills shall be referred to the appropriate committees.

(d) AMENDMENTS PROHIBITED.—No amendment to a Federal election bill shall be in order in either the House of Representatives or the Senate; and no motion to suspend the application of this subsection shall be in order in either House; nor shall it be in order in either House to entertain a request to suspend the application of this subsection by unanimous consent.

(e) PERIOD FOR COMMITTEE AND FLOOR CONSIDERATION.—(1) If the committee of either House to which a Federal election bill has been referred has not reported it at the close of the 30th day after its introduction, such committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar. If prior to the passage by one House of a Federal election bill of that House, that House receives the same Federal election bill from the other House, then—

(A) the procedure in that House shall be the same as if no Federal election bill had been received from the other House; but

(B) the vote on final passage shall be on the Federal election bill of the other House.

(2) For purposes of paragraph (1), in computing a number of days in either House, there shall be excluded the days on which that House is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die.

(f) FLOOR CONSIDERATION IN THE HOUSE.—(1) A motion in the House of Representatives to proceed to the consideration of a Federal election bill shall be highly privileged except that a motion to proceed to consider may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his intention to do so. The motion to proceed to consider is not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Consideration of a Federal election bill in the House of Representatives shall be in the House with debate limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the bill. The previous question on the Federal election bill shall be considered as ordered to final passage without intervening motion. It shall not be in order to move to reconsider the vote by which a Federal election bill is agreed to or disagreed to.

(3) All appeals from the decisions of the Chairperson relating to the application of the Rules of the House of Representatives to the procedure relating to a Federal election bill shall be decided without debate.

(g) FLOOR CONSIDERATION IN THE SENATE.—(1) A motion in the Senate to proceed to the consideration of a Federal election bill shall be privileged and not debatable. An amendment to the motion shall not be in order, nor shall it be in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(2) Debate in the Senate on a Federal election bill, and all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the Majority Leader and the Minority Leader or their designees.

(3) Debate in the Senate on any debatable motion or appeal in connection with a Federal election bill shall be limited to not more than 1 hour, to be equally divided between, and controlled by, the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto, shall be controlled by the Minority Leader or a designee of the Minority Leader. Such leaders, or either of them, may, from time under their control on the passage of a Federal election bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion in the Senate to further limit debate is not debatable. A motion to recommit a Federal election bill is not in order.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to the Commission such sums as are necessary to carry out the duties of the Commission under this Act.

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By Mr. AKAKA (for himself and Mr. INOUYE):

S. 1906. A bill to include certain territory with the jurisdiction of the State of Hawaii, and for other purposes; to the Committee on Energy and Natural Resources.

THE INSULAR AREAS CONSOLIDATION ACT OF 1996

Mr. AKAKA. Mr. President, with Senator INOUYE as a cosponsor, I am introducing legislation to give the State of Hawaii a greater say over proposals to develop seven U.S. possessions in the Pacific which are currently not affiliated with any U.S. State or territory. These islands are Baker Island, Jarvis Island, Howland Island, Johnston Atoll, Kingman Reef, Midway Island, and Palmyra Atoll. My legislation would transfer jurisdiction, but not title, of these areas to the State of Hawaii.

Proposals to consolidate these Pacific islands into the State of Hawaii's jurisdiction have surfaced before. Last year, Congressman ELTON GALLEGLY introduced a nearly identical bill in the House and a hearing was held on the measure by the Subcommittee on Native American and Insular Affairs on January 31, 1995. The Clinton Administration supported the proposal, as did Hawaii's State Senate. At the time of its introduction, however, there were many people in the State of Hawaii who wanted to know more about the potential benefits and liabilities that would accrue to the State should jurisdiction be transferred under the Gallegly bill. As a consequence, Hawaii's Gov. Benjamin Cayetano convened a task force headed by the Office of State Planning and the Pacific Basin Development Council to review the implications of the proposal.

My reason for reviving this legislation is that recent proposals to develop these islands have greatly alarmed the people of Hawaii and the Pacific. In blatant disregard for the welfare of people residing in the mid-Pacific region, a group of developers and financiers have announced a proposal to store high-level nuclear fuel on Palmyra Atoll, a privately owned U.S. possession located 1,000 miles from Hawaii. This action occurred after the group failed to secure Midway Island for their joint venture. On June 13, I introduced legislation to prohibit an interim or permanent nuclear storage facility on any U.S. possession outside of the 50 States, including Palmyra. However, I believe that the developers of Palmyra have forced us to consider a much broader issue; that is, how can we give the people of Hawaii a greater say in what goes on in our own backyard? While the cold war has ended, the threat of storing nuclear waste in isolated Pacific islands is just as alarming to the people of Hawaii. Instead of the tropical Pacific, nuclear entrepreneurs in search of a Pacific island for storing high-level waste would turn our region into the toxic Pacific.

The legislation I introduce today will give the people of Hawaii the opportunity to respond, at the local level, to efforts to store nuclear waste on Palmyra or any of these U.S. possessions. At the moment, Hawaii residents are effectively precluded from decisions on issues confronting these islands, despite the fact that some of these islands are geographically part of the Hawaiian islands and have historical, political, or cultural links to Hawaii. Through the transfer of jurisdiction to the State of Hawaii, the Governor of Hawaii, the State legislature, and the residents of Hawaii can have a real voice in determining the future of these islands.

Five of the islands under my bill—Baker Island, Jarvis Island, Howland Island, Kingman Reef, and Palmyra Atoll—are uninhabited U.S. possessions, though Palmyra is privately owned. The other two islands—Johnston Atoll and Midway Island—fall under Department of Defense jurisdiction. Five of the islands, excluding Palmyra Atoll and Kingman Reef, are national wildlife refuges.

Midway Island has been managed as an overlay national wildlife refuge since 1988 when the U.S. Navy signed a cooperative agreement with the U.S. Fish and Wildlife Service. Most recently, on May 22, 1996, the Navy transferred custody of and accountability for Midway to the U.S. Fish and Wildlife Service.

Johnston Atoll is currently being used by the U.S. Army for the Johnston Atoll Chemical Agent Disposal System. There are about 960 civilian and 250 military personnel working on the island. Most recently, the Army

testified that it expects to complete the destruction of chemical weapons by the year 2000. This is welcome news to all of us in the Pacific.

Mr. President, to ensure that U.S national security interests are not jeopardized, my bill would allow the United States to maintain its current defense operations and needs.

In summary, Mr. President, the State of Hawaii has more at stake in what happens in the Pacific than any other State in the Union. The legislation I introduce today preserves U.S. interests in the Pacific while ensuring that the State of Hawaii has a clear voice over decisions that affect the region.

## ADDITIONAL COSPONSORS

S. 704

At the request of Mr. SIMON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 704, a bill to establish the Gambling Impact Study Commission.

S. 794

At the request of Mr. LUGAR, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 794, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to facilitate the minor use of a pesticide, and for other purposes.

S. 949

At the request of Mr. GRAHAM, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 1199

At the request of Mrs. BOXER, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1199, a bill to amend the Internal Revenue Code of 1986 to permit tax-exempt financing of certain transportation facilities.

S. 1400

At the request of Mrs. KASSEBAUM, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 1400, a bill to require the Secretary of Labor to issue guidance as to the application of the Employee Retirement Income Security Act of 1974 to insurance company general accounts.

S. 1734

At the request of Mr. SPECTER, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of S. 1734, a bill to prohibit false statements to Congress, to clarify congressional authority to obtain truthful testimony, and for other purposes.

S. 1743

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 1743, a bill to provide temporary emergency livestock feed assistance for certain producers, and for other purposes.

S. 1744

At the request of Mr. INOUYE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1744, a bill to permit duty free treatment for certain structures, parts, and components used in the Gemini Telescope Project.

S. 1878

At the request of Mr. AKAKA, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1878, a bill to amend the Nuclear Waste Policy Act of 1982 to prohibit the licensing of a permanent or interim nuclear waste storage facility outside the 50 States or the District of Columbia, and for other purposes.

SENATE JOINT RESOLUTION 52

At the request of Mr. KYL, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Alaska [Mr. STEVENS], the Senator from Oklahoma [Mr. INHOFE], the Senator from Indiana [Mr. COATS], the Senator from North Carolina [Mr. HELMS], the Senator from Mississippi [Mr. LOTT], the Senator from Alabama [Mr. SHELBY], the Senator from Texas [Mrs. HUTCHISON], the Senator from Tennessee [Mr. FRIST], the Senator from Georgia [Mr. COVERDELL], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Ohio [Mr. DEWINE], the Senator from Iowa [Mr. GRASSLEY], the Senator from South Carolina [Mr. THURMOND], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Florida [Mr. MACK], and the Senator from Virginia [Mr. WARNER] were added as cosponsors of Senate Joint Resolution 52, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of victims of crimes.

AMENDMENT NO. 4090

At the request of Mr. WARNER, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of amendment No. 4090 proposed to S. 1745, an original bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

## AMENDMENTS SUBMITTED

### THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

### MCCAIN AMENDMENTS NOS. 4115–4116

(Ordered to lie on the table.)

Mr. MCCAIN submitted two amendments intended to be proposed by him to the bill (S. 1745) to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, for military construction, and for defense activities for the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

AMENDMENT NO. 4115

At the end of the amendment, add the following:

At the end of title XXVII, add the following:

**SEC. 2706. PROHIBITION ON USE OF FUNDS FOR CERTAIN PROJECTS.**

(A) PROHIBITION.—Notwithstanding any other provision of this Act, no funds authorized to be appropriated by this Act may be obligated or expended for the military construction project listed under subsection (b) until the Secretary of Defense certifies to Congress that the project is included in the current future-years defense program.

(b) COVERED PROJECTS.—Subsection (a) applies to the following military construction projects: Phase II of the Consolidated Education Center at Fort Campbell, Kentucky; and Phase III of The Western Kentucky Training Site.

AMENDMENT NO. 4116

At the end of subtitle F of title X, add the following:

**SEC. . VALUATION OF DEFENSE ARTICLES TRANSFERRED TO ASSIST BOSNIA AND HERCEGOVINA.**

Section 540 of the Foreign Operations, Export Financing, and Related Appropriations Act, 1996 (Public Law 104–107) is amended by adding at the end the following new subsection:

"(e) Notwithstanding any other provision of law, the value of each defense article transferred under this section shall not exceed the lowest value calculable for such article under section 7000.14–R of volume 15 of the Department of Defense Financial Management Regulations for Security Assistance Policy and Procedures, as in effect on the date of enactment of this Act, pursuant to section 644(m) of the Foreign Assistance Act of 1961.".

### GREGG AMENDMENT NO. 4117

(Ordered to lie on the table.)

Mr. GREGG submitted an amendment intended to proposed by him to the bill, S. 1745, supra; as follows:

At the appropriate place, insert:

**SEC. . WRITTEN CONSENT REQUIRED TO USE UNION DUES AND OTHER MANDATORY EMPLOYEE FEES FOR POLITICAL ACTIVITIES.**

(a) IN GENERAL.—Section 316(b) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b(b)) is amended by adding at the end the following new paragraph:

"(8)(A) No dues, fees, or other money required as a condition of membership in a labor organization or as a condition of employment shall be collected from an individual for use in activities described in subparagraph (A), (B), or (C) of paragraph (2) unless the individual has given prior written consent for such use.

"(B) Any consent granted by an individual under subparagraph (A) shall remain in effect until revoked and may be revoked in writing at any time.

"(C) This paragraph shall apply to activities described in paragraph (2)(A) only if the communications involved expressly advocate the election or defeat of any clearly identified candidate for elective public office."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts collected more than 30 days after the date of the enactment of this Act.

## THOMAS AMENDMENT NO. 4118

(Ordered to lie on the table.)

Mr. THOMAS submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle D of title XXXI, add the following:

**SEC. 3161. REPORT ON DEPARTMENT OF ENERGY LIABILITY AT DEPARTMENT SUPERFUND SITES.**

(a) STUDY.—The Secretary of Energy shall, using funds authorized to be appropriated to the Department of Energy by section 3102, carry out a study of the liability of the Department for damages for injury to, destruction of, or loss of natural resources under section 107(a)(4)(C) at each site controlled or operated by the Department that is or is anticipated to become subject to the provisions of that Act.

(b) CONDUCT OF STUDY.—(1) The Secretary shall carry out the study using personnel of the Department or by contract with an appropriate private entity.

(2) In determining the extent of Department liability for purposes of the study, the Secretary shall treat the Department as a private person liable for damages under section 107(f) of that Act (42 U.S.C. 9607(f)) and subject to suit by public trustees of natural resources under such section 107(f) for such damages.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit a report on the study carried out under subsection (a) to the following committees:

(1) The Committees on Environment and Public Works and Armed Services and Energy and Natural Resources of the Senate.

(2) The Committees on Commerce and National Security and Resources of the House of Representatives.

## WARNER AMENDMENT NO. 4119

(Ordered to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title I, add the following:

**SEC. 113. PERMANENT AUTHORITY TO CARRY OUT ARMS INITIATIVE.**

Section 193(a) of the Armament Retooling and Manufacturing Support Initiative Act of 1992 (subtitle H of title I of Public Law 102-484; 10 U.S.C. 2501 note) is amended by striking out "During fiscal years 1993 through 1996, the Secretary" and inserting in lieu thereof "The Secretary".

## McCAIN AMENDMENT NO. 4120

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

Strike out section 366 and insert in lieu thereof the following new section:

**SEC. 366. DEPARTMENT OF DEFENSE SUPPORT FOR SPORTING EVENTS.**

(a) SECURITY AND SAFETY ASSISTANCE.—At the request of a Federal, State, or local government agency responsible for providing law enforcement services, security services, or safety services, the Secretary of Defense may authorize the commander of a military installation or other facility of the Department of Defense or the commander of a specified or unified combatant command to provide assistance for the World Cup Soccer Games, the Goodwill Games, the Olympics, and any other civilian sporting event in support of essential security and safety at such event, but only if the Attorney General certifies that such assistance is necessary to meet essential security and safety needs.

(b) OTHER ASSISTANCE.—The Secretary may authorize a commander referred to in subsection (a) to provide assistance for a sporting event referred to in that subsection in support of other needs relating to such event, but only—

(1) to the extent that such needs cannot reasonably be met by a source other than the Department;

(2) to the extent that the provision of such assistance does not adversely affect the military preparedness of the Armed Forces; and

(3) if the organization requesting such assistance agrees to reimburse the Department for amounts expended by the Department in providing the assistance in accordance with the provisions of section 377 of title 10, United States Code, and other applicable provisions of law.

(c) INAPPLICABILITY TO CERTAIN EVENTS.—Subsections (a) and (b) do not apply to the following sporting events:

(1) Sporting events for which funds have been appropriated before the date of the enactment of this Act.

(2) The Special Olympics.

(3) The Paralympics.

(d) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the provision of assistance under this section as the Secretary considers necessary and appropriate to protect the interests of the United States.

(e) REPORT ON ASSISTANCE.—Not later than January 30 of each year following a year in which the Secretary provides assistance under this section, the Secretary shall submit to the congressional defense committees a report on the assistance provided. The report shall set forth—

(1) a description of the assistance provided;

(2) the amount expended by the Department in providing the assistance;

(3) if the assistance was provided under subsection (a), the certification of the Attorney General with respect to the assistance under that subsection; and

(4) if the assistance was provided under subsection (b)—

(A) an explanation why the assistance could not reasonably be met by a source other than the Department; and

(B) the amount the Department was reimbursed under that subsection.

(f) RELATIONSHIP TO OTHER LAWS.—Assistance provided under this section shall be subject to the provisions of sections 375 and 376 of title 10, United States Code.

## GLENN AMENDMENTS NOS. 4121–4122

(Ordered to lie on the table.)

Mr. GLENN submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4121

At the end of subtitle D of title XXXI add the following:

**SEC. 3161. WORKER HEALTH AND SAFETY IMPROVEMENTS AT THE DEFENSE NUCLEAR COMPLEX, MIAMISBURG, OHIO.**

(a) WORKER HEALTH AND SAFETY ACTIVITIES.—(1) Of the funds authorized to be appropriated pursuant to section 3102(b), $6,200,000 shall be available to the Secretary of Energy to perform, in accordance with a settlement of *Levell et al.* v. *Monsanto Research Corp. et al.*, Case Number C-3-95-312 in the United States District Court for the Southern District of Ohio, activities to improve worker health and safety at the defense nuclear complex at Miamisburg, Ohio.

(2) Activities under paragraph (1) shall include the following:

(A) Completing the evaluation of pre-1989 internal dose assessments for workers who have received a lifetime dose greater than 20 REM.

(B) Installing state-of-the-art automated personnel contamination monitors at appropriate radiation control points and facility exits.

(C) Purchasing and installing an automated personnel access control system, and integrating the software for the system with a radiation work permit system.

(D) Upgrading the radiological records software.

(E) Immediately implementing a program that will characterize the radiological conditions of the site, buildings, and facilities before decontamination activities commence so that radiological hazards are clearly identified and the results of decontamination validated.

(F) Reviewing and improving the conduct and evaluation of continuous air monitoring practices and implementing a personal air sampling program as a means of preventing unnecessary internal exposure.

(G) Upgrading bioassay analytical procedures in order to ensure that contract laboratories are adequately selected and validated and quality control is assured.

(H) Implementing bioassay and internal dose calculation methods that are specific to the radiological hazards identified at the site.

(3)(A) The Secretary shall complete the activities referred to in paragraph (2)(A) not later than September 30, 1997.

(B) The Secretary shall ensure that the activities referred to in paragraph (2)(F) are completed not later than December 31, 1996.

(b) SAVINGS PROVISION.—Nothing in this section shall be construed as affecting applicable statutory or regulatory requirements relating to worker health and safety.

(c) SUPPLEMENT NOT SUPPLANT.—Nothing in this section shall prohibit the Secretary from obligating and expending additional funds under this title for the activities referred to in subsection (a)(2).

AMENDMENT NO. 4122

At the end of subtitle D of title XXXI add the following:

**SEC. 3161. WORKER HEALTH AND SAFETY PROTECTION.**

(a) SAFETY COMPLIANCE REVIEW AND ACCOUNTABILITY.—Consistent with authority to seek or impose penalties for violations of regulations relating to nuclear safety under section 223 or 234A, respectively, of the Atomic Energy Act of 1954 (42 U.S.C. 2273, 2282a), the Secretary shall review contractor and subcontractor compliance with the nuclear safety-related regulations referred to in subsection (b) at each Department of Energy defense nuclear facility covered by the regulations.

(b) NUCLEAR SAFETY-RELATED REGULATIONS COVERED.—The regulations with which compliance is to be reviewed under this section are as follows:

(1) The nuclear safety management regulations set forth in part 830 of title 10 of the Code of Federal Regulations (as amended, if amended).

(2) The occupational radiation protection regulations set forth in part 835 of title 10 of the Code of Federal Regulations (as amended, if amended).

(c) REPORTING REQUIREMENTS.—(1) Subject to paragraph (2), the Secretary shall include in the annual report submitted to Congress pursuant to section 170(p) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) a report on contractor and subcontractor compliance with the nuclear safety-related regulations referred to in subsection (b). The report shall include the following matters:

(A) A list of facilities evaluated and a discussion of progress made in meeting the compliance review requirement set forth in subsection (a).

(B) A list of noncompliance events and violations identified in the compliance review.

(C) A list of actions taken under sections 223 and 234A of the Atomic Energy Act of 1954 and the nuclear safety-related regulations.

(D) Improvements in public safety and worker protection that have been required by the Secretary on the basis of the results of the compliance review.

(E) A description of the effectiveness of compliance review.

(2)(A) The first annual report under paragraph (1) shall be included in the annual report that is required by section 170(p) of the Atomic Energy Act of 1954 to be submitted to Congress not later than April 1, 1997.

(B) No report is required under paragraph (1) after all defense nuclear facilities covered by the regulations referred to in subsection (a) have undergone compliance review pursuant to this section.

(d) PERSONNEL.—The Secretary shall ensure that the number of qualified personnel used to carry out the compliance review under this section is sufficient for achieving effective results. Only Federal employees may be used to carry out a compliance review activity under this section.

(e) REGULATIONS.—Effective 18 months after the date of the enactment of this Act, violations of regulations prescribed by the Secretary to protect contractor and subcontractor employees from non-nuclear hazards at Department of Energy defense nuclear facilities shall be punishable under sections 223 and 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a and 42 U.S.C. 2273).

## GORTON AMENDMENT NO. 4123

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of title XXVI of the bill, insert the following:

**SEC. 2602. FUNDING FOR CONSTRUCTION AND IMPROVEMENT OF RESERVE CENTERS IN THE STATE OF WASHINGTON.**

(a) FUNDING.—Notwithstanding any other provision of law, of the funds appropriated under the heading "MILITARY CONSTRUCTION, NAVAL RESERVE" in the Military Construction Appropriations Act, 1995 (Public Law 103-307; 108 Stat. 1661), that are available for the construction of a Naval Reserve center in Seattle, Washington—

(1) $5,200,000 shall be available for the construction of an Army Reserve Center at Fort Lawton, Washington, of which $700,000 may be used for program and design activities relating to such construction;

(2) $4,200,000 shall be available for the construction of an addition to the Naval Reserve Center in Tacoma, Washington;

(3) $500,000 shall be available for unspecified minor construction at Naval Reserve facilities in the State of Washington; and

(4) $500,000 shall be available for program and design activities with respect to improvements at Naval Reserve facilities in the State of Washington.

(b) MODIFICATION OF LAND CONVEYANCE AUTHORITY.—Paragraph (2) of section 127(d) of the Military Construction Appropriations Act, 1995 (Public Law 103-337; 108 Stat. 1666), is amended to read as follows:

"(2) Before commencing construction of a facility to be the replacement facility for the Naval Reserve Center under paragraph (1), the Secretary shall comply with the requirements of the National Environmental Policy Act (42 U.S.C. 4321 et seq.) with respect to such facility.".

## CHAFEE AMENDMENTS NOS. 4124-4125

(Ordered to lie on the table.)

Mr. CHAFEE submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4124

In the table in section 2201(a), insert after the item relating to Camp Lejeune Marine Corps Base, North Carolina, the following new item:

| | | |
|---|---|---|
| Rhode Island ..... | Naval Undersea Warfare Center. | $8,900,000 |

Strike out the amount set forth as the total amount at the end of the table in section 2201(a) and insert in lieu thereof "$515,952,000".

In section 2205(a), in the matter preceding paragraph (1), strike out "$2,040,093,000" and insert in lieu thereof "$2,048,993,000".

In section 2205(a)(1), strike out "$507,052,000" and insert in lieu thereof "$515,952,000".

AMENDMENT NO. 4125

At the end of title VIII, add the following:

**SEC. 810. PILOT PROGRAM FOR TRANSFER OF DEFENSE TECHNOLOGY INFORMATION TO PRIVATE INDUSTRY.**

(a) PROGRAM REQUIRED.—The Secretary of Defense shall carry out a pilot program to demonstrate online transfers of information on defense technologies to businesses in the private sector through an interactive data network involving institutions of higher education.

(a) COMPUTERIZED DATA BASE OF DEFENSE TECHNOLOGIES.—(1) Under the pilot program, the Secretary shall enter into an agreement with the head of an institution of higher education that provides for such institution—

(A) to develop and maintain a computerized data base of information on defense technologies;

(B) to make such information available online to—

(i) businesses; and

(ii) other institutions of higher education entering into partnerships with the Secretary under subsection (c).

(2) The online accessibility may be established by means of any of, or any combination of, the following:

(A) Digital teleconferencing.

(B) International Signal Digital Network lines.

(C) Direct modem hookup.

(e) PARTNERSHIP NETWORK.—Under the pilot program, the head of the institution with which the Secretary enters into an agreement under subsection (b) may, with the concurrence of the Secretary, enter into agreements with the heads of other institutions of higher education having strong business education programs to provide for the institutions of higher education entering into such agreements—

(1) to establish interactive computer links with the data base developed and maintained under subsection (b); and

(2) to assist the Secretary in making information on defense technologies available online to the broadest practicable number, types, and sizes of businesses.

(d) DEFENSE TECHNOLOGIES COVERED.—(1) The Secretary shall designate the technologies to be covered by the pilot program from among the existing and experimental technologies that the Secretary determines—

(A) are useful in meeting Department of Defense needs; and

(B) should be made available under the pilot program to facilitate the satisfaction of such needs by private sector sources.

(2) Technologies covered by the program should include technologies useful for defense purposes that can also be used for nondefense purposes (without or without modification).

(e) DEFINITIONS.—In this section:

(1) The term "defense technology" means a technology designated by the Secretary of Defense under subsection (d).

(2) The term "partnership" means an agreement entered into under subsection (c).

(f) TERMINATION OF PILOT PROGRAM.—The pilot program shall terminate one year after the Secretary enters into an agreement under subsection (b).

(g) AUTHORIZATION OF APPROPRIATIONS.—(1) Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 1997 for the pilot program in the amount of $2,300,000.

(2) The amount authorized to be appropriated under paragraph (1) is in addition to the amounts authorized to be appropriated under other provisions of this Act.

## GRASSLEY AMENDMENT NO. 4126

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of section 218(a) add the following: "The report shall include—

"(1) a comparison of—

"(A) the results of the review, with

"(B) the results of the last independent estimate of production costs of the program that was prepared by the Cost Analysis Improvement Group in July 1991; and

"(2) a description of any major changes in programmatic assumptions that have occurred since the estimate referred to in paragraph (1)(B) was made, including any major change in assumptions regarding the program schedule, the quantity of aircraft to be developed and acquired, and the annual rates of production, together with an assessment of the effects of such changes on the program.".

## DASCHLE AMENDMENT NO. 4127

(Ordered to lie on the table.)

Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

In section 2601(1), strike out "$79,628,000" and insert in lieu thereof "$84,228,000".

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## LIEBERMAN (AND OTHERS) AMENDMENT NO. 4128

(Ordered to lie on the table.)

Mr. LIEBERMAN (for himself, Mr. COATS, Mr. ROBB, Mr. MCCAIN, Mr. NUNN, Mr. INHOFE, Mr. KEMPTHORNE, Mr. WARNER, Mrs. HUTCHISON, Mr. SANTORUM, Mr. MURKOWSKI, Mr. FORD, and Mr. BOND) submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of title X, add the following:

### Subtitle G—Review of Armed Forces Force Structures

**SEC. 1081. SHORT TITLE.**

This subtitle may be cited as the "Armed Forces Force Structures Review Act of 1996".

**SEC. 1082. FINDINGS.**

Congress makes the following findings:

(1) Since the collapse of the Soviet Union in 1991, the United States has conducted two substantial assessments of the force structure of the Armed Forces necessary to meet United States defense requirements.

(2) The assessment by the Bush Administration (known as the "Base Force" assessment) and the assessment by the Clinton Administration (known as the "Bottom-Up Review") were intended to reassess the force structure of the Armed Forces in light of the changing realities of the post-Cold War world.

(3) Both assessments served an important purpose in focusing attention on the need to reevaluate the military posture of the United States, but the pace of global change necessitates a new, comprehensive assessment of the defense strategy of the United States and the force structure of the Armed Forces required to meet the threats to the United States in the 21st century.

(4) The Bottom-Up Review has been criticized on several points, including—

(A) the assumptions underlying the strategy of planning to fight and win two nearly simultaneous major regional conflicts;

(B) the force levels recommended to carry out that strategy; and

(C) the funding proposed for such recommended force levels.

(5) In response to the recommendations of the Commission on Roles and Missions of the Armed Forces, the Secretary of Defense endorsed the concept of conducting a quadrennial review of the defense program at the beginning of each newly elected Presidential administration, and the Secretary intends to complete the first such review in 1997.

(6) The review is to involve a comprehensive examination of defense strategy, the force structure of the active, guard, and reserve components, force modernization plans, infrastructure, and other elements of the defense program and policies in order to determine and express the defense strategy of the United States and to establish a revised defense program through the year 2005.

(7) In order to ensure that the force structure of the Armed Forces is adequate to meet the challenges to the national security interests of the United States in the 21st century, to assist the Secretary of Defense in conducting the review referred to in paragraph (5), and to assess the appropriate force structure of the Armed Forces through the year 2010 and beyond (if practicable), it is important to provide for the conduct of an independent, non-partisan review of the force structure that is more comprehensive than prior assessments of the force structure, extends beyond the quadrennial defense review, and explores innovative and forward-thinking in ways of meeting such challenges.

**SEC. 1083. QUADRENNIAL DEFENSE REVIEW.**

(a) REQUIREMENT IN 1997.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall complete in 1997 a review of the defense program of the United States intended to satisfy the requirements for a Quadrennial Defense Review as identified in the recommendations of the Commission on Roles and Missions of the Armed Forces. The review shall include a comprehensive examination of the defense strategy, force structure, force modernization plans, infrastructure, and other elements of the defense program and policies with a view toward determining and expressing the defense strategy of the United States and establishing a revised defense program through the year 2005.

(b) INVOLVEMENT OF NATIONAL DEFENSE PANEL.—(1) The Secretary shall apprise the National Defense Panel established under section 1084, on an on-going basis, of the work undertaken in the conduct of the review.

(2) Not later than March 14, 1997, the Chairman of the National Defense Panel shall submit to the Secretary the panel's assessment of work undertaken in the conduct of the review as of that date and shall include in the assessment the recommendations of the panel for improvements to the review, including recommendations for additional matters to be covered in the review.

(c) ASSESSMENTS OF REVIEW.—Upon completion of the review, the Chairman of the Joint Chiefs of Staff and the Chairman of the National Defense Panel shall each prepare and submit to the Secretary such chairman's assessment of the review in time for the inclusion of the assessment in its entirety in the report under subsection (d).

(d) REPORT.—Not later than May 15, 1997, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a comprehensive report on the review. The report shall include the following:

(1) The results of the review, including a comprehensive discussion of the defense strategy of the United States and the force structure best suited to implement the strategy.

(2) The threats examined for purposes of the review and the scenarios developed in the examination of such threats.

(3) The assumptions used in the review, including assumptions relating to the cooperation of allies and mission-sharing, levels of acceptable risk, warning times, and intensity and duration of conflict.

(4) The effect on the force structure of preparations for and participation in peace operations and military operations other than war.

(5) The effect on the force structure of the utilization by the Armed Forces of technologies anticipated to be available by the year 2005, including precision guided munitions, stealth, night vision, digitization, and communications, and the changes in doctrine and operational concepts that would result from the utilization of such technologies.

(6) The manpower and sustainment policies required under the defense strategy to support engagement in conflicts lasting more than 120 days.

(7) The anticipated roles and missions of the reserve components in the defense strategy and the strength, capabilities, and equipment necessary to assure that the reserve components can capably discharge such roles and missions.

(8) The appropriate ratio of combat forces to support forces (commonly referred to as the "tooth-to-tail" ratio) under the defense strategy, including, in particular, the appropriate number and size of headquarter units and Defense Agencies for that purpose.

(9) The air-lift and sea-lift capabilities required to support the defense strategy.

(10) The forward presence, pre-positioning, and other anticipatory deployments necessary under the defense strategy for conflict deterrence and adequate military response to anticipated conflicts.

(11) The extent to which resources must be shifted among two or more theaters under the defense strategy in the event of conflict in such theaters.

(12) The advisability of revisions to the Unified Command Plan as a result of the defense strategy.

**SEC. 1084. NATIONAL DEFENSE PANEL.**

(a) ESTABLISHMENT.—Not later than December 1, 1996, the Secretary of Defense shall establish a non-partisan, independent panel to be known as the National Defense Panel (in this section referred to as the "Panel"). The Panel shall have the duties set forth in this section.

(b) MEMBERSHIP.—The Panel shall be composed of a chairman and eight other individuals appointed by the Secretary, in consultation with the Chairman and ranking member of the Committee on Armed Services of the Senate and the Chairman and ranking member of the Committee on National Security of the House of Representatives, from among individuals in the private sector who are recognized experts in matters relating to the national security of the United States.

(c) DUTIES.—The Panel shall—

(1) conduct and submit to the Secretary the assessment of the review under section 1083 that is required by subsection (b)(2) of that section;

(2) conduct and submit to the Secretary the comprehensive assessment of the review that is required by subsection (c) of that section upon completion of the review; and

(3) conduct the assessment of alternative force structures for the Armed Forces required under subsection (d).

(d) ALTERNATIVE FORCE STRUCTURE ASSESSMENT.—(1) The Panel shall submit to the Secretary an independent assessment of a variety of possible force structures of the Armed Forces through the year 2010 and beyond, including the force structure identified in the report on the review under section 1083(d). The purpose of the assessment is to develop proposals for an "above the line" force structure of the Armed Forces and to provide the Secretary and Congress recommendations regarding the optimal force structure to meet anticipated threats to the national security of the United States through the time covered by the assessment.

(2) In conducting the assessment, the Panel shall examine a variety of potential threats (including near-term threats and long-term threats) to the national security interests of the United States, including the following:

(A) Conventional threats across a spectrum of conflicts.

(B) The proliferation of weapons of mass destruction and the means of delivering such weapons, and the illicit transfer of technology relating to such weapons.

(C) The vulnerability of United States technology to non-traditional threats, including information warfare.

(D) Domestic and international terrorism.

(E) The emergence of a major challenger having military capabilities similar to those of the United States.

(F) Any other significant threat, or combination of threats, identified by the Panel.

(3) For purposes of the assessment, the Panel shall develop a variety of scenarios requiring a military response by the Armed Forces, including the following:

(A) Scenarios developed in light of the threats examined under paragraph (2).

(B) Scenarios developed in light of a continuum of conflicts ranging from a conflict of lesser magnitude than the conflict described in the Bottom-Up Review to a conflict of greater magnitude than the conflict so described.

(4) As part of the assessment, the Panel shall also—

(A) develop recommendations regarding a variety of force structures for the Armed Forces that permit the forward deployment of sufficient land- and sea-based forces to provide an effective deterrent to conflict and to permit a military response by the United States to the scenarios developed under paragraph (3);

(B) to the extent practicable, estimate the funding required by fiscal year, in constant fiscal year 1997 dollars, to organize, equip, and support the forces contemplated under the force structures assessed in the assessment; and

(C) comment on each of the matters also to be included by the Secretary in the report required by section 1083(d).

(e) REPORT.—(1) Not later than December 1, 1997, the Panel shall submit to the Secretary a report setting forth the activities, findings and recommendations of the Panel under subsection (d), including any recommendations for legislation that the Panel considers appropriate.

(2) Not later than December 15, 1997, the Secretary shall, after consultation with the Chairman of the Joint Chiefs of Staff, submit to the committees referred to in subsection (b)(1) a copy of the report under paragraph (1), together with the Secretary's comments on the report.

(f) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of its components and from any other Federal department and agency such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(g) PERSONNEL MATTERS.—(1) Each member of the Panel shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Panel.

(2) The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

(3)(A) The chairman of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director, and a staff of not more than four additional individuals, if the Panel determines that an executive director and staff are necessary in order for the Panel to perform its duties effectively. The employment of an executive director shall be subject to confirmation by the Panel.

(B) The chairman may fix the compensation of the executive director without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege. The Secretary shall ensure that sufficient personnel are detailed to the Panel to enable the Panel to carry out its duties effectively.

(5) To the maximum extent practicable, the members and employees of the Panel shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Panel, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

(h) ADMINISTRATIVE PROVISIONS.—(1) The Panel may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(2) The Secretary shall furnish the Panel any administrative and support services requested by the Panel.

(3) The Panel may accept, use, and dispose of gifts or donations of services or property.

(i) PAYMENT OF PANEL EXPENSES.—The compensation, travel expenses, and per diem allowances of members and employees of the Panel shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

(j) TERMINATION.—The Panel shall terminate 30 days after the date on which the Panel submits its report to the Secretary under subsection (e).

**SEC. 1085. POSTPONEMENT OF DEADLINES.**

In the event that the election of President of the United States in 1996 results in a change in administrations, each deadline set forth in this subtitle shall be postponed by 3 months.

**SEC. 1086. DEFINITIONS.**

In this subtitle:

(1) The term "'above the line' force structure of the Armed Forces" means a force structure (including numbers, strengths, and composition and major items of equipment) for the Armed Forces at the following unit levels:

(A) In the case of the Army, the division.

(B) In the case of the Navy, the battle group.

(C) In the case of the Air Force, the wing.

(D) In the case of the Marine Corps, the expeditionary force.

(E) In the case of special operations forces of the Army, Navy, or Air Force, the major operating unit.

(F) In the case of the strategic forces, the ballistic missile submarine fleet, the heavy bomber force, and the intercontinental ballistic missile force.

(2) The term "Commission on Roles and Missions of the Armed Forces" means the Commission on Roles and Missions of the Armed Forces established by subtitle E of title IX of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103-160; 107 Stat. 1738; 10 U.S.C. 111 note).

(3) The term "military operation other than war" means any operation other than war that requires the utilization of the military capabilities of the Armed Forces, including peace operations, humanitarian assistance operations and activities, counterterrorism operations and activities, disaster relief activities, and counter-drug operations and activities.

(4) The term "peace operations" means military operations in support of diplomatic efforts to reach long-term political settlements of conflicts and includes peacekeeping operations and peace enforcement operations.

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## PRYOR (AND OTHERS) AMENDMENT NO. 4129

(Ordered to lie on the table.)

Mr. PRYOR (for himself, Mr. CHAFEE, Mr. BROWN, Mr. BRYAN, Mr. LEAHY, and Mr. DORGAN) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of subtitle F of title X add the following:

**SEC. 1072. EQUITABLE TREATMENT FOR THE GENERIC DRUG INDUSTRY.**

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the generic drug industry should be provided equitable relief in the same manner as other industries are provided with such relief under the patent transitional provisions of section 154(c) of title 35, United States Code, as amended by section 532 of the Uruguay Round Agreements Act of 1994 (Public Law 103-465; 108 Stat. 4983).

(b) APPROVAL OF APPLICATIONS OF GENERIC DRUGS.—For purposes of acceptance and consideration by the Secretary of Health and Human Services of an application under subsections (b), (c), and (j) of section 505, and subsections (b), (c), and (n) of section 512, of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (b), (c), and (j), and 360b (b), (c), and (n)), the expiration date of a patent that is the subject of a certification under section 505(b)(2)(A) (ii), or (iv), section 505(j)(2)(A)(vii) (II), (III), or (IV), or section 512(n)(1)(H) (ii), (iii), or (iv) of such Act, respectively, made in an application submitted prior to June 8, 1995, or in an application submitted on or after that date in which the applicant certifies that substantial investment was made prior to June 8, 1995, shall be deemed to be the date on which such patent would have expired under the law in effect on the day preceding December 8, 1994.

(c) MARKETING GENERIC DRUGS.—The remedies of section 271(e)(4) of title 35, United States Code, shall not apply to acts—

(1) that were commenced, or for which a substantial investment was made, prior to June 8, 1995; and

(2) that became infringing by reason of section 154(c)(1) of such title, as amended by section 532 of the Uruguay Round Agreements Act (Public Law 103-465; 108 Stat. 4983).

(d) EQUITABLE REMUNERATION.—For acts described in subsection (c), equitable remuneration of the type described in section

154(c)(3) of title 35, United States Code, as amended by section 532 of the Uruguay Round Agreements Act (Public Law 103-465; 108 Stat. 4983) shall be awarded to a patentee only if there has been—

(1) the commercial manufacture, use, offer to sell, or sale, within the United States of an approved drug that is the subject of an application described in subsection (b); or

(2) the importation by the applicant into the United States of an approved drug or of active ingredient used in an approved drug that is the subject of an application described in subsection (b).

(e) APPLICABILITY.—The provisions of this section shall govern—

(1) the approval or the effective date of approval of applications under section 505(b)(2), 505(j), 507, or 512(n), of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (b)(2) and (j), 357, 360b(n)) submitted on or after the date of enactment of this Act; and

(2) the approval or effective date of approval of all pending applications that have not received final approval as of the date of enactment of this Act.

## DORGAN AMENDMENT NO. 4130

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the appropriate place in the bill, add the following new section:

**SEC. . SENSE OF THE SENATE ON MILITARY HONORS AT FUNERALS.**

(a) FINDINGS.—The Senate finds that—

(1) in an April 24, 1996 incident in Grand Forks, North Dakota, a security specialist at Grand Forks Air Force Base shot his former girlfriend to death and then was killed by Grand Forks police when he turned his weapon on them;

(2) on April 29, at the request of his family, the airman was buried with military honors in the National Cemetery at Biloxi, Mississippi, at a cost to the taxpayer of $5,468;

(3) relevant law (10 USC 1482) appears to give the Service Secretaries discretion to deny honors to a deceased servicemember;

(4) the relevant regulation (Department of Defense Directive 1300.15, September 30, 1985) appears to give no discretion to deny honors: the Directive states that "For a member who dies while on active duty . . . there shall be" honors such as pallbearers, a firing party, and a bugler; and

(5) paying final tribute on behalf of a grateful nation to those who have served it honorably is important to respect the deceased, to show esteem for military service, to comfort the grieving and to display military professionalism, but the use of military honors at the funeral of someone undeserving of them not only wastes taxpayer dollars but also lowers the morale and impugns the high reputation of our nation's military.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) the Secretary of Defense should promulgate a regulation clarifying that a Service Secretary has the discretion to deny military honors for the burial of a deceased service member if the Secretary determines beyond a reasonable doubt that the service member, had he or she lived, would have been successfully convicted of murder in an American military or civilian court; and

(2) the Service Secretary concerned should make such a determination only within 72 hours of the service member's death, and should communicate that determination to the service member's family as swiftly as possible.

## EXON (AND OTHERS) AMENDMENT NO. 4131

(Ordered to lie on the table.)

Mr. EXON (for himself, Mr. KOHL, Mr. BINGAMAN, Mr. DORGAN, and Mr. WELLSTONE) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

After section 3, insert the following:

**SEC. 4. GENERAL LIMITATION.**

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1997 under the provisions to this Act is $263,362,000,000.

## EXON AMENDMENT NO. 4132

(Ordered to lie on the table.)

Mr. EXON submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle E of title III, add the following:

**SEC. 368. AUTHORITY OF AIR NATIONAL GUARD TO PROVIDE CERTAIN SERVICES AT LINCOLN MUNICIPAL AIRPORT, LINCOLN, NEBRASKA**

(a) AUTHORITY.—Subject to subsection (b), the Air National Guard may provide fire protection services and rescue services relating to aircraft at Lincoln Municipal Airport, Lincoln, Nebraska, on behalf of the Lincoln Municipal Airport Authority, Lincoln, Nebraska.

(b) AGREEMENT.—The Air National Guard may not provide services under subsection (a) until the Air National Guard and the authority enter into an agreement under which the authority reimburses the Air National Guard for the cost of the services provided.

## GLENN AMENDMENT NO. 4133

(Ordered to lie on the table.)

Mr. GLENN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

On page 330, strike out lines 9 through 24.

On pages 331 and 332, strike out lines 1 through 24.

On pages 333, 334, 335 and 336, strike out lines 1 through 25.

On page 337, strike out lines 1 through 24.

On pages 338 and 339, strike out lines 1 through 25.

On page 340, strike out lines 1 through 6.

On page 340, line 7, strike out "Sec. 1122." and insert in lieu thereof "Sec. 1121."

## DORGAN AMENDMENT NO. 4134

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

On page 398, after line 23, add the following:

**SEC. 2828. LAND CONVEYANCE, WILLIAM LANGER JEWEL BEARING PLANT, ROLLA, NORTH DAKOTA.**

(A) AUTHORITY TO CONVEY.—The Administrator of General Services may convey, without consideration, to the Job Development Authority of the City of Rolla, North Dakota (in this section referred to as the "Authority"), all right, title, and interest of the United States in and to a parcel of real property, with improvements thereon and all associated personal property, consisting of approximately 9.77 acres and comprising the William Langer Jewel Bearing Plant in Rolla, North Dakota.

(b) CONDITION OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the condition that the Authority—

(1) use the real and personal property and improvements conveyed under that subsection for economic development relating to the jewel bearing plant;

(2) enter into an agreement with an appropriate public or private entity or person to lease such property and improvements to that entity or person for such economic development; or

(3) enter into an agreement with an appropriate public or private entity or person to sell such property and improvements to that entity or person for such economic development.

(c) PREFERENCE FOR DOMESTIC DISPOSAL OF JEWEL BEARINGS.—(1) In offering to enter into agreements pursuant to any provision of law for the disposal of jewel bearings from the National Defense Stockpile, the President shall give a right of first refusal on all such offers to the Authority or to the appropriate public or private entity or person with which the Authority enters into an agreement under subsection (b).

(2) For the purposes of this section, the term "National Defense Stockpile" means the stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98(c)).

(d) AVAILABILITY OF FUNDS FOR MAINTENANCE AND CONVEYANCE OF PLANT.—Notwithstanding any other provision of law, funds available in fiscal year 1995 for the maintenance of the William Langer Jewel Bearing Plant in Public Law 103-335 shall be available for the maintenance of that plant in fiscal year 1996, pending conveyance, and for the conveyance of that plant under this section.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Administrator. The cost of the survey shall be borne by the Administrator.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under this section as the Administrator determines appropriate to protect the interests of the United States.

## HEFLIN AMENDMENTS NOS. 4135-4140

(Ordered to lie on the table.)

Mr. HEFLIN submitted six amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4135

At the end of subtitle C of title II, add the following:

**SEC. 237. DESIGNATION OF THE ARMY AS LEAD SERVICE IN THE NATIONAL MISSILE DEFENSE JOINT PROGRAM OFFICE FOR INITIAL DEPLOYMENT PHASE OF NATIONAL MISSILE DEFENSE PROGRAM.**

The Director of the Ballistic Missile Defense Organization shall designate the Army as the lead service in the National Missile Defense Joint Program Office for the initial deployment phase of the national missile defense program.

AMENDMENT NO. 4136

In section 1102(a)(2), strike out "during fiscal year 1997".

AMENDMENT NO. 4137

At the end of subtitle B of title I, add the following:

**SEC. 113. TYPE CLASSIFICATION OF ELECTRO OPTIC AUGMENTATION (EOA) SYSTEM.**

(a) REQUIREMENT.—The Secretary of the Army shall type classify the Electro Optic Augmentation (EOA) system.

(b) FUNDING.—Of the amounts authorized to be appropriated for the Army by this division, $100,000 shall be made available to the Armored Systems Modernization Program manager for the type classification required by subsection (a).

AMENDMENT NO. 4138

At the end of subtitle B of title I, add the following:

**SEC. 113. BRADLEY TOW 2 TEST PROGRAM SETS.**

Notwithstanding any other provision of law, the funds appropriated pursuant to the authorization of appropriations in section 101(3) of the National Defense Authorization Act for Fiscal Year 1996 (110 Stat. 204) and available for the procurement of Armored Gun System Test Program sets shall be made available instead for the procurement of Bradley TOW 2 Test Program sets.

AMENDMENT NO. 4139

In section 330, in the matter preceeding paragraph (1), insert ", the Letterkenny Army Depot," after "Sacramento Air Logistics Center".

AMENDMENT NO. 4140

At the end of subtitle C of title I, add the following:

**SEC. 125. PROCUREMENT OF MAIN FEED PUMP TURBINES FOR THE CONSTELLATION (CV-64).**

(a) INCREASED AUTHORIZATION.—The amount authorized to be appropriated by section 102(4) is hereby increased by $4,200,000.

(b) AUTHORITY TO PROCURE.—Of the amount authorized to be appropriated by section 102(4), as increased by subsection (a), $4,200,000 shall be available for the procurement of main feed pump turbines for the Constellation (CV-64).

## COHEN AMENDMENTS NOS. 4141–4143

(Ordered to lie on the table.)

Mr. COHEN submitted three amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4141

At the end of subtitle F of title X add the following:

**SEC. 1072. INFORMATION TECHNOLOGY MANAGEMENT AMENDMENTS.**

(a) REFORMS INDEPENDENT OF PAPERWORK REDUCTION LAW.—Title LI of the Information Technology Management Reform Act of 1996 (Public Law 104–106; 110 Stat. 680) is amended—

(1) by striking out sections 5111 and 5121 (40 U.S.C. 1411 and 1421);

(2) in section 5112(a), by striking out "in fulfilling the responsibilities under section 3504(h) of title 44, United States Code";

(3) in section 5113(a), by striking out "in fulfilling the responsibilities assigned under section 3504(h) of title 44, United States Code";

(4) in section 5122(a), by striking out "In fulfilling the responsibilities assigned under section 3506(h) of title 44, United States Code, the" and inserting in lieu thereof "The"; and

(5) in section 5123(a), by striking out "In fulfilling the responsibilities under section 3506(h) of title 44, United States Code, the" and inserting in lieu thereof "The".

(b) NATIONAL SECURITY SYSTEMS.—Sections 5141 of the Information Technology Management Reform Act (110 Stat. 689) is amended by striking subsections (a) and (b) and inserting "Notwithstanding any other provision of law, systems to which this title applies include national security systems."

(c) RELATIONSHIP TO OTHER LAWS.—Section 5703 of the Information Technology Management Reform Act of 1996 (110 Stat. 703) is amended—

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

(2) in subsection (a), by striking out "(a) RELATIONSHIP TO TITLE 44, UNITED STATES CODE.—".

AMENDMENT NO. 4142

At the end of subtitle F of title X add the following:

**SEC. 1072. INFORMATION TECHNOLOGY MANAGEMENT AMENDMENTS.**

(a) REPORTING OF SIGNIFICANT DEVIATIONS FROM COST, PERFORMANCE, AND SCHEDULE GOALS.—Section 5127 of the Information Technology Management Reform Act of 1996 (division E of Public Law 104–106; 110 Stat. 687; 40 U.S.C. 1427) is amended—

(1) by striking out "The head of an executive agency" and inserting in lieu thereof "(a) IN GENERAL.—Except in the case of a national security system program, the head of an executive agency"; and

(2) by adding at the end the following:

"(b) SEPARATE REPORTING FOR NATIONAL SECURITY SYSTEMS.—The head of each executive agency shall submit to Congress an annual report that identifies each major information technology acquisition program for acquisition of a national security system for that agency, and each phase or increment of such a program, that has significantly deviated during the year covered by the report from the cost, performance, or schedule goals established for the program.

"(c) NATIONAL SECURITY SYSTEM DEFINED.—In this section, the term 'national security system' has the meaning given such term in section 5142.".

(b) APPLICABILITY OF MANAGEMENT REFORMS TO NATIONAL SECURITY SYSTEMS.—Section 5141(b) of the Information Technology Management Reform Act of 1996 (110 Stat. 689; 40 U.S.C. 1451(b)) is amended—

(1) in paragraph (1), by striking out "and 5126" and inserting in lieu thereof "5126, and 5127";

(2) by striking out paragraph (2) and inserting in lieu thereof the following:

"(2) CAPITAL PLANNING AND INVESTMENT CONTROL.—(A) National security systems shall be subject to sections 5112(c) and 5122 (other than subsection (b)(4) of section 5122).

"(B) To the maximum extent practicable, the heads of executive agencies shall apply the other provisions of section 5112 and section 5122(b)(4) to national security systems."; and

(3) in paragraph (3)—

(A) in subparagraph (A), by inserting "maximum" before "extent practicable"; and

(B) in subparagraph (B) by striking out "section 5113(b)(5) except for subparagraph (B)(iv) of that section" and inserting in lieu thereof "paragraphs (1), (2), and (5) of section 5113(b), except for paragraph (5)(B)(iv)".

(c) RELATIONSHIP TO OTHER LAWS.—Section 5703 of the Information Technology Management Reform Act of 1996 (110 Stat. 703) is amended—

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

(2) in subsection (a), by striking out "(a) RELATIONSHIP TO TITLE 44, UNITED STATES CODE.—".

AMENDMENT NO. 4143

At the end of division A add the following new title:

**TITLE XIII—FEDERAL EMPLOYEE TRAVEL REFORM**

**SEC. 1301. SHORT TITLE.**

This title may be cited as the "Travel Reform and Savings Act of 1996".

**Subtitle A—Relocation Benefits**

**SEC. 1311. MODIFICATION OF ALLOWANCE FOR SEEKING PERMANENT RESIDENCE QUARTERS.**

Section 5724a of title 5, United States Code, is amended to read as follows:

**"§ 5724a. Relocation expenses of employees transferred or reemployed**

"(a) An agency shall pay to or on behalf of an employee who transfers in the interest of the Government, a per diem allowance or the actual subsistence expenses, or a combination thereof, of the immediate family of the employee for en route travel of the immediate family between the employee's old and new official stations.

"(b)(1) An agency may pay to or on behalf of an employee who transfers in the interest of the Government between official stations located within the United States—

"(A) the expenses of transportation, and either a per diem allowance or the actual subsistence expenses, or a combination thereof, of the employee and the employee's spouse for travel to seek permanent residence quarters at a new official station; or

"(B) the expenses of transportation, and an amount for subsistence expenses in lieu of a per diem allowance or the actual subsistence expenses or a combination thereof, authorized in subparagraph (A) of this paragraph.

"(2) Expenses authorized under this subsection may be allowed only for one round trip in connection with each change of station of the employee.".

**SEC. 1312. MODIFICATION OF TEMPORARY QUARTERS SUBSISTENCE EXPENSES ALLOWANCE.**

Section 5724a of title 5, United States Code, is further amended by adding at the end the following new subsection:

"(c)(1) An agency may pay to or on behalf of an employee who transfers in the interest of the Government—

"(A) actual subsistence expenses of the employee and the employee's immediate family for a period of up to 60 days while occupying temporary quarters when the new official station is located within the United States as defined in subsection (d) of this section; or

"(B) an amount for subsistence expenses instead of the actual subsistence expenses authorized in subparagraph (A) of this paragraph.

"(2) The period authorized in paragraph (1) of this subsection for payment of expenses for residence in temporary quarters may be extended up to an additional 60 days if the head of the agency concerned or the designee of such head of the agency determines that there are compelling reasons for the continued occupancy of temporary quarters.

"(3) The regulations implementing paragraph (1)(A) shall prescribe daily rates and amounts for subsistence expenses per individual.".

**SEC. 1313. MODIFICATION OF RESIDENCE TRANSACTION EXPENSES ALLOWANCE.**

(a) EXPENSES OF SALE.—Section 5724a of title 5, United States Code, is further amended by adding at the end the following new subsection:

"(d)(1) An agency shall pay to or on behalf of an employee who transfers in the interest of the Government, expenses of the sale of the residence (or the settlement of an unexpired lease) of the employee at the old official station and purchase of a residence at the new official station that are required to be paid by the employee, when the old and new official stations are located within the United States.

"(2) An agency shall pay to or on behalf of an employee who transfers in the interest of the Government from a post of duty located outside the United States to an official station within the United States (other than the official station within the United States from which the employee was transferred when assigned to the foreign tour of duty)—

"(A) expenses required to be paid by the employee of the sale of the residence (or the settlement of an unexpired lease) of the employee at the old official station from which the employee was transferred when the employee was assigned to the post of duty located outside the United States; and

"(B) expenses required to be paid by the employee of the purchase of a residence at the new official station within the United States.

"(3) Reimbursement of expenses under paragraph (2) of this subsection shall not be allowed for any sale (or settlement of an unexpired lease) or purchase transaction that occurs prior to official notification that the employee's return to the United States would be to an official station other than the official station from which the employee was transferred when assigned to the post of duty outside the United States.

"(4) Reimbursement for brokerage fees on the sale of the residence and other expenses under this subsection may not exceed those customarily charged in the locality where the residence is located.

"(5) Reimbursement may not be made under this subsection for losses incurred by the employee on the sale of the residence.

"(6) This subsection applies regardless of whether title to the residence or the unexpired lease is—

"(A) in the name of the employee alone;

"(B) in the joint names of the employee and a member of the employee's immediate family; or

"(C) in the name of a member of the employee's immediate family alone.

"(7)(A) In connection with the sale of the residence at the old official station, reimbursement under this subsection shall not exceed 10 percent of the sale price.

"(B) In connection with the purchase of a residence at the new official station, reimbursement under this subsection shall not exceed 5 percent of the purchase price.

"(8) For purposes of this subsection, the term 'United States' means the several States of the United States, the District of Columbia, the territories and possessions of the United States, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and the areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979).".

(b) RELOCATION SERVICES.—Section 5724c of title 5, United State Code, is amended to read as follows:

**"§ 5724c. Relocation services**

"Under regulations prescribed under section 5737, each agency may enter into contracts to provide relocation services to agencies and employees for the purpose of carrying out this subchapter. An agency may pay a fee for such services. Such services include arranging for the purchase of a transferred employee's residence.".

**SEC. 1314. AUTHORITY TO PAY FOR PROPERTY MANAGEMENT SERVICES.**

Section 5724a of title 5, United States Code, is further amended—

(1) in subsection (d) (as added by section 1313 of this title)—

(A) by redesignating paragraph (8) as paragraph (9); and

(B) by inserting after paragraph (7) the following new paragraph:

"(8) An agency may pay to or on behalf of an employee who transfers in the interest of the Government, expenses of property management services when the agency determines that such transfer is advantageous and cost-effective to the Government, instead of expenses under paragraph (2) or (3) of this subsection, for sale of the employee's residence."; and

(2) by adding at the end the following new subsection:

"(e) An agency may pay to or on behalf of an employee who transfers in the interest of the Government, the expenses of property management services when the employee transfers to a post of duty outside the United States as defined in subsection (d) of this section. Such payment shall terminate upon return of the employee to an official station within the United States as defined in subsection (d) of this section.".

**SEC. 1315. AUTHORITY TO TRANSPORT A PRIVATELY OWNED MOTOR VEHICLE WITHIN THE CONTINENTAL UNITED STATES.**

(a) IN GENERAL.—Section 5727 of title 5, United States Code, is amended—

(1) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively;

(2) by inserting after subsection (b) the following new subsection:

"(c) Under regulations prescribed under section 5737, the privately owned motor vehicle or vehicles of an employee, including a new appointee or a student trainee for whom travel and transportation expenses are authorized under section 5723, may be transported at Government expense to a new official station of the employee when the agency determines that such transport is advantageous and cost-effective to the Government."; and

(3) in subsection (e) (as so redesignated), by striking "subsection (b) of this section" and by inserting "subsection (b) or (c) of this section".

(b) AVAILABILITY OF APPROPRIATIONS.—(1) Section 5722(a) of title 5, United States Code, is amended—

(A) by striking "and" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; and"; and

(C) by adding at the end the following:

"(3) the expenses of transporting a privately owned motor vehicle to the extent authorized under section 5727(c).".

(2) Section 5723(a) of title 5, United States Code, is amended—

(A) by striking "and" at the end of paragraph (1);

(B) by inserting "and" after the semicolon at the end of paragraph (2); and

(C) by adding at the end the following:

"(3) the expenses of transporting a privately owned motor vehicle to the extent authorized under section 5727(c);".

**SEC. 1316. AUTHORITY TO PAY LIMITED RELOCATION ALLOWANCES TO AN EMPLOYEE WHO IS PERFORMING AN EXTENDED ASSIGNMENT.**

(a) IN GENERAL.—Subchapter II of chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

**"§ 5736. Relocation expenses of an employee who is performing an extended assignment**

"(a) Under regulations prescribed under section 5737, an agency may pay to or on behalf of an employee assigned from the employee's official station to a duty station for a period of no less than 6 months and no greater than 30 months, the following expenses in lieu of payment of expenses authorized under subchapter I of this chapter:

"(1) Travel expenses to and from the assignment location in accordance with section 5724.

"(2) Transportation expenses of the immediate family and household goods and personal effects to and from the assignment location in accordance with section 5724.

"(3) A per diem allowance for the employee's immediate family to and from the assignment location in accordance with section 5724a(a).

"(4) Travel and transportation expenses of the employee and spouse to seek residence quarters at the assignment location in accordance with section 5724a(b).

"(5) Subsistence expenses of the employee and the employee's immediate family while occupying temporary quarters upon commencement and termination of the assignment in accordance with section 5724a(c).

"(6) An amount, in accordance with section 5724a(g), to be used by the employee for miscellaneous expenses.

"(7) The expenses of transporting a privately owned motor vehicle or vehicles to the assignment location in accordance with section 5727.

"(8) An allowance as authorized under section 5724b of this title for Federal, State, and local income taxes incurred on reimbursement of expenses paid under this section or on services provided in kind under this section.

"(9) Expenses of nontemporary storage of household goods and personal effects as defined in section 5726(a). The weight of the household goods and personal effects stored under this subsection, together with the weight of property transported under section 5724(a), may not exceed the total maximum weight which could be transported in accordance with section 5724(a).

"(10) Expenses of property management services.

"(b) An agency shall not make payment under this section to or on behalf of the employee for expenses incurred after termination of the temporary assignment.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting after the item relating to section 5735 the following new item:

"5736. Relocation expenses of an employee who is performing an extended assignment.".

**SEC. 1317. AUTHORITY TO PAY A HOME MARKETING INCENTIVE.**

(a) IN GENERAL.—Subchapter IV of chapter 57 of title 5, United States Code, is amended by adding at the end the following new section:

**"§ 5756. Home marketing incentive payment**

"(a) Under such regulations as the Administrator of General Services may prescribe, an agency may pay to an employee who transfers in the interest of the Government an amount, not to exceed a maximum payment amount established by the Administrator in consultation with the Director of the Office of Management and Budget, to encourage the employee to aggressively market the employee's residence at the old official station when—

"(1) the residence is entered into a program established under a contract in accordance with section 5724c of this chapter, to arrange for the purchase of the residence;

"(2) the employee finds a buyer who completes the purchase of the residence through the program; and

"(3) the sale of the residence to the individual results in a reduced cost to the Government.

"(b) For fiscal years 1997 and 1998, the Administrator shall establish a maximum payment amount of 5 percent of the sales price of the residence.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by inserting at the end the following:

"5756. Home marketing incentive payment.".

**SEC. 1318. CONFORMING AMENDMENTS.**

(a) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—(1) Section 5724a of title 5, United States Code, is further amended by adding at the end the following new subsections:

"(g)(1) Subject to paragraph (2), an employee who is reimbursed under subsections (a) through (f) of this section or section 5724(a) of this title is entitled to an amount for miscellaneous expenses—

"(A) not to exceed 2 weeks' basic pay, if such employee has an immediate family; or

"(B) not to exceed 1 week's basic pay, if such employee does not have an immediate family.

"(2) Amounts paid under paragraph (1) may not exceed amounts determined at the maximum rate payable for a position at GS–13 of the General Schedule.

"(h) A former employee separated by reason of reduction in force or transfer of function who within 1 year after the separation is reemployed by a nontemporary appointment at a different geographical location from that where the separation occurred, may be allowed and paid the expenses authorized by sections 5724, 5725, 5726(b), and 5727 of this title, and may receive the benefits authorized by subsections (a) through (g) of this section, in the same manner as though such employee had been transferred in the interest of the Government without a break in service to the location of reemployment from the location where separated.

"(i) Payments for subsistence expenses, including amounts in lieu of per diem or actual subsistence expenses or a combination thereof, authorized under this section shall not exceed the maximum payment allowed under regulations which implement section 5702 of this title.

"(j) Subsections (a), (b), and (c) shall be implemented under regulations issued under section 5737.".

(2) Section 3375 of title 5, United States Code, is amended—

(A) in subsection (a)(3), by striking "section 5724a(a)(1) of this title" and inserting "section 5724a(a) of this title";

(B) in subsection (a)(4), by striking "section 5724a(a)(3) of this title" and inserting "section 5724a(c) of this title"; and

(C) in subsection (a)(5), by striking "section 5724a(b) of this title" and inserting "section 5724a(g) of this title".

(3) Section 5724(e) of title 5, United States Code, is amended by striking "section 5724a(a), (b) of this title" and inserting "section 5724a(a) through (g) of this title".

(b) MISCELLANEOUS.—(1) Section 707 of title 38, United States Code, is amended—

(A) in subsection (a)(6), by striking "Section 5724a(a)(3)" and inserting "Section 5724a(c)"; and

(B) in subsection (a)(7), by striking "Section 5724a(a)(4)" and inserting "section 5724a(d)".

(2) Section 501 of the Public Health Service Act (42 U.S.C. 290aa) is amended—

(A) in subsection (g)(2)(A), by striking "5724a(a)(1)" and inserting "5724a(a)"; and

(B) in subsection (g)(2)(A), by striking "5724a(a)(3)" and inserting "5724a(c)".

(3) Section 925 of the Public Health Service Act (42 U.S.C. 299c–4) is amended—

(A) in subsection (f)(2)(A), by striking "5724a(a)(1)" and inserting "5724a(a)"; and

(B) in subsection (f)(2)(A), by striking "5724a(a)(3)" and inserting "5724a(c)".

**Subtitle B—Miscellaneous Provisions**

**SEC. 1331. REPEAL OF THE LONG-DISTANCE TELEPHONE CALL CERTIFICATION REQUIREMENT.**

Section 1348 of title 31, United States Code, is amended—

(1) by striking the last sentence of subsection (a)(2);

(2) by striking subsection (b); and

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

**SEC. 1332. TRANSFER OF AUTHORITY TO ISSUE REGULATIONS.**

(a) IN GENERAL.—Subchapter II of chapter 57 of title 5, United States Code, is further amended by adding at the end the following new section:

**"§ 5737. Regulations**

"(a) Except as specifically provided in this subchapter, the Administrator of General Services shall prescribe regulations necessary for the administration of this subchapter.

"(b) The Administrator of General Services shall prescribe regulations necessary for the implementation of section 5724b of this subchapter in consultation with the Secretary of the Treasury.

"(c) The Secretary of Defense shall prescribe regulations necessary for the implementation of section 5735 of this subchapter.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is further amended by inserting after the item relating to section 5736 the following new item:

"5737. Regulations.".

(c) CONFORMING AMENDMENTS.—(1) Section 5722 of title 5, United States Code, is amended by striking "Under such regulations as the President may prescribe", and inserting "Under regulations prescribed under section 5737 of this title".

(2) Section 5723 of title 5, United States Code, is amended by striking "Under such regulations as the President may prescribe", and inserting "Under regulations prescribed under section 5737 of this title".

(3) Section 5724 of title 5, United States Code, is amended—

(A) in subsections (a) through (c), by striking "Under such regulations as the President may prescribe" each place it appears and inserting "Under regulations prescribed under section 5737 of this title";

(B) in subsections (c) and (e), by striking "under regulations prescribed by the President" and inserting "under regulations prescribed under section 5737 of this title"; and

(C) in subsection (f), by striking "under the regulations of the President" and inserting "under regulations prescribed under section 5737 of this title".

(4) Section 5724b of title 5, United States Code, is amended by striking "Under such regulations as the President may prescribe" and inserting "Under regulations prescribed under section 5737 of this title".

(5) Section 5726 of title 5, United States Code, is amended—

(A) in subsection (a), by striking "as the President may by regulation authorize" and inserting "as authorized under regulations prescribed under section 5737 of this title"; and

(B) in subsections (b) and (c), by striking "Under such regulations as the President may prescribe" each place it appears and inserting "under regulations prescribed under section 5737 of this title".

(6) Section 5727(b) of title 5, United States Code, is amended by striking "Under such regulations as the President may prescribe" and inserting "Under regulations prescribed under section 5737 of this title".

(7) Section 5728 of title 5, United States Code, is amended in subsections (a), (b), and (c)(1), by striking "Under such regulations as the President may prescribe" each place it appears and inserting "Under regulations prescribed under section 5737 of this title".

(8) Section 5729 of title 5, United States Code, is amended in subsections (a) and (b), by striking "Under such regulations as the President may prescribe" each place it appears and inserting "Under regulations prescribed under section 5737 of this title".

(9) Section 5731 of title 5, United States Code, is amended by striking "in accordance with regulations prescribed by the President" and inserting "in accordance with regulations prescribed under section 5737 of this title".

**SEC. 1333. REPORT ON ASSESSMENT OF COST SAVINGS.**

No later than 1 year after the effective date of the final regulations issued under section 1334(b), the General Accounting Office shall submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives on an assessment of the cost savings to Federal travel administration resulting from statutory and regulatory changes under this Act.

**SEC. 1334. EFFECTIVE DATE; ISSUANCE OF REGULATIONS.**

(a) EFFECTIVE DATE.—The amendments made by this title shall take effect upon the expiration of the 180-day period beginning on the date of the enactment of this Act.

(b) REGULATIONS.—The Administrator of General Services shall issue final regulations implementing the amendments made by this title by not later than the expiration of the period referred to in subsection (a).

Strike section 1114(b) of the bill.

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## BROWN AMENDMENTS NOS. 4144–4145

(Ordered to lie on the table.)

Mr. BROWN submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4144

At the end of subtitle C of title II add the following:

**SEC. 237. ANNUAL REPORT ON THREAT OF ATTACK BY BALLISTIC MISSILES CARRYING NUCLEAR, CHEMICAL, OR BIOLOGICAL WARHEADS.**

(a) FINDINGS.—Congress makes the following findings:

(1) The worldwide proliferation of ballistic missiles threatens United States national interests overseas and challenges United States defense planning.

(2) In the absence of a national missile defense, the United States remains vulnerable to long-range missile threats.

(3) Russia has a ground-based missile defense system deployed around Moscow.

(4) Several countries, including Iraq, Iran, and North Korea may soon be technologically capable of threatening the United States and Russia with ballistic missile attack.

(5) In order to protect all citizens in the 50 States by 2003, it is necessary that all possible actions be taken to enable America to deploy a missile defense system.

(b) REPORT REQUIRED.—(1) Each year, the President shall submit to Congress a report on the threats to the United States of attack by ballistic missiles carrying nuclear, biological, or chemical warheads.

(2) The President shall submit the first report not later than 180 days after the date of the enactment of this Act.

(c) CONTENT OF REPORT.—The report shall contain the following:

(1) A list of all countries that have nuclear, chemical, or biological weapons, the estimated numbers of such weapons that each country has, and the destructive potential of the weapons.

(2) A list of all countries that have ballistic missiles, the estimated number of such missiles that each country has, and an assessment of the ability of those countries to integrate their ballistic missile capabilities with their nuclear, chemical, or biological weapons technologies.

(3) A comparison of the United States civil defense capabilities with the civil defense capabilities of each country that has nuclear, chemical, or biological weapons and ballistic missiles capable of delivering such weapons.

(4) An estimate of the number of American fatalities and injuries that would result, and an estimate of the value of property that would be lost, from an attack on the United States by ballistic missiles carrying nuclear, chemical, or biological weapons if the United States were left undefended by a national missile defense system covering all 50 States.

(5) Assuming the use of any existing theater ballistic missile defense system for defense of the United States, a list of the States that would be left exposed to nuclear ballistic missile attacks and the criteria used to determine which States would be left exposed.

(6) The means by which the United States is preparing to defend itself against the potential threat of ballistic missile attacks by North Korea, Iran, Iraq, and other countries obtaining ballistic missiles capable of delivering nuclear, chemical, and biological weapons in the near future.

(7) For each country that is capable of attacking the United States with ballistic missiles carrying a nuclear, biological, or chemical weapon, a comparison of—

(A) the vulnerability of the United States to such an attack if theater missile defenses were used to defend against the attack; and

(B) the vulnerability of the United States to such an attack if a national missile defense were in place to defend against the attack.

AMENDMENT NO. 4145

At the end of subtitle B of title I, add the following:

**SEC. 113. STUDY REGARDING NEUTRALIZATION OF THE CHEMICAL WEAPONS STOCKPILE.**

(a) STUDY.—(1) The Secretary of Defense shall conduct a study to determine the cost of incineration of the current chemical munitions stockpile by building incinerators at each existing facility compared to the proposed cost of dismantling those same munitions, neutralizing them at each storage site and transporting the neutralized remains and all munitions parts to a centrally located incinerator within the United States for incineration.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of the Congress a report on the study carried out under subsection (a).

## SMITH (AND GREGG) AMENDMENT NO. 4146

(Ordered to lie on the table.)

Mr. SMITH (for himself and Mr. GREGG) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title XXVIII, add the following:

**SEC. 2828. LAND CONVEYANCE, CRAFTS BROTHERS RESERVE TRAINING CENTER, MANCHESTER, NEW HAMPSHIRE.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Saint Anselm College, Manchester, New Hampshire, all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 3.5 acres and located on Rockland Avenue in Manchester, New Hampshire, the site of the Crafts Brothers Reserve Training Center.

(b) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not make the conveyance authorized by subsection (a) until the Army Reserve units currently housed at the Crafts Brothers Reserve Training Center are relocated to the Joint Service Reserve Center to be constructed at the Manchester Airport, New Hampshire.

(c) REQUIREMENT FOR FEDERAL SCREENING OF PROPERTY.—The Secretary may not carry out the conveyance of property authorized by subsection (a) unless the Secretary determines that no department or agency of the Federal Government will accept the transfer of the property.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

## BROWN (AND CAMPBELL) AMENDMENT NO. 4147

(Ordered to lie on the table.)

Mr. BROWN (for himself and Mr. CAMPBELL) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of subtitle D of title III, add the following:

**SEC. 352. SENSE OF SENATE REGARDING CLEAN-UP OF ROCKY MOUNTAIN ARSENAL, COLORADO.**

(a) FINDINGS.—The Senate makes the following findings:

(1) It is in the interest of the Department of Defense and the state of Colorado to restore the Rocky Mountain Arsenal to a standard which will allow the community's effective reuse of the property.

(2) In the 20 years since the installation restoration program began, the Army and Shell Oil Company have spent nearly $1 billion to study and control the environmental damage at Rocky Mountain Arsenal. The majority of the cost has been for studying the site and resolving disagreements.

(3) Totaling approximately $400 million, the Arsenal's study phase is the costliest in the history of DOD clean-up programs.

(4) The study phase costs at the Rocky Mountain Arsenal represent at least 16 percent of the Army's total study costs for approximately 1200 installations nationwide.

(5) The timely completion of environmental restoration at Rocky Mountain Arsenal will reduce extraneous costs associated with long-term projects.

(b) SENSE OF THE SENATE.—

It is the sense of the Senate that the Secretary of the Army should complete environmental restoration at the Rocky Mountain Arsenal in an expeditious manner and in conformity with the time schedule and commitments put forth by the Defense Department during negotiations with the state, subject to authorize appropriations and the budget process.

## GLENN AMENDMENTS NOS. 4148–4149

(Ordered to lie on the table.)

Mr. GLENN submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4148

At the end of subtitle D of title XXXI add the following:

**SEC. 3161. WORKER HEALTH AND SAFETY IMPROVEMENTS AT THE DEFENSE NUCLEAR COMPLEX, MIAMISBURG, OHIO.**

(a) WORKER HEALTH AND SAFETY ACTIVITIES.—(1) Of the funds authorized to be appropriated pursuant to section 3102(b), $6,200,000 shall be available to the Secretary of Energy to perform, in accordance with a settlement of *Levell et al.* v. *Monsanto Research Corp. et al.*, Case Number C-3-95-312 in the United States District Court for the Southern District of Ohio, activities to improve worker health and safety at the defense nuclear complex at Miamisburg, Ohio.

(2) Activities under paragraph (1) shall include the following:

(A) Completing the evaluation of pre-1989 internal dose assessments for workers who have received a lifetime dose greater than 20 REM.

(B) Installing state-of-the-art automated personnel contamination monitors at appropriate radiation control points and facility exits.

(C) Purchasing and installing an automated personnel access control system, and integrating the software for the system with a radiation work permit system.

(D) Upgrading the radiological records software.

(E) Immediately implementing a program that will characterize the radiological conditions of the site, buildings, and facilities before decontamination activities commence

so that radiological hazards are clearly identified and the results of decontamination validated.

(F) Reviewing and improving the conduct and evaluation of continuous air monitoring practices and implementing a personal air sampling program as a means of preventing unnecessary internal exposure.

(G) Upgrading bioassay analytical procedures in order to ensure that contract laboratories are adequately selected and validated and quality control is assured.

(H) Implementing bioassay and internal dose calculation methods that are specific to the radiological hazards identified at the site.

(3)(A) The Secretary shall complete the activities referred to in paragraph (2)(A) not later than September 30, 1997.

(B) The Secretary shall ensure that the activities referred to in paragraph (2)(F) are completed not later than December 31, 1996.

(b) SAVINGS PROVISION.—Nothing in this section shall be construed as affecting applicable statutory or regulatory requirements relating to worker health and safety.

(c) SUPPLEMENT NOT SUPPLANT.—Nothing in this section shall prohibit the Secretary from obligating and expending additional funds under this title for the activities referred to in subsection (a)(2).

AMENDMENT NO. 4149

At the end of subtitle D of title XXXI add the following:

**SEC. 3161. WORKER HEALTH AND SAFETY PROTECTION.**

(a) SAFETY COMPLIANCE REVIEW AND ACCOUNTABILITY.—Consistent with authority to seek or impose penalties for violations of regulations relating to nuclear safety under section 223 or 234A, respectively, of the Atomic Energy Act of 1954 (42 U.S.C. 2273, 2282a), the Secretary shall review contractor and subcontractor compliance with the nuclear safety-related regulations referred to in subsection (b) at each Department of Energy defense nuclear facility covered by the regulations.

(b) NUCLEAR SAFETY-RELATED REGULATIONS COVERED.—The regulations with which compliance is to be reviewed under this section are as follows:

(1) The nuclear safety management regulations set forth in part 830 of title 10 of the Code of Federal Regulations (as amended, if amended).

(2) The occupational radiation protection regulations set forth in part 835 of title 10 of the Code of Federal Regulations (as amended, if amended).

(c) REPORTING REQUIREMENTS.—(1) Subject to paragraph (2), the Secretary shall include in the annual report submitted to Congress pursuant to section 170(p) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) a report on contractor and subcontractor compliance with the nuclear safety-related regulations referred to in subsection (b). The report shall include the following matters:

(A) A list of facilities evaluated and discussion of progress made in meeting the compliance review requirement set forth in subsection (a).

(B) A list of noncompliance events and violations identified in the compliance review.

(C) A list of actions taken under sections 223 and 234A of the Atomic Energy Act of 1954 and the nuclear safety-related regulations.

(D) Improvements in public safety and worker protection that have been required by the Secretary on the basis of the results of the compliance review.

(E) A description of the effectiveness of compliance review.

(2)(A) The first annual report under paragraph (1) shall be included in the annual report that is required by section 170(p) of the Atomic Energy Act of 1954 to be submitted to Congress not later than April 1, 1997.

(B) No report is required under paragraph (1) after all defense nuclear facilities covered by the regulations referred to in subsection (a) have undergone compliance review pursuant to this section.

(d) PERSONNEL.—The Secretary shall ensure that the number of qualified personnel used to carry out the compliance review under this section is sufficient for achieving effective results. Only Federal employees may be used to carry out a compliance review activity under this section.

(e) REGULATIONS.—Effective 18 months after the date of the enactment of the Act, violations of regulations prescribed by the Secretary to protect contractor and subcontractor employees from non-nuclear hazards at Department of Energy defense nuclear facilities shall be punishable under section 223 and 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a and 42 U.S.C. 2273).

## DeWINE (AND GLENN) AMENDMENT NO. 4150

(Ordered to lie on the table.)

Mr. DEWINE (for himself and Mr. GLENN) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of title XXVIII, add the following:

**SEC. 2828. LAND CONVEYANCE, AIR FORCE PLANT NO. 85, COLUMBUS, OHIO.**

(a) CONVEYANCE AUTHORIZED.—(1) Notwithstanding any other provision of law, the Secretary of the Air Force may instruct the Administrator of General Services to convey, without consideration, to the Columbus Municipal Airport Authority (in this section referred to as the "Authority") all right, title, and interest of the United States in and to a parcel of real property, together with improvements thereon, at Air Force Plant No. 85, Columbus, Ohio, consisting of approximately 240 acres that contains the land and buildings referred to as the "airport parcel" in the correspondence from the General Services Administration to the Authority dated April 30, 1996, and is located adjacent to the Port Columbus International Airport.

(2) If the Secretary does not have administrative jurisdiction over the parcel on the date of the enactment of this Act, the conveyance shall be made by the Federal official who has administrative jurisdiction over the parcel as of that date.

(b) REQUIREMENT FOR FEDERAL SCREENING.—The Federal official may not carry out the conveyance of property authorized in subsection (a) unless the Federal official determines, in consultation with the Administrator of General Services, that no department or agency of the Federal Government will accept the transfer of the property.

(c) CONDITION OF CONVEYANCE.—The conveyance required under subsection (a) shall be subject to the condition that the Authority use the conveyed property for public airport purposes.

(d) REVERSION.—If the Federal official making the conveyance under subsection (a) determines that any portion of the conveyed property is not being utilized in accordance with subsection (c), all right, title, and interest in and to such portion shall revert to the United States and the United States shall have immediate right of entry thereon.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Federal official making the conveyance. The cost of the survey shall be borne by the Authority.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Federal official making the conveyance of property under subsection (a) may require such additional terms and conditions in connection with the conveyance as much official considered appropriate to protect the interests of the United States.

## LEAHY AMENDMENT NO. 4151

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle A of title II, add the following:

**SEC. 204. FUNDS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION RELATING TO HUMANITARIAN DEMINING TECHNOLOGIES.**

Of the amounts authorized to be appropriated by section 201(4), $18,000,000 shall be available for research, development, test, and evaluation activities relating to humanitarian demining technologies (PE0603120D), to be administered by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict.

## ROBB (AND WARNER) AMENDMENTS NOS. 4152–4153

(Ordered to lie on the table.)

Mr. ROBB (for himself and Mr. WARNER) submitted two amendments intended to be proposed by them to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4152

At the end of subtitle E of title X, add the following:

**SEC. 1054. INFORMATION ON PROPOSED FUNDING FOR THE GUARD AND RESERVE COMPONENTS IN FUTURE-YEARS DEFENSE PROGRAMS.**

(a) REQUIREMENT.—The Secretary of Defense shall specify in each future-years defense program submitted to Congress after the date of the enactment of this Act the estimated expenditures and proposed appropriations for the procurement of equipment and for military construction for each of the Guard and Reserve components.

(b) DEFINITION.—For purposes of this action, the term "Guard and Reserve components" means the following:

(1) The Army Reserve.

(2) The Army National Guard of the United States.

(3) The Naval Reserve.

(4) The Marine Corps Reserve.

(5) The Air Force Reserve.

(6) The Air National Guard of the United States.

AMENDMENT NO. 4153

Strike out subsection (a) of section 2821 and insert in lieu thereof the following new subsection (a):

(a) REQUIREMENT FOR SECRETARY OF INTERIOR TO TRANSFER CERTAIN SECTION 29 LANDS.—(1) Subject to paragraph (2), the Secretary of the Interior shall transfer to the Secretary of the Army administrative jurisdiction over the following lands located in

section 29 of the National Park System at Arlington National Cemetery, Virginia:

(A) The lands known as the Arlington National Cemetery Interment Zone.

(B) All lands in the Robert E. Lee Memorial Preservation Zone, other than those lands in the Preservation Zone that the Secretary of the Interior determines must be retained because of the historical significance of such lands or for the maintenance of nearby lands or facilities.

(2)(A) The Secretary of the Interior may not make the transfer referred to in paragraph (1)(B) until 60 days after the date on which the Secretary submits to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives—

(i) a summary of the document entitled "Cultural Landscape and Archaeological Study, Section 29, Arlington House, The Robert E. Lee Memorial";

(ii) a summary of the environmental analysis required with respect to the transfer under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(iii) the proposal of the Secretary and the Secretary of the Army setting forth the lands to be transferred and the manner in which the Secretary of the Army will develop such lands after transfer.

(B) The Secretary of the Interior shall submit the information required under subparagraph (A) not later than October 31, 1997.

(3) The transfer of lands under paragraph (1) shall be carried out in accordance with the Interagency Agreement Between the Department of the Interior, the National Park Service, and the Department of the Army, dated February 22, 1995.

(4) The exact acreage and legal descriptions of the lands to be transferred under paragraph (1) shall be determined by surveys satisfactory to the Secretary of the Interior and the Secretary of the Army.

## HELMS AMENDMENT NO. 4154

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

In section 1031(a), strike out "The Secretary of Defense" and insert in lieu thereof "Subject to subsection (e), the Secretary of Defense".

At the end of section 1031, add the following:

(e) LIMITATIONS.—(1) The Secretary may not obligate or expend funds to provide support under this section until 15 days after the date on which the Secretary submits to the committees referred to in paragraph (3) the certification described in paragraph (2).

(2) The certification referred to in paragraph (1) is a written certification of the following:

(A) That the provision of support under this section will not adversely affect the military preparedness of the United States Armed Forces.

(B) That the equipment and materiel provided as support will be used only by officials and employees of the Government of Mexico who have undergone a background check by the United States Government.

(C) That the Government of Mexico has certified to the Secretary that—

(i) the equipment and material provided as support will be used only by the officials and employees referred to in the subparagraph (B);

(ii) none of the equipment or materiel will be transferred (by sale, gift, or otherwise) to any person or entity not authorized by the United States to receive the equipment or materiel; and

(iii) the equipment and materiel will be used only for the purposes intended by the United States Government.

(D) That the Government of Mexico has implemented, to the satisfaction of the Secretary, a system that will provide an accounting and inventory of the equipment and materiel provided as support.

(E) That the departments, agencies, and instrumentalities of the Government of Mexico will grant United States Government personnel unrestricted access, on an unannounced basis, to any of the equipment or materiel provided as support, or to any of the records relating to such equipment or materiel.

(F) That the Government of Mexico will provide security with respect to the equipment and materiel provided as support that is equal to the security that the United States Government would provide with respect to such equipment and materiel.

(G) That the Government of Mexico will permit continuous supervision by United States Government personnel of the use by the Government of Mexico of the equipment and materiel provided as support.

(3) The committees referred to in this paragraph are the following:

(A) The Committees on Armed Services, Appropriations, and Foreign Relations of the Senate.

(B) The Committees on National Security, Appropriations, and International Relations of the House of Representatives.

# THE SENATE CAMPAIGN FINANCE REFORM ACT OF 1996

## HOLLINGS AMENDMENT NO. 4155

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the bill (S. 1219) to reform the financing of Federal elections, and for other purposes; as follows:

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

**SECTION 1. PROPOSED AMENDMENT TO THE CONSTITUTION RELATIVE TO CONTRIBUTIONS AND EXPENDITURES INTENDED TO AFFECT ELECTIONS FOR FEDERAL, STATE, AND LOCAL OFFICE.**

The following article is proposed as an amendment to the Constitution, which, when ratified by three-fourths of the legislatures, shall be valid, to all intents and purposes, as part of the Constitution:

"ARTICLE—

"SECTION. 1. Congress shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to Federal office.

"SECTION. 2. Each State shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to State office.

"SECTION. 3. Each local government of general jurisdiction shall have power to set reasonable limits on expenditures made in support of or in opposition to the nomination or election of any person to office in that government. No State shall have power to limit the power established by this section.

"SECTION. 4. Congress shall have power to implement and enforce this article by appropriate legislation.".

# THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

## LIEBERMAN (AND OTHERS) AMENDMENT NO. 4156

Mr. LIEBERMAN (for himself, Mr. COATS, Mr. ROBB, Mr. MCCAIN, Mr. NUNN, Mr. INHOFE, Mr. KEMPTHORNE, Mr. WARNER, Mrs. HUTCHISON, Mr. SANTORUM, Mr. MURKOWSKI, Mr. LEVIN, Mr. FORD, Mr. BOND, Mr. THURMOND, Mr. MOYNIHAN, and Mr. HOLLINGS) proposed an amendment to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4156

At the end of title X, add the following:

**Subtitle G—Review of Armed Forces Force Structures**

**SEC. 1081. SHORT TITLE.**

This subtitle may be cited as the "Armed Forces Force Structures Review Act of 1996".

**SEC. 1082. FINDINGS.**

Congress makes the following findings:

(1) Since the collapse of the Soviet Union in 1991, the United States has conducted two substantial assessments of the force structure of the Armed Forces necessary to meet United States defense requirements.

(2) The assessment by the Bush Administration (known as the "Base Force" assessment) and the assessment by the Clinton Administration (known as the "Bottom-Up Review") were intended to reassess the force structure of the Armed Forces in light of the changing realities of the post-Cold War world.

(3) Both assessments served an important purpose in focusing attention on the need to reevaluate the military posture of the United States, but the pace of global change necessitates a new, comprehensive assessment of the defense strategy of the United States and the force structure of the Armed Forces required to meet the threats to the United States in the 21st century.

(4) The Bottom-Up Review has been criticized on several points, including—

(A) the assumptions underlying the strategy of planning to fight and win two nearly simultaneous major regional conflicts;

(B) the force levels recommended to carry out that strategy; and

(C) the funding proposed for such recommended force levels.

(5) In response to the recommendations of the Commission on Roles and Missions of the Armed Forces, the Secretary of Defense endorsed the concept of conducting a quadrennial review of the defense program at the beginning of each newly elected Presidential administration, and the Secretary intends to complete the first such review in 1997.

(6) The review is to involve a comprehensive examination of defense strategy, the force structure of the active, guard, and reserve components, force modernization plans, infrastructure, and other elements of the defense program and policies in order to determine and express the defense strategy of the United States and to establish a revised defense program through the year 2005.

(7) In order to ensure that the force structure of the Armed Forces is adequate to meet the challenges to the national security interests of the United States in the 21st century, to assist the Secretary of Defense in conducting the review referred to in paragraph (5), and to assess the appropriate force structure of the Armed Forces through the

year 2010 and beyond (if practicable), it is important to provide for the conduct of an independent, non-partisan review of the force structure that is more comprehensive than prior assessments of the force structure, extends beyond the quadrennial defense review, and explores innovative and forward-thinking ways of meeting such challenges.

**SEC. 1083. QUADRENNIAL DEFENSE REVIEW.**

(a) REQUIREMENT IN 1997.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall complete in 1997 a review of the defense program of the United States intended to satisfy the requirements for a Quadrennial Defense Review as identified in the recommendations of the Commission on Roles and Missions of the Armed Forces. The review shall include a comprehensive examination of the defense strategy, force structure, force modernization plans, infrastructure, and other elements of the defense program and policies with a view toward determining and expressing the defense strategy of the United States and establishing a revised defense program through the year 2005.

(b) INVOLVEMENT OF NATIONAL DEFENSE PANEL.—(1) The Secretary shall apprise the National Defense Panel established under section 1084, on an on-going basis, of the work undertaken in the conduct of the review.

(2) Not later than March 14, 1997, the Chairman of the National Defense Panel shall submit to the Secretary the Panel's assessment of work undertaken in the conduct of the review as of that date and shall include in the assessment the recommendations of the Panel for improvements to the review, including recommendations for additional matters to be covered in the review.

(c) ASSESSMENTS OF REVIEW.—Upon completion of the review, the Chairman of the Joint Chiefs of Staff and the Chairman of the National Defense Panel shall each prepare and submit to the Secretary such chairman's assessment of the review in time for the inclusion of the assessment in its entirety in the report under subsection (d).

(d) REPORT.—Not later than May 15, 1997, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a comprehensive report on the review. The report shall include the following:

(1) The results of the review, including a comprehensive discussion of the defense strategy of the United States and the force structure best suited to implement the strategy.

(2) The threats examined for purposes of the review and the scenarios developed in the examination of such threats.

(3) The assumptions used in the review, including assumptions relating to the cooperation of allies and mission-sharing, levels of acceptable risk, warning times, and intensity and duration of conflict.

(4) The effect on the force structure of preparations for and participation in peace operations and military operations other than war.

(5) The effect on the force structure of the utilization by the Armed Forces of technologies anticipated to be available by the year 2005, including precision guided munitions, stealth, night vision, digitization, and communications, and the changes in doctrine and operational concepts that would result from the utilization of such technologies.

(6) The manpower and sustainment policies required under the defense strategy to support engagement in conflicts lasting more than 120 days.

(7) The anticipated roles and missions of the reserve components in the defense strategy and the strength, capabilities, and equipment necessary to assure that the reserve components can capably discharge such roles and missions.

(8) The appropriate ratio of combat forces to support forces (commonly referred to as the "tooth-to-tail" ratio) under the defense strategy, including, in particular, the appropriate number and size of headquarter units and Defense Agencies for that purpose.

(9) The air-lift and sea-lift capabilities required to support the defense strategy.

(10) The forward presence, pre-positioning, and other anticipatory deployments necessary under the defense strategy for conflict deterrence and adequate military response to anticipated conflicts.

(11) The extent to which resources must be shifted among two or more theaters under the defense strategy in the event of conflict in such theaters.

(12) The advisability of revisions to the Unified Command Plan as a result of the defense strategy.

**SEC. 1084. NATIONAL DEFENSE PANEL.**

(a) ESTABLISHMENT.—Not later than December 1, 1996, the Secretary of Defense shall establish a non-partisan, independent panel to be known as the National Defense Panel (in this section referred to as the "Panel"). The Panel shall have the duties set forth in this section.

(b) MEMBERSHIP.—The Panel shall be composed of a chairman and eight other individuals appointed by the Secretary, in consultation with the Chairman and ranking member of the Committee on Armed Services of the Senate and the Chairman and ranking member of the Committee on National Security of the House of Representatives, from among individuals in the private sector who are recognized experts in matters relating to the national security of the United States.

(c) DUTIES.—The Panel shall—

(1) conduct and submit to the Secretary the assessment of the review under section 1083 that is required by subsection (b)(2) of that section;

(2) conduct and submit to the Secretary the comprehensive assessment of the review that is required by subsection (c) of that section upon completion of the review; and

(3) conduct the assessment of alternative force structures for the Armed Forces required under subsection (d).

(d) ALTERNATIVE FORCE STRUCTURE ASSESSMENT.—(1) The Panel shall submit to the Secretary an independent assessment of a variety of possible force structures of the Armed Forces through the year 2010 and beyond, including the force structure identified in the report on the review under section 1083(d). The purpose of the assessment is to develop proposals for an "above the line" force structure of the Armed Forces and to provide the Secretary and Congress recommendations regarding the optimal force structure to meet anticipated threats to the national security of the United States through the time covered by the assessment.

(2) In conducting the assessment, the Panel shall examine a variety of potential threats (including near-term threats and long-term threats) to the national security interests of the United States, including the following:

(A) Conventional threats across a spectrum of conflicts.

(B) The proliferation of weapons of mass destruction and the means of delivering such weapons, and the illicit transfer of technology relating to such weapons.

(C) The vulnerability of United States technology to non-traditional threats, including information warfare.

(D) Domestic and international terrorism.

(E) The emergence of a major challenger having military capabilities similar to those of the United States.

(F) Any other significant threat, or combination of threats, identified by the Panel.

(3) For purposes of the assessment, the Panel shall develop a variety of scenarios requiring a military response by the Armed Forces, including the following:

(A) Scenarios developed in light of the threats examined under paragraph (2).

(B) Scenarios developed in light of a continuum of conflicts ranging from a conflict of lesser magnitude than the conflict described in the Bottom-Up Review to a conflict of greater magnitude than the conflict so described.

(4) As part of the assessment, the Panel shall also—

(A) develop recommendations regarding a variety of force structures for the Armed Forces that permit the forward deployment of sufficient land- and sea-based forces to provide an effective deterrent to conflict and to permit a military response by the United States to the scenarios developed under paragraph (3);

(B) to the extent practicable, estimate the funding required by fiscal year, in constant fiscal year 1997 dollars, to organize, equip, and support the forces contemplated under the force structures assessed in the assessment; and

(C) comment on each of the matters also to be included by the Secretary in the report required by section 1083(d).

(e) REPORT.—(1) Not later than December 1, 1997, the Panel shall submit to the Secretary a report setting forth the activities, findings and recommendations of the Panel under subsection (d), including any recommendations for legislation that the Panel considers appropriate.

(2) Not later than December 15, 1997, the Secretary shall, after consultation with the Chairman of the Joint Chiefs of Staff, submit to the committees referred to in subsection (b)(1) a copy of the report under paragraph (1), together with the Secretary's comments on the report.

(f) INFORMATION FROM FEDERAL AGENCIES.—The Panel may secure directly from the Department of Defense and any of its components and from any other Federal department and agency such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall ensure that information requested by the Panel under this subsection is promptly provided.

(g) PERSONNEL MATTERS.—(1) Each member of the Panel shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Panel.

(2) The members of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Panel.

(3)(A) The chairman of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director, and a staff of not more than

four additional individuals, if the Panel determines that an executive director and staff are necessary in order for the Panel to perform its duties effectively. The employment of an executive director shall be subject to confirmation by the Panel.

(B) The chairman may fix the compensation of the executive director without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege. The Secretary shall ensure that sufficient personnel are detailed to the Panel to enable the Panel to carry out its duties effectively.

(5) To the maximum extent practicable, the members and employees of the Panel shall travel on military aircraft, military ships, military vehicles, or other military conveyances when travel is necessary in the performance of a duty of the Panel, except that no such aircraft, ship, vehicle, or other conveyance may be scheduled primarily for the transportation of any such member or employee when the cost of commercial transportation is less expensive.

(h) ADMINISTRATIVE PROVISIONS.—(1) The Panel may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(2) The Secretary shall furnish the Panel any administrative and support services requested by the Panel.

(3) The Panel may accept, use, and dispose of gifts or donations of services or property.

(i) PAYMENT OF PANEL EXPENSES.—The compensation, travel expenses, and per diem allowances of members and employees of the Panel shall be paid out of funds available to the Department of Defense for the payment of compensation, travel allowances, and per diem allowances, respectively, of civilian employees of the Department. The other expenses of the Panel shall be paid out of funds available to the Department for the payment of similar expenses incurred by the Department.

(j) TERMINATION.—The Panel shall terminate 30 days after the date on which the Panel submits its report to the Secretary under subsection (e).

**SEC. 1085. POSTPONEMENT OF DEADLINES.**

In the event that the election of President of the United States in 1996 results in a change in administrations, each deadline set forth in this subtitle shall be postponed by 3 months.

**SEC. 1086. DEFINITIONS.**

In this subtitle:

(1) The term "'above the line' force structure of the Armed Forces" means a force structure (including numbers, strengths, and composition and major items of equipment) for the Armed Forces at the following unit levels:

(A) In the case of the Army, the division.

(B) In the case of the Navy, the battle group.

(C) In the case of the Air Force, the wing.

(D) In the case of the Marine Corps, the expeditionary force.

(E) In the case of special operations forces of the Army, Navy, or Air Force, the major operating unit.

(F) In the case of the strategic forces, the ballistic missile submarine fleet, the heavy bomber force, and the intercontinental ballistic missile force.

(2) The term "Commission on Roles and Missions of the Armed Forces" means the Commission on Roles and Missions of the Armed Forces established by subtitle E of title IX of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1738; 10 U.S.C. 111 note).

(3) The term "military operation other than war" means any operation other than war that requires the utilization of the military capabilities of the Armed Forces, including peace operations, humanitarian assistance operations and activities, counterterrorism operations and activities, disaster relief activities, and counter-drug operations and activities.

(4) The term "peace operations" means military operations in support of diplomatic efforts to reach long-term political settlements of conflicts and includes peacekeeping operations and peace enforcement operations.

## LIEBERMAN AMENDMENT NO. 4157

(Ordered to lie on the table.)

Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title II add the following:

**SEC. 237. CORPS SAM/MEADS PROGRAM.**

(a) FUNDING.—Of the amount authorized to be appropriated under section 201(4)—

(1) $56,200,000 is available for the Corps surface-to-air missile (SAM)/Medium Extended Air Defense System (MEADS) program (PE63869C); and

(2) $515,711,000 is available for Other Theater Missile Defense programs, projects, and activities (PE63872C).

(b) INTERNATIONAL COOPERATION.—The Secretary of Defense may carry out the program referred to in subsection (a) in accordance with the memorandum of understanding entered into on May 25, 1996 by the governments of the United States, Germany, and Italy regarding international cooperation on such program (including any amendments to the memorandum of understanding).

(c) LIMITATIONS.—Not more than $15,000,000 of the amount available for the Corps SAM/MEADS program under subsection (a) may be obligated until the Secretary of Defense submits to the congressional defense committees the following:

(1) An initial program estimate for the Corps SAM/MEADS program, including a tentative schedule of major milestones and an estimate of the total program cost through initial operational capability.

(2) A report on the options associated with the use of existing systems, technologies, and program management mechanisms to satisfy the requirement for the Corps surface-to-air missile, including an assessment of cost and schedule implications in relation to the program estimate submitted under paragraph (1).

(3) A certification that there will be no increase in overall United States funding commitment to the demonstration and validation phase of the Corps SAM/MEADS program as a result of the withdrawal of France from participation in the program.

## JOHNSTON AMENDMENTS NOS. 4158–4163

(Ordered to lie on the table.)

Mr. JOHNSTON submitted six amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4158

On page 413, line 25, strike "$2,000,000" and insert "$5,000,000".

AMENDMENT NO. 4159

On page 410, before line 14, add the following:

"(c) STUDY ON PERMANENT AUTHORIZATION FOR GENERAL PLANT PROJECTS.—Not later than February 1, 1997, the Secretary of Energy shall report to the appropriate congressional committees on the need for, and desirability of, a permanent authorization formula for defense and civilian general plant projects in the Department of energy that includes periodic adjustments for inflation, including any legislative recommendations to enact such formula into permanent law. The report of the Secretary shall describe actions that would be taken by the Department to provide for cost control of general plant projects, taking into account the size and nature of such projects."

AMENDMENT NO. 4160

On page 410, line 10, strike "$2,000,000" and insert "$5,000,000".

AMENDMENT NO. 4161

On page 410, line 5, strike "$2,000,000" and insert "$5,000,000".

AMENDMENT NO. 4162

On page 408, after line 17, add the following new section:

**"SEC. . INTERNATIONAL NUCLEAR SAFETY.**

"In addition to the funds authorized to be appropriated for international nuclear safety under section 3103(12), $51,000,000 shall be available for such purposes from the amounts authorized to be appropriated for other programs under sections 3101 and 3103."

AMENDMENT NO. 4163

On page 408, line 10, strike "15,200,000" and insert "66,200,000".

## BUMPERS (AND PRYOR) AMENDMENT NO. 4164

(Ordered to lie on the table.)

Mr. BUMPERS (for himself and Mr. PRYOR) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title XXVIII, add the following:

**SEC. 2828. LAND CONVEYANCE, PINE BLUFF ARSENAL, ARKANSAS.**

(A) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Economic Development Alliance of Jefferson County, Arkansas (in this section referred to as the "Alliance"), all right, title, and interest of the United States in and to a parcel of real property, together with any improvements thereon, consisting of approximately 1,500 acres and comprising a portion of the Pine Bluff Arsenal, Arkansas.

(b) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of property authorized under subsection (a) until the completion by the Secretary of any environmental restoration and remediation that is required with the respect to the property under applicable law.

(c) CONDITIONS OF CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the following conditions:

(1) That the Alliance agree not to carry out any activities on the property to be conveyed that interfere with the construction, operation, and decommissioning of the chemical demilitarization facility to be constructed at Pine Bluff Arsenal.

(2) That the property be used during the 25-year period beginning on the date of the conveyance only as the site of the facility known as the "Bioplex", and for activities related thereto.

(d) COSTS OF CONVEYANCE.—The Alliance shall be responsible for any costs of the Army associated with the conveyance of property under this section, including administrative costs, the costs of an environmental baseline survey with respect to the property, and the cost of any protection services required by the Secretary in order to secure operations of the chemical demilitarization facility from activities on the property after the conveyance.

(e) REVERSIONARY INTERESTS.—If the Secretary determines at any time during the 25-year period referred to in subsection (c)(2) that the property conveyed under this section is not being used in accordance with that subsection, all right, title, and interest in and to the property shall revert to the United States and the United States shall have immediate right of entry thereon.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Alliance.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

## KENNEDY AMENDMENTS NOS. 4165–4167

(Ordered to lie on the table.)

Mr. KENNEDY submitted three amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4165

At the end of subtitle F of title X, add the following:

**SEC. 1072. SENSE OF THE SENATE ON DEPARTMENT OF DEFENSE SHARING OF EXPERIENCES WITH MILITARY CHILD CARE.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The Department of Defense should be congratulated on the successful implementation of the Military Child Care Act 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

(2) The actions taken by the Department as a result of that Act have dramatically improved the availability, affordability, quality, and consistency of the child care services provided to members of the Armed Forces.

(3) Child care is important to the readiness of members of the Armed Forces because single parents and couples in military service must have access to affordable child care of good quality if they are to perform their jobs and respond effectively to long work hours or deployment.

(4) Child care is important to the retention of members of the Armed Forces in military service because the dissatisfaction of the families of such members with military life is a primary reason for the departure of such members from military service.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the civilian and military child care communities, Federal, State, and local agencies, and businesses and communities involved in the provision of child care services could benefit from the development of partnerships to foster an exchange of ideas, information, and materials relating to their experiences with the the provision of such services and to encourage closer relationships between military installations and the communities that support them;

(2) such partnerships would be beneficial to all families by helping providers of child care services exchange ideas about innovative ways to address barriers to the effective provision of such services; and

(3) there are many ways that these partnerships can be developed, including—

(A) cooperation between the directors and curriculum specialists of military child development centers and civilian child development centers in assisting such centers in the accreditation process;

(B) use of family support staff to conduct parent and family workshops for new parents and parents with young children in family housing on military installations and in communities in the vicinity of such installations;

(C) internships in Department of Defense child care programs for civilian child care providers to broaden the base of good-quality child care services in communities in the vicinity of military installations; and

(D) attendance by civilian child care providers at Department child-care training classes on a space-available basis.

(c) REPORT.—Not later than June 30, 1997, the Secretary of Defense shall submit to Congress a report on the status of any initiatives undertaken this section, including recommendations for additional ways to improve the child care programs of the Department of Defense and to improve such programs so as to benefit civilian child care providers in communities in the vicinity of military installations.

AMENDMENT NO. 4166

At the end of subtitle F of title X, add the following

**SEC. 1072. SENSE OF THE SENATE ON DEPARTMENT OF DEFENSE SHARING OF EXPERIENCES UNDER MILITARY YOUTH PROGRAMS.**

(a) FINDINGS.—The Senate makes the following findings:

(1) Programs of the Department of Defense for youth who are dependents of members of the Armed Forces have not received the same level of attention and resources as have child care programs of the Department since the passage of the Military Child Care Act of 1989 (title XV of Public Law 101–189; 10 U.S.C. 113 note).

(2) Older children deserve as much attention to their developmental needs as do younger children.

(3) The Department has started to direct more attention to programs for youths who are dependents of members of the Armed Forces by funding the implementation of 20 model community programs to address the needs of such youths.

(4) The lessons learned from such programs could apply to civilian youth programs as well.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Department of Defense, Federal, State, and local agencies, and businesses and communities involved in conducting youth programs could benefit from the development of partnerships to foster an exchange of ideas, information, and materials relating to such programs and to encourage closer relationships between military installations and the communities that support them;

(2) such partnerships could benefit all families by helping the providers of services for youths exchange ideas about innovative ways to address barriers to the effective provision of such services; and

(3) there are many ways that such partnerships could be developed, including—

(A) cooperation between the Department and Federal and State educational agencies in exploring the use of public school facilities for child care programs and youth programs that are mutually beneficial to the Department and civilian communities and complement programs of the Department carried out at its facilities; and

(B) improving youth programs that enable adolescents to relate to new peer groups when families of members of the Armed Forces are relocated.

(c) REPORT.—Not later than June 30, 1997, the Secretary of Defense shall submit to Congress a report on the status of any initiatives undertaken this section, including recommendations for additional ways to improve the youth programs of the Department of Defense and to improve such programs so as to benefit communities in the vicinity of military installations.

AMENDMENT NO. 4167

In section 301(5), strike out "$9,863,942,000" and insert in lieu thereof "$9,867,442,000".

## GORTON AMENDMENT NO. 4168

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of title XXXI, add the following:

**Subtitle E—Environmental Restoration at Defense Nuclear Facilities**

**SEC. 3171. SHORT TITLE.**

This subtitle may be cited as the "Defense Nuclear Facility Environmental Restoration Pilot Program Act of 1996".

**SEC. 3172. APPLICABILITY.**

(a) IN GENERAL.—The provisions of this subtitle shall apply to the following defense nuclear facilities:

(1) Hanford.

(2) Any other defense nuclear facility if—

(A) the chief executive officer of the State in which the facility is located submits to the Secretary a request that the facility be covered by the provisions of this subtitle; and

(B) the Secretary approves the request.

(b) LIMITATION.—The Secretary may not approve a request under subsection (a)(2) until 60 days after the date on which the Secretary notifies the congressional defense committees of the Secretary's receipt of the request.

**SEC. 3173. DESIGNATION OF COVERED FACILITIES AS ENVIRONMENTAL CLEANUP DEMONSTRATION AREAS.**

(a) DESIGNATION.—Each defense nuclear facility covered by this subtitle under section 3172(a) is hereby designated as an environmental cleanup demonstration area. The purpose of the designation is to establish each such facility as a demonstration area at

which to utilize and evaluate new technologies to be used in environmental restoration and remediation at other defense nuclear facilities.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Federal and State regulatory agencies, members of the surrounding communities, and other affected parties with respect to each defense nuclear facility covered by this subtitle should continue to—

(1) develop expedited and streamlined processes and systems for cleaning up such facility;

(2) eliminate unnecessary administrative complexity and unnecessary duplication of regulation with respect to the clean up of such facility;

(3) proceed expeditiously and cost-effectively with environmental restoration and remediation activities at such facility;

(4) consider future land use in selecting environmental clean up remedies at such facility; and

(5) identify and recommend to Congress changes in law needed to expedite the clean up of such facility.

**SEC. 3174. SITE MANAGERS.**

(a) APPOINTMENT.—(1)(A) The Secretary shall appoint a site manager for Hanford not later than 90 days after the date of the enactment of this Act.

(B) The Secretary shall develop a list of the criteria to be used in appointing a site manager for Hanford. The Secretary may consult with affected and knowledgeable parties in developing the list.

(2) The Secretary shall appoint the site manager for any other defense nuclear facility covered by this subtitle not later than 90 days after the date of the approval of the request with respect to the facility under section 3172(a)(2).

(3) An individual appointed as a site manager under this subsection shall, if not an employee of the Department at the time of the appointment, be an employee of the Department while serving as a site manager under this subtitle.

(b) DUTIES.—(1) Subject to paragraphs (2) and (3), in addition to other authorities provided for in this subtitle, the site manager for a defense nuclear facility shall have full authority to oversee and direct operations at the facility, including the authority to—

(A) enter into and modify contractual agreements to enhance environmental restoration and waste management at the facility;

(B) request that the Department headquarters submit to Congress a reprogramming package shifting among accounts funds available for the facility in order to facilitate the most efficient and timely environmental restoration and waste management at the facility, and, in the event that the Department headquarters does not act upon the request within 30 days of the date of the request, submit such request to the appropriate committees of Congress for review;

(C) negotiate amendments to environmental agreements applicable to the facility for the Department; and

(D) manage environmental management and programmatic personnel of the Department at the facility.

(2) A site manager shall negotiate amendments under paragraph (1)(C) with the concurrence of the Secretary.

(3) A site manager may not undertake or provide for any action under paragraph (1) that would result in an expenditure of funds for environmental restoration or waste management at the defense nuclear facility concerned in excess of the amount authorized to be expended for environmental restoration or waste management at the facility without the approval of such action by the Secretary.

(c) INFORMATION ON PROGRESS.—The Secretary shall regularly inform Congress of the progress made by site managers under this subtitle in achieving expedited environmental restoration and waste management at the defense nuclear facilities covered by this subtitle.

**SEC. 3175. DEPARTMENT OF ENERGY ORDERS.**

Effective 60 days after the appointment of a site manager for a defense nuclear facility under section 3174(a), an order relating to the execution of environmental restoration, waste management, technology development, or other site operation activities at the facility may be imposed at the facility if the Secretary makes a finding that the order—

(1) is essential to the protection of human health or the environment or to the conduct of critical administrative functions; and

(2) will not interfere with bringing the facility into compliance with environmental laws, including the terms of any environmental agreement.

**SEC. 3176. DEMONSTRATIONS OF TECHNOLOGY FOR REMEDIATION OF DEFENSE NUCLEAR WASTE.**

(a) IN GENERAL.—The site manager for a defense nuclear facility under this subtitle shall promote the demonstration, verification, certification, and implementation of innovative environmental technologies for the remediation of defense nuclear waste at the facility.

(b) DEMONSTRATION PROGRAM.—To carry out subsection (a), each site manager shall establish a program at the defense nuclear facility concerned for testing environmental technologies for the remediation of defense nuclear waste at the facility. In establishing such a program, the site manager may—

(1) establish a simplified, standardized, and timely process for the testing and verification of environmental technologies;

(2) solicit and accept applications to test environmental technology suitable for environmental restoration and waste management activities at the facility, including prevention, control, characterization, treatment, and remediation of contamination;

(3) consult and cooperate with the heads of existing programs at the facility for the certification and verification of environmental technologies at the facility; and

(4) pay the costs of the demonstration of such technologies.

(c) FOLLOW-ON CONTRACTS.—(1) If the Secretary and a person demonstrating a technology under the program enter into a contract for remediation of nuclear waste at a defense nuclear facility covered by this subtitle, or at any other Department facility, as a follow-on to the demonstration of the technology, the Secretary shall ensure that the contract provides for the Secretary to recoup from the contractor the costs incurred by the Secretary pursuant to subsection (b)(4) for the demonstration.

(2) No contract between the Department and a contractor for the demonstration of technology under subsection (b) may provide for reimbursement of the costs of the contractor on a cost plus fee basis.

(d) SAFE HARBORS.—In the case of an environmental technology demonstrated, verified, certified, and implemented at a defense nuclear facility under a program established under subsection (b), the site manager of another defense nuclear facility may request the Secretary to waive or limit contractual or Department regulatory requirements that would otherwise apply in implementing the same environmental technology at such other facility.

**SEC. 3177. REPORTS TO CONGRESS.**

Not later than 120 days after the date of the appointment of a site manager under section 3174(a), the site manager shall submit to Congress and the Secretary a report describing the expectations of the site manager with respect to environmental restoration and waste management at the defense nuclear facility concerned by reason of the exercise of the authorities provided in this subtitle. The report shall describe the manner in which the exercise of such authorities is expected to improve environmental restoration and waste management at the facility and identify saving that are expected to accrue to the Department as a result of the exercise of such authorities.

**SEC. 3178. TERMINATION.**

The authorities provided for in this subtitle shall expire five years after the date of the enactment of this Act.

**SEC. 3179. DEFINITIONS.**

In this subtitle:

(1) The term "Department" means the Department of Energy.

(2) The term "defense nuclear facility" has the meaning given the term "Department of Energy defense nuclear facility" in section 318 of the Atomic Energy Act of 1954 (42 U.S.C. 2286g).

(3) The term "Hanford" means the defense nuclear facility located in southeastern Washington State known as the Hanford Reservation, Washington.

(4) The term "Secretary" means the Secretary of Energy.

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## KYL (AND BINGAMAN) AMENDMENT NO. 4169

(Ordered to lie on the table.)

Mr. KYL (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1043. PROHIBITION ON COLLECTION AND RELEASE OF DETAILED SATELLITE IMAGERY RELATING TO ISRAEL AND OTHER COUNTRIES AND AREAS.**

(a) COLLECTION AND DISSEMINATION.—No department or agency of the Federal Government may license the collection or dissemination by any non-Federal entity of satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

(b) DECLASSIFICATION AND RELEASE.—No department or agency of the Federal Government may declassify or otherwise release satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

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## KYL AMENDMENTS NOS. 4170–4175

(Ordered to lie on the table.)

Mr. KYL submitted six amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4170

At the end of subtitle C of title II, add the following:

**SEC. 237. REQUIREMENT THAT MULTILATERALIZATION OF THE ABM TREATY BE DONE ONLY THROUGH TREATY-MAKING POWER.**

Any addition of a new signatory party to the ABM Treaty (in addition to the United States and the Russian Federation) constitutes an amendment to the treaty that can only be agreed to by the United States through the treaty-making power of the United States. No funds appropriated or otherwise available for any fiscal year may be obligated or expended for the purpose of implementing or making binding upon the United States the participation of any additional nation as a party to the ABM Treaty unless that nation is made a party to the treaty by an amendment to the Treaty that is made in the same manner as the manner by which a treaty is made.

AMENDMENT NO. 4171

Strike out section 231 and insert in lieu thereof the following new section:

**SEC. 231. POLICY ON COMPLIANCE WITH THE ABM TREATY.**

(a) POLICY CONCERNING SYSTEMS SUBJECT TO ABM TREATY.—Congress finds that, unless and until a missile defense system, system upgrade, or system component is flight tested in an ABM-qualifying flight test (as defined in subsection (c)), such system, system upgrade, or system component—

(1) has not, for purposes of the ABM Treaty, been tested in an ABM mode nor been given capabilities to counter strategic ballistic missiles; and

(2) therefore is not subject to any application, limitation, or obligation under the ABM Treaty.

(b) PROHIBITIONS.—(1) Funds appropriated to the Department of Defense may not be obligated or expended for the purpose of—

(A) 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

(B) 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.

(2) This subsection applies with respect to each missile defense system, missile defense system upgrade, or missile defense system component that is capable of countering modern theater ballistic missiles.

(3) This subsection shall cease to apply with respect to a missile defense system, missile defense system upgrade, or missile defense system component when that system, system upgrade, or system component has been flight tested in an ABM-qualifying flight test.

(c) AMB-QUALIFYING FLIGHT TEST DEFINED.—For purposes of this section, an AMB-qualifying flight test is a flight test against a ballistic missile which, in that flight test, exceeds—

(1) a range of 3,500 kilometers; or

(2) a velocity of 5 kilometers per second.

AMENDMENT NO. 4172

At the end of subtitle C of title II, add the following:

**SEC. 237. DEPLOYMENT OF THEATER MISSILE DEFENSE SYSTEMS UNDER THE ABM TREATY.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The threat posed to the national security of the United States, the Armed Forces, and our friends and allies by the proliferation of ballistic missiles is significant and growing both quantitatively and qualitatively.

(2) The deployment of theater missile defense systems will deny potential adversaries the option of threatening or attacking United States forces, coalition partners of the United States, or allies of the United States with ballistic missiles armed with weapons of mass destruction as a way of offsetting the operational and technical advantages of the United States Armed Forces and the armed forces of our coalition partners and allies.

(3) Although technology control regimes and other forms of international arms control agreements can contribute to nonproliferation, such measures are inadequate for dealing with missile proliferation and should not be viewed as alternatives to missile defense systems and other active and passive measures.

(4) The Department of Defense is currently considering for deployment as theater missile defense interceptors certain systems determined to comply with the ABM Treaty, including PAC3, THAAD, Navy Lower Tier, and Navy Upper Tier (also known as Navy Wide Area Defense).

(5) In the case of the ABM Treaty, as with all other arms control treaties to which the United States is signatory, each signatory bears the responsibility of ensuring that its actions comply with the treaty, and the manner of such compliance need not be a subject of negotiation between the signatories.

(b) SENSE OF SENATE.—It is the sense of the Senate that the theater missile defense systems currently considered for deployment by the Department of Defense comply with the ABM Treaty.

(c) DEPLOYMENT OF SYSTEMS.—The Secretary of Defense may proceed with the development, testing, and deployment of the theater missile defense systems currently considered for deployment by the Department of Defense.

AMENDMENT NO. 4173

At the end of subtitle D of title X add the following:

**SEC. 1044. SENSE OF THE SENATE CONCERNING EXPORT CONTROLS.**

(a) FINDINGS.—The Senate makes the following findings:

(1) Export controls are a part of a comprehensive response to national security threats. United States exports should be restricted where those threats exist to national security, nonproliferation, and foreign policy interests of the United States.

(2) The export of certain commodities and technology may adversely affect the national security and foreign policy of the United States by making a significant contribution to the military potential of individual countries or by disseminating the capability to design, develop, test, produce, stockpile, or use weapons of mass destruction, missile delivery systems, and other significant military capabilities. Therefore, the administration of export controls should emphasize the control of these exports.

(3) The acquisition of sensitive commodities and technologies by those countries and end users whose actions or policies run counter to United States national security of foreign policy interests may enhance the military capabilities of those countries, particularly their ability to design, develop, test, produce, stockpile, use, and deliver nuclear, chemical, and biological weapons, missile delivery systems, and other significant military capabilities. This enhancement threatens the security of the United States and its allies. The availability to countries and end users of items that contribute to military capabilities or the proliferation of weapons of mass destruction is a fundamental concern of the United States and should be eliminated through deterrence, negotiations, and other appropriate means whenever possible.

(4) The national security of the United States depends not only on wise foreign policies and a strong defense, but also a vibrant national economy. To be truly effective, export controls should be applied uniformly by all suppliers.

(5) On November 5, 1995, President William J. Clinton extended Executive Order No. 12938 regarding "Weapons of Mass Destruction", and "declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons and the means of delivering such weapons".

(6) A successor regime to COCOM (the Coordinating Commission on Multilateral Controls) has not been established. Currently, each nation is determining independently which dual-use military items, if any, will be controlled for export.

(7) The United States should play a leading role in promoting transparency and responsibility with regard to the transfers of sensitive dual-use goods and technologies.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) establishing an international export control regime, empowered to control exports of dual-use technology, is critically important and should become a top priority for the United States; and

(2) the United States should strongly encourage its allies and friends to—

(A) adopt a commodity control list which governs the same or similar items as are controlled by the United States Commodity Control list;

(B) strengthen enforcement activities; and

(C) explore the use of unilateral export controls where the possibility exists that an export could contribute to proliferation.

AMENDMENT NO. 4174

At the end of title XXXIII, add the following:

**SEC. 3303. ADDITIONAL DISPOSAL AUTHORITY.**

(a) ADDITIONAL MATERIALS AUTHORIZED FOR DISPOSAL.—In addition to the quantities of materials authorized for disposal under subsection (a) of section 3302 as specified in the table in subsection (b) of that section, the President may dispose of the materials specified in the table in subsection (b) of this section in accordance with that section.

(b) TABLE.—The table in this subsection is as follows:

Additional Authorized Stockpile Disposal

| Material for disposal | Quantity |
|---|---|
| Titanium Sponge | 10,000 short tons. |

AMENDMENT NO. 4175

On page 108, between lines 5 and 6, insert the following:

**SEC. 368. PROHIBITION OF SALE OR RENTAL OF SEXUALLY EXPLICIT MATERIAL.**

(a) IN GENERAL.—(1) Chapter 147 of title 10, United States Code, is amended by adding at the end the following:

**"§ 2490b. Sale or rental of sexually explicit material prohibited**

"(a) PROHIBITION OF SALE OR RENTAL.—The Secretary of Defense may not permit the sale or rental of sexually explicit written or videotaped material on property under the jurisdiction of the Department of Defense.

"(b) PROHIBITION OF OFFICIALLY PROVIDED SEXUALLY EXPLICIT MATERIAL.—A member of the Armed Forces or a civilian officer or employee of the Department of Defense acting in an official capacity for sale remuneration or rental may not provide sexually explicit material to another person.

"(c) REGULATIONS.—The Secretary of Defense shall prescribe regulations to implement this section.

"(d) DEFINITIONS.—In this section:

"(1) The term 'sexually explicit material' means an audio recording, a film or video recording, or a periodical with visual depictions, produced in any medium, the dominant theme of which depicts or describes nudity, including sexual or excretory activities or organs, in a lascivious way.

"(2) The term 'property under the jurisdiction of the Department of Defense' includes commissaries, all facilities operated by the Army and Air Force Exchange Service, the Navy Exchange Service Command, the Navy Resale and Services Support Office, Marine Corps exchanges, and ship stores.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2490b. Sale or rental of sexually explicit material prohibited.".

(b) EFFECTIVE DATE.—Subsection (a) of section 2490b of title 10, United States Code, as added by subsection (a) of this section, shall take effect 90 days after the date of enactment of this Act.

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## BOXER AMENDMENT NO. 4176

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, S. 1745, supra; as follows:

At the end of subtitle E of title III, add the following:

**SEC. 368. REIMBURSEMENT UNDER AGREEMENT FOR INSTRUCTION OF CIVILIAN STUDENTS AT FOREIGH LANGUAGE INSTITUTE OF THE DEFENSE LANGUAGE INSTITUTE.**

Section 559(a)(1) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103-337; 108 Stat. 2776; 10 U.S.C. 4411 note) is amended by striking out "on a cost-reimbursable, space-available basis" and inserting in lieu thereof "on a space-available basis and for such reimbursement (whether in whole or in part) as the Secretary considers appropriate".

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## HARKIN (AND KERRY) AMENDMENT NO. 4177

(Ordered to lie on the table.)

Mr. HARKIN (for himself and Mr. KERRY) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4177

At the end of subtitle D of title X, add the following:

**SEC. 1044. DEFENSE BURDENSHARING.**

(a) FINDINGS.—Congress makes the following findings:

(1) Although the Cold War has ended, the United States continues to spend billions of dollars to promote regional security and to make preparations for regional contingencies.

(2) United States defense expenditures primarily promote United States national security interests; however, they also significantly contribute to the defense of our allies.

(3) In 1993, the gross domestic product of the United States equaled $6,300,000,000,000, while the gross domestic product of other NATO member countries totaled $7,200,000,000,000.

(4) Over the course of 1993, the United States spent 4.7 percent of its gross domestic product on defense, while other NATO members collectively spent 2.5 percent of their gross domestic product on defense.

(5) In addition to military spending, foreign assistance plays a vital role in the establishment and maintenance of stability in other nations and in implementing the United States national security strategy.

(6) This assistance has often prevented the outbreak of conflicts which otherwise would have required costly military interventions by the United States and our allies.

(7) From 1990-1993, the United States spent $59,000,000,000 in foreign assistance, a sum which represents an amount greater than any other nation in the world.

(8) In 1995, the United States spent over $10,000,000,000 to promote European security, while European NATO nations only contributed $2,000,000,000 toward this effort.

(9) With a smaller gross domestic product and a larger defense budget than its European NATO allies, the United States shoulders an unfair share of the burden of the common defense.

(10) Because of this unfair burden, the Congress previously voted to require United States allies to bear a greater share of the costs incurred for keeping United States military forces permanently assigned in their countries.

(11) As a result of this action, for example, Japan now pays over 75 percent of the nonpersonnel costs incurred by United States military forces permanently assigned there, while our European allies pay for less than 25 percent of these same costs. Japan signed a new Special Measures Agreement this year which will increase Japan's contribution toward the cost of stationing United States troops in Japan by approximately $30,000,000 a year over the next five years.

(12) These increased contributions help to rectify the imbalance in the burden shouldered by the United States for the common defense.

(13) The relative share of the burden of the common defense still falls too heavily on the United States, and our allies should dedicate more of their own resources to defending themselves.

(b) EFFORTS TO INCREASE ALLIED BURDENSHARING.—The President shall seek to have each nation that has cooperative military relations with the United States (including security agreements, basing arrangements, or mutual participation in multinational military organizations or operations) take one or more of the following actions:

(1) For any nation in which United States military personnel are assigned to permanent duty ashore, increase its financial contributions to the payment of the nonpersonnel costs incurred by the United States Government for stationing United States military personnel in that nation, with a goal of achieving the following percentages of such costs:

(A) By September 30, 1997, 37.5 percent.

(B) By September 30, 1998, 50 percent.

(C) By September 30, 1999, 62.5 percent.

(D) By September 30, 2000, 75 percent.

An increase in financial contributions by any nation under this paragraph may include the elimination of taxes, fees, or other charges levied on United States military personnel, equipment, or facilities stationed in that nation.

(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a level commensurate to that of the United States by September 30, 1997.

(3) Increase its annual budgetary outlays for foreign assistance (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights) by 10 percent or at least to a level commensurate to that of the United States by September 30, 1997.

(4) Increase the amount of military assets (including personnel, equipment, logistics, support and other resources) that it contributes, or would be prepared to contribute, to multinational military activities worldwide, including United Nations or regional peace operations.

(c) AUTHORITIES TO ENCOURAGE ACTIONS BY UNITED STATES ALLIES.—In seeking the actions described in subsection (b) with respect to any nation, or in response to a failure by any nation to undertake one or more of such actions, the President may take any of the following measures:

(1) Reduce the end strength level of members of the Armed Forces assigned to permanent duty ashore in that nation.

(2) Impose on that nation taxes, fees, or other charges similar to those that such nation imposes on United States forces stationed in that nation.

(3) Reduce (through rescission, impoundment, or other appropriate procedures as authorized by law) the amount the United States contributes to the NATO Civil Budget, Military Budget, or Security Investment Program.

(4) Suspend, modify, or terminate any bilateral security agreement the United States has with that nation.

(5) Reduce (through rescission, impoundment or other appropriate procedures as authorized by law) any United States bilateral assistance appropriated for that nation.

(6) Take any other action the President determines to be appropriate as authorized by law.

(d) REPORT ON PROGRESS IN INCREASING ALLIED BURDENSHARING.—Not later than March 1, 1997, the Secretary of Defense shall submit to Congress a report on—

(1) steps taken by other nations to complete the actions described in subsection (b);

(2) all measures taken by the President, including those authorized in subsection (c), to achieve the actions described in subsection (b); and

(3) the budgetary savings to the United States that are expected to accrue as a result of the steps described under paragraph (1).

(e) REPORT ON NATIONAL SECURITY BASES FOR FORWARD DEPLOYMENT AND BURDENSHARING RELATIONSHIPS.—(1) In order to ensure the best allocation of budgetary resources, the President shall undertake a review of the status of elements of the United States Armed Forces that are permanently stationed outside the United States. The review shall include an assessment of the following:

(A) The alliance requirements that are to be found in agreements between the United States and other countries.

(B) The national security interests that support permanently stationing elements of the United States Armed Forces outside the United States.

(C) The stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(D) The alternatives available to forward deployment (such as material prepositioning, enhanced airlift and sealift, or joint training operations) to meet such alliance requirements or national security interests, with such alternatives identified and described in detail.

(E) The costs and force structure configurations associated with such alternatives to forward deployment.

(F) The financial contributions that allies of the United States make to common defense efforts (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights).

(G) The contributions that allies of the United States make to meeting the stationing costs associated with the forward deployment of elements of the United States Armed Forces.

(H) The annual expenditures of the United States and its allies on national defense, and the relative percentages of each nation's gross domestic product constituted by those expenditures.

(2) The President shall submit to Congress a report on the review under paragraph (1). The report shall be submitted not later than March 1, 1997, in classified and unclassified form.

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## HARKIN AMENDMENT NO. 4178

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 315. PROHIBITION ON USE OF FUNDS TO PAY CONTRACTOR COSTS OF CERTAIN RESTRUCTURING.**

None of the funds authorized to be appropriated for the Department of Defense by this Act may be obligated or expended to pay a contractor under a contract with the Department for any costs incurred by the contractor when it is made known to the Federal official having authority to obligate or expend such funds that such costs are restructuring costs associated with a business combination that were incurred on or after August 15, 1994.

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## NUNN AMENDMENTS NOS. 4179–4180

(Ordered to lie on the table.)

Mr. NUNN submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4179

At the end of subtitle D of title X, add the following:

**SEC. 1044. REPORT ON NATO ENLARGEMENT.**

(a) FINDINGS.—Congress makes the following findings:

(1) Since World War II the United States has spent trillions of dollars to enable our European allies to recover from the devastation of the war and, since 1949, to enhance the stability and security of the Euro-Atlantic area through the North Atlantic Treaty Organization (NATO).

(2) NATO has been the most successful collective security organization in history.

(3) The Preamble to the Washington Treaty (North Atlantic Treaty) provides that:

"The Parties to this Treaty reaffirm their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all governments. They are determined to safeguard the freedom, common heritage and civilization of their peoples, founded on the principles of democracy, individual liberty and the rule of law. They seek to promote stability and well-being in the North Atlantic Area. They are resolved to unite their efforts for collective defense and for the preservation of peace and security.".

(4) Article 5 of the North Atlantic Treaty provides for NATO member nations to treat an attack on one as an attack on all.

(5) NATO has enlarged its membership three times since its establishment in 1949.

(6) At its ministerial meeting on December 1, 1994, NATO decided to enlarge the Alliance as part of an evolutionary process, taking into account political and security developments in the whole of Europe. It was also decided at that time that enlargement would be decided on a case-by-case basis and that new members would be full members of the Alliance, enjoying the rights and assuming all obligations of membership.

(7) The September 1995 NATO study on enlarging the Alliance concluded that the "coverage provided by Article 5, including its nuclear component, will apply to new members", but that there "is no a priori requirement for the stationing of nuclear weapons on the territory of new members.".

(8) At its ministerial meeting on June 3, 1996, NATO made decisions in three key areas as follows:

(A) To create more deployable headquarters and more mobile forces to mount traditional missions of collective defense as well as to mount non-Article 5 operations.

(B) To preserve the transatlantic link.

(C) To develop a European Security and Defense Identity within the Alliance, including utilization of the approved Combined Joint Task Forces (CJTF) concept, to facilitate the use of separable but not separate military capabilities in operations led by the WEU.

(9) Enlargement of the Alliance has profound implications for all of its member nations, for the nations chosen for admission to the Alliance in the first tranche, for the nations not included in the first tranche, and for the relationship between the members of the Alliance and Russia.

(10) The Congressional Budget Office has studied five illustrative options to defend the so-called Visegrad nations (Poland, the Czech Republic, Slovakia, and Hungary) to determine the cost of such defense.

(11) The results of the Congressional Budget Office study, issued in March 1996, included conclusions that the cost of defending the Visegrad nations over the 15-year period from 1996 through 2010 would range from $61,000,000,000 to $125,000,000,000; and that of those totals the cost to the new members would range from $42,000,000,000 to $51,000,000,000, and the cost to NATO would range from $19,000,000,000 to $73,000,000,000, of which the United States would expect to pay between $5,000,000,000 and $19,000,000,000.

(12) The Congressional Budget Office study did not determine the cost of enlarging the Alliance to include Slovenia, Romania, Ukraine, the Baltic nations, or other nations that are participating in NATO's Partnership for Peace program.

(13) Enlarging the Alliance could be considered as changing the circumstances that constitute the basis for the Treaty on Conventional Forces in Europe.

(14) The discussion of NATO enlargement within the United States, in general, and the United States Congress, in particular, has not been as comprehensive, detailed, and informed as it should be, given the implications for the United States of enlargement decisions.

(b) REPORT.—Not later than the date on which the President submits the budget for fiscal year 1998 to Congress under section 1105 of title 31, United States Code, the President shall transmit a report on NATO enlargement to the Committee on Armed Services and the Committee on Foreign Relations of the Senate and the Committee on National Security and the Committee on International Relations of the House of Representatives. The report shall contain a comprehensive discussion of the following:

(1) The costs, for prospective new NATO members, NATO, and the United States, that are associated with the illustrative options used by the Congressional Budget Office in the March 1996 study referred to in subsection (a)(10) as well as any other illustrative options that the President considers appropriate and relevant.

(2) The manner in which prospective new NATO members would be defended against attack, including any changes required in NATO's nuclear posture.

(3) Whether NATO enlargement can proceed prior to France's reintegration into NATO's command structure and Germany's participation in NATO-conducted crisis management and combat operations.

(4) Whether NATO enlargement can proceed prior to reorganization of NATO's military command structure and the maturation of policies to perform non-Article 5 operations.

(5) Whether an enlarged NATO will be able to function on a consensus basis.

(6) The extent to which prospective new NATO members have achieved interoperability of their military equipment, air defense systems, and command, control, and communications systems and conformity of military doctrine with those of NATO.

(7) The extent to which prospective new NATO members have established democratic institutions, free market economies, civilian control of their armed forces, including parliamentary oversight of military affairs and appointment of civilians to senior defense positions, and the rule of law.

(8) The extent to which prospective new NATO members are committed to protecting the rights of all their citizens, including national minorities, and respecting the territorial integrity of their neighbors.

(9) The extent to which prospective new NATO members are in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area.

(10) The bilateral assistance, including cost, provided by the United States to prospective new NATO members since the institution of the Partnership for Peace program.

(11) The impact on the political, economic, and security well-being of prospective new NATO members, with a particular emphasis on Ukraine, if they are not selected for inclusion in the first tranche of NATO enlargement.

(12) The relationship of prospective new NATO members to the European Union, with

special emphasis on the accession of such nations to membership in the European Union and on the extent to which the European Union has opened its markets to prospective new NATO members.

(13) The impact of NATO enlargement on the CFE Treaty.

(14) The relationship of Russia with NATO, including Russia's participation in the Partnership for Peace program and NATO's strategic dialogue with Russia.

(15) The anticipated impact of NATO enlargement on Russian foreign and defense policies, including in particular the implementation of START I, the ratification of START II, and the emphasis placed in defense planning on nuclear weapons.

(c) CLASSIFICATION OF REPORT.—The report shall be submitted in unclassified form, but may contain a classified annex.

(d) TREATIES DEFINED.—In this section:

(1) The terms "CFE Treaty" and "Treaty on Conventional Armed Forces in Europe" mean the treaty signed in Paris on November 19, 1990, by 22 members of the North Atlantic Treaty Organization and the former Warsaw Pact to establish limitations on conventional armed forces in Europe, and all annexes and memoranda pertaining thereto.

(2) The term "START I Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on July 31, 1991.

(3) The term "START II Treaty" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on January 3, 1993, including the following protocols and memorandum of understanding, all such documents being integral parts of and collectively referred to as the "START II Treaty" (contained in Treaty Document 103–1):

(A) The Protocol on Procedures Governing Elimination of Heavy ICBMs and on Procedures Governing Conversion of Silo Launchers of Heavy ICBMs Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Elimination and Conversion Protocol").

(B) The Protocol on Exhibitions and Inspections of Heavy Bombers Relating to the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Exhibitions and Inspections Protocol").

(C) The Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Memorandum on Attribution").

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AMENDMENT NO. 4180

At the end of division A, add the following:

## TITLE XIII—NATIONAL MISSILE DEFENSE

### SEC. 1301. SHORT TITLE.

This title may be cited as the "National Missile Defense Act of 1996".

### SEC. 1302. FINDINGS.

(a) MISSILE DEFENSES AND ARMS CONTROL AGREEMENTS.—With respect to missile defenses and arms control agreements, Congress makes the following findings:

(1) Short-range theater ballistic missiles threaten United States Armed Forces engaged abroad. Therefore, the expeditious deployment of theater missile defenses to intercept ballistic missiles threatening the Armed Forces abroad is the highest priority among all ballistic missile defense programs.

(2) The United States is developing defensive systems to protect the United States against the emerging threat of limited strategic ballistic missile attacks. Ground-based defensive systems are attainable, are permitted by the ABM Treaty, are available sooner and are more affordable than spaced-based interceptors or space-based lasers, and can protect all of the United States from limited ballistic missile attack.

(3) Deterring limited ballistic missile attacks upon our national territory requires not only national missile defenses but arms control agreements and nonproliferation measures that can lower the threat and curb the spread of ballistic missile technology.

(4) The massive retaliatory capability of the United States deterred the Soviet Union, and any other nation, from launching an attack by intercontinental ballistic missiles throughout the Cold War. The Nuclear Posture Review conducted by the Department of Defense affirms the fundamental effectiveness of deterrence of large-scale nuclear attacks now and into the future. While the threat of intentional attack upon the United States has receded, the risk of an accidental or unauthorized attack by Russia or China remains, albeit remotely.

(5) United States arms control agreements (notably the START I Treaty and the START II Treaty, once implemented) will significantly reduce the threat to the United States from large-scale nuclear attack. The START I Treaty, when fully implemented, will reduce deployed strategic warheads by over 40 percent below 1990 levels. By the end of 1996, only Russia, among the states of the former Soviet Union, will deploy nuclear weapons. The START II Treaty, once implemented, will reduce strategic warheads deployed in Russia by 66 percent below their levels before the Start I Treaty.

(6) As strategic offensive weapons are reduced, the efficacy and affordability of defensive systems increases, strengthening the long-term prospects for deterrence based upon effective defenses in addition to deterrence based upon the threat of retaliation.

(7) Countries hostile to the United States (such as Iraq, Iran, North Korea, and Libya) have manifested an interest in developing both nuclear weapons and ballistic missiles capable of reaching the United States. In the absence of outside assistance, newly emerging threats from these countries may take as long as 15 years or more to mature, according to recent intelligence estimates. These countries could accelerate the development of long-range missiles if they receive external support.

(8) The Nuclear Non-Proliferation Treaty, the Missile Technology Control Regime, the Biological and Chemical Weapons Conventions, and continuing United States efforts to enforce export controls may prevent or delay external assistance needed by those countries to develop intercontinental ballistic missiles and weapons of mass destruction. Cooperation among our allies and the Russian Federation to limit exports of the relevant hardware and knowledge can help.

(9) The ABM Treaty has added to strategic stability by restraining the requirement on both sides for strategic weapons. At the summit in May 1995, the President of the United States and the President of Russia each reaffirmed his country's commitment to the ABM Treaty.

(10) Abrogating the ABM Treaty to deploy a noncompliant national missile defense system will not add to strategic stability if it impedes implementation of the START I or START II Treaties. Without the reductions to strategic weapons required by both treaties, the consequences and risks of unauthorized or accidental launches will increase.

(11) If the nuclear arsenal of the United States must be maintained at START I levels, significant unbudgeted costs will be incurred, encroaching on funds for ballistic missile defenses and all other defense requirements.

(12) Should the combination of arms control, nonproliferation efforts, and deterrence fail, the United States must be able to defend itself against limited ballistic missile attack.

(13) National missile defense systems consistent with the ABM Treaty are capable of defending against limited ballistic missile attack. Should a national missile defense system require modification of the ABM Treaty, the treaty establishes the means for the parties to amend the treaty, which the parties have used in the past.

(14) While a single-site national missile defense system can defend all of the United States against limited ballistic missile attacks, the addition of a second site would substantially improve the effectiveness of a limited national missile defense system.

(15) Adding a second national missile defense site to the initial national missile defense system at the former Safeguard anti-ballistic missile defense site at Grand Forks, North Dakota, results in only a slight degradation of two-site effectiveness when compared to two optimally-sited national missile defense deployment locations.

(b) WEAPONS OF MASS DESTRUCTION OTHER THAN MISSILE-DELIVERED NUCLEAR WEAPONS.—With respect to threatened employment of weapons of mass destruction other than nuclear weapons delivered by long-range ballistic missiles against the United States, Congress makes the following findings:

(1) In addition to the threat of nuclear weapons delivered by long-range ballistic missiles, the United States faces other threatened uses of weapons of mass destruction, including chemical, biological, and radiological weapons, and other delivery means, including commercial or private aircraft, cruise missiles, international shipping containers delivered by land or sea, and domestic manufacture and delivery by private entities.

(2) Chemical weapons have already threatened United States citizens. The terrorist bomb used against the World Trade Center in New York City contained materials intended to generate lethal chemicals in addition to the explosive effect, but the materials failed to generate a toxic mixture.

(3) The explosive device used against the Murrah Federal Building in Oklahoma City was constructed of commonly available materials in the United States and delivered by rental truck.

(4) The Aum Shinrikyo sect in Japan manufactured lethal sarin gas and released it in Tokyo subways, causing numerous fatalities and thousands of casualties.

(5) Chechen rebels threatened to spread lethal radiation throughout Moscow and revealed to the media the location of a small radioactive source hidden in a Moscow park.

(6) Federal, State, and local governments are all poorly prepared to deal with threatened or actual use of chemical, biological, or radiological weapons against United States cities.

(7) Therefore, it is necessary for priorities to be established for dealing with the full spectrum of threatened use of weapons of mass destruction against the United States based on assessments of the likelihood of the occurrence of each particular threat, and for funding to be allocated in accordance with those priorities.

(c) DEVELOPMENT OF COMPLEX SYSTEMS.—With respect to the development of complex systems, Congress makes the following findings:

(1) The United States developed and deployed an antiballistic missile system known as Safeguard. The system was deactivated only months after achieving initial operating capability because of high cost and concern about limited effectiveness.

(2) Since 1983, the United States has expended more than $35,000,000,000 on the development of missile defenses, and most of that has been expended for the development of national missile defenses.

(3) There exists today no operational hardware that could be deployed to provide a national missile defense capability against strategic ballistic missiles. Therefore, there exist no test data from which to assess the performance and cost of a deployed national missile defense system.

(4) Congress has traditionally insisted that major weapon systems be rigorously tested prior to full-rate production so that system performance is demonstrated and system cost estimates are better refined.

(5) Therefore, consistent with that tradition, it is appropriate that any national missile defense system developed for deployment be rigorously tested prior to a deployment decision in order to demonstrate successful performance and refine system costs.

**SEC. 1303. NATIONAL MISSILE DEFENSE POLICY.**

(a) RESEARCH AND DEVELOPMENT PROGRAM.—(1) The Secretary of Defense shall conduct a research and development program to develop an antiballistic missile system described in subsection (b) that could achieve initial operational capability by the end of 2003.

(2) A decision whether to deploy the antiballistic missile system shall be made by Congress during 2000 in accordance with this section.

(3) The Secretary shall ensure that the development and deployment of an antiballistic missile system under this section fully complies with the ABM Treaty and with all other treaty obligations.

(b) SYSTEM DESIGN.—The antiballistic missile system developed under subsection (a) shall—

(1) be designed to protect the United States against limited ballistic missile threats, including accidental or unauthorized launches or attacks by Third World countries;

(2) be developed for deployment at a single site; and

(3) include as the system components—

(A) fixed, ground-based, antiballistic missile battle management radars at the site;

(B) up to 100 ground-based interceptor missiles;

(C) as necessary, space-based adjuncts, including the Space Surveillance and Missile Tracking System, that are not prohibited by the ABM Treaty; and

(D) as necessary, Large Phased Array Radars (upgraded from other radars or newly constructed) that are located on the periphery of the United States, face outward, and are not prohibited by the ABM Treaty.

(c) DEPLOYMENT DECISION FACTORS.—The factors to be considered by Congress for a decision to deploy the antiballistic missile system are as follows:

(1) The projected threat of ballistic missile attack against the United States in 2000 and following years.

(2) The projected cost and effectiveness of the system, determined on the basis of the technology available in 2000 and the performance of the system as demonstrated in testing.

(3) The projected cost and effectiveness of the system if, at the time of the decision to deploy, development for deployment were to be continued for—

(A) one additional year,

(B) two additional years, and

(C) three additional years,

taking into consideration the projected availability of any synergistic systems that are under development in 2000.

(4) Arms control factors.

(5) The preparedness of the United States to defend the United States against the full range of threats of attack by weapons of mass destruction, and the relative priorities for funding of defenses against such threats.

(d) DEPLOYMENT RECOMMENDATION.—Not later than March 31, 2000, the President shall submit to Congress a report containing the President's recommendation regarding whether to deploy the antiballistic missile system developed under this section. In addition, the report shall include the following:

(1) A description of the system that could be deployed.

(2) A discussion of the basis for the President's recommendation in terms of the factors set forth in subsection (c).

(e) CONGRESSIONAL DECISION ON DEPLOYMENT.—(1) The report of the President under subsection (d) shall be referred to the Committee on Armed Services of the Senate upon receipt in the Senate and to the Committee on National Security of the House of Representatives upon receipt in that House.

(2) A joint resolution described in paragraph (1) of subsection (f) that is introduced within the 30-day period beginning on the date on which Congress receives the President's report shall be considered under the expedited procedures set forth in that subsection.

(f) EXPEDITED PROCEDURE.—(1) For the purposes of subsection (e)(2), "joint resolution" means only a joint resolution the matter after the resolving clause of which is as follows:

"Congress authorizes the Secretary of Defense to begin the deployment at the former Safeguard antiballistic missile site, Grand Forks, North Dakota, of an antiballistic missile system that—

"(1) is designed to protect the United States against limited ballistic missile threats, including accidental or unauthorized launches or attacks by Third World countries;

"(2) is developed for deployment at a single site; and

"(3) includes as the system components—

"(A) fixed, ground-based, antiballistic missile battle management radars at the site;

"(B) up to 100 ground-based interceptor missiles;

"(C) as necessary, space-based adjuncts, including the Space Surveillance and Missile Tracking System, that are not prohibited by the ABM Treaty; and

"(D) as necessary, Large Phased Array Radars (upgraded from other radars or newly constructed) that are located on the periphery of the United States, face outward, and are not prohibited by the ABM Treaty.".

(2) A resolution described in paragraph (1) introduced in the House of Representatives shall be referred to the Committee on National Security of the House of Representatives. A resolution described in paragraph (1) introduced in the Senate shall be referred to the Committee on Armed Services of the Senate. Such a resolution may not be reported before the eighth day after its introduction.

(3) If the committee to which is referred a resolution described in paragraph (1) has not reported such resolution (or an identical resolution) at the end of 30 days after its introduction or at the end of the first day after there has been reported to the House involved a joint resolution described in paragraph (1), whichever is earlier, such committee shall be deemed to be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(4) When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (3)) from further consideration of, a resolution described in paragraph (1), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(5) If, before the passage by one House of a resolution of that House described in paragraph (1), that House receives from the other House a resolution described in paragraph (1), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee.

(B) With respect to a resolution described in paragraph (1) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(6) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in paragraph (1), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

**SEC. 1304. RELATIONSHIP OF ABM SYSTEM DEPLOYMENT AND ARMS CONTROL.**

(a) FINDINGS.—Congress makes the following findings:

(1) Deployment of an antiballistic missile system in accordance with section 1303 is fully consistent with the rights of the parties to the ABM Treaty.

(2) Deployment of an antiballistic missile system in accordance with section 1303 would not threaten the deterrent capability of the

Russian nuclear missile forces at force levels agreed to under the START I Treaty, at force levels permitted under the START II Treaty, or even at force levels below the agreed or permitted force levels.

(b) DISCUSSIONS WITH RUSSIA.—Congress urges the President to pursue discussions with Russia regarding—

(1) potential opportunities for cooperation on research and development of ballistic missile defense capabilities, including, for example—

(A) research and development of missile warning and tracking capabilities;

(B) research and development of intelligence and warning indications regarding Third World activities on ballistic missiles and weapons of mass destruction; and

(C) joint research and development of more effective theater missile defenses;

(2) amendments to the ABM Treaty, as necessary, that would permit development and deployment of more effective limited defenses of the two countries against long-range ballistic missile attacks; and

(3) establishment of conditions conducive to more effective national missile defense, such as rescinding the 1974 Protocol to the ABM Treaty and making conforming changes to the ABM Treaty in order to permit in each country a second ballistic missile defense site, optimally located, and up to 100 additional interceptor missiles at such site.

(c) ALTERNATIVE ACTION UNDER ABM TREATY.—If the President determines that, due to increasing threats of ballistic missile attack on the United States, it is necessary to expand the antiballistic missile system provided for under section 1303 beyond limits provided under the ABM Treaty and that discussions between the United States and Russia regarding cooperative liberalization of those limits is unsuccessful, the President shall consult with Congress on whether to exercise the right under Article XV of the ABM Treaty for a party to withdraw from the treaty.

**SEC. 1305. DEVELOPMENT OF FOLLOW-ON NATIONAL MISSILE DEFENSE TECHNOLOGIES.**

The Secretary of Defense, through the Ballistic Missile Defense Organization, shall maintain a robust program of research and development of national missile defense technologies while developing for deployment the antiballistic missile system provided for under section 1303. These research and development activities shall be conducted in full compliance with the ABM Treaty.

**SEC. 1306. POLICY REGARDING REDUCTION OF THE THREAT TO THE UNITED STATES FROM WEAPONS OF MASS DESTRUCTION.**

(a) MEASURES TO ADDRESS THREATS FROM WEAPONS OF MASS DESTRUCTION.—In order to defend against weapons of mass destruction by preventing the spread of fissile materials and other components of weapons of mass destruction, the President shall—

(1) enhance efforts, both unilaterally and in cooperation with other nations, to prevent terrorist organizations from obtaining and using weapons of mass destruction;

(2) expedite United States efforts to assist the Governments of Russia, Ukraine, Belarus, and Kazakhstan, as appropriate, in improving the safety, security, and accountability of fissile materials and nuclear warheads;

(3) undertake additional steps to prevent weapons of mass destruction and their components from being smuggled into the United States, through the use of improved security devices at United States ports of entry, increased numbers of Border Patrol agents, increased monitoring of international borders, and other appropriate measures;

(4) seek the widest possible international adherence to the Missile Technology Control Regime and pursue to the fullest other export control measures intended to deter and counter the spread of weapons of mass destruction and their components; and

(5) enhance conventional weapons systems to ensure that the United States possesses effective deterrent and counterforce capabilities against weapons of mass destruction and their delivery systems.

(b) MEASURES TO ADDRESS THREATS FROM ICBMS.—In order to reduce the threat to the United States from weapons of mass destruction delivered by intercontinental ballistic missiles, including accidental or unauthorized launches, the President shall—

(1) urge the Government and Parliament of Russia to ratify the START II Treaty as soon as possible, permitting its expeditious entry into force;

(2) pursue with the Government of Russia, after START II entry-into-force, a symmetrical program of early deactivation of strategic forces to be eliminated under START II; and

(3) work jointly with countries possessing intercontinental ballistic missiles to improve command and control technology (such as permissive actions links and other safety devices) and operations to the maximum extent practicable.

(c) PLAN TO REDUCE THREATS OF WEAPONS OF MASS DESTRUCTION.—The Secretary shall develop a comprehensive plan for reducing the threat to the United States of weapons of mass destruction. The Secretary shall develop the plan jointly with the Secretary of State, the Secretary of Energy, the Secretary of the Treasury, the Attorney General, and the Director of Central Intelligence. The plan shall implement the requirements of subsections (a) and (b).

**SEC. 1307. JOINT PRESIDENTIAL-CONGRESSIONAL REVIEW AFTER DEPLOYMENT OF INITIAL ABM SYSTEM.**

(a) REVIEW REQUIRED.—After the first national missile defense system deployed after the date of the enactment of this Act attains initial operational capability, the President and Congress shall jointly review the matters described in subsection (b) in order to determine priorities for future research and development, and possible deployment, of national missile defense technologies and for continued cooperation with Russia on arms control.

(b) MATTERS TO BE REVIEWED.—The review shall cover the following matters:

(1) The status of cooperation and discussions between the United States and Russia on matters described in section 1304(b) and on other matters of common interest for the national security of both countries.

(2) The projected threat of ballistic missile attack on the United States.

(3) Other projected threats of attacks on the United States with weapons of mass destruction.

(4) United States preparedness to respond to or defend against such threats.

(5) The status of research and development on national missile defense technologies referred to in section 1305.

**SEC. 1308. REPORTING REQUIREMENT.**

(a) REQUIREMENT.—Not later than March 15, 1997, the Secretary of Defense shall submit to Congress a report on the following plans:

(1) The Secretary's plan for the carrying out the national missile defense program in accordance with the requirements of this Act.

(2) The plan for reducing the threat to the United States of weapons of mass destruction prepared pursuant to section 1306(c).

(b) PLAN FOR NATIONAL MISSILE DEFENSE.—With respect to the Secretary's plan for the national missile defense program, the report shall include the following matters:

(1) The antiballistic missile system architecture, including—

(A) a detailed description of the system architecture selected for development; and

(B) a justification of the architecture selected and reasons for the rejection of the other candidate architectures.

(2) The Secretary's estimate of the amount of appropriations required for research, development, test, and evaluation, and for procurement, for each of fiscal years 1997 through 2003 in order to achieve an initial operational capability of the antiballistic missile system in 2003.

(3) A description of promising technologies to be pursued in accordance with the requirements of section 1305.

(4) A determination of the point, if any, at which any activity that is required to be carried out under this title would conflict with the terms of the ABM Treaty, together with a description of any such activity, the legal basis for the Secretary's determination, and an estimate of the time at which such point would be reached in order to meet an initial operating capability in the year 2003.

**SEC. 1309. TREATIES DEFINED.**

In this title:

(1) 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 Protocols to that Treaty signed at Moscow on July 3, 1974, and all Agreed Statements and amendments to such Treaty in effect.

(2) The term "START I Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on July 31, 1991, including related annexes on agreed statements and definitions, protocols, and memorandum of understanding.

(3) The term "START II Treaty" means the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms, signed at Moscow on January 3, 1993, including the following protocols and memorandum of understanding, all such documents being integral parts of and collectively referred to as the "START II Treaty" (contained in Treaty Document 103–1):

(A) The Protocol on Procedures Governing Elimination of Heavy ICBMs and on Procedures Governing Conversion of Silo Launchers of Heavy ICBMs Relating to the Treaty Between the United States of America and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Elimination and Conversion Protocol").

(B) The Protocol on Exhibitions and Inspections of Heavy Bombers Relating to the Treaty Between the United States and the Russian Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Exhibitions and Inspections Protocol").

(C) The Memorandum of Understanding on Warhead Attribution and Heavy Bomber Data Relating to the Treaty Between the United States of America and the Russian

Federation on Further Reduction and Limitation of Strategic Offensive Arms (also known as the "Memorandum on Attribution").

(4) The term "Missile Technology Control Regime" has the meaning given such term in section 11B(c) of the Export Administration Act of 1979 (50 U.S.C. App. 2410b(c)).

## NUNN (AND OTHERS) AMENDMENT NO. 4181

(Ordered to lie on the table.)

Mr. NUNN (for himself, Mr. LUGAR, and Mr. DOMENICI) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of division A, add the following new title:

### TITLE XIII—DEFENSE AGAINST WEAPONS OF MASS DESTRUCTION

**SEC. 1301. SHORT TITLE.**

This title may be cited as the "Defense Against Weapons of Mass Destruction Act of 1996".

**SEC. 1302. FINDINGS.**

Congress makes the following findings:

(1) Weapons of mass destruction and related materials and technologies are increasingly available from worldwide sources. Technical information relating to such weapons is readily available on the Internet, and raw materials for chemical, biological, and radiological weapons are widely available for legitimate commercial purposes.

(2) The former Soviet Union produced and maintained a vast array of nuclear, biological, and chemical weapons of mass destruction.

(3) Many of the states of the former Soviet Union retain the facilities, materials, and technologies capable of producing additional quantities of weapons of mass destruction.

(4) The disintegration of the former Soviet Union was accompanied by disruptions of command and control systems, deficiencies in accountability for weapons, weapons-related materials and technologies, economic hardships, and significant gaps in border control among the states of the former Soviet Union. The problems of organized crime and corruption in the states of the former Soviet Union increase the potential for proliferation of nuclear, radiological, biological, and chemical weapons and related materials.

(5) The conditions described in paragraph (4) have substantially increased the ability of potentially hostile nations, terrorist groups, and individuals to acquire weapons of mass destruction and related materials and technologies from within the states of the former Soviet Union and from unemployed scientists who worked on those programs.

(6) As a result of such conditions, the capability of potentially hostile nations and terrorist groups to acquire nuclear, radiological, biological, and chemical weapons is greater than any time in history.

(7) The President has identified North Korea, Iraq, Iran, and Libya as hostile states which already possess some weapons of mass destruction and are developing others.

(8) The acquisition or the development and use of weapons of mass destruction is well within the capability of many extremist and terrorist movements, acting independently or as proxies for foreign states.

(9) Foreign states can transfer weapons to or otherwise aid extremist and terrorist movements indirectly and with plausible deniability.

(10) Terrorist groups have already conducted chemical attacks against civilian targets in the United States and Japan, and a radiological attack in Russia.

(11) The potential for the national security of the United States to be threatened by nuclear, radiological, chemical, or biological terrorism must be taken as seriously as the risk of an attack by long-range ballistic missiles carrying nuclear weapons.

(12) There is a significant and growing threat of attack by weapons of mass destruction on targets that are not military targets in the usual sense of the term.

(13) Concomitantly, the threat posed to the citizens of the United States by nuclear, radiological, biological, and chemical weapons delivered by unconventional means is significant and growing.

(14) Mass terror may result from terrorist incidents involving nuclear, radiological, biological, or chemical materials, even if such materials are not configured as military weapons.

(15) Facilities required for production of radiological, biological, and chemical weapons are much smaller and harder to detect than nuclear weapons facilities, and biological, and chemical weapons can be deployed by alternative delivery means that are much harder to detect than long-range ballistic missiles.

(16) Such delivery systems have no assignment of responsibility, unlike ballistic missiles, for which a launch location would be unambiguously known.

(17) Covert or unconventional means of delivery of nuclear, radiological, biological, and chemical weapons, which might be preferable to foreign states and nonstate organizations, include cargo ships, passenger aircraft, commercial and private vehicles and vessels, and commercial cargo shipments routed through multiple destinations.

(18) Traditional arms control efforts assume large state efforts with detectable manufacturing programs and weapons production programs, but are ineffective in monitoring and controlling smaller, though potentially more dangerous, unconventional proliferation efforts.

(19) Conventional counterproliferation efforts would do little to detect or prevent the rapid development of a capability to suddenly manufacture several hundred chemical or biological weapons with nothing but commercial supplies and equipment.

(20) The United States lacks adequate planning and countermeasures to address the threat of nuclear, radiological, biological, and chemical terrorism.

(21) The Department of Energy has established a Nuclear Emergency Response Team which is available in case of nuclear or radiological emergencies, but no comparable units exist to deal with emergencies involving biological, or chemical weapons or related materials.

(22) State and local emergency response personnel are not adequately prepared or trained for incidents involving nuclear, radiological, biological, or chemical materials.

(23) Exercises of the Federal, State, and local response to nuclear, radiological, biological, or chemical terrorism have revealed serious deficiencies in preparedness and severe problems of coordination.

(24) The development of, and allocation of responsibilities for, effective countermeasures to nuclear, radiological, biological, or chemical terrorism in the United States requires well-coordinated participation of many Federal agencies, and careful planning by the Federal Government and State and local governments.

(25) Training and exercises can significantly improve the preparedness of State and local emergency response personnel for emergencies involving nuclear, radiological, biological, or chemical weapons or related materials.

(26) Sharing of the expertise and capabilities of the Department of Defense, which traditionally has provided assistance to Federal, State, and local officials in neutralizing, dismantling, and disposing of explosive ordnance, as well as radiological, biological, and chemical materials, can be a vital contribution to the development and deployment of countermeasures against nuclear, biological, and chemical weapons of mass destruction.

(27) The United States lacks effective policy coordination regarding the threat posed by the proliferation of weapons of mass destruction.

**SEC. 1303. DEFINITIONS.**

In this title:

(1) The term "weapon of mass destruction" means any weapon or device that is intended, or has the capability, to cause death or serious bodily injury to a significant number of people through the release, dissemination, or impact of—

(A) toxic or poisonous chemicals or their precursors;

(B) a disease organism; or

(C) radiation or radioactivity.

(2) The term "independent states of the former Soviet Union" has the meaning given the term in section 3 of the FREEDOM Support Act (22 U.S.C. 5801).

(3) The term "highly enriched uranium" means uranium enriched to 20 percent or more in the isotope U-235.

### Subtitle A—Domestic Preparedness

**SEC. 1311. EMERGENCY RESPONSE ASSISTANCE PROGRAM.**

(a) PROGRAM REQUIRED.—(1) The Secretary of Defense shall carry out a program to provide civilian personnel of Federal, State, and local agencies with training and expert advice regarding emergency responses to a use or threatened use of a weapon of mass destruction or related materials.

(2) The President may designate the head of an agency other than the Department of Defense to assume the responsibility for carrying out the program on or after October 1, 1999, and relieve the Secretary of Defense of that responsibility upon the assumption of the responsibility by the designated official.

(3) Hereafter in this section, the official responsible for carrying out the program is referred to as the "lead official".

(b) COORDINATION.—In carrying out the program, the lead official shall coordinate with each of the following officials who is not serving as the lead official:

(1) The Director of the Federal Emergency Management Agency.

(2) The Secretary of Energy.

(3) The Secretary of Defense.

(4) The heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergency responses described in subsection (a)(1).

(c) ELIGIBLE PARTICIPANTS.—The civilian personnel eligible to receive assistance under the program are civilian personnel of Federal, State, and local agencies who have emergency preparedness responsibilities.

(d) INVOLVEMENT OF OTHER FEDERAL AGENCIES.—(1) The lead official may use personnel and capabilities of Federal agencies outside the agency of the lead official to provide training and expert advice under the program.

(2)(A) Personnel used under paragraph (1) shall be personnel who have special skills relevant to the particular assistance that the personnel are to provide.

(B) Capabilities used under paragraph (1) shall be capabilities that are especially relevant to the particular assistance for which the capabilities are used.

(e) AVAILABLE ASSISTANCE.—Assistance available under this program shall include the following:

(1) Training in the use, operation, and maintenance of equipment for—

(A) detecting a chemical or biological agent or nuclear radiation;

(B) monitoring the presence of such an agent or radiation;

(C) protecting emergency personnel and the public; and

(D) decontamination.

(2) Establishment of a designated telephonic link (commonly referred to as a "hot line") to a designated source of relevant data and expert advice for the use of State or local officials responding to emergencies involving a weapon of mass destruction or related materials.

(3) Use of the National Guard and other reserve components for purposes authorized under this section that are specified by the lead official (with the concurrence of the Secretary of Defense if the Secretary is not the lead official).

(4) Loan of appropriate equipment.

(f) LIMITATIONS ON DEPARTMENT OF DEFENSE ASSISTANCE TO LAW ENFORCEMENT AGENCIES.—Assistance provided by the Department of Defense to law enforcement agencies under this section shall be provided under the authority of, and subject to the restrictions provided in, chapter 18 of title 10, United States Code.

(g) ADMINISTRATION OF DEPARTMENT OF DEFENSE ASSISTANCE.—The Secretary of Defense shall designate an official within the Department of Defense to serve as the executive agent of the Secretary for the coordination of the provision of Department of Defense assistance under this section.

(h) FUNDING.—(1) Of the total amount authorized to be appropriated under section 301, $35,000,000 is available for the program required under this section.

(2) Of the amount available for the program pursuant to paragraph (1), $10,500,000 is available for use by the Secretary of Defense to assist the Surgeon General of the United States in the establishment of metropolitan emergency medical response teams (commonly referred to as "Metropolitan Medical Strike Force Teams") to provide medical services that are necessary or potentially necessary by reason of a use or threatened use of a weapon of mass destruction.

(3) The amount available for the program under paragraph (1) is in addition to any other amounts authorized to be appropriated for the program under section 301.

**SEC. 1312. NUCLEAR, CHEMICAL, AND BIOLOGICAL EMERGENCY RESPONSE.**

(a) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall designate an official within the Department of Defense as the executive agent for—

(1) the coordination of Department of Defense assistance to Federal, State, and local officials in responding to threats involving biological or chemical weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of biological and chemical weapons and related materials and technologies; and

(2) the coordination of Department of Defense assistance to the Department of Energy in carrying out that department's responsibilities under subsection (b).

(b) DEPARTMENT OF ENERGY.—The Secretary of Energy shall designate an official within the Department of Energy as the executive agent for—

(1) the coordination of Department of Energy assistance to Federal, State, and local officials in responding to threats involving nuclear weapons or related materials or technologies, including assistance in identifying, neutralizing, dismantling, and disposing of nuclear weapons and related materials and technologies; and

(2) the coordination of Department of Energy assistance to the Department of Defense in carrying out that department's responsibilities under subsection (a).

(c) FUNDING.—(1)(A) Of the total amount authorized to be appropriated under section 301, $15,000,000 is available for providing assistance described in subsection (a).

(B) The amount available under subparagraph (A) for providing assistance described in subsection (a) is in addition to any other amounts authorized to be appropriated under section 301 for that purpose.

(2)(A) Of the total amount authorized to be appropriated under title XXXI, $15,000,000 is available for providing assistance described in subsection (b).

(B) The amount available under subparagraph (A) for providing assistance is in addition to any other amounts authorized to be appropriated under title XXXI for that purpose.

**SEC. 1313. MILITARY ASSISTANCE TO CIVILIAN LAW ENFORCEMENT OFFICIALS IN EMERGENCY SITUATIONS INVOLVING BIOLOGICAL OR CHEMICAL WEAPONS.**

(a) ASSISTANCE AUTHORIZED.—(1) The chapter 18 of title 10, United States Code, is amended by adding at the end the following:

**"§ 382. Emergency situations involving chemical or biological weapons of mass destruction**

"(a) IN GENERAL.—The Secretary of Defense, upon the request of the Attorney General, may provide assistance in support of Department of Justice activities relating to the enforcement of section 175 or 2332c of title 18 during an emergency situation involving a biological or chemical weapon of mass destruction. Department of Defense resources, including personnel of the Department of Defense, may be used to provide such assistance if—

"(1) the Secretary of Defense and the Attorney General jointly determine that an emergency situation exists; and

"(2) the Secretary of Defense determines that the provision of such assistance will not adversely affect the military preparedness of the United States.

"(b) EMERGENCY SITUATIONS COVERED.—As used in this section, the term 'emergency situation involving a biological or chemical weapon of mass destruction' means a circumstance involving a biological or chemical weapon of mass destruction—

"(1) that poses a serious threat to the interests of the United States; and

"(2) in which—

"(A) civilian expertise and capabilities are not readily available to provide the required assistance to counter the threat immediately posed by the weapon involved;

"(B) special capabilities and expertise of the Department of Defense are necessary and critical to counter the threat posed by the weapon involved; and

"(C) enforcement of section 175 or 2332c of title 18 would be seriously impaired if the Department of Defense assistance were not provided.

"(c) FORMS OF ASSISTANCE.—The assistance referred to in subsection (a) includes the operation of equipment (including equipment made available under section 372 of this title) to monitor, contain, disable, or dispose of the weapon involved or elements of the weapon.

"(d) REGULATIONS.—(1) The Secretary of Defense and the Attorney General shall jointly issue regulations concerning the types of assistance that may be provided under this section. Such regulations shall also describe the actions that Department of Defense personnel may take in circumstances incident to the provision of assistance under this section.

"(2)(A) Except as provided in subparagraph (B), the regulations may not authorize the following actions:

"(i) Arrest.

"(ii) Any direct participation in conducting a search for or seizure of evidence related to a violation of section 175 or 2332c of title 18.

"(iii) Any direct participation in the collection of intelligence for law enforcement purposes.

"(B) The regulations may authorize an action described in subparagraph (A) to be taken under the following conditions:

"(i) The action is considered necessary for the immediate protection of human life, and civilian law enforcement officials are not capable of taking the action.

"(ii) The action is otherwise authorized under subsection (c) or under otherwise applicable law.

"(e) REIMBURSEMENTS.—The Secretary of Defense shall require reimbursement as a condition for providing assistance under this section to the extent required under section 377 of this title.

"(f) DELEGATIONS OF AUTHORITY.—(1) Except to the extent otherwise provided by the Secretary of Defense, the Deputy Secretary of Defense may exercise the authority of the Secretary of Defense under this section. The Secretary of Defense may delegate the Secretary's authority under this section only to an Under Secretary of Defense or an Assistant Secretary of Defense and only if the Under Secretary or Assistant Secretary to whom delegated has been designated by the Secretary to act for, and to exercise the general powers of, the Secretary.

"(2) Except to the extent otherwise provided by the Attorney General, the Deputy Attorney General may exercise the authority of the Attorney General under this section. The Attorney General may delegate that authority only to the Associate Attorney General or an Assistant Attorney General and only if the Associate Attorney General or Assistant Attorney General to whom delegated has been designated by the Attorney General to act for, and to exercise the general powers of, the Attorney General.

"(g) RELATIONSHIP TO OTHER AUTHORITY.—Nothing in this section shall be construed to restrict any executive branch authority regarding use of members of the armed forces or equipment of the Department of Defense that was in effect before the date of the enactment of the National Defense Authorization Act for Fiscal Year 1997.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following:

"382. Emergency situations involving chemical or biological weapons of mass destruction.".

(b) CONFORMING AMENDMENT TO CONDITION FOR PROVIDING EQUIPMENT AND FACILITIES.—

Section 372(b)(1) of title 10, United States Code, is amended by adding at the end the following: "The requirement for a determination that an item is not reasonably available from another source does not apply to assistance provided under section 382 of this title pursuant to a request of the Attorney General for the assistance.".

(c) CONFORMING AMENDMENTS RELATING TO AUTHORITY TO REQUEST ASSISTANCE.—(1)(A) Chapter 10 of title 18, United States Code, is amended by inserting after section 175 the following:

**"§ 175a. Requests for military assistance to enforce prohibition in certain emergencies**

"The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 175 of this title in an emergency situation involving a biological weapon of mass destruction. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.".

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 175 the following:

"175a. Requests for military assistance to enforce prohibition in certain emergencies.".

(2)(A) The chapter 133B of title 18, United States Code, that relates to terrorism is amended by inserting after section 2332c the following:

**"§ 2332d. Requests for military assistance to enforce prohibition in certain emergencies**

"The Attorney General may request the Secretary of Defense to provide assistance under section 382 of title 10 in support of Department of Justice activities relating to the enforcement of section 2332c of this title during an emergency situation involving a chemical weapon of mass destruction. The authority to make such a request may be exercised by another official of the Department of Justice in accordance with section 382(f)(2) of title 10.".

(B) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2332c the following:

"2332d. Requests for military assistance to enforce prohibition in certain emergencies.".

(d) CIVILIAN EXPERTISE.—The President shall take reasonable measures to reduce the reliance of civilian law enforcement officials on Department of Defense resources to counter the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States. The measures shall include—

(1) actions to increase civilian law enforcement expertise to counter such a threat; and

(2) actions to improve coordination between civilian law enforcement officials and other civilian sources of expertise, within and outside the Federal Government, to counter such a threat.

(e) REPORTS.—The President shall submit to Congress the following reports:

(1) Not later than 90 days after the date of the enactment of this Act, a report describing the respective policy functions and operational roles of Federal agencies in countering the threat posed by the use or potential use of biological and chemical weapons of mass destruction within the United States.

(2) Not later than one year after such date, a report describing—

(A) the actions planned to be taken to carry out subsection (d); and

(B) the costs of such actions.

(3) Not later than three years after such date, a report updating the information provided in the reports submitted pursuant to paragraphs (1) and (2), including the measures taken pursuant to subsection (d).

**SEC. 1314. TESTING OF PREPAREDNESS FOR EMERGENCIES INVOLVING NUCLEAR, RADIOLOGICAL, CHEMICAL, AND BIOLOGICAL WEAPONS.**

(a) EMERGENCIES INVOLVING CHEMICAL OR BIOLOGICAL WEAPONS.—(1) The Secretary of Defense shall develop and carry out a program for testing and improving the responses of Federal, State, and local agencies to emergencies involving biological weapons and related materials and emergencies involving chemical weapons and related materials.

(2) The program shall include exercises to be carried out during each of five successive fiscal years beginning with fiscal year 1997.

(3) In developing and carrying out the program, the Secretary shall coordinate with the Director of the Federal Bureau of Investigation, the Director of the Federal Emergency Management Agency, the Secretary of Energy, and the heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergencies described in paragraph (1).

(b) EMERGENCIES INVOLVING NUCLEAR AND RADIOLOGICAL WEAPONS.—(1) The Secretary of Energy shall develop and carry out a program for testing and improving the responses of Federal, State, and local agencies to emergencies involving nuclear and radiological weapons and related materials.

(2) The program shall include exercises to be carried out during each of five successive fiscal years beginning with fiscal year 1997.

(3) In developing and carrying out the program, the Secretary shall coordinate with the Director of the Federal Bureau of Investigation, the Director of the Federal Emergency Management Agency, the Secretary of Defense, and the heads of any other Federal, State, and local government agencies that have an expertise or responsibilities relevant to emergencies described in paragraph (1).

(c) ANNUAL REVISIONS OF PROGRAMS.—The official responsible for carrying out a program developed under subsection (a) or (b) shall revise the program not later than June 1 in each fiscal year covered by the program. The revisions shall include adjustments that the official determines necessary or appropriate on the basis of the lessons learned from the exercise or exercises carried out under the program in the fiscal year, including lessons learned regarding coordination problems and equipment deficiencies.

(d) OPTION TO TRANSFER RESPONSIBILITY.—(1) The President may designate the head of an agency outside the Department of Defense to assume the responsibility for carrying out the program developed under subsection (a) beginning on or after October 1, 1999, and relieve the Secretary of Defense of that responsibility upon the assumption of the responsibility by the designated official.

(2) The President may designate the head of an agency outside the Department of Energy to assume the responsibility for carrying out the program developed under subsection (b) beginning on or after October 1, 1999, and relieve the Secretary of Energy of that responsibility upon the assumption of the responsibility by the designated official.

(e) FUNDING.—(1) Of the total amount authorized to be appropriated under section 301, $15,000,000 is available for the development and execution of the programs required by this section, including the participation of State and local agencies in exercises carried out under the programs.

(2) The amount available under paragraph (1) for the development and execution of programs referred to in that paragraph is in addition to any other amounts authorized to be appropriated under section 301 for such purposes.

**Subtitle B—Interdiction of Weapons of Mass Destruction and Related Materials**

**SEC. 1321. UNITED STATES BORDER SECURITY.**

(a) PROCUREMENT OF DETECTION EQUIPMENT.—(1) Of the amount authorized to be appropriated by section 301, $15,000,000 is available for the procurement of—

(A) equipment capable of detecting the movement of weapons of mass destruction and related materials into the United States;

(B) equipment capable of interdicting the movement of weapons of mass destruction and related materials into the United States; and

(C) materials and technologies related to use of equipment described in subparagraph (A) or (B).

(2) The amount available under paragraph (1) for the procurement of items referred to in that paragraph is in addition to any other amounts authorized to be appropriated under section 301 for such purpose.

(b) AVAILABILITY OF EQUIPMENT TO COMMISSIONER OF CUSTOMS.—To the extent authorized under chapter 18 of title 10, United States Code, the Secretary of Defense may make equipment of the Department of Defense described in subsection (a), and related materials and technologies, available to the Commissioner of Customs for use in detecting and interdicting the movement of weapons of mass destruction into the United States.

**SEC. 1322. NONPROLIFERATION AND COUNTERPROLIFERATION RESEARCH AND DEVELOPMENT.**

(a) BIOLOGICAL AND CHEMICAL WEAPONS.—The Secretary of Defense shall be the lead official of the Federal Government for coordinating the research and development activities of the Federal Government on technical means for detecting the presence of, the illegal transportation of, the illegal production of, and the illegal use of materials and technologies that may be used to make a biological or chemical weapon and materials (including precursors) and technologies that are suitable for use in making such a weapon.

(b) NUCLEAR AND RADIOLOGICAL WEAPONS.—The Secretary of Energy shall be the lead official of the Federal Government for coordinating the research and development activities of the Federal Government on technical means for detecting the presence of, the illegal transportation of, the illegal production of, and the illegal use of materials and technologies that may be used to make a nuclear or radiological weapon and materials and technologies that are suitable for use in making a nuclear or radiological weapon.

(c) CONSULTATION REQUIREMENT.—In carrying out research and development activities under subsection (a) or (b), the Secretary of Defense or the Secretary of Energy, respectively, shall consult with each other and the following officials:

(1) The Director of Central Intelligence.

(2) The Director of the Federal Bureau of Investigation.

(3) The Commissioner of Customs.

(d) FUNDING.—(1)(A) There is authorized to be appropriated for fiscal year 1997 $10,000,000 for research and development coordinated by the Secretary of Defense under subsection (a).

(B) The amount authorized to be appropriated for research and development under subparagraph (A) is in addition any other amounts that are authorized to be appropriated under this Act for such research and development, including funds authorized to be appropriated for research and development relating to nonproliferation of weapons of mass destruction.

(2)(A) Of the total amount authorized to be appropriated under title XXXI, $19,000,000 is available for research and development coordinated by the Secretary of Energy under subsection (b).

(B) The amount available under subparagraph (B) is in addition to any other amount authorized to be appropriated under title XXXI for such research and development.

**SEC. 1323. INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.**

Section 203 of the International Emergency Economic Powers Act (50 U.S.C. 1702) is amended—

(1) in subsection (a)(1)(B), by striking out "importation or exportation of," and inserting in lieu thereof "importation, exportation, or attempted importation or exportation of,"; and

(2) in subsection (b)(3), by striking out "importation from any country, or the exportation" and inserting in lieu thereof "importation or attempted importation from any country, or the exportation or attempted exportation".

**SEC. 1324. CRIMINAL PENALTIES.**

It is the sense of Congress that—

(1) the sentencing guidelines prescribed by the United States Sentencing Commission for the offenses of importation, attempted importation, exportation, and attempted exportation of nuclear, biological, and chemical weapons materials constitute inadequate punishment for such offenses; and

(2) Congress urges the United States Sentencing Commission to revise the relevant sentencing guidelines to provide for increased penalties for offenses relating to importation, attempted importation, exportation, and attempted exportation of nuclear, biological, or chemical weapons or related materials or technologies under—

(A) section 11 of the Export Administration Act of 1979 (50 U.S.C. App. 2410);

(B) sections 38 and 40 the Arms Export Control Act (22 U.S.C. 2778 and 2780);

(C) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); and

(D) section 309(c) of the Nuclear Non-Proliferation Act of 1978 (22 U.S.C. 2156a(c).

**SEC. 1325. INTERNATIONAL BORDER SECURITY.**

(a) SECRETARY OF DEFENSE RESPONSIBILITY.—The Secretary of Defense, in consultation and cooperation with the Commissioner of Customs, shall carry out programs for assisting customs officials and border guard officials in the independent states of the former Soviet Union, the Baltic states, and other countries of Eastern Europe in preventing unauthorized transfer and transportation of nuclear, biological, and chemical weapons and related materials. Training, expert advice, maintenance of equipment, loan of equipment, and audits may be provided under or in connection with the programs.

(b) FUNDING.—(1) Of the total amount authorized to be appropriated by section 301, $15,000,000 is available for carrying out the programs referred to in subsection (a).

(2) The amount available under paragraph (1) for programs referred to in that paragraph is in addition to any other amounts authorized to be appropriated under section 301 for such programs.

**Subtitle C—Control and Disposition of Weapons of Mass Destruction and Related Materials Threatening the United States**

**SEC. 1331. PROTECTION AND CONTROL OF MATERIALS CONSTITUTING A THREAT TO THE UNITED STATES.**

(a) DEPARTMENT OF ENERGY PROGRAM.—Subject to subsection (c)(1), the Secretary of Energy may, under materials protection, control, and accounting assistance of the Department of Energy, provide assistance for securing from theft or other unauthorized disposition nuclear materials that are not so secured and are located at any site within the former Soviet Union where effective controls for securing such materials are not in place.

(b) DEPARTMENT OF DEFENSE PROGRAM.—Subject to subsection (c)(2), the Secretary of Defense may provide materials protection, control, and accounting assistance under the Cooperative Threat Reduction Programs of the Department of Defense for securing from theft or other unauthorized disposition, or for destroying, nuclear, radiological, biological, or chemical weapons (or related materials) that are not so secure and are located at any site within the former Soviet Union where effective controls for securing such weapons are not in place.

(c) FUNDING.—(1)(A) Of the total amount authorized to be appropriated under title XXXI, $15,000,000 is available for materials protection, control, and accounting assistance of the Department of Energy for providing assistance under subsection (a).

(B) The amount available under subparagraph (A) is in addition to any other funds that are authorized to be appropriated under title XXXI for materials protection, control, and accounting assistance of the Department of Energy.

(2)(A) Of the total amount authorized to be appropriated under section 301, $10,000,000 is available for the Cooperative Threat Reduction Programs of the Department of Defense for providing materials protection, control, and accounting assistance under subsection (b).

(B) The amount available under subparagraph (A) is in addition to any other funds that are authorized to be appropriated by section 301 for materials protection, control, and accounting assistance of the Department of Defense.

**SEC. 1332. VERIFICATION OF DISMANTLEMENT AND CONVERSION OF WEAPONS AND MATERIALS.**

(a) FUNDING FOR COOPERATIVE ACTIVITIES FOR DEVELOPMENT OF TECHNOLOGIES.—Of the total amount authorized to be appropriated under title XXXI, $10,000,000 is available for continuing and expediting cooperative activities with the Government of Russia to develop and deploy—

(1) technologies for improving verification of nuclear warhead dismantlement;

(2) technologies for converting plutonium from weapons into forms that—

(A) are better suited for long-term storage than are the forms from which converted;

(B) facilitate verification; and

(C) are suitable for nonweapons use; and

(3) technologies that promote openness in Russian production, storage, use, and final and interim disposition of weapon-usable fissible material, including at tritium/isotope production reactors, uranium enrichment plants, chemical separation plants, and fabrication facilities associated with naval and civil research reactors.

(b) WEAPONS-USABLE FISSILE MATERIALS TO BE COVERED BY COOPERATIVE THREAT REDUCTION PROGRAMS ON ELIMINATION OR TRANSPORTATION OF NUCLEAR WEAPONS.—Section 1201(b)(1) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 469; 22 U.S.C. 5955 note) is amended by inserting ", fissile material suitable for use in nuclear weapons," after "other weapons".

**SEC. 1333. ELIMINATION OF PLUTONIUM PRODUCTION.**

(a) REPLACEMENT PROGRAM.—The Secretary of Defense, in consultation with the Secretary of Energy, shall develop a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium by modifying or replacing the reactor cores at Tomsk–7 and Krasnoyarsk–26 with reactor cores that are less suitable for the production of weapons-grade plutonium.

(b) PROGRAM REQUIREMENTS.—(1) The program shall be designed to achieve completion of the modifications or replacements of the reactor cores within three years after the modification or replacement activities under the program are begun.

(2) The plan for the program shall—

(A) specify—

(i) successive steps for the modification or replacement of the reactor cores; and

(ii) clearly defined milestones to be achieved; and

(B) include estimates of the costs of the program.

(c) SUBMISSION OF PROGRAM PLAN TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress—

(1) a plan for the program under subsection (a);

(2) an estimate of the United States funding that is necessary for carrying out the activities under the program for each fiscal year covered by the program; and

(3) a comparison of the benefits of the program with the benefits of other nonproliferation programs.

(d) FUNDING FOR INITIAL PHASE.—(1) Of the total amount authorized to be appropriated by section 301 other than for Cooperative Threat Reduction programs, $16,000,000 is available for the initial phase of the program under subsection (a).

(2) The amount available for the initial phase of the reactor modification or replacement program under paragraph (1) is in addition to amounts authorized to be appropriated for Cooperative Threat Reduction programs under section 301(20).

**SEC. 1334. INDUSTRIAL PARTNERSHIP PROGRAMS TO DEMILITARIZE WEAPONS OF MASS DESTRUCTION PRODUCTION FACILITIES.**

(a) DEPARTMENT OF ENERGY PROGRAM.—The Secretary of Energy shall expand the Industrial Partnership Program of the Department of Energy to include coverage of all of the independent states of the former Soviet Union.

(b) DEPARTMENT OF DEFENSE PROGRAM.—The Secretary of Defense shall establish a program to support the dismantlement or conversion of the biological and chemical weapons facilities in the independent states of the former Soviet Union to uses for nondefense purposes. The Secretary may carry out such program in conjunction with, or separately from, the organization designated as the Defense Enterprise Fund (formerly designated as the "Demilitarization Enterprise Fund" under section 1204 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 22 U.S.C. 5953)).

(c) FUNDING FOR DEPARTMENT OF DEFENSE PROGRAM.—(1)(A) Of the total amount authorized to be appropriated under section

301, $15,000,000 is available for the program under subsection (b).

(B) The amount available under subparagraph (A) for the industrial partnership program of the Department of Defense established pursuant to subsection (b) is in addition to the amount authorized to be appropriated for Cooperative Threat Reduction programs under section 301.

(2) It is the sense of Congress that the Secretary of Defense should transfer to the Defense Enterprise Fund, $20,000,000 out of the funds appropriated for Cooperative Threat Reduction programs for fiscal years before fiscal year 1997 that remain available for obligation.

**SEC. 1335. LAB-TO-LAB PROGRAM TO IMPROVE THE SAFETY AND SECURITY OF NUCLEAR MATERIALS.**

(a) PROGRAM EXPANSION AUTHORIZED.—The Secretary of Energy is authorized to expand the Lab-to-Lab program of the Department of Energy to improve the safety and security of nuclear materials in the independent states of the former Soviet Union where the Lab-to-Lab program is not being carried out on the date of the enactment of this Act.

(b) FUNDING.—(1) Of the total amount authorized to be appropriated under title XXXI, $20,000,000 is available for expanding the Lab-to-Lab program as authorized under subsection (a).

(2) The amount available under paragraph (1) is in addition to any other amount otherwise available for the Lab-to-Lab program.

**SEC. 1336. COOPERATIVE ACTIVITIES ON SECURITY OF HIGHLY ENRICHED URANIUM USED FOR PROPULSION OF RUSSIAN SHIPS.**

(a) RESPONSIBLE UNITED STATES OFFICIAL.—The Secretary of Energy shall be responsible for carrying out United States cooperative activities with the Government of the Russian Federation on improving the security of highly enriched uranium that is used for propulsion of Russian military and civilian ships.

(b) PLAN REQUIRED.—(1) The Secretary shall develop and periodically update a plan for the cooperative activities referred to in subsection (a).

(2) The Secretary shall coordinate the development and updating of the plan with the Secretary of Defense. The Secretary of Defense shall involve the Joint Chiefs of Staff in the coordination.

(c) FUNDING.—(1) Of the total amount authorized to be appropriated by title XXXI, $6,000,000 is available for materials protection, control, and accounting program of the Department of Energy for the cooperative activities referred to in subsection (a).

(2) The amount available for the Department of Energy for materials protection, control, and accounting program under paragraph (1) is in addition to other amounts authorized to be appropriated by title XXXI for such program.

**SEC. 1337. MILITARY-TO-MILITARY RELATIONS.**

(a) FUNDING.—Of the total amount authorized to be appropriated under section 301, $2,000,000 is available for expanding military-to-military programs of the United States that focus on countering the threats of proliferation of weapons of mass destruction so as to include the security forces of independent states of the former Soviet Union, particularly states in the Caucasus region and Central Asia.

(b) RELATIONSHIP TO OTHER FUNDING AUTHORITY.—The amount available for expanding military-to-military programs under subsection (a) is in addition to the amount authorized to be appropriated for Cooperative Threat Reduction programs under section 301.

**SEC. 1338. TRANSFER AUTHORITY.**

(a) SECRETARY OF DEFENSE.—(1) To the extent provided in appropriations Acts, the Secretary of Defense may transfer amounts appropriated pursuant to this subtitle for the Department of Defense for programs and authorities under this subtitle to appropriations available for programs authorized under subtitle A.

(2) Amounts so transferred shall be merged with the appropriations to which transferred and shall be available for the programs for which the amounts are transferred.

(3) The transfer authority under paragraph (1) is in addition to any other transfer authority provided by this Act.

(b) SECRETARY OF ENERGY.—(1) To the extent provided in appropriations Acts, the Secretary of Energy may transfer amounts appropriated pursuant to this subtitle for the Department of Energy for programs and authorities under this subtitle to appropriations available for programs authorized under subtitle A.

(2) Amounts so transferred shall be merged with the appropriations to which transferred and shall be available for the programs for which the amounts are transferred.

(3) The transfer authority under paragraph (1) is in addition to any other transfer authority provided by this Act.

**Subtitle D—Coordination of Policy and Countermeasures Against Proliferation of Weapons of Mass Destruction**

**SEC. 1341. NATIONAL COORDINATOR ON NONPROLIFERATION.**

(a) DESIGNATION OF POSITION.—The President shall designate an individual to serve in the Executive Office of the President as the National Coordinator for Nonproliferation Matters.

(b) DUTIES.—The Coordinator shall have the following responsibilities:

(1) To be the principal adviser to the President on nonproliferation of weapons of mass destruction, including issues related to terrorism, arms control, and international organized crime.

(2) To chair the Committee on Nonproliferation established under section 1342.

(3) To take such actions as are necessary to ensure that there is appropriate emphasis in, cooperation on, and coordination of, nonproliferation research efforts of the United States, including activities of Federal agencies as well as activities of contractors funded by the Federal Government.

(c) RELATIONSHIP TO CERTAIN SENIOR DIRECTORS OF NATIONAL SECURITY COUNCIL.—(1) The senior directors of the National Security Council report to the Coordinator regarding the following matters:

(A) Nonproliferation of weapons of mass destruction and related issues.

(B) Management of crises involving use or threatened use of weapons of mass destruction, and on management of the consequences of the use or threatened use of such a weapon.

(C) Terrorism, arms control, and organized crime issues that relate to the threat of proliferation of weapons of mass destruction.

(2) Nothing in paragraph (1) shall be construed to affect the reporting relationship between a senior director and the Assistant to the President for National Security Affairs or any other supervisor regarding matters other than matters described in paragraph (1).

(d) ALLOCATION OF FUNDS.—Of the total amount authorized to be appropriated under section 201, [$2,000,000] is available for carrying out research referred to in subsection (b)(3). Such amount is in addition to any other amounts authorized to be appropriated under section 201 for such purpose.

**SEC. 1342. NATIONAL SECURITY COUNCIL COMMITTEE ON NONPROLIFERATION.**

(a) ESTABLISHMENT.—The Committee on Nonproliferation (in this section referred to as the "Committee") is established as a committee of the National Security Council.

(b) MEMBERSHIP.—(1) The Committee shall be composed of the following:

(A) The Secretary of State.

(B) The Secretary of Defense.

(C) The Director of Central Intelligence.

(D) The Attorney General.

(E) The Secretary of Energy.

(F) The Administrator of the Federal Emergency Management Agency.

(G) The Secretary of the Treasury.

(H) The Secretary of Commerce.

(I) Such other members as the President may designate.

(2) The National Coordinator for Nonproliferation Matters shall chair the Committee on Nonproliferation.

(c) RESPONSIBILITIES.—The Committee has the following responsibilities:

(1) To review and coordinate Federal programs, policies, and directives relating to the proliferation of weapons of mass destruction and related materials and technologies, including matters relating to terrorism and international organized crime.

(2) To make recommendations to the President regarding the following:

(A) Integrated national policies for countering the threats posed by weapons of mass destruction.

(B) Options for integrating Federal agency budgets for countering such threats.

(C) Means to ensure that the Federal, State, and local governments have adequate capabilities to manage crises involving nuclear, radiological, biological, or chemical weapons or related materials or technologies, and to manage the consequences of a use of such a weapon or related materials or technologies, and that use of those capabilities is coordinated.

(D) Means to ensure appropriate cooperation on, and coordination of, the following:

(i) Preventing the smuggling of weapons of mass destruction and related materials and technologies.

(ii) Promoting domestic and international law enforcement efforts against proliferation-related efforts.

(iii) Countering the involvement of organized crime groups in proliferation-related activities.

(iv) Safeguarding weapons of mass destruction materials and related technologies.

(v) Improving coordination and cooperation among intelligence activities, law enforcement, and the Departments of Defense, State, Commerce, and Energy in support of nonproliferation and counterproliferation efforts.

(vi) Ensuring the continuation of effective export controls over materials and technologies that can contribute to the acquisition of weapons of mass destruction.

(vii) Reducing proliferation of weapons of mass destruction and related materials and technologies.

**SEC. 1343. COMPREHENSIVE PREPAREDNESS PROGRAM.**

(a) PROGRAM REQUIRED.—The President, acting through the Committee on Nonproliferation established under section 1342, shall develop a comprehensive program for carrying out this title.

(b) CONTENT OF PROGRAM.—The program set forth in the report shall include specific plans as follows:

(1) Plans for countering proliferation of weapons of mass destruction and related materials and technologies.

(2) Plans for training and equipping Federal, State, and local officials for managing a crisis involving a use or threatened use of a weapon of mass destruction, including the consequences of the use of such a weapon.

(3) Plans for providing for regular sharing of information among intelligence, law enforcement, and customs agencies.

(4) Plans for training and equipping law enforcement units, customs services, and border security personnel to counter the smuggling of weapons of mass destruction and related materials and technologies.

(5) Plans for establishing appropriate centers for analyzing seized nuclear, radiological, biological, and chemical weapons, and related materials and technologies.

(6) Plans for establishing in the United States appropriate legal controls and authorities relating to the exporting of nuclear, radiological, biological, and chemical weapons, and related materials and technologies.

(7) Plans for encouraging and assisting governments of foreign countries to implement and enforce laws that set forth appropriate penalties for offenses regarding the smuggling of weapons of mass destruction and related materials and technologies.

(8) Plans for building the confidence of the United States and Russia in each other's controls over United States and Russian nuclear weapons and fissile materials, including plans for verifying the dismantlement of nuclear weapons.

(9) Plans for reducing United States and Russian stockpiles of excess plutonium, reflecting—

(A) consideration of the desirability and feasibility of a United States-Russian agreement governing fissile material disposition and the specific technologies and approaches to be used for disposition of excess plutonium; and

(B) an assessment of the options for United States cooperation with Russia in the disposition of Russian plutonium.

(10) Plans for studying the merits and costs of establishing a global network of means for detecting and responding to terroristic or other criminal use of biological agents against people or other forms of life in the United States or any foreign country.

(c) REPORT.—(1) At the same time that the President submits the budget for fiscal year 1998 to Congress pursuant to section 1105(a) of title 31, United States Code, the President shall submit to Congress a report that sets forth the comprehensive program developed under subsection (a).

(2) The report shall include the following:

(A) The specific plans for the program that are required under subsection (b).

(B) Estimates of the funds necessary for carrying out such plans in fiscal year 1998.

(3) The report shall be in an unclassified form. If there is a classified version of the report, the President shall submit the classified version at the same time.

**SEC. 1344. TERMINATION.**

After September 30, 1999, the President—

(1) is not required to maintain a National Coordinator for Nonproliferation Matters under section 1341; and

(2) may terminate the Committee on Nonproliferation established under section 1342.

**Subtitle E—Miscellaneous**

**SEC. 1351. CONTRACTING POLICY.**

It is the sense of Congress that the Secretary of Defense, the Secretary of Energy, the Secretary of the Treasury, and the Secretary of State—

(1) in the administration of funds available to such officials in accordance with this title, should (to the extent possible under law) contract directly with suppliers in independent states of the former Soviet Union to facilitate the purchase of goods and services necessary to carry out effectively the programs and authorities provided or referred to in subtitle C; and

(2) to do so should seek means, consistent with law, to utilize innovative contracting approaches to avoid delay and increase the effectiveness of such programs and of the exercise of such authorities.

**SEC. 1352. TRANSFERS OF ALLOCATIONS AMONG COOPERATIVE THREAT REDUCTION PROGRAMS.**

(a) FINDINGS.—Congress makes the following findings:

(1) The various Cooperative Threat Reduction programs are being carried out at different rates in the various countries covered by such programs.

(2) It is necessary to authorize transfers of funding allocations among the various programs in order to maximize the effectiveness of United States efforts under such programs.

(b) TRANSFERS AUTHORIZED.—Funds appropriated for the purposes set forth in subsection (a) of section 1202 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 409) may be used for any such purpose without regard to the allocation set forth in that section and without regard to subsection (b) of such section.

**SEC. 1353. ADDITIONAL CERTIFICATIONS.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Cooperative Threat Reduction programs and other United States programs that are derived from programs established under the Former Soviet Union Demilitarization Act of 1992 (title XIV of Public Law 102–484; 22 U.S.C. 2901 et seq.) should be expanded by offering assistance under those programs to other independent states of the former Soviet Union in addition to Russia, Ukraine, Kazakstan, and Belarus; and

(2) the President should offer assistance to additional independent states of the former Soviet Union in each case in which the participation of such states would benefit national security interests of the United States by improving border controls and safeguards over materials and technology associated with weapons of mass destruction.

(b) EXTENSION OF COVERAGE.—Assistance under programs referred to in subsection (a) may, notwithstanding any other provision of law, be extended to include an independent state of the former Soviet Union if the President certifies to Congress that it is in the national interests of the United States to extend the assistance to that state.

**SEC. 1354. PURCHASE OF LOW-ENRICHED URANIUM DERIVED FROM RUSSIAN HIGHLY ENRICHED URANIUM.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the allies of the United States and other nations should participate in efforts to ensure that stockpiles of weapons-grade nuclear material are reduced.

(b) ACTIONS BY THE SECRETARY OF STATE.—Congress urges the Secretary of State to encourage, in consultation with the Secretary of Energy, other countries to purchase low-enriched uranium that is derived from highly enriched uranium extracted from Russian nuclear weapons.

**SEC. 1355. PURCHASE, PACKAGING, AND TRANSPORTATION OF FISSILE MATERIALS AT RISK OF THEFT.**

It is the sense of Congress that—

(1) the Secretary of Defense, the Secretary of Energy, the Secretary of the Treasury, and the Secretary of State should purchase, package, and transport to secure locations weapons-grade nuclear materials from a stockpile of such materials if such officials determine that—

(A) there is a significant risk of theft of such materials; and

(B) there is no reasonable and economically feasible alternative for securing such materials; and

(2) if it is necessary to do so in order to secure the materials, the materials should be imported into the United States, subject to the laws and regulations that are applicable to the importation of such materials into the United States.

**SEC. 1356. REDUCTION IN AUTHORIZATIONS OF APPROPRIATIONS.**

(a) NAVY RDT&E.—(1) The total amount authorized to be appropriated under section 201(2) is reduced by $150,000,000.

(2) The reduction in paragraph (1) shall be applied to reduce by $150,000,000 the amount authorized to be appropriated under section 201(2) for the Distributed Surveillance System.

(b) DEPARTMENT OF ENERGY.—(1) Notwithstanding any of the provisions of title XXXI, the total amount authorized to be appropriated for the Department of Energy for fiscal year 1997 under that title is reduced by $85,000,000.

(2) The reduction under paragraph (1) is not directed at any particular authorization of appropriations under title XXXI for any particular program, project, or activity.

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## GRASSLEY AMENDMENT NO. 4182

(Ordered to lie on the table.)

Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of division A, insert the following new title:

**TITLE XIII—WTO REVIEW COMMISSION**

**SEC. 1301. SHORT TITLE.**

This title may be cited as the "WTO Dispute Settlement Review Commission Act".

**SEC. 1302. CONGRESSIONAL FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds the following:

(1) The United States joined the WTO as an original member with the goal of creating an improved global trading system and providing expanded economic opportunities for United States firms and workers, while preserving United States sovereignty.

(2) The American people must receive assurances that United States sovereignty will be protected, and United States interests will be advanced, within the global trading system which the WTO will oversee.

(3) The WTO's dispute settlement rules are meant to enhance the likelihood that governments will observe their WTO obligations, and thus help ensure that the United States will reap the full benefits of its participation in the WTO.

(4) United States support for the WTO depends on obtaining mutual trade benefits through the openness of foreign markets and

the maintenance of effective United States and WTO remedies against unfair or otherwise harmful trade practices.

(5) Congress passed the Uruguay Round Agreements Act based on its understanding that effective trade remedies would not be eroded. These remedies are essential to continue the process of opening foreign markets to imports of goods and services and to prevent harm to American industry and agriculture.

(6) In particular, WTO dispute settlement panels and the Appellate Body should—

(A) operate with fairness and in an impartial manner;

(B) not add to the obligations, or diminish the rights, of WTO members under the Uruguay Round Agreements; and

(C) observe the terms of reference and any applicable WTO standard of review.

(b) PURPOSE.—It is the purpose of this title to provide for the establishment of the WTO Dispute Settlement Review Commission to achieve the objectives described in subsection (a)(6).

**SEC. 1303. ESTABLISHMENT OF COMMISSION.**

(a) ESTABLISHMENT.—There is established a commission to be known as the WTO Dispute Settlement Review Commission (hereafter in this title referred to as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 5 members all of whom shall be judges of the Federal judicial circuits and shall be appointed by the President, after consultation with the Majority Leader and Minority Leader of the House of Representatives, the Majority Leader and Minority Leader of the Senate, the chairman and ranking member of the Committee on Ways and Means of the House of Representatives, and the chairman and ranking member of the Committee on Finance of the Senate.

(2) DATE.—The appointments of the initial members of the Commission shall be made no later than 90 days after the date of the enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

(1) IN GENERAL.—Members of the Commission shall each be appointed for a term of 5 years, except of the members first appointed, 3 members shall be appointed for terms of 3 years and the remaining 2 members shall be appointed for terms of 2 years.

(2) VACANCIES.—

(A) IN GENERAL.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment and shall be subject to the same conditions as the original appointment.

(B) UNEXPIRED TERM.—An individual chosen to fill a vacancy shall be appointed for the unexpired term of the member replaced.

(d) INITIAL MEETING.—No later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) AFFIRMATIVE DETERMINATIONS.—An affirmative vote by a majority of the members of the Commission shall be required for any affirmative determination by the Commission under section 1304.

(h) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among its members.

**SEC. 1304. DUTIES OF THE COMMISSION.**

(a) REVIEW OF WTO DISPUTE SETTLEMENT REPORTS.—

(1) IN GENERAL.—The Commission shall review—

(A) all adverse reports of dispute settlement panels and the Appellate Body which are—

(i) adopted by the Dispute Settlement Body, and

(ii) the result of a proceeding initiated against the United States by a WTO member; and

(B) upon the request of the Trade Representative, any adverse report of a dispute settlement panel or the Appellate Body—

(i) which is adopted by the Dispute Settlement Body, and

(ii) in which the United States is a complaining party.

(2) SCOPE OF REVIEW.—With respect to any report the Commission reviews under paragraph (1), the Commission shall determine in connection with each adverse finding whether the panel or the Appellate Body, as the case may be—

(A) demonstrably exceeded its authority or its terms of reference;

(B) added to the obligations, or diminished the rights, of the United States under the Uruguay Round Agreement which is the subject of the report;

(C) acted arbitrarily or capriciously, engaged in misconduct, or demonstrably departed from the procedures specified for panels and the Appellate Body in the applicable Uruguay Round Agreement; and

(D) deviated from the applicable standard of review, including in antidumping cases, the standard of review set forth in Article 17.6 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

(3) AFFIRMATIVE DETERMINATION.—The Commission shall make an affirmative determination under this paragraph with respect to the action of a panel or the Appellate Body, if the Commission determines that—

(A) any of the matters described in subparagraph (A), (B), (C), or (D) of paragraph (2) has occurred; and

(B) the action of the panel or the Appellate Body materially affected the outcome of the report of the panel or Appellate Body.

(b) DETERMINATION; REPORT.—

(1) DETERMINATION.—No later than 120 days after the date on which a report of a panel or the Appellate Body described in subsection (a)(1) is adopted by the Dispute Settlement Body, the Commission shall make a written determination with respect to the matters described in paragraphs (2) and (3) of subsection (a).

(2) REPORTS.—The Commission shall promptly report the determinations described in paragraph (1) to the Committee on Ways and Means of the House of Representatives, the Committee on Finance of the Senate, and the Trade Representative.

**SEC. 1305. POWERS OF THE COMMISSION.**

(a) HEARINGS.—The Commission may hold a public hearing to solicit views concerning a report of a dispute settlement panel or the Appellate Body described in section 1304(a)(1), if the Commission considers such hearing to be necessary to carry out the purpose of this title. The Commission shall provide reasonable notice of a hearing held pursuant to this subsection.

(b) INFORMATION FROM INTERESTED PARTIES AND FEDERAL AGENCIES.—

(1) NOTICE OF PANEL OR APPELLATE BODY REPORT.—The Trade Representative shall advise the Commission no later than 5 business days after the date the Dispute Settlement Body adopts a report of a panel or the Appellate Body that is to be reviewed by the Commission under section 1304(a)(1).

(2) SUBMISSIONS AND REQUESTS FOR INFORMATION.—

(A) IN GENERAL.—The Commission shall promptly publish in the Federal Register notice of the advice received from the Trade Representative, along with notice of an opportunity for interested parties to submit written comments to the Commission. The Commission shall make comments submitted pursuant to the preceding sentence available to the public.

(B) INFORMATION FROM FEDERAL AGENCIES AND DEPARTMENTS.—The Commission may also secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this title. Upon the request of the Chairperson of the Commission, the head of such department or agency shall furnish the information requested to the Commission.

(3) ACCESS TO PANEL AND APPELLATE BODY DOCUMENTS.—

(A) IN GENERAL.—The Trade Representative shall make available to the Commission all submissions and relevant documents relating to a report of a panel or the Appellate Body described in section 1304(a)(1), including any information contained in such submissions identified by the provider of the information as proprietary information or information designated as confidential by a foreign government.

(B) PUBLIC ACCESS.—Any document which the Trade Representative submits to the Commission shall be available to the public, except information which is identified as proprietary or confidential.

(c) ASSISTANCE FROM FEDERAL AGENCIES; CONFIDENTIALITY.—

(1) ADMINISTRATIVE ASSISTANCE.—Any agency or department of the United States that is designated by the President shall provide administrative services, funds, facilities, staff, or other support services to the Commission to assist the Commission with the performance of the Commission's functions.

(2) CONFIDENTIALITY.—The Commission shall protect from disclosure any document or information submitted to it by a department or agency of the United States which the agency or department requests be kept confidential. The Commission shall not be considered to be an agency for purposes of section 552 of title 5, United States Code.

**SEC. 1306. REVIEW OF DISPUTE SETTLEMENT PROCEDURES AND PARTICIPATION IN THE WTO.**

(a) AFFIRMATIVE REPORT BY COMMISSION.—

(1) IN GENERAL.—If a joint resolution described in subsection (b)(1) is enacted into law pursuant to the provisions of subsection (c), the President should undertake negotiations to amend or modify the rules and procedures of the Uruguay Round Agreement to which such joint resolution relates.

(2) 3 AFFIRMATIVE REPORTS BY COMMISSION.—If a joint resolution described in subsection (b)(2) is enacted into law pursuant to the provisions of subsection (c), the approval of the Congress, provided for under section 101(a) of the Uruguay Round Agreements Act, of the WTO Agreement shall cease to be effective in accordance with the provisions of the joint resolution.

(b) JOINT RESOLUTIONS DESCRIBED.—

(1) IN GENERAL.—For purposes of subsection (a)(1), a joint resolution is described in this paragraph if it is a joint resolution of the 2 Houses of Congress and the matter after the resolving clause of such joint resolution is as follows: "That the Congress calls upon the President to undertake negotiations to

amend or modify the matter relating to _____ that is the subject of the affirmative report submitted to the Congress by the WTO Dispute Settlement Review Commission on ____", the first blank space being filled with the specific provisions of the Uruguay Round Agreement with respect to which the President is to undertake negotiations and the second blank space being filled with the date that the affirmative report, which was made under section 1304(b) and which has given rise to the joint resolution, was submitted to the Congress by the Commission pursuant to section 1304(b).

(2) WITHDRAWAL RESOLUTION.—For purposes of subsection (a)(2), a joint resolution is described in this paragraph if it is a joint resolution of the 2 Houses of Congress and the matter after the resolving clause of such joint resolution is as follows: "That, in light of the 3 affirmative reports submitted to the Congress by the WTO Dispute Settlement Review Commission during the preceding 5-year period, and the failure to remedy the problems identified in the reports through negotiations, it is no longer in the overall national interest of the United States to be a member of the WTO, and accordingly the Congress withdraws its approval, provided under section 101(a) of the Uruguay Round Agreements Act, of the WTO Agreement as defined in section 2(9) of that Act.".

(c) PROCEDURAL PROVISIONS.—

(1) IN GENERAL.—The requirements of this subsection are met if the joint resolution is enacted in accordance with this subsection, and—

(A) in the case of a joint resolution described in subsection (b)(1), the Congress adopts and transmits the joint resolution to the President before the end of the 90-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which the Congress receives an affirmative report from the Commission pursuant to section 1304(b)(2); or

(B) in the case of a joint resolution described in subsection (b)(2), the Commission has submitted 3 affirmative reports pursuant to section 1304(b)(2) during a 5-year period, and the Congress adopts and transmits the joint resolution to the President before the end of the 90-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which the Congress receives the third such affirmative report.

(2) PRESIDENTIAL VETO.—In any case in which the President vetoes the joint resolution, the requirements of this subsection are met if each House of Congress votes to override that veto on or before the later of the last day of the 90-day period referred to in subparagraph (A) or (B) of paragraph (1), whichever is applicable, or the last day of the 15-day period (excluding any day described in section 154(b) of the Trade Act of 1974) beginning on the date on which the Congress receives the veto message from the President.

(3) INTRODUCTION.—

(A) TIME.—A joint resolution to which this section applies may be introduced at any time on or after the date on which the Commission transmits to the Congress an affirmative report pursuant to section 1304(b)(2), and before the end of the 90-day period referred to in subparagraph (A) or (B) of paragraph (1), as the case may be.

(B) ANY MEMBER MAY INTRODUCE.—A joint resolution described in subsection (b) may be introduced in either House of the Congress by any Member of such House.

(4) EXPEDITED PROCEDURES.—

(A) GENERAL RULE.—Subject to the provisions of this subsection, the provisions of subsections (b), (d), (e), and (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192 (b), (d), (e), and (f)) apply to joint resolutions described in subsection (b) to the same extent as such provisions apply to resolutions under such section.

(B) REPORT OR DISCHARGE OF COMMITTEE.—If the committee of either House to which a joint resolution has been referred has not reported it by the close of the 45th day after its introduction (excluding any day described in section 154(b) of the Trade Act of 1974), such committee shall be automatically discharged from further consideration of the joint resolution and it shall be placed on the appropriate calendar.

(C) FINANCE AND WAYS AND MEANS COMMITTEES.—It is not in order for—

(i) the Senate to consider any joint resolution unless it has been reported by the Committee on Finance or the committee has been discharged under subparagraph (B); or

(ii) the House of Representatives to consider any joint resolution unless it has been reported by the Committee on Ways and Means or the committee has been discharged under subparagraph (B).

(D) SPECIAL RULE FOR HOUSE.—A motion in the House of Representatives to proceed to the consideration of a joint resolution may only be made on the second legislative day after the calendar day on which the Member making the motion announces to the House his or her intention to do so.

(5) CONSIDERATION OF SECOND RESOLUTION NOT IN ORDER.—It shall not be in order in either the House of Representatives or the Senate to consider a joint resolution (other than a joint resolution received from the other House), if that House has previously adopted a joint resolution under this section relating to the same matter.

(d) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and such procedures supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

**SEC. 1307. DEFINITIONS.**

For purposes of this title:

(1) ADVERSE FINDING.—The term "adverse finding" means—

(A) in a panel or Appellate Body proceeding initiated against the United States, a finding by the panel or the Appellate Body that any law or regulation of, or application thereof by, the United States is inconsistent with the obligations of the United States under a Uruguay Round Agreement (or nullifies or impairs benefits accruing to a WTO member under such an Agreement); or

(B) in a panel or Appellate Body proceeding in which the United States is a complaining party, any finding by the panel or the Appellate Body that a measure of the party complained against is not inconsistent with that party's obligations under a Uruguay Round Agreement (or does not nullify or impair benefits accruing to the United States under such an Agreement).

(2) AFFIRMATIVE REPORT.—The term "affirmative report" means a report described in section 1304(b)(2) which contains affirmative determinations made by the Commission under paragraph (3) of section 1304(a).

(3) APPELLATE BODY.—The term "Appellate Body" means the Appellate Body established by the Dispute Settlement Body pursuant to Article 17.1 of the Dispute Settlement Understanding.

(4) DISPUTE SETTLEMENT BODY.—The term "Dispute Settlement Body" means the Dispute Settlement Body established pursuant to the Dispute Settlement Understanding.

(5) DISPUTE SETTLEMENT PANEL; PANEL.—The terms "dispute settlement panel" and "panel" mean a panel established pursuant to Article 6 of the Dispute Settlement Understanding.

(6) DISPUTE SETTLEMENT UNDERSTANDING.—The term "Dispute Settlement Understanding" means the Understanding on Rules and Procedures Governing the Settlement of Disputes referred to in section 101(d)(16) of the Uruguay Round Agreements Act.

(7) TERMS OF REFERENCE.—The term "terms of reference" has the meaning given such term in the Dispute Settlement Understanding.

(8) TRADE REPRESENTATIVE.—The term "Trade Representative" means the United States Trade Representative.

(9) URUGUAY ROUND AGREEMENT.—The term "Uruguay Round Agreement" means any of the Agreements described in section 101(d) of the Uruguay Round Agreements Act.

(10) WORLD TRADE ORGANIZATION; WTO.—The terms "World Trade Organization" and "WTO" mean the organization established pursuant to the WTO Agreement.

(11) WTO AGREEMENT.—The term "WTO Agreement" means the Agreement Establishing the World Trade Organization entered into on April 15, 1994.

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## REID AMENDMENT NO. 4183

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title XXXI, add the following:

**SEC. 3138. PAYMENT OF COSTS OF OPERATION AND MAINTENANCE OF INFRASTRUCTURE AT NEVADA TEST SITE.**

Notwithstanding any other provision of law and effective as of September 30, 1997, the costs associated with operating and maintaining the infrastructure at the Nevada Test Site, Nevada, with respect to any activities carried out at the site by the Department of Defense shall be paid for by the Department of Energy from funds authorized to be appropriated to the Department of Energy for stockpile stewardship.

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## FEINSTEIN AMENDMENT NO. 4184

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, S. 1745, supra; as follows:

At the end of subtitle B of title II, add the following:

**SEC. 223. FUNDING FOR BASIC RESEARCH IN NUCLEAR SEISMIC MONITORING.**

Of the amount authorized to be appropriated by section 201(3) and made available for arms control implementation for the Air Force (account PE0305145F), $6,500,000 shall be available for basic research in nuclear seismic monitoring.

## KYL (AND BINGAMAN) AMENDMENTS NOS. 4185–4186

(Ordered to lie on the table.)

Mr. KYL (for himself and Mr. BINGAMAN) submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4185

At the end of subtitle D of title X, add the following:

**SEC. 1043. PROHIBITION ON COLLECTION AND RELEASE OF DETAILED SATELLITE IMAGERY RELATING TO ISRAEL AND OTHER COUNTRIES AND AREAS.**

(a) COLLECTION AND DISSEMINATION.—No department or agency of the Federal Government may license the collection or dissemination by any non-Federal entity of satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

(b) DECLASSIFICATION AND RELEASE.—No department or agency of the Federal Government may declassify or otherwise release satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

AMENDMENT NO. 4186

At the end of subtitle D of title X, add the following:

**SEC. 1043. PROHIBITION ON COLLECTION AND RELEASE OF DETAILED SATELLITE IMAGERY RELATING TO ISRAEL AND OTHER COUNTRIES AND AREAS.**

(a) COLLECTION AND DISSEMINATION.—No department or agency of the Federal Government may license the collection or dissemination by any non-Federal entity of satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

(b) DECLASSIFICATION AND RELEASE.— No department or agency of the Federal Government may declassify or otherwise release satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

## KYL AMENDMENTS NOS. 4187–4188

(Ordered to lie on the table.)

Mr. KYL submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4187

At the end of subtitle B of title II, add the following:

**SEC. 223, SURGICAL STRIKE VEHICLE FOR USE AGAINST HARDENED AND DEEPLY BURIED TARGETS.**

Of the amount authorized to be appropriated by section 201(4) for counterproliferation support program, $3,000,000 shall be made available for research and development into the near-term development of a B52H system as a surgical strike vehicle for defeating hardened and deeply buried targets, including tunnels and deeply buried facilities for the production and storage of chemical, biological, and nuclear weapons and their delivery systems.

AMENDMENT NO. 4188

At the end of subtitle D of title X add the following:

**SEC. 1044. SENSE OF THE SENATE CONCERNING EXPORT CONTROLS.**

(a) FINDINGS.—The Senate makes the following findings:

(1) Export controls are a part of a comprehensive response to national security threats. United States exports should be restricted where those threats exist to national security, nonproliferation, and foreign policy interests of the United States.

(2) The export of certain commodities and technology may adversely affect the national security and foreign policy of the United States by making a significant contribution to the military potential of individual countries or by disseminating the capability to design, develop, test, produce, stockpile, or use weapons of mass destruction, missile delivery systems, and other significant military capabilities. Therefore, the administration of export controls should emphasize the control of these exports.

(3) The acquisition of sensitive commodities and technologies by those countries and end users whose actions or policies run counter to United States national security or foreign policy interests may enhance the military capabilities of those countries, particularly their ability to design, develop, test, produce, stockpile, use, and deliver nuclear, chemical, and biological weapons, missile delivery systems, and other significant military capabilities. This enhancement threatens the security of the United States and its allies. The availability to countries and end users of items that contribute to military capabilities or the proliferation of weapons of mass destruction is a fundamental concern of the United States and should be eliminated through deterrence, negotiations, and other appropriate means whenever possible.

(4) The national security of the United States depends not only on wise foreign policies and a strong defense, but also a vibrant national economy. To be truly effective, export controls should be applied uniformly by all suppliers.

(5) On November 5, 1995, President William J. Clinton extended Executive Order No. 12938 regarding "Weapons of Mass Destruction", and "declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons and the means of delivering such weapons".

(6) A successor regime to COCOM (the Coordinating Commission on Multilateral Controls) has not been established. Currently, each nation is determining independently which dual-use military items, if any, will be controlled for export.

(7) The United States should play a leading role in promoting transparency and responsibility with regard to the transfers of sensitive dual-use goods and technologies.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) establishing an international export control regime, empowered to control exports of dual-use technology, is critically important and should become a top priority for the United States; and

(2) the United States should strongly encourage its allies and friends to—

(A) adopt a commodity control list which governs the same or similar items as are controlled by the United States Commodity Control list;

(B) strengthen enforcement activities; and

(C) explore the use of unilateral export controls where the possibility exists that an export could contribute to proliferation.

## THURMOND AMENDMENTS NOS. 4189–4190

(Ordered to lie on the table.)

Mr. THURMOND submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4189

At the end of subtitle B of title IV, add the following:

**SEC. 413. PERSONNEL MANAGEMENT RELATING TO ASSIGNMENT TO SERVICE IN THE SELECTIVE SERVICE SYSTEM.**

Section 10 of the Military Selective Service Act (50 U.S.C. App. 460) is amended—

(1) in subsection (b)(2), by inserting ", subject to subsection (e)," after "to employ such number of civilians, and"; and

(2) by inserting after subsection (d) the following:

"(e)(1) The number of armed forces personnel assigned to the Selective Service System under subsection (b)(2) may not exceed 745, except in a time of war declared by Congress or national emergency declared by Congress or the President.

"(2) Members of the Selected Reserve assigned to the Selective Service System under subsection (b)(2) shall not be counted for purposes of any limitation on the authorized strength of Selected Reserve personnel of the reserve components under any law authorizing the end strength of such personnel.".

AMENDMENT NO. 4190

At the end of title XI add the following:

**Subtitle B—Defense Intelligence Personnel**

**SEC. 1131. SHORT TITLE.**

This subtitle may be cited as the "Department of Defense Civilian Intelligence Personnel Reform Act of 1996".

**SEC. 1132. CIVILIAN INTELLIGENCE PERSONNEL MANAGEMENT.**

Section 1590 of title 10, United States Code, is amended to read as follows:

**"§ 1590. Management of civilian intelligence personnel of the Department of Defense**

"(a) GENERAL PERSONNEL MANAGEMENT AUTHORITY.—The Secretary of Defense may, without regard to the provisions of any other law relating to the appointment, number, classification, or compensation of employees—

"(1) establish—

"(A) as positions in the excepted service, such defense intelligence component positions (including Intelligence Senior Level positions) as the Secretary determines necessary to carry out the intelligence functions of the defense intelligence components; and

"(B) such Intelligence Senior Executive Service positions as the Secretary determines necessary to carry out functions referred to in subparagraph (B);

"(2) appoint individuals to such positions (after taking into consideration the availability of preference eligibles for appointment to such positions); and

"(3) fix the compensation of such individuals for service in such positions.

"(b) BASIC PAY.—(1)(A) Subject to subparagraph (B) and paragraph (2), the Secretary of Defense shall fix the rates of basic pay for positions established under subsection (a) in relation to the rates of basic pay provided in subpart D of part III of title 5 for positions subject to that subpart which have corresponding levels of duties and responsibilities.

"(B) Except as otherwise provided by law, no rate of basic pay fixed under subparagraph (A) for a position established under subsection (a) may exceed—

"(i) in the case of an Intelligence Senior Executive Service position, the maximum rate provided in section 5382 of title 5;

"(ii) in the case of an Intelligence Senior Level position, the maximum rate provided in section 5382 of title 5; and

"(iii) in the case of any other defense intelligence component position, the maximum rate provided in section 5306(e) of title 5.

"(2) The Secretary of Defense may, consistent with section 5341 of title 5, adopt such provisions of that title as provide for prevailing rate systems of basic pay and may apply those provisions to positions for civilian employees in or under which the Department of Defense may employ individuals described by section 5342(a)(2)(A) of such title.

"(c) ADDITIONAL COMPENSATION, INCENTIVES, AND ALLOWANCES.—(1) Employees in defense intelligence component positions may be paid additional compensation, including benefits, incentives, and allowances, in accordance with this subsection if, and to the extent, authorized in regulations prescribed by the Secretary of Defense.

"(2) Additional compensation under this subsection shall be consistent with, and not in excess of the levels authorized for, comparable positions authorized by title 5.

"(3)(A) Employees in defense intelligence component positions, if citizens or nationals of the United States, may be paid an allowance while stationed outside the continental United States or in Alaska.

"(B) Subject to subparagraph (C), allowances under subparagraph (A) shall be based on—

"(i) living costs substantially higher than in the District of Columbia;

"(ii) conditions of environment which differ substantially from conditions of environment in the continental United States and warrant an allowance as a recruitment incentive; or

"(iii) both of the factors described in clauses (i) and (ii).

"(C) An allowance under subparagraph (A) may not exceed an allowance authorized to be paid by section 5941(a) of title 5 for employees whose rates of basic pay are fixed by statute.

"(d) INTELLIGENCE SENIOR EXECUTIVE SERVICE.—(1) The Secretary of Defense may establish an Intelligence Senior Executive Service for defense intelligence component positions established pursuant to subsection (a) that are equivalent to Senior Executive Service positions.

"(2) The Secretary of Defense shall prescribe regulations for the Intelligence Senior Executive Service which are consistent with the requirements set forth in sections 3131, 3132(a)(2), 3396(c), 3592, 3595(a), 5384, and 6304 of title 5, subsections (a), (b), and (c) of section 7543 of such title (except that any hearing or appeal to which a member of the Intelligence Senior Executive Service is entitled shall be held or decided pursuant to the regulations), and subchapter II of chapter 43 of such title. To the extent that the Secretary determines it practicable to apply to members of, or applicants for, the Intelligence Senior Executive Service other provisions of title 5 that apply to members of, or applicants for, the Senior Executive Service, the Secretary shall also prescribe regulations to implement those sections with respect to the Intelligence Senior Executive Service.

"(e) AWARD OF RANK TO MEMBERS OF THE INTELLIGENCE SENIOR EXECUTIVE SERVICE.—The President, based on the recommendations of the Secretary of Defense, may award a rank referred to in section 4507 of title 5 to members of the Intelligence Senior Executive Service whose positions may be established pursuant to this section. The awarding of such rank shall be made in a manner consistent with the provisions of that section.

"(f) INTELLIGENCE SENIOR LEVEL POSITIONS.—The Secretary of Defense may, in accordance with regulations prescribed by the Secretary, designate as an Intelligence Senior Level position any defense intelligence component position that, as determined by the Secretary—

"(1) is classifiable above grade GS–15 of the General Schedule;

"(2) does not satisfy functional or program management criteria for being designated an Intelligence Senior Executive Service position; and

"(3) has no more than minimal supervisory responsibilities.

"(g) TIME LIMITED APPOINTMENTS.—(1) The Secretary of Defense may, in regulations, authorize appointing officials to make time limited appointments to defense intelligence component positions specified in the regulations.

"(2) An employee serving in a defense intelligence component position pursuant to a time limited appointment is not eligible for a permanent appointment to an Intelligence Senior Executive Service position (including a position in which serving) unless selected for the permanent appointment on a competitive basis.

"(3) In this subsection, the term 'time limited appointment' means an appointment for a period not to exceed two years. . . .

"(h) TERMINATION OF CIVILIAN INTELLIGENCE EMPLOYEES.—(1) Notwithstanding any other provision of law, the Secretary of Defense may terminate the employment of any employee in a defense intelligence component position if the Secretary—

"(A) considers such action to be in the interests of the United States; and

"(B) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security.

"(2) A decision by the Secretary of Defense to terminate the employment of an employee under this subsection is final and may not be appealed or reviewed outside the Department of Defense.

"(3) The Secretary of Defense shall promptly notify the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate whenever the Secretary terminates the employment of any employee under the authority of this subsection.

"(4) Any termination of employment under this subsection shall not affect the right of the employee involved to seek or accept employment with any other department or agency of the United States if that employee is declared eligible for such employment by the Director of the Office of Personnel Management.

"(5) The authority of the Secretary of Defense under this subsection may be delegated only to the Deputy Secretary of Defense and the head of a defense intelligence component (with respect to employees of that component). An action to terminate employment of such an employee by any such official may be appealed to the Secretary of Defense.

"(i) REDUCTIONS AND OTHER ADJUSTMENTS IN FORCE.—(1) The Secretary of Defense, in consultation with the Director of the Office of Personnel Management, shall prescribe regulations for the separation of employees in defense intelligence component positions, including members of the Intelligence Senior Executive Service and employees in Intelligence Senior Level positions, in a reduction in force or other adjustment in force. The regulations shall apply to such a reduction in force or other adjustment in force notwithstanding sections 3501(b) and 3502 of title 5.

"(2) The regulations shall give effect to—

"(A) tenure of employment;

"(B) military preference, subject to sections 3501(a)(3) and 3502(b) of title 5;

"(C) the veteran's preference under section 3502(b) of title 5;

"(D) performance; and

"(E) length of service computed in accordance with the second sentence of section 3502(a) of title 5.

"(2) The regulations relating to removal from the Intelligence Senior Executive Service in a reduction in force or other adjustment in force shall be consistent with section 3595(a) of title 5.

"(3) The regulations shall provide a right of appeal regarding a personnel action under the regulations. The appeal shall be determined within the Department of Defense. An appeal determined at the highest level provided in the regulations shall be final and not subject to review outside the Department of Defense. A personnel action covered by the regulations is not subject to any other provision of law that provides appellate rights or procedures.

"(j) APPLICABILITY OF MERIT SYSTEM PRINCIPLES.—Section 2301 of title 5 shall apply to the exercise of authority under this section.

"(k) COLLECTIVE BARGAINING AGREEMENTS.—Nothing in this section may be construed to impair the continued effectiveness of a collective bargaining agreement with respect to an agency or office that is a successor to an agency or office covered by the agreement before the succession.

"(l) NOTIFICATION OF CONGRESS.—At least 60 days before the effective date of regulations prescribed to carry out this section, the Secretary of Defense shall submit the regulations to the Committee on National Security and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate.

"(m) DEFINITIONS.—In this section:

"(1) The term 'defense intelligence component position' means a position of civilian employment as an intelligence officer or employee of a defense intelligence component.

"(2) The term 'defense intelligence component' means each of the following components of the Department of Defense:

"(A) The National Security Agency.

"(B) The Defense Intelligence Agency.

"(C) The Central Imagery Office.

"(D) Any component of a military department that performs intelligence functions

and is designated as a defense intelligence component by the Secretary of Defense.

"(E) Any other component of the Department of Defense that performs intelligence functions and is designated as a defense intelligence component by the Secretary of Defense.

"(F) Any successor to a component listed in, or designated pursuant to, this paragraph.

"(3) The term 'Intelligence Senior Level position' means a defense intelligence component position designated as an Intelligence Senior Level position pursuant to subsection (f).

"(4) The term 'excepted service' has the meaning given such term in section 2103 of title 5.

"(5) The term 'preference eligible' has the meaning given such term in section 2108(3) of title 5.

"(6) The term 'Senior Executive Service position' has the meaning given such term in section 3132(a)(2) of title 5.

"(7) The term 'collective bargaining agreement' has the meaning given such term in section 7103(8) of title 5.".

**SEC. 1133. REPEALS.**

(a) DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE.—Sections 1601, 1603, and 1604 of title 10, United States Code, are repealed.

(b) NATIONAL SECURITY AGENCY PERSONNEL MANAGEMENT AUTHORITIES.—(1) Sections 2 and 4 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) are repealed.

(2) Section 303 of the Internal Security Act of 1950 (50 U.S.C. 833) is repealed.

**SEC. 1134. CLERICAL AMENDMENTS.**

(a) AMENDED SECTION HEADING.—The item relating to section 1590 in the table of sections at the beginning of chapter 81 of title 10, United States Code, is amended to read as follows:

"1590. Management of civilian intelligence personnel of the Department of Defense.".

(b) REPEALED SECTIONS.—The table of sections at the beginning of chapter 83 of title 10, United States Code, is amended by striking out the items relating to sections 1601, 1603, and 1604.

## THURMOND (AND WARNER) AMENDMENT NO. 4191

(Ordered to lie on the table.)

Mr. THURMOND (for himself and Mr. WARNER) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 523. PROHIBITION ON REORGANIZATION OF ARMY ROTC CADET COMMAND OR TERMINATION OF SENIOR ROTC UNITS PENDING REPORT ON ROTC.**

(a) PROHIBITION.—Notwithstanding any other provision of law, the Secretary of the Army may not reorganize or restructure the Reserve Officers Training Corps Cadet Command or terminate any Senior Reserve Officer Training Corps units identified in the Information for Members of Congress concerning Senior Reserve Officer Training Corps (ROTC) Unit Closures dated May 20, 1996, until 180 days after the date on which the Secretary submits to the congressional defense committees the report described in subsection (b).

(b) REPORT.—The report referred to in subsection (a) shall—

(1) describe the selection process used to identify the Reserve Officer Training Corps units of the Army to be terminated;

(2) list the criteria used by the Army to select Reserve Officer Training Corps units for termination;

(3) set forth the specific ranking of each unit of the Reserve Officer Training Corps of the Army to be terminated as against all other such units;

(4) set forth the authorized and actual cadre staffing of each such unit to be termination for each fiscal year of the 10-fiscal year period ending with fiscal year 1996;

(5) set forth the production goals and performance evaluations of each Reserve Officer Training Corps unit of the Army on the closure list for each fiscal year of the 10-fiscal year period ending with fiscal year 1996;

(6) describe how cadets currently enrolled in the units referred to in paragraph (5) will be accommodated after the closure of such units;

(7) describe the incentives to enhance the Reserve Officer Training Corps program that are provided by each of the colleges on the closure list; and

(8) include the projected officer accession plan by source of commission for the active-duty Army, the Army Reserve, and the Army National Guard.

(9) describe whether the closure of any ROTC unit will adversely effect the recruitment of minority officer candidates.

## THURMOND AMENDMENT NO. 4192

(Ordered to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of section 1061 add the following:

(c) REPEAL OF 13-YEAR SPECIAL LIMIT ON TERM OF TRANSITIONAL JUDGE OF UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.—(1) Subsection (d)(2) of section 1301 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1575; 10 U.S.C. 942 note) is amended by striking out "to the judges who are first appointed to the two new positions of the court created as of October 1, 1990—" and all that follows and inserting in lieu thereof "to the judge who is first appointed to one of the two new positions of the court created as of October 1, 1990, as designated by the President at the time of appointment, the anniversary referred to in subparagraph (A) of that paragraph shall be treated as being the seventh anniversary and the number of years referred to in subparagraph (B) of that paragraph shall be treated as being seven.".

(2) Subsection (e)(1) of such section is amended by striking out "each judge" and inserting in lieu thereof "a judge".

## PELL (AND HELMS) AMENDMENT NO. 4193

(Ordered to lie on the table.)

Mr. PELL (for himself and Mr. HELMS) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

On page 268, strike lines 12 through 22.

## KOHL AMENDMENT NO. 4194

(Ordered to lie on the table.)

Mr. KOHL submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

After section 3, add the following:

**SEC. 4. GENERAL LIMITATION.**

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1997 under the provisions of this Act is $265,583,000,000.

## CHAFEE AMENDMENT NO. 4195

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of section 348, add the following:

(c) REPORT ON COMPLIANCE WITH ANNEX V TO THE CONVENTION.—The Secretary of Defense shall include in each report on environmental compliance activities submitted to Congress under section 2706(b) of title 10, United States Code, the following information:

(1) A list of the ships types, if any, for which the Secretary of the Navy has made the determination referred to in paragraph (2)(C) of section 3(c) of the Act to Prevent Pollution from Ships, as amended by subsection (a)(2) of this section.

(2) A list of ship types which the Secretary of the Navy has determined can comply with Regulation 5 of Annex V to the Convention.

(3) A summary of the progress made by the Navy in implementing the requirements of paragraphs (2) and (3) such section 3(c), as so amended.

(4) A description of any emerging technologies offering the potential to achieve full compliance with Regulation 5 of Annex V to the Convention.

(d) PUBLICATION REGARDING SPECIAL AREA DISCHARGES.—Section 3(e)(4) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(e)(4)) is amended by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) The amount and nature of the discharges in special areas, not otherwise authorized under this title, during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy.".

## THURMOND (AND NUNN) AMENDMENT NO. 4196

(Ordered to lie on the table.)

Mr. THURMOND (for himself and Mr. NUNN) submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1072. INCREASE IN PENALTIES FOR CERTAIN TRAFFIC OFFENSES ON MILITARY INSTALLATIONS.**

Section 4 of the Act of June 1, 1948 (40 U.S.C. 318c) is amended to read as follows:

"SEC. 4. (a) Except as provided in subsection (b), whoever shall violate any rule or regulation promulgated pursuant to section 2 of this Act may be fined not more than $50 or imprisoned for not more than thirty days, or both.

"(b) Whoever shall violate any rule or regulation for the control of vehicular or pedestrian traffic on military installations that is promulgated by the Secretary of Defense, or the designee of the Secretary, under the authority delegated pursuant to section 2 of this Act may be fined an amount not to exceed the amount of a fine for a like or similar offense under the criminal or civil law of the State, territory, possession, or district

where the military installation is located, or imprisoned for not more than thirty days, or both.".

## BYRD AMENDMENTS NOS. 4197–4198

(Ordered to lie on the table.)

Mr. BYRD submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4197

At the end of subtitle A of title V add the following:

**SEC. 506. SERVICE CREDIT FOR SENIOR R.O.T.C. CADETS AND MIDSHIPMEN IN SIMULTANEOUS MEMBERSHIP PROGRAM.**

(a) AMENDMENTS TO TITLE 10.—(1) Section 2106(c) of title 10, United States Code, is amended by striking out "while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve" and inserting in lieu thereof "performed on or after August 1, 1979, as a member of the Selected Reserve".

(2) Section 2107(g) of such title is amended by striking out "while serving on active duty other than for training after July 31, 1990, while a member of the Selected Reserve" and inserting in lieu thereof "performed on or after August 1, 1979, as a member of the Selected Reserve".

(3) Section 2107a(g) of such title is amended by inserting ", other than enlisted service performed after August 1, 1979, as a member of Selected Reserve" after "service as a cadet or with concurrent enlisted service".

(b) AMENDMENT TO TITLE 37.—Section 205(d) of title 37, United States Code, is amended by striking out "that service after July 31, 1990, that the officer performed while serving on active duty" and inserting in lieu thereof "for service that the officer performed on or after August 1, 1979.".

(c) BENEFITS NOT TO ACCRUE FOR PRIOR PERIODS.—No increase in pay or retired or retainer pay shall accrue for periods before the date of the enactment of this Act by reason of the amendments made by this section.

AMENDMENT NO. 4198

At the end of title VII add the following:

**SEC. 708. RESEARCH AND BENEFITS RELATING TO GULF WAR SERVICE.**

(a) RESEARCH.—(1) The Secretary of Defense shall, by contract, grant, or other transaction, provide for scientific research to be carried out by entities independent of the Federal Government on possible causal relationships between the complex of illnesses and symptoms commonly known as "Gulf War syndrome" and the possible exposures of members of the Armed Forces to chemical warfare agents or other hazardous materials during Gulf War service.

(2) The Secretary shall prescribe the procedures for making awards under paragraph (1). The procedures shall—

(A) include a comprehensive, independent peer-review process for the evaluation of proposals for scientific research that are submitted to the Department of Defense; and

(B) provide for the final selection of proposals for award to be based on the scientific merit and program relevance of the proposed research.

(3) Of the amount authorized to be appropriated under section 301(19), $10,000,000 is available for research under paragraph (1).

(b) HEALTH CARE BENEFITS FOR AFFLICTED CHILDREN OF GULF WAR VETERANS.—(1) Under regulations prescribed by the Secretary of Defense, any child of a Gulf War veteran who has been born after August 2, 1990, and has a congenital defect or catastrophic illness not excluded from coverage under paragraph (2) is eligible for medical and dental care under chapter 55 of title 10, United States Code, for the congenital defect or catastrophic illness, and associated conditions, of the child.

(2) The administering Secretaries may exclude from coverage under this subsection—

(A) any congenital defect or catastrophic illness that, as determined by the Secretary of Defense to a reasonable degree of scientific certainty on the basis of scientific research, is not a defect or catastrophic illness that can result in a child from an exposure of a parent of the child to a chemical warfare agent or other hazardous material to which members of the Armed Forces might have been exposed during Gulf War service; and

(B) a particular congenital defect or catastrophic illness (and any associated condition) of a particular child if the onset of the defect or illness is determined to have preceded any possible exposure of the parent or parents of the child to a chemical warfare agent or other hazardous material during Gulf War service.

(3) No fee, deductible, or copayment requirement may be imposed or enforced for medical or dental care provided under chapter 55 of title 10, United States Code, in the case of a child who is eligible for such care under this subsection (even if the child would otherwise be subject to such a requirement on the basis of any eligibility for such care that the child also has under any provision of law other than this subsection).

(c) DEFINITIONS.—(1) In this section:

(A) The term "Gulf War veteran" means a veteran of Gulf War service.

(B) The term "Gulf War service" means service on active duty as a member of the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(C) The term "Persian Gulf War" has the meaning given that term in section 101(33) of title 38, United States Code.

(D) The term "administering Secretaries" has the meaning given that term in section 1072(3) of title 10, United States Code.

(E) The term "child" means a natural child.

(2) The Secretary of Defense shall prescribe in regulations a definition of the terms "congenital defect" and "catastrophic illness" for the purposes of this section.

## FEINSTEIN AMENDMENTS NOS. 4199–4200

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to proposed by her to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4199

At the appropriate place, insert the following:

**SEC. . CONTRIBUTIONS THROUGH INTERMEDIARIES AND CONDUITS.**

Section 315(a)(8) of FECA (2 U.S.C. 441a(a)(8)) is amended to read as follows:

"(8) For the purposes of this subsection:

"(A) Contributions made by a person, either directly or indirectly, to or on behalf of a particular candidate, including contributions that are in any way earmarked or otherwise directed through an intermediary or conduit to a candidate, shall be treated as contributions from the person to the candidate. If a contribution is made to a candidate through an intermediary or conduit, the intermediary or conduit shall report the original source and the intended recipient of the contribution to the Commission and the intended recipient.

"(B) Contributions made directly or indirectly by a person to or on behalf of a particular candidate through an intermediary or conduit, including contributions arranged to be made by an intermediary or conduit, shall be treated as contributions from the intermediary or conduit to the candidate if—

"(i) the contributions made through the intermediary or conduit are in the form of a check or other negotiable instrument made payable to the intermediary or conduit rather than the intended recipient; or

"(ii) the intermediary or conduit is—

"(I) a political committee with a connected organization, a political party, or an officer, employee, or agent of either;

"(II) a person whose activities are required to be reported under section 308 of the Federal Regulation of Lobbying Act (2 U.S.C. 267), the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.), or any successor Federal law requiring a person who is a lobbyist or foreign agent to report the activities of such person;

"(III) a person who is prohibited from making contributions under section 316 or a partnership; or

"(IV) an officer, employee, or agent of a person described in subclause (II) or (III) acting on behalf of such person.

"(C) The term 'contributions arranged to be made' includes—

"(i)(I) contributions delivered directly or indirectly to a particular candidate or the candidate's authorized committee or agent by the person who facilitated the contribution; and

"(II) contributions made directly or indirectly to a particular candidate or the candidate's authorized committee or agent that are provided at a fundraising event sponsored by an intermediary or conduit described in subparagraph (B);

(D) This paragraph shall not prohibit—

"(i) fundraising efforts for the benefit of a candidate that are conducted by another candidate or Federal officeholder; or

"(ii) the solicitation by an individual using the individual's resources and acting in the individual's own name of contributions from other persons in a manner not described in paragraphs (B) and (C).".

AMENDMENT NO. 4200

At the appropriate place, insert the following:

**SEC. . CANDIDATE EXPENDITURES FROM PERSONAL FUNDS.**

Section 315 of FECA (2 U.S.C. 441a) is amended by adding at the end the following new subsection:

"(i)(1)(A) Not later than 15 days after a candidate qualifies for a primary election ballot under State law, the candidate shall file with the Commission, and each other candidate who has qualified for that ballot, a declaration stating whether the candidate intends to expend during the election cycle an amount exceeding $250,000 from—

"(i) the candidate's personal funds;

"(ii) the funds of the candidate's immediate family; and

"(iii) personal loans incurred by the candidate and the candidate's immediate family in connection with the candidate's election campaign.

"(B) The declaration required by subparagraph (A) shall be in such form and contain such information as the Commission may require by regulation.

"(2) Notwithstanding subsection (a), the limitations on contributions under subsection (a) shall be modified as provided under paragraph (3) with respect to other candidates for the same office who are not described in subparagraph (A), (B), or (C), if the candidate—

"(A) declares under paragraph (1) that the candidate intends to expend for the primary and general election funds described in such paragraph in an amount exceeding $250,000;

"(B) expends such funds in the primary and general election in an amount exceeding $250,000; or

"(C) fails to file the declaration required by paragraph (1).

"(3) For purposes of paragraph (2)—

"(A) if a candidate described in paragraph (2)(B) expends funds in an amount exceeding $250,000, the limitation under subsection (a)(1)(A) shall be increased to $2,000; and

"(B) if a candidate described in paragraph (2)(B) expends funds in an amount exceeding $250,000, the limitation under subsection (a)(1)(A) shall be increased to $5,000.

"(4) If—

"(A) the modifications under paragraph (3) apply for a convention or a primary election by reason of 1 or more candidates taking (or failing to take) any action described in subparagraph (A), (B), or (C) of paragraph (2); and

"(B) such candidates are not candidates in any subsequent election in the same election campaign, including the general election,

paragraph (3) shall cease to apply to the other candidates in such campaign.

"(5) No increase described in paragraph (3) shall apply under paragraph (2) to noneligible Senate candidates in any election if eligible Senate candidates are participating in the same election campaign.

"(6) A candidate who—

"(A) declares, pursuant to paragraph (1), that the candidate does not intend to expend funds described in paragraph (1) in excess of $250,000; and

"(B) subsequently changes such declaration or expends such funds in excess of that amount,

shall file an amended declaration with the Commission and notify all other candidates for the same office not later than 24 hours after changing such declaration or exceeding such limits, whichever first occurs, by sending a notice by certified mail, return receipt requested.".

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## BRYAN AMENDMENTS NOS. 4201–4202

(Ordered to lie on the table.)

Mr. BRYAN submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4201

At the end of subtitle F of title X, add the following new section:

**SEC. 1072. FEDERAL RETIREMENT PROVISIONS RELATING TO MEMBERS OF CONGRESS AND CONGRESSIONAL EMPLOYEES.**

(a) SHORT TITLE.—This section may be cited as the "Congressional Annuity Reform Act of 1996".

(b) RELATING TO THE MAXIMUM ANNUITY ALLOWABLE PURSUANT TO COST-OF-LIVING ADJUSTMENTS.—Section 8340(g)(1) of title 5, United States Code, is amended—

(1) in subparagraph (A) by striking "or" after the semicolon;

(2) in subparagraph (B)—

(A) by striking "employee or Member" and inserting "employee";

(B) by striking "employee or Member," and inserting "employee,";

(C) by striking "employee's or Member's" and inserting "employee's"; and

(D) by striking the period at the end of subparagraph (B)(ii) and inserting "; or"; and

(3) by adding at the end the following:

"(C) the final pay of the Member with respect to whom the annuity is paid.".

(c) RELATING TO THE YEARS OF SERVICE AS A MEMBER OF CONGRESS AND CONGRESSIONAL EMPLOYEES FOR PURPOSES OF COMPUTING AN ANNUITY.—

(1) CSRS.—Section 8339 of title 5, United States Code, is amended—

(A) in subsection (a) by inserting "or Member" after "employee";

(B) by striking subsections (b) and (c); and

(C) in subsection (h)—

(i) in the first sentence by striking out "subsections (a), (b)" and inserting in lieu thereof "subsections (a),"; and

(ii) in the second sentence by striking out "subsections (c) and (f)" and inserting in lieu thereof "subsections (a) and (f)".

(2) FERS.—Section 8415 of title 5, United States Code, is amended—

(A) by striking subsections (b) and (c);

(B) in subsections (a) and (g) by inserting "or Member" after "employee" each place it appears; and

(C) in subsection (g)(2) by striking out "Congressional employee".

(d) CONTRIBUTION RATES.—

(1) CSRS.—(A) Section 8334(a)(1) of title 5, United States Code, is amended—

(i) by striking out "of an employee, 7½ percent of the basic pay of a Congressional employee," and inserting in lieu thereof "of an employee, a Member,"; and

(ii) by striking out "basic pay of a Member," and inserting in lieu thereof "basic pay of".

(B) The table under section 8334(c) of title 5, United States Code, is amended—

(i) in the item relating to Member or employee for Congressional employee service by striking out

| | | |
|---|---|---|
| " | 7½..... | After December 31, 1969." |

and inserting in lieu thereof

| | | |
|---|---|---|
| " | 7½..... | December 31, 1969 to (but not including) the effective date of the Congressional Annuity Reform Act of 1996. |
| " | 7..... | On and after the effective date of the Congressional Annuity Reform Act of 1996."; |

and (ii) in the item relating to Member for Member service by striking out

| | | |
|---|---|---|
| " | 8..... | After December 31, 1969." |

and inserting in lieu thereof

| | | |
|---|---|---|
| " | 8..... | December 31, 1969 to (but not including) the effective date of the Congressional Annuity Reform Act of 1996. |
| " | 7..... | On and after the effective date of the Congressional Annuity Reform Act of 1996.". |

(2) FERS.—Section 8422(a)(2) of title 5, United States Code, is amended—

(A) in subparagraph (A) by striking out "employee (other than a law enforcement officer, firefighter, air traffic controller, or Congressional employee)" and inserting in lieu thereof "employee or Member (other than a law enforcement officer, firefighter, or air traffic controller)"; and

(B) in subparagraph (B)—

(i) by striking out "a Member,"; and

(ii) by striking out "air traffic controller, or Congressional employee," and inserting in lieu thereof "or air traffic controller,".

(e) ADMINISTRATIVE REGULATIONS.—The Office of Personnel Management, in consultation with the Secretary of the Senate and the Clerk of the House of Representatives, may prescribe regulations to carry out the provisions of this section and the amendments made by this section for applicable employees and Members of Congress.

(f) EFFECTIVE DATES.—

(1) SHORT TITLE.—Subsection (a) shall take effect on the date of the enactment of this Act.

(2) COLA ADJUSTMENTS.—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act and shall apply with respect to annuities commencing on or after such date.

(3) YEARS OF SERVICE; ANNUITY COMPUTATION.—(A) The amendments made by subsection (c) shall take effect on the date of the enactment of this Act and shall apply only with regard to the computation of an annuity relating to—

(i) the service of a Member of Congress as a Member or as a Congressional employee performed after such date; and

(ii) the service of a Congressional employee as a Congressional employee performed after such date.

(B) An annuity shall be computed as though the amendments made under subsection (c) had not been enacted with regard to—

(i) the service of a Member of Congress as a Member or a Congressional employee or military service performed before the date of the enactment of this Act; and

(ii) the service of a Congressional employee as a Congressional employee or military service performed before the date of the enactment of this Act.

(4) CONTRIBUTION RATES.—The amendments made by subsection (d) shall take effect on the first day of the first applicable pay period beginning on or after the date of the enactment of this Act.

(5) REGULATIONS.—The provisions of subsection (e) shall take effect on the date of the enactment of this Act.

(6) ALTERNATIVE EFFECTIVE DATE RELATING TO MEMBERS OF CONGRESS.—If a court of competent jurisdiction makes a final determination that a provision of this subsection violates the 27th amendment of the United States Constitution, the effective date and application dates relating to Members of Congress shall be January 3, 1997.

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AMENDMENT NO. 4202

At the end of subtitle F of title X, add the following new section:

**SEC. 1072. CONGRESSIONAL, PRESIDENTIAL, AND JUDICIAL PENSION FORFEITURE.**

(a) SHORT TITLE.—This section may be cited as the "Congressional, Presidential, and Judicial Pension Forfeiture Act".

(b) CONVICTION OF CERTAIN OFFENSES.—

(1) IN GENERAL.—Section 8312(a) of title 5, United States Code, is amended—

(A) by striking "or" at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting "; or";

(C) by adding after paragraph (2) the following new paragraph:

"(3) is convicted of an offense named by subsection (d), to the extent provided by that subsection.";

(D) by striking "and" at the end of subparagraph (A);

(E) by striking the period at the end of subparagraph (B) and inserting "; and"; and

(F) by adding after subparagraph (B) the following new subparagraph:

"(C) with respect to the offenses named by subsection (d) of this section, to the period after the date of the conviction.".

(2) IDENTIFICATION OF OFFENSES.—Section 8312 of title 5, United States Code, is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by inserting after subsection (c) the following new subsection:

"(d)(1) The offenses under paragraph (2) are the offenses to which subsection (a) of this section applies, but only if—

"(A) the individual is convicted of such offense committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

"(B) the individual was a Member of Congress (including the Vice President), a congressional employee, or a Federal justice or judge at the time of committing the offense; and

"(C) the offense is punishable by imprisonment for more than 1 year.

"(2) The offenses under this paragraph are as follows:

"(A) An offense within the purview of—

"(i) section 201 of title 18 (bribery of public officials and witnesses);

"(ii) section 203 of title 18 (compensation to Members of Congress, officers, and others in matters affecting the Government);

"(iii) section 204 of title 18 (practice in United States Court of Federal Claims or the United States Court of Appeals for the Federal Circuit by Members of Congress);

"(iv) section 219 of title 18 (officers and employees acting as agents of foreign principals);

"(v) section 286 of title 18 (conspiracy to defraud the Government with respect to claims);

"(vi) section 287 of title 18 (false, fictitious, or fraudulent claims);

"(vii) section 371 of title 18 (conspiracy to commit offense or to defraud the United States;

"(viii) section 597 of title 18 (expenditures to influence voting);

"(ix) section 599 of title 18 (promise of appointment by candidate);

"(x) section 602 of title 18 (solicitation of political contributions);

"(xi) section 606 of title 18 (intimidation to secure political contributions);

"(xii) section 607 of title 18 (place of solicitation);

"(xiii) section 641 of title 18 (public money, property or records); or

"(xiv) section 1001 of title 18 (statements or entries generally).

"(B) Perjury committed under the statutes of the United States in falsely denying the commission of an act which constitutes an offense within the purview of a statute named by subparagraph (A).

"(C) Subornation of perjury committed in connection with the false denial of another individual as specified by subparagraph (B).".

(c) ABSENCE FROM THE UNITED STATES TO AVOID PROSECUTION.—

(1) IN GENERAL.—Section 8313 of title 5, United States Code, is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection:

"(b) An individual, or his survivor or beneficiary, may not be paid annuity or retired pay on the basis of the service of the individual which is creditable toward the annuity or retired pay, subject to the exceptions in section 8311(2) and (3) of this title, if the individual—

"(1) is under indictment, after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act, for an offense named by section 8312(d)(2) of this title, but only if such offense satisfies section 8312(d)(1)(C) of this title;

"(2) willfully remains outside the United States, or its territories and possessions including the Commonwealth of Puerto Rico, for more than 1 year with knowledge of the indictment or charges, as the case may be; and

"(3) is an individual described in section 8312(d)(1)(B).".

(2) CONFORMING AMENDMENT.—Subsection (c) of section 8313 of title 5, United States Code (as redesignated under paragraph (1)(A)) is amended by inserting "or (b)" after "subsection (a)".

(d) REFUND OF CONTRIBUTIONS AND DEPOSITS.—Section 8316(b) of title 5, United States Code, is amended—

(1) by striking "or" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(3) if the individual was convicted of an offense named by section 8312(d) of this title, for the period after the conviction of the violation.".

(e) FORFEITURE OF PRESIDENTIAL ALLOWANCE.—Subsection (a) of the first section of the Act entitled "An Act to provide retirement, clerical assistance, and free mailing privileges to former Presidents of the United States, and for other purposes", approved August 25, 1958 (Public Law 85-745; 72 Stat. 838; 3 U.S.C. 102 note) is amended—

(1) by striking "Each former President" and inserting "(1) Subject to paragraph (2), each former President"; and

(2) by inserting at the end the following new paragraph:

"(2) The allowance payable to an individual under paragraph (1) shall be forfeited if—

"(A) the individual is convicted of an offense described under section 8312(d)(2) of title 5, United States Code, committed after the date of the enactment of the Congressional, Presidential, and Judicial Pension Forfeiture Act;

"(B) such individual committed such offense during the individual's term of office as President; and

"(C) the offense is punishable by imprisonment for more than 1 year.".

## GLENN (AND PELL) AMENDMENT NO. 4203

(Ordered to lie on the table.)

Mr. GLENN (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1072. STRENGTHENING CERTAIN SANCTIONS AGAINST NUCLEAR PROLIFERATION ACTIVITIES.**

(a) IN GENERAL.—Section 2(b)(4) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(4)) is amended—

(1) by inserting after "any country has willfully aided or abetted" the following: ", or any person has knowingly aided or abetted,";

(2) by striking "or countries" and inserting ", countries, person, or persons";

(3) by inserting after "United States exports to such country" the following: "or, in the case of any such person, give approval to guarantee, insure, or extend credit, or participate in the extension of credit in support of, exports to or by any such person for a 12-month period,";

(4) by inserting "(A)" immediately after "(4)";

(5) by inserting after "United States exports to such country" the second place it appears the following ", except as provided in subparagraph (b),"; and

(6) by adding at the end the following:

"(B) In the case of any country or person aiding or abetting a non-nuclear-weapon state as described in subparagraph (A), the prohibition on financing by the Bank contained in the second sentence of that subparagraph shall not apply to the country or person, as the case may be, if the President determines and certifies in writing to the Congress that—

"(i) reliable information indicates that the country or person with respect to which the determination is made has ceased to aid or abet any non-nuclear-weapon state to acquire any nuclear explosive device or to acquire unsafeguarded special nuclear material; and

"(ii) the President has received reliable assurances from the country or person that such country or person will not, in the future, aid or abet any non-nuclear-weapon state in its efforts to acquire any nuclear explosive device or any unsafeguarded special nuclear material.

"(C) For purposes of subparagraphs (A) and (B)—

"(i) the term 'country' has the meaning given to 'foreign state' in section 1603(a) of title 28, United States Code;

"(ii) the term 'knowingly' is used within the meaning of the term 'knowing' in section 104 of the Foreign Corrupt Practices Act; and

"(iii) the term 'person' means a natural person as well as a corporation, business association, partnership, society, trust, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise, and any successor of any such entity.".

(b) EFFECTIVE DATE.—(1) The amendments made by paragraphs (1) through (5) of subsection (a) shall apply to persons, and the amendment made by subsection (a)(6), shall apply to countries and persons, aiding or abetting non-nuclear weapon states on or after June 29, 1994.

(2) Nothing in this section or the amendments made by this section shall apply to obligations undertaken pursuant to guarantees, insurance, and the extension of credits (and participation in the extension of credits) made before the date of enactment of this Act.

## HARKIN AMENDMENT NO. 4204

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

In section 305(a), strike out "may be made available to" and insert in lieu thereof "shall be made available to".

In section 305(b), strike out "search and rescue missions" and insert in lieu thereof "associated with Civil Air Patrol Emergency Services operations, including search and

rescue missions, disaster relief missions, and other missions.".

## SARBANES AMENDMENTS NOS. 4205–4206

(Ordered to lie on the table.)

Mr. SARBANES submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4205

At the end of subtitle F of title X, add the following:

**SEC. 1072. NATIONAL MILITARY MUSEUM FOUNDATION FOR THE PRESERVATION OF MILITARY TECHNOLOGY AND MATERIEL.**

(a) ESTABLISHMENT.—There is established a nonprofit corporation to be known as the National Military Museum Foundation for the Preservation of Military Technology and Materiel (in this section referred to as the "Foundation"). The Foundation is not an agency or instrumentality of the United States.

(b) PURPOSES.—The Foundation shall have the following purposes:

(1) To encourage and facilitate the preservation of military materiel having historical or technological significance.

(2) To promote innovative solutions to the problems associated with the preservation of such military materiel.

(3) To facilitate research on and educational activities relating to military history.

(4) To promote voluntary partnerships between the Federal Government and the private sector for the preservation of such military materiel and of military history.

(5) To facilitate the display of such military materiel for the education and benefit of the public.

(6) To develop publications and other interpretive materials pertinent to the historical collections of the Armed Forces that will supplement similar publications and materials available from public, private, and corporate sources.

(7) To provide financial support for educational, interpretive, and conservation programs of the Armed Forces relating to such military materiel.

(8) To broaden public understanding of the role of the military in United States history.

(c) BOARD OF DIRECTORS.—(1) The Foundation shall have a Board of Directors (in this section referred to as the "Board") composed of nine individuals appointed by the Secretary of Defense from among individuals who are United States citizens.

(2) Of the individuals appointed under paragraph (1)—

(A) at least one shall have an expertise in historic preservation;

(B) at least one shall have an expertise in military history;

(C) at least one shall have an expertise in the administration of museums; and

(D) at least one shall have an expertise in military technology and materiel.

(3)(A) The Secretary shall designate one of the individuals first appointed to the Board under paragraph (1) as the chairperson of the Board. The individual so designated shall serve as chairperson for a term of 2 years.

(B) Upon the expiration of the term of chairperson of the individual designated as chairperson under subparagraph (A), or of the term of a chairperson elected under this subparagraph, the members of the Board shall elect a chairperson of the Board from among its members.

(4)(A) Subject to subparagraph (B), members appointed to the Board shall serve on the Board for a term of 4 years.

(B) If a member of the Board misses three consecutive meetings of the Board, the Board may remove the member from the Board for that reason.

(C) Any vacancy in the Board shall not affect its powers but shall be filled, not later than 60 days after the vacancy, in the same manner in which the original appointment was made.

(5) A majority of the members of the Board shall constitute a quorum.

(6) The Board shall meet at the call of the chairperson of the Board. The Board shall meet at least once a year.

(d) ORGANIZATIONAL MATTERS.—The members of the Board first appointed under subsection (c)(1) shall—

(1) adopt a constitution and bylaws for the Foundation;

(2) serve as incorporators of the Foundation; and

(3) take whatever other actions the Board determines appropriate in order to establish the Foundation as a nonprofit corporation.

(e) OFFICERS AND EMPLOYEES.—(1) The Foundation shall have an executive director appointed by the Board and such other officers as the Board may appoint. The executive director and the other officers of the Foundation shall be compensated at rates fixed by the Board and shall serve at the pleasure of the Board.

(2) Subject to the approval of the Board, the Foundation may employ such individuals, and at such rates of compensation, as the executive director determines appropriate.

(3) Subject to the approval of the Board, the Foundation may accept the services of volunteers in the performance of the functions of the Foundation.

(4) A person who is a full-time or part-time employee of the Federal Government may not serve as a full-time or part-time employee of the Foundation and shall not be considered for any purpose an employee of the Federal Government.

(f) POWERS AND RESPONSIBILITIES.—In order to carry out the purposes of this section, the Foundation is authorized to—

(1) accept, hold, administer, invest, and spend any gift, devise, or bequest of real or personal property made to the Foundation;

(2) enter into contracts with individuals, public or private organizations, professional societies, and government agencies for the purpose of carrying out the functions of the Foundation; and

(3) enter into such other contracts, leases, cooperative agreements, and other transactions at the executive director of the Foundation considers appropriate to carry out the activities of the Foundation.

(g) AUDITS.—(1) The first section of the Act entitled "An Act to provide for the audit of accounts of private corporations established under Federal law," approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end the following:

"(78) The National Military Museum Foundation for the Preservation of Military Technology and Materiel.".

(2) The amendment made by paragraph (1) shall take effect on the date that the chairperson of the Board notifies the Secretary of Defense of the incorporation of the Foundation under this section.

(h) REPORTS.—As soon as practicable after the end of each fiscal year of the Foundation, the Board shall submit to Congress and to the Secretary of Defense a report on the activities of the Foundation during the preceding fiscal year, including a full and complete statement of the receipts, expenditures, investment activities, and other financial activities of the Foundation during such fiscal year.

(i) INITIAL SUPPORT.—(1) In addition to any other amounts authorized to be appropriated by this Act, there is authorized to be appropriated for the Department of Defense $1,000,000 for the purpose of making a grant to the Foundation in order to assist the Foundation in defraying the costs of its activities. Such amount shall be available for such purpose until September 30, 1998.

(2) For each of fiscal years 1997 through 1999, the Secretary of Defense may provide, without reimbursement, personnel, facilities, and other administrative services of the Department to the Foundation.

AMENDMENT NO. 4206

At the end of title XXI, add the following:

**SEC. 2105. PLAN FOR REPAIRS AND STABILIZATION OF THE HISTORIC DISTRICT AT THE FOREST GLEN ANNEX OF WALTER REED MEDICAL CENTER, MARYLAND.**

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a comprehensive plan for basic repairs and stabilization measures throughout the historic district at the Forest Glen Annex of Walter Reed Army Medical Center, Maryland, together with a reprogramming request for funds necessary to implement the plan.

## SIMON AMENDMENTS NOS. 4207–4208

(Ordered to lie on the table.)

Mr. SIMON submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4207

At the end of subtitle D of title II, add the following:

**SEC. 243. DESALTING TECHNOLOGIES.**

(a) FINDINGS.—Congress makes the following findings:

(1) Access to scarce fresh water is likely to be a cause of future military conflicts in the Middle East and has a direct impact on stability and security in the region.

(2) The Middle East is an area of vital and strategic importance to the United States.

(3) The United States has played a military role in the Middle East, most recently in the Persian Gulf War, and may likely be called upon again to deter aggression in the region.

(4) United States troops have used desalting technologies to guarantee the availability of fresh water in past deployments in the Middle East.

(5) Adequate, efficient, and cheap access to high-quality fresh water will be vital to maintaining the readiness and sustainability of United States troops, and those of our allies.

(b) SENSE OF SENATE.—It is the sense of the Senate that, as improved access to fresh water will be an important factor in helping prevent future conflicts in the Middle East, the United States should, in cooperation with its allies, promote and invest in technologies to reduce the costs of converting saline water into fresh water.

(c) FUNDING FOR RESEARCH AND DEVELOPMENT.—Of the amounts authorized to be appropriated by this title, the Secretary shall place greater emphasis on making funds available for research and development into

efficient and economical processes and methods for converting saline water into fresh water.

AMENDMENT NO. 4208

At the end of subtitle C of title II, add the following:

**SEC. 237. TEMPORARY PROHIBITION ON USE OF CERTAIN FUNDS FOR RESEARCH AND DEVELOPMENT RELATING TO NATIONAL MISSILE DEFENSE.**

Of the funds authorized to be appropriated by section 201(4) for the Ballistic Missile Defense Organization for the purpose of research and development relating to national missile defense systems, $300,000,000 may not be obligated or expended for such research and development until the later of—

(1) the date of the enactment of an Act entitled "Defend America Act"; or

(2) the date of the enactment of this Act.

## HELMS AMENDMENT NO. 4209

(Ordered to lie on the table.)

Mr. HELMS submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the appropriate place, add the following:

**SEC. . SENSE OF THE SENATE.**

(a) FINDINGS.—The Senate finds that—

(1) President Clinton has repeatedly voiced the need for increased protection and strengthening of moral values among our children, including using school uniforms, curfews, and educational television;

(2) pornography and smut of the most indecent and offensive nature is proliferating on the Internet and thereby spreading around the electronic world, including sites often visited by children;

(3) increasing numbers of electronic pornographers are participating in the transmission of pornography and other indecent material that is easily accessible to children;

(4) pornographers are now targeting children as potential customers;

(5) Congress enacted the Communications Decency Act of 1996 (referred to in this resolution as "the Act") to protect our youngest and most vulnerable generation from the morally corrupting influence of depravity on computer networks by, among other measures, prohibiting the knowing transmission of indecent material to recipients known to be minors;

(6) Congress specifically described indecent communications in the Act by using language upheld by the Supreme Court in FCC v. Pacifica Foundation, 438 U.S. 726 (1978);

(7) on February 8, 1996, when the Act was signed into law, the American Civil Liberties Union and others filed suit in the United States District Court for the Eastern District of Pennsylvania, seeking a preliminary injunction against enforcement of the Act on the specious and erroneous grounds that the Act violates the first and fifth amendments to the Constitution;

(8) on June 11, 1996, the District Court granted such injunction based on the unworthy pretext, by the American Civil Liberties Union and others, contrary to applicable Supreme Court precedents, that the Act is "unconstitutional on its face";

(9) section 561(b) of the Act provides for direct appeal to the Supreme Court, as a matter of right, should any part of the Act be held unconstitutional by a District Court;

(10) the Department of Justice has hesitated to appeal the District Court's injunction;

(10) the Clinton Administration's 1993 failure to defend aggressively Federal child pornography statutes in the case of United States v. Knox, 32 F.3d 733 (3rd Cir. 1994) compelled the Senate to resolve that the Administration defend the statute, which calls into question the Administration's resolve in this case; and

(11) the Senate finds it imperative that the Department of Justice vigorously defend the Act before the Supreme Court.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Justice should appeal directly to the Supreme Court the order of the District Court in ACLU v. Reno, No. 96-963 (E.D. Pa. June 11, 1996).

## BINGAMAN AMENDMENTS NOS. 4210–4211

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4210

On page 398, after line 23, insert the following:

**SEC. 2828. RENOVATION OF THE PENTAGON RESERVATION.**

The Secretary of Defense shall take such action as is necessary to reduce the total cost of the renovation of the Pentagon Reservation to not more than $1,118,000,000.

AMENDMENT NO. 4211

Strike out section 402 and insert in lieu thereof the following:

**SEC. 402. REPEAL OF PERMANENT END STRENGTHS.**

(a) REPEAL.—Section 691 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of such title is amended by striking out the item relating to section 691.

## FEINGOLD AMENDMENTS NOS. 4212–4213

(Ordered to lie on the table.)

Mr. FEINGOLD submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4212

At the end of subtitle B of title II, adds the following:

**SEC. 223. COST-BENEFIT ANALYSIS OF F/A-18E/F AIRCRAFT PROGRAM.**

(a) REPORT ON PROGRAM.—Not later than March 30, 1997, the Secretary of Defense shall submit to the congressional defense committees a report on the F/A-18E/F aircraft program.

(b) CONTENT OF REPORT.—The report shall contain the following:

(1) A review of the F/A-18E/F aircraft program.

(2) An analysis and estimate of the production costs of the program for the total number of aircraft realistically expected to be procured at each of three annual production rates as follows:

(A) 18 aircraft.

(B) 24 aircraft.

(C) 36 aircraft.

(3) A comparison of the costs and benefits of the program with the costs and benefits of the F/A-18C/D aircraft program taking into account the operational combat effectiveness of the aircraft.

(c) LIMITATION ON USE OF FUNDS PENDING TRANSMITTAL OF REPORT.—No funds authorized to be appropriated by this Act may be obligated or expended for the procurement of F/A-18E/F aircraft before the date that is 90 days after the date on which the congressional defense committees receive the report required under subsection (a).

AMENDMENT NO. 4213

Strike out section 902 and insert in lieu thereof the following:

**SEC. 902. TERMINATION OF THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.**

(a) TERNMINATION.—(1) The Uniformed Services University of the Health Sciences is terminated.

(2)(A) Chapter 104 of title 10, United States Code, is repealed.

(B) The table of chapters at the beginning of subtitle A of such title, and at the beginning of part III of such subtitle, are each amended by striking out the item relating to chapter 104.

(b) EFFECTIVE DATE.—The termination referred to in subsection (a), and the amendments made by such subsection, shall take effect on the date of the graduation from the Uniformed Services University of the Health Sciences of the last class of students that enrolled in such university on or before the date of the enactment of this Act.

## BINGAMAN AMENDMENT NO. 4214

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

In section 402, strike out "5" in the last line and insert in lieu thereof "100".

## LAUTENBERG AMENDMENT NO. 4215

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

Beginning on page 90, strike line 1 and all that follows through page 91, line 17.

## JOHNSTON (AND BREAUX) AMENDMENT NO. 4216

(Ordered to lie on the table.)

Mr. JOHNSTON (for himself and Mr. BREAUX) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title XXVIII, add the following:

**SEC. 2828. LAND TRANSFER, VERNON RANGER DISTRICT, KISATCHIE NATIONAL FOREST, LOUISIANA.**

(a) TRANSFER PURSUANT TO ADMINISTRATIVE AGREEMENT.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of the Army and the Secretary of Agriculture shall enter into an agreement providing for the transfer to the Secretary of the Army of administrative jurisdiction over such portion of land currently owned by the United States within the Vernon Ranger District of the Kisatchie National Forest, Louisiana, as the Secretary of the Army and the Secretary of Agriculture jointly determine appropriate for military training activities in connection

with Fort Polk, Louisiana. The agreement shall allocate responsibility for land management and conservation activities with respect to the property transferred between the Secretary of the Army and the Secretary of Agriculture.

(2) The Secretary of the Army and the Secretary of Agriculture may jointly extend the deadline for entering into an agreement under paragraph (1). The deadline may be extended by not more than six months.

(b) ALTERNATIVE TRANSFER REQUIREMENT.—If the Secretary of the Army and the Secretary of Agriculture fail to enter into the agreement referred to in paragraph (1) of subsection (a) within the time provided for in that subsection, the Secretary of Agriculture shall, at the end of such time, transfer to the Secretary of the Army administrative jurisdiction over property consisting of approximately 84,825 acres of land currently owned by the United States and located in the Vernon Ranger District of the Kisatchie National Forest, Louisiana, as generally depicted on the map entitled "Fort Polk Military Installation map", dated June 1995.

(c) LIMITATION OF ACQUISITION OF PRIVATE PROPERTY.—The Secretary of the Army may acquire privately-owned land within the property transferred under this section only with the consent of the owner of the land.

(d) USE OF PROPERTY.—(1) Subject to paragraph (2), the Secretary of the Army shall use the property transferred under this section for military maneuvers, training and weapons firing, and other military activities in connection with Fort Polk, Louisiana.

(2) The Secretary may not permit the firing of live ammunition on or over any portion of the property unless the firing of such ammunition on or over such portion is permitted as of the date of the enactment of this Act.

(e) MAP AND LEGAL DESCRIPTION.—(1) As soon as practicable after the date of the transfer of property under this section, the Secretary of Agriculture shall—

(A) publish in the Federal Register a notice containing the legal description of the property transferred; and

(B) file a map and the legal description of the property with the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Armed Services of the Senate and the Committee on Resources, the Committee on Agriculture, and the Committee on National Security of the House of Representatives.

(2) The maps and legal descriptions prepared under paragraph (1) shall have the same force and effect as if included in this subsection, except that the Secretary of Agriculture may correct clerical and typographical errors in the maps and legal descriptions.

(3) As soon as practicable after the date of the enactment of this Act, copies of the maps and legal descriptions prepared under paragraph (1) shall be available for public inspection in the following offices:

(A) The Office of the Secretary of Agriculture.

(B) Such offices of the United States Forest Service as the Secretary of Agriculture shall designate.

(C) The Office of the Commander of Fort Polk, Louisiana.

(D) The appropriate office in the Vernon Parish Court House, Louisiana.

(f) MANAGEMENT OF PROPERTY.—(1) If the transfer of property under this section occurs under subsection (a), the Secretary of the Army and the Secretary of Agriculture shall manage the property in accordance with the agreement entered into under that subsection.

(2)(A) If the transfer of property under this section occurs under subsection (b), the Secretary of the Army and the Secretary of Agriculture shall manage the property in accordance with the management plan under subparagraph (B) and the memorandum of understanding under subparagraph (C).

(B)(i) For purposes of managing the property under this paragraph, the Secretary of the Army shall, with the concurrence of the Secretary of Agriculture, develop a plan for the management of the property not later than two years after the transfer of the property. The Secretary of the Army shall provide for a period of public comment in developing the plan in order to ensure that the concerns of local citizens are taken into account in the development of the plan. The Secretary of the Army may utilize the property pending the completion of the plan.

(ii) The Secretary of the Army shall develop and implement the plan in compliance with applicable Federal law, including the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(iii) The plan shall provide for the management of the natural, cultural, and other resources of the property, including grazing, the management of wildlife and wildlife habitat, recreational uses (including hunting and fishing), and non-public uses of non-Federal lands within the property.

(C)(i) For purposes of managing the property under this paragraph, the Secretary of the Army and the Secretary of Agriculture shall enter into a memorandum of understanding in order to provide for—

(I) the implementation of the management plan developed under subparagraph (B); and

(II) the management by the Secretary of Agriculture of such areas of the property as the Secretary of the Army and the Secretary of Agriculture designate for use for non-military purposes.

(ii) The Secretary of the Army and the Secretary of Agriculture may amend the memorandum of understanding by mutual agreement.

(g) REVERSION.—If at any time after the transfer of property under this section the Secretary of the Army determines that the property, or any portion thereof, is no longer to be retained by the Army for possible use for military purposes, jurisdiction over the property, or such portion thereof, shall revert to the Secretary of Agriculture who shall manage the property, or portion thereof, as part of the Kisatchie National Forest.

## MOSELEY-BRAUN AMENDMENT NO. 4217

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted an amendment intended to be proposed by her to the bill, S. 1745, supra; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 636. PREVENTION OF CIRCUMVENTION OF COURT ORDER BY WAIVER OF RETIRED PAY TO ENHANCE CIVIL SERVICE RETIREMENT ANNUITY.**

(a) CIVIL SERVICE RETIREMENT AND DISABILITY SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8332 of title 5, United States Code, is amended by adding at the end the following:

"(4) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this subchapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.".

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking "Except as provided in paragraph (2)" and inserting "Except as provided in paragraphs (2) and (4)".

(b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

(1) IN GENERAL.—Subsection (c) of section 8411 of title 5, United States Code, is amended by adding at the end the following:

"(5) If an employee or Member waives retired pay that is subject to a court order for which there has been effective service on the Secretary concerned for purposes of section 1408 of title 10, the military service on which the retired pay is based may be credited as service for purposes of this chapter only if, in accordance with regulations prescribed by the Director of the Office of Personnel Management, the employee or Member authorizes the Director to deduct and withhold from the annuity payable to the employee or Member under this subchapter, and to pay to the former spouse covered by the court order, the same amount that would have been deducted and withheld from the employee's or Member's retired pay and paid to that former spouse under such section 1408.".

(2) CONFORMING AMENDMENT.—Paragraph (1) of such subsection is amended by striking "Except as provided in paragraph (2) or (3)" and inserting "Except as provided in paragraphs (2), (3), and (5)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on January 1, 1997.

## LAUTENBERG (AND OTHERS) AMENDMENT NO. 4218

(Ordered to lie on the table.)

Mr. LAUTENBERG (for himself, Mr. SIMON, Mrs. FEINSTEIN, and Mr. BUMPERS) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of title X, add the following;

SUBTITLE G—CIVILIAN MARKSMANSHIP

**SEC. 1081. SHORT TITLE.**

This subtitle may be cited as the "Self Financing Civilian Marksmanship Program Act of 1996".

**SEC. 1082. PRIVATE SHOOTING COMPETITIONS AND FIREARM SAFETY PROGRAMS.**

Nothing in this subtitle prohibits any private person from establishing a privately financed program to support shooting competitions or firearms safety programs.

**SEC. 1083. REPEAL OF CHARTER LAW FOR THE CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND SAFETY.**

(a) REPEAL OF CHARTER.—The Corporation for the Promotion of Rifle Practice and Firearms Safety Act (title XVI of Public Law 104–106; 110 Stat. 515; 36 U.S.C. 5501 et seq.), except for section 1624 of such Act (110 Stat. 522), is repealed.

(b) RELATED REPEALS.—Section 1624 of such Act (110 Stat. 522) is amended—

(1) in paragraphs (1) and (2) of subsection (a), by striking out "and 4311" and inserting in lieu thereof "4311, 4312, and 4313";

(2) by striking out subsection (b); and

(3) in subsection (c), by striking out "on the earlier of—" and all that follows and inserting in lieu thereof "on October 1, 1996.".

## BURNS AMENDMENTS NOS. 4219–4220

(Ordered to lie on the table.)

Mr. BURNS submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4219

At the end of subtitle E of title III add the following:

**SEC. 368. MILITARY TRAFFIC MANAGEMENT COMMAND'S REENGINEERING PERSONNEL PROPERTY PILOT PROGRAM INITIATIVE.**

(A) The Secretary of Defense will establish a military/industry working group to develop, within 60 days of enactment of this bill, an alternative pilot program to reengineer household goods moves.

(B) This working group shall be chaired by the Department of Defense and shall include equal representation of both military and industry not to exceed a combined total of 12 individuals. Industry representation within the working group shall be as follows:

(i) Small business shall comprise a percentage consistent with their participation within the industry;

(ii) There shall be at least one representative from each of the following industry groups: the American Movers Conference, the Household Goods Forwarders Association of America, the National Moving and Storage Association, and the Independent Movers Conference.

(C) The General Accounting Office shall conduct an independent analysis of this pilot program as well as the pilot program currently being proposed by DoD.

(D) GAO shall report back to the appropriate committees within 90 days of enactment of this bill on the impact of the following factors of both programs:

(i) quality of service to DoD;

(ii) cost savings to the government;

(iii) effect on industry infrastructure;

(iv) effect on small business; and,

(v) adoption of commercial contracting practices.

(E) The Secretary shall not proceed with the implementation of any aspect of any pilot program until the Congressional Committees of jurisdiction review and evaluate the GAO reports.

AMENDMENT NO. 4220

In section 2601(a)(1)(A), strike out "$79,628,000" and insert in lieu thereof "$92,899,000".

## STEVENS AMENDMENTS NOS. 4221–4222

(Ordered to lie on the table.)

Mr. STEVENS submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4221

In the table in section 2401(a), strike out "$18,000,000" in the amount column in the item relating to Elmendorf Air Force Base, Alaska, and insert in lieu thereof "$21,000,000".

Strike out the amount set forth as the total amount at the end of the table in section 2401(a) and insert in lieu thereof "$530,590,000".

In section 2406(a), in the matter preceding paragraph (1), strike out "$3,421,366,000" and insert in lieu thereof "$3,424,366,000".

In section 2406(a)(1), strike out "$364,487,000" and insert in lieu thereof "$367,487,000".

AMENDMENT NO. 4222

At the end of title subtitle F of title X, add the following:

**SEC. 1072. FACILITY FOR MILITARY DEPENDENT CHILDREN WITH DISABILITIES, LACKLAND AIR FORCE BASE, TEXAS.**

(a) FUNDING.—Of the amounts authorized to be appropriated by this Act for the Department of the Air Force, $2,000,000 shall be available for the construction at Lackland Air Force Base, Texas, of a facility (and supporting infrastructure) to provide comprehensive care and rehabilitation services to children with disabilities who are dependents of members of the Armed Forces at the base.

(b) TRANSFER OF FUNDS.—Subject to subsection (c), the Secretary of the Air Force shall grant the funds available under subsection (a) to the Children's Association for Maximum Potential (CAMP) for use by the association to defray the costs of designing and constructing the facility referred to in subsection (a).

(c) LEASE OF FACILITY.—(1) The Secretary may not make a grant of funds under subsection (b) until the Secretary and the association enter into an agreement under which the Secretary leases to the association the facility to be constructed using the funds.

(2)(A) The term of the lease under paragraph (1) may not be less than 25 years.

(B) As consideration for the lease of the facility, the association shall assume responsibility for the operation and maintenance of the facility, including the costs of such operation and maintenance.

(3) The Secretary may require such additional terms and conditions in connection with the lease as the Secretary considers appropriate to protect the interests of the United States.

## LEVIN AMENDMENTS NOS. 4223–4231

(Ordered to lie on the table.)

Mr. LEVIN submitted nine amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4223

At the end of title I add the following:

**Subtitle E—Reserve Components**

**SEC. 141. RESERVE COMPONENT EQUIPMENT.**

(a) APPLICABILITY OF MODERNIZATION PRIORITIES.—The selection of equipment to be procured for a reserve component with funds authorized to be appropriated under section 105 shall be made in accordance with the highest priorities established for the modernization of that reserve component.

(b) REPORTS.—(1) Not later than December 1, 1996, each officer referred to in paragraph (2) shall submit to the congressional defense committees an assessment of the modernization priorities established for the reserve component or reserve components for which that officer is responsible.

(2) The officers required to submit a report under paragraph (1) are as follows:

(A) The Chief of the National Guard Bureau.

(B) The Chief of Army Reserve.

(C) The Chief of Air Force Reserve.

(D) The Director of Naval Reserve.

(E) The Commanding General, Marine Forces Reserve.

AMENDMENT NO. 4224

At the end of subtitle F of title X add the following:

**SEC. 1072. OPERATIONAL SUPPORT AIRLIFT AIRCRAFT.**

(a) STATUS OF EXCESS AIRCRAFT.—Operational support airlift aircraft excess to the requirements of the Department of Defense shall be placed in an inactive status and stored at Davis-Monthan Air Force Base, Arizona, pending the completion of any study or analysis of the costs and benefits of disposing of or operating such aircraft that precedes a decision to dispose of or continue to operate such aircraft.

(b) OPERATIONAL SUPPORT AIRLIFT AIRCRAFT DEFINED.—In this section, the term "operational support airlift aircraft" has the meaning given such term in section 1086(f) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 458).

AMENDMENT NO. 4225

In section 103(1), strike out "$7,003,528,000" and insert in lieu thereof "$6,958,028,000".

At the end of subtitle D of title I, add the following:

**SEC. 132. F-16 AIRCRAFT PROGRAM.**

None of the funds authorized to be appropriated under section 103(1) may be obligated or expended for more than six new production F-16 aircraft.

AMENDMENT NO. 4226

In section 103(1), strike out "$7,003,528,000" and insert in lieu thereof "$6,896,128,000".

At the end of subtitle D of title I, add the following:

**SEC. 132. F-16 AIRCRAFT PROGRAM.**

None of the funds authorized to be appropriated under section 103(1) may be obligated or expended for more than four new production F-16 aircraft.

AMENDMENT NO. 4227

In section 101(1), strike out "$1,508,515,000" and insert in lieu thereof "$1,388,515,000".

At the end of subtitle B of title I, add the following:

**SEC. 113. CONVERSION OF OH-58A/C HELICOPTERS.**

None of the funds authorized to be appropriated under section 101(1) may be obligated or expended for conversion of OH-58A/C helicopters to the OH-58D configuration.

AMENDMENT NO. 4228

In section 101(1), strike out "$1,508,515,000" and insert in lieu thereof "$1,388,515,000".

In section 103(1), strike out "$7,003,528,000" and insert in lieu thereof "$6,958,028,000".

At the end of subtitle B of title I, add the following:

**SEC. 113. CONVERSION OF OH-58A/C HELICOPTERS.**

None of the funds authorized to be appropriated under section 101(1) may be obligated or expended for conversion of OH-58A/C helicopters to the OH-58D configuration.

At the end of subtitle D of title I, add the following:

**SEC. 132. F-16 AIRCRAFT PROGRAM.**

None of the funds authorized to be appropriated under section 103(1) may be obligated or expended for more than six new production F-16 aircraft.

AMENDMENT NO. 4229

Strike out section 233.

AMENDMENT NO. 4230

Beginning with the section heading for section 231, strike out all through section 232.

AMENDMENT NO. 4231

Beginning with the section heading for section 231, strike out all through section 232, and insert in lieu thereof the following:

**SEC. 231. DEMARCATION OF THEATER MISSILE DEFENSE SYSTEMS FROM ANTI-BALLISTIC MISSILE SYSTEMS.**

(a) REAFFIRMATION OF SENSE OF CONGRESS CONCERNING COMPLIANCE POLICY.—Congress reaffirms the expression of the sense of Congress concerning compliance policy that is set forth in subsection (b) of section 235 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 232).

(b) EXTENSION OF PROHIBITION ON FUNDING.—Subsection (c) of section 235 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 232) is amended by inserting "or fiscal year 1997" after "fiscal year 1996".

## KENNEDY AMENDMENT NO. 4232

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle A of title X add the following:

**SEC. . TRANSFERS FOR EDUCATION TECHNOLOGY PROGRAMS.**

(a) EDUCATION PROGRAMS.—Of the total amount appropriated for the Department of Defense for fiscal year 1997 pursuant to the authorizations of appropriations contained in the Act, the Secretary of Defense shall transfer to the Secretary of Education $325,000,000, to carry out technology programs as follows:

(1) $5,000,000, to carry out Section 3122 of subpart 1 of part A of title III of the Improving America's Schools Act of 1994 (20 U.S.C. 6832), relating to Federal Leadership in National Programs for Technology in Education;

(2) $250,000,000, to carry out Section 3132 of subpart 2 of part A of title III of the Improving America's Schools Act of 1994 (20 U.S.C. 6842), relating to School Technology Resource Grants;

(3) $60,000,000, to carry out Section 3136 of subpart 2 of part A of title III of the Improving America's Schools Act of 1994 (20 U.S.C. 6846), relating to National Challenge Grants for Technology in Education; and

(4) $10,000,000, to carry out Section 3141 of subpart 3 of part A of title III of the Improving America's Schools Act of 1994 (20 U.S.C. 6861), relating to Regional Technical Support and Professional Development.

## KENNEDY (AND PELL) AMENDMENT NO. 4233

(Ordered to lie on the table.)

Mr. KENNEDY (for himself and Mr. PELL) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of subtitle A of title X add the following:

**SEC. . TRANSFERS FOR PELL GRANT MERIT BONUS.**

(a) EDUCATION PROGRAMS.—Of the total amount appropriated for the Department of Defense for fiscal year 1997 pursuant to the authorizations of appropriations contained in this Act, the Secretary of Defense shall transfer to the Secretary of Education $250,000,000 to fund Pell grant merit bonus awards under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1970a), relating to Federal Pell Grants, as follows:

(1) Every secondary school student who has graduated in the top 20% of his or her high school class, is enrolled full time in the first year of an associate or baccalaureate degree program that is 2 years or longer at an eligible institution, and is eligible to receive a Pell grant, shall be entitled to a Pell Grant Merit Bonus Award in addition to such student's Pell grant in an amount equal to the grant for which the student is otherwise eligible, up to the cost of attendance at the institution at which the student is in attendance.

## DODD AMENDMENT NO. 4234

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the appropriate place, insert the following:

### TITLE XIII—FAMILY AND MEDICAL LEAVE

**SEC. 1301. PARENTAL INVOLVEMENT LEAVE.**

(a) LEAVE REQUIREMENT.—Section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)) is amended by adding at the end the following:

"(3) ENTITLEMENT TO PARENTAL INVOLVEMENT LEAVE.—

"(A) IN GENERAL.—Subject to section 103(f), an eligible employee shall be entitled to a total of 4 hours of leave during any 30-day period, and a total of 24 hours of leave during any 12-month period, in addition to leave available under paragraph (1), to participate in or attend an activity that—

"(i) is sponsored by a school or community organization; and

"(ii) relates to a program of the school or organization that is attended by a son or daughter of the employee.

"(B) DEFINITIONS.—As used in this paragraph:

"(i) COMMUNITY ORGANIZATION.—The term 'community organization' means a private nonprofit organization that is representative of a community or a significant segment of a community and provides activities for individuals described in subparagraph (A) or (B) of section 101(12), such as a scouting or sports organization.

"(ii) SCHOOL.—The term 'school' means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility licensed under State law.".

(b) SCHEDULE.—Section 102(b)(1) of such Act (29 U.S.C. 2612(b)(1)) is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) SUBSTITUTION OF PAID LEAVE.—Section 102(d)(2)(A) of such Act (29 U.S.C. 2612(d)(2)(A)) is amended by inserting before the period the following: ", or for leave provided under subsection (a)(3) for any part of the 24-hour period of such leave under such subsection".

(d) NOTICE.—Section 102(e)(1) of such Act (29 U.S.C. 2612(e)(1) is amended by adding at the end the following: "In any case in which an employee requests leave under subsection (a)93), the employee shall provide the employer with not less than 7 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subsection.".

(e) CERTIFICATION.—Section 103 of such Act (29 U.S.C. 2613) is amended by adding at the end the following:

"(f) CERTIFICATION FOR PARENTAL INVOLVEMENT LEAVE.—An employer may require that a request for leave under section 102(a)(3) be supported by a certification issued at such time and in such manner as the Secretary may by regulation prescribe.".

**SEC. 1302. PARENTAL INVOLVEMENT LEAVE FOR CIVIL SERVANTS.**

(a) LEAVE REQUIREMENT.—Section 6382(a) of title 5, United States Code, is amended by adding at the end the following:

"(3)(A) Subject to section 6383(f), an employee shall be entitled to a total of 4 hours of leave during any 30-day period, and a total of 24 hours of leave during any 12-month period, in addition to leave available under paragraph (1), to participate in or attend an activity that—

"(i) is sponsored by a school or community organization; and

"(ii) relates to a program of the school or organization that is attended by a son or daughter of the employee.

"(B) As used in this paragraph:

"(i) The term 'community organization' means a private nonprofit organization that is representative of a community or a significant segment of a community and provides activities for individuals described in subparagraph (A) or (B) of section 6381(6), such as a scouting or sports organization.

"(ii) The term 'school' means an elementary school or secondary school (as such terms are defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801)), a Head Start program assisted under the Head Start Act (42 U.S.C. 9831 et seq.), and a child care facility licensed under State law.".

(b) SCHEDULE.—Section 6382(b)(1) of such title is amended by inserting after the second sentence the following: "Leave under subsection (a)(3) may be taken intermittently or on a reduced leave schedule.".

(c) SUBSTITUTION OF PAID LEAVE.—Section 6382(d) of such title is amended by inserting before ", except" the following: ", or for leave provided under subsection (a)(3) any of the employee's accrued or accumulated annual leave under subchapter I for any part of the 24-hour period of such leave under such subsection".

(d) NOTICE.—Section 6382(e)(1) of such title is amended by adding at the end the following: "In any case in which an employee requests leave under subsection (a)(3), the employee shall provide the employing agency with not less than 7 days' notice, before the date the leave is to begin, of the employee's intention to take leave under such subsection.".

(e) CERTIFICATION.—Section 6383 of such title is amended by adding at the end the following:

"(f) An employing agency may require that a request for leave under section 6382(a)(3) be supported by a certification issued at such time and in such manner as the Office of Personnel Management may by regulation prescribe.".

## COHEN AMENDMENT NO. 4235

(Ordered to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle F of title X add the following:

**SEC. 1072. INFORMATION TECHNOLOGY MANAGEMENT AMENDMENT.**

(b)(2) The definition of "national security system" shall not be construed to include any system which involves storage, processing, or forwarding of classified information and is protected at all times by procedures established for the handling of classified information except to the extent that such system is covered by paragraphs (1) through (5) of subsection (a).

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## KYL AMENDMENT NO. 4236

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

On page ___, between lines ___ and ___, insert the following:

**Subtitle ___—National Missile Defense**

**SEC. 261. SHORT TITLE.**

This subtitle may be cited as the "Defend America Act of 1996".

**SEC. 262. FINDINGS.**

Congress makes the following findings:

(1) Although the United States possesses the technological means to develop and deploy defensive systems that would be highly effective in countering limited ballistic missile threats to its territory, the United States has not deployed such systems and currently has no policy to do so.

(2) The threat that is posed to the national security of the United States by the proliferation of ballistic missiles is significant and growing, both quantitatively and qualitatively.

(3) The trend in ballistic missile proliferation is toward longer range and increasingly sophisticated missiles.

(4) Several countries that are hostile to the United States (including North Korea, Iran, Libya, and Iraq) have demonstrated an interest in acquiring ballistic missiles capable of reaching the United States.

(5) The Intelligence Community of the United States has confirmed that North Korea is developing an intercontinental ballistic missile that will be capable of reaching Alaska or beyond once deployed.

(6) There are ways for determined countries to acquire missiles capable of threatening the United States with little warning by means other than indigenous development.

(7) Because of the dire consequences to the United States of not being prepared to defend itself against a rogue missile attack and the long-lead time associated with preparing an effective defense, it is prudent to commence a national missile defense deployment effort before new ballistic missile threats to the United States are unambiguously confirmed.

(8) The timely deployment by the United States of an effective national missile defense system will reduce the incentives for countries to develop or otherwise acquire intercontinental ballistic missiles, thereby inhibiting as well as countering the proliferation of missiles and weapons of mass destruction.

(9) Deployment by the United States of a national missile defense system will reduce concerns about the threat of an accidental or unauthorized ballistic missile attack on the United States.

(10) The offense-only approach to strategic deterrence presently followed by the United States and Russia is fundamentally adversarial and is not a suitable basis for stability in a world in which the United States and the states of the former Soviet Union are seeking to normalize relations and eliminate Cold War attitudes and arrangements.

(11) Pursuing a transition to a form of strategic deterrence based increasingly on defensive capabilities and strategies is in the interest of all countries seeking to preserve and enhance strategic stability.

(12) The deployment of a national missile defense system capable of defending the United States against limited ballistic missile attacks would (A) strengthen deterrence at the levels of forces agreed to by the United States and Russia under the START I Treaty, and (B) further strengthen deterrence if reductions below START I levels are implemented in the future.

(13) Article XIII of the ABM Treaty envisions "possible changes in the strategic situation which have a bearing on the provisions of this treaty".

(14) Articles XIII and XIV of the treaty establish means for the parties to amend the treaty, and the parties have in the past used those means to amend the treaty.

(15) Article XV of the treaty establishes the means for a party to withdraw from the treaty, upon six months notice "if it decides that extraordinary events related to the subject matter of this treaty have jeopardized its supreme interests".

(16) Previous discussions between the United States and Russia, based on Russian President Yeltsin's proposal for a Global Protection System, envisioned an agreement to amend the ABM Treaty to allow (among other measures) deployment of as many as four ground-based interceptor sites in addition to the one site permitted under the ABM Treaty and unrestricted exploitation of sensors based within the atmosphere and in space.

**SEC. 263. NATIONAL MISSILE DEFENSE POLICY.**

(a) It is the policy of the United States to deploy by the end of 2003 a National Missile Defense system that—

(1) is capable of providing a highly-effective defense of the territory of the United States against limited, unauthorized, or accidental ballistic missile attacks; and

(2) will be augmented over time to provide a layered defense against larger and more sophisticated ballistic missile threats as they emerge.

(b) It is the policy of the United States to seek a cooperative transition to a regime that does not feature an offense-only form of deterrence as the basis for strategic stability.

**SEC. 264. NATIONAL MISSILE DEFENSE SYSTEM ARCHITECTURE.**

(a) REQUIREMENT FOR DEVELOPMENT OF SYSTEM.—To implement the policy established in section 263(a), the Secretary of Defense shall develop for deployment an affordable and operationally effective National Missile Defense (NMD) system which shall achieve an initial operational capability (IOC) by the end of 2003.

(b) ELEMENTS OF THE NMD SYSTEM.—The system to be developed for deployment shall include the following elements:

(1) An interceptor system that optimizes defensive coverage of the continental United States, Alaska, and Hawaii against limited, accidental, or unauthorized ballistic missile attacks and includes one or a combination of the following:

(A) Ground-based interceptors.

(B) Sea-based interceptors.

(C) Space-based kinetic energy interceptors.

(D) Space-based directed energy systems.

(2) Fixed ground-based radars.

(3) Space-based sensors, including the Space and Missile Tracking System.

(4) Battle management, command, control, and communications (BM/C$^3$).

**SEC. 265. IMPLEMENTATION OF NATIONAL MISSILE DEFENSE SYSTEM.**

The Secretary of Defense shall—

(1) upon the enactment of this Act, promptly initiate required preparatory and planning actions that are necessary so as to be capable of meeting the initial operational capability (IOC) date specified in section 264(a);

(2) plan to conduct by the end of 1998 an integrated systems test which uses elements (including BM/C$^3$ elements) that are representative of, and traceable to, the national missile defense system architecture specified in section 264(b);

(3) prescribe and use streamlined acquisition policies and procedures to reduce the cost and increase the efficiency of developing the system specified in section 264(a); and

(4) develop an affordable national missile defense follow-on program that—

(A) leverages off of the national missile defense system specified in section 264(a), and

(B) augments that system, as the threat changes, to provide for a layered defense.

**SEC. 266. REPORT ON PLAN FOR NATIONAL MISSILE DEFENSE SYSTEM DEVELOPMENT AND DEPLOYMENT.**

Not later than March 15, 1997, the Secretary of Defense shall submit to Congress a report on the Secretary's plan for development and deployment of a national missile defense system pursuant to this subtitle. The report shall include the following matters:

(1) The Secretary's plan for carrying out this subtitle, including—

(A) a detailed description of the system architecture selected for development under section 264(b); and

(B) a discussion of the justification for the selection of that particular architecture.

(2) The Secretary's estimate of the amount of appropriations required for research, development, test, evaluation, and for procurement, for each of fiscal years 1997 through 2003 in order to achieve the initial operational capability date specified in section 264(a).

(3) A cost and operational effectiveness analysis of follow-on options to improve the effectiveness of such system.

(4) A determination of the point at which any activity that is required to be carried out under this subtitle would conflict with the terms of the ABM Treaty, together with a description of any such activity, the legal basis for the Secretary's determination, and an estimate of the time at which such point would be reached in order to meet the initial operational capability date specified in section 264(a).

**SEC. 267. POLICY REGARDING THE ABM TREATY.**

(a) ABM TREATY NEGOTIATIONS.—In light of the findings in section 262 and the policy established in section 263, Congress urges the President to pursue high-level discussions with the Russian Federation to achieve an agreement to amend the ABM Treaty to allow deployment of the national missile defense system being developed for deployment under section 264.

(b) REQUIREMENT FOR SENATE ADVICE AND CONSENT.—If an agreement described in subsection (a) is achieved in discussions described in that subsection, the President

shall present that agreement to the Senate for its advice and consent. No funds appropriated or otherwise available for any fiscal year may be obligated or expended to implement such an amendment to the ABM Treaty unless the amendment is made in the same manner as the manner by which a treaty is made.

(c) ACTION UPON FAILURE TO ACHIEVE NEGOTIATED CHANGES WITHIN ONE YEAR.—If an agreement described in subsection (a) is not achieved in discussions described in that subsection within one year after the date of the enactment of this Act, the President and Congress, in consultation with each other, shall consider exercising the option of withdrawing the United States from the ABM Treaty in accordance with the provisions of Article XV of that treaty.

**SEC. 268. ABM TREATY DEFINED.**

For purposes of this subtitle, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, and signed at Moscow on May 26, 1972, and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974.

## SHELBY (AND HEFLIN) AMENDMENTS NOS. 4237–4240

(Ordered to lie on the table.)

Mr. SHELBY (for himself and Mr. HEFLIN) submitted four amendments intended to be proposed by them to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4237

In section 330, in the matter preceding paragraph (1), insert ", the Letterkenny Army Depot," after "Sacramento Air Logistics Center".

AMENDMENT NO. 4238

At the end of subtitle C of title I, add the following:

**SEC. 125. PROCUREMENT OF MAIN FEED PUMP TURBINES FOR THE CONSTELLATION (CV–64).**

(a) INCREASED AUTHORIZATION.—The amount authorized to be appropriated by section 102(4) is hereby increased by $4,200,000.

(b) AUTHORITY TO PROCURE.—Of the amount authorized to be appropriated by section 102(4), as increased by subsection (a), $4,200,000 shall be available for the procurement of main feed pump turbines for the Constellation (CV–64).

AMENDMENT NO. 4239

At the end of subtitle C of title II, add the following:

**SEC. 237. DESIGNATION OF THE ARMY AS LEAD SERVICE IN THE NATIONAL MISSILE DEFENSE JOINT PROGRAM OFFICE FOR INITIAL DEPLOYMENT PHASE OF NATIONAL MISSILE DEFENSE PROGRAM.**

The Director of the Ballistic Missile Defense Organization shall designate the Army as the lead service in the National Missile Defense Joint Program Office for the initial deployment phase of the national missile defense program.

AMENDMENT NO. 4240

At the end of subtitle B of title II add the following:

**SEC. 223. DEPRESSED ALTITUDE GUIDED GUN ROUND.**

Of the amount authorized to be appropriated under section 201(1), $5,400,000 is available for continued development and target intercept testing of the depressed altitude guided gun round.

## THURMOND AMENDMENTS NOS. 4241–4242

(Ordered to lie on the table.)

Mr. THURMOND submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4241

At the end of subtitle C of title XXXI, add the following:

**SEC. 3138. DISPOSAL OF CERTAIN ASSETS OF THE DEPARTMENT OF ENERGY.**

(a) PROGRAM.—(1) In order to maximize the use of Department of Energy assets and to reduce costs related to asset management at the facilities and laboratories of the Department, the Secretary of Energy shall carry out a program to dispose of assets of the Department that the Secretary determines to be unnecessary for the discharge of the functions of the Department. The Secretary shall carry out the program so as to result in net receipts to the United States by September 30, 2002, of not less than $110,000,000.

(2) Not later than October 1 of each of 1997 through 2001, the Secretary shall submit to Congress an inventory of the assets of the Department that the Secretary proposes to dispose of under the program.

(3)(A) Notwithstanding any other law and subject to subparagraphs (B) and (C), the Secretary shall deposit the proceeds of the disposition of assets under the program in the General Fund of the Treasury. If the President so designates, amounts deposited in the General Fund under this subparagraph shall be included in the budget baseline required by the Balanced Budget and Emergency Deficit Control Act of 1985 and shall be counted for purposes of section 252 of that Act (2 U.S.C. 902).

(B) The Secretary shall exclude from deposit under subparagraph (A) an amount of the proceeds of a disposal under the program equal to the amount, if any, of appropriated funds expended in carrying out the disposal. Amounts excluded under this subparagraph shall be credited to the account from which the appropriated funds concerned were derived and merged with and available to the same and extent and for the same purposes as such appropriated funds.

(C) After making any deposit required under subparagraph (B) using the proceeds of disposal under the program, the Secretary may, instead of making the deposit of the remaining portion of such proceeds otherwise required under subparagraph (A), utilize all or a portion of such remaining portion for the decontamination or other clean-up of facilities, equipment, and materiel of the Department.

(b) PILOT PROGRAM.—(1) The Secretary shall carry out a pilot program in each fiscal year through fiscal year 2002 under which the Secretary disposes of assets of the Department that the Secretary determines to be unnecessary for the discharge of the functions of the Department so as to result in proceeds to the Department sufficient to cover the costs of carrying out the program under subsection (a).

(2) Not later than 90 days after the beginning of a fiscal year in which the Secretary carries out a pilot program under paragraph (1), the Secretary shall submit to Congress a list and description of the assets of the Department that the Secretary proposes to dispose of under the pilot program.

(c) DEFINITIONS.—(1) For the purposes of this section, the term "assets of the Department" means assets under the control of the Department to Energy, including chemicals and industrial gases, radiation sources, industrial, scientific, and commercial equipment tools and machinery, fuels, and precious and base metals.

(2) The term does not include real property, uranium, assets of any Federal Power Administration, oil in the Strategic Petroleum Reserve, and products from the Naval Petroleum Reserves and the Naval Shale Reserves.

(d) REPEAL OF REQUIREMENT FOR TRANSFER AND DISPOSAL OF EXCESS STRATEGIC AND CRITICAL MATERIALS OF DOE.—Section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) is amended by striking out subsections (a)(10) and (c).

AMENDMENT NO. 4242

In section 216, strike out the section heading and insert in lieu thereof the following:

**SEC. 216. TIER III MINUS UNMANNED AERIAL VEHICLE.**

## PRESSLER (AND DASCHLE) AMENDMENT NO. 4243

(Ordered to lie on the table.)

Mr. PRESSLER (for himself and Mr. DASCHLE) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

On page 311, between lines 9 and 10, insert the following:

**SEC. 1072. SENSE OF CONGRESS ON NAMING ONE OF THE NEW ATTACK SUBMARINES THE "SOUTH DAKOTA".**

It is the sense of the Congress that the Secretary of the Navy should name one of the new attack submarines of the Navy the "South Dakota".

## THURMOND (AND NUNN) AMENDMENT NO. 4244

(Ordered to lie on the table.)

Mr. THURMOND (for himself and Mr. NUNN) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

After section 3, add the following:

**SEC. 4. GENERAL LIMITATION.**

Notwithstanding any other provision of this Act, the total amount authorized to be appropriated for fiscal year 1997 for the national defense function under the provisions of this Act is $265,583,000,000.

## THURMOND AMENDMENT NO. 4245

(Ordered to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title I add the following:

**SEC. 124. ADDITIONAL EXCEPTION FROM COST LIMITATION FOR SEAWOLF SUBMARINE PROGRAM.**

Section 133 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 211) is amended—

(1) in subsection (a), by striking out "subsection (b)" and inserting in lieu thereof "subsections (b) and (c)"; and

(2) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) COSTS NOT INCLUDED.—The previous obligations of $745,700,000 for the SSN-23, SSN-24, and SSN-25 submarines, out of funds appropriated for fiscal years 1990, 1991, and 1992, that were subsequently canceled (as a result of a cancellation of such submarines) shall not be taken into account in the application of the limitation in subsection (a).".

## WARNER AMENDMENT NO. 4246

(Ordered to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to the bills, S. 1745, supra; as follows:

At the end of subtitle B of title I, add the following:

**SEC. 113. PERMANENT AUTHORITY TO CARRY OUT ARMS INITIATIVE.**

Section 193(a) of the Armament Retooling and Manufacturing Support Initiative Act of 1992 (subtitle H of title I of Public Law 102-484; 10 U.S.C. 2501 note) is amended by striking out "During fiscal years 1993 through 1996, the Secretary" and inserting in lieu thereof "The Secretary".

## BROWN AMENDMENT NO. 4247

(Ordered to lie on the table.)

Mr. BROWN submitted an amendment intended to be proposed by him to the bills, S. 1745, supra; as follows:

At the end of subtitle B of title I, add the following:

**SEC. 113. STUDY REGARDING NEUTRALIZATION OF THE CHEMICAL WEAPONS STOCKPILE.**

(a) STUDY.—(1) The Secretary of Defense shall conduct a study to determine the cost of incineration of the current chemical munitions stockpile by building incinerators at each existing facility compared to the proposed cost of dismantling those same munitions, neutralizing them at each storage site and transporting the neutralized remains and all munitions parts to a centrally located incinerator within the United States for incineration.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of the Congress a report on the study carried out under subsection (a).

## THURMOND AMENDMENT NO. 4248

(Ordered to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

Strike out section 2812, relating to the disposition of proceeds of certain commissary stores and nonappropriated fund instrumentalities.

## KYL (AND BINGAMAN) AMENDMENT NO. 4249

(Ordered to lie on the table.)

Mr. KYL (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1043. PROHIBITION OF COLLECTION AND RELEASE OF DETAILED SATELLITE IMAGERY RELATING TO ISRAEL AND OTHER COUNTRIES AND AREAS.**

(a) COLLECTION AND DISSEMINATION.—No department or agency of the Federal Government may license the collection or dissemination by any non-Federal entity of satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

(b) DECLASSIFICATION AND RELEASE.—No department or agency of the Federal Government may declassify or otherwise release satellite imagery with respect to Israel, or to any other country or geographic area designated by the President for this purpose, unless such imagery is no more detailed or precise than satellite imagery of the country or geographic area concerned that is routinely available from commercial sources.

## THURMOND AMENDMENT NO. 4250

(Ordered to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

In section 201(2), strike out "$9,041,534,000" and insert in lieu thereof "8,893,234,000".

In section 301(1) strike out "18,147,623,000" and insert in lieu therefore "$18,295,923,000".

## COHEN (AND LOTT) AMENDMENT NO. 4251

(Ordered to lie on the table.)

Mr. COHEN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

Strike out section 124 and insert in lieu thereof the following:

**SEC. 124. ARLEIGH BURKE CLASS DESTROYER PROGRAM.**

(a) FUNDING.—(1) Subject to paragraph (3), funds authorized to be appropriated by section 102(a)(3) may be made available for contracts entered into in fiscal year 1996 under subsection (b)(1) of section 135 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104-106; 110 Stat. 211) for construction for the third of the three Arleigh Burke class destroyers covered by that subsection. Such funds are in addition to amounts made available for such contracts by the second sentence of subsection (a) of that section.

(2) Subject to paragraph (3), funds authorized to be appropriated by section 102(a)(3) may be made available for contracts entered into in fiscal year 1997 under subsection (b)(2) of such section 135 for construction (including advance procurement) for the Arleigh Burke class destroyers covered by such subsection (b)(2).

(3) The aggregate amount of funds available under paragraphs (1) and (2) for contracts referred to in such paragraphs may not exceed $3,483,030,000.

(4) Within the amount authorized to be appropriated by section 102(a)(3), $750,000,000 is authorized to be appropriated for advance procurement for construction for the Arleigh Burke class destroyers authorized by subsection (b).

(b) AUTHORITY FOR MULTIYEAR PROCUREMENT OF TWELVE VESSELS.—The Secretary of the Navy is authorized, pursuant to section 2306b of title 10, United States Code, to enter into multiyear contracts for the procurement of a total of 12 Arleigh Burke class destroyers at a procurement rate of three ships in each of fiscal years, 1998, 1999, 2000, and 2001 in accordance with this subsection and subsections (a)(4) and (c), subject to the availability of appropriations for such destroyers. A contract for construction of one or more vessels that is entered into in accordance with this subsection shall include a clause that limits the liability of the Government to the contractor for any termination of the contract.

## CHAFEE AMENDMENT NO. 4252

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of section 348, add the following:

(c) REPORT ON COMPLIANCE WITH ANNEX V TO THE CONVENTION.—The Secretary of Defense shall include in each report on environmental compliance activities submitted to Congress under section 2706(c) of title 10, United States Code, the following information:

(1) A list of the ships types, if any, for which the Secretary of the Navy has made the determination referred to in paragraph (2)(C) of section 3(c) of the Act to Prevent Pollution from Ships, as amended by subsection (a)(2) of this section.

(2) A list of ship types which the Secretary of the Navy has determined can comply with Regulation 5 of Annex V to the Convention.

(3) A summary of the progress made by the Navy in implementing the requirements of paragraphs (2) and (3) such section 3(c), as so amended.

(4) A description of any emerging technologies offering the potential to achieve full compliance with Regulation 5 of Annex V to the Convention.

(d) PUBLICATON REGARDING SPECIAL AREA DISCHARGES.—Section 3(e)(4) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(e)(4)) is amended by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) The amount and nature of the discharges in special areas, not otherwise authorized under this title, during the preceding year from ships referred to in subsection (b)(1)(A) of this section owned or operated by the Department of the Navy.".

## THURMOND AMENDMENT NO. 4253

(Ordered to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

In section 201(2), strike out "$9,041,534,000" and insert in lieu thereof "$8,893,234,000".

In section 301(1) strike out "18,147,623,000" and insert in lieu thereof "$18,295,923,000".

## THURMOND (AND NUNN) AMENDMENT NO. 4254

(Ordered to lie on the table.)

Mr. THURMOND (for himself and Mr. NUNN) submitted an amendment intended to be proposed an amendment to the bill, S. 1745, supra; as follows:

Mr. THURMOND (for himself and Mr. NUNN) submitted an amendment intended to be proposed an amendment to the bill, S. 1745, supra; as follows:

On page 219, line 11, insert ", for the Secretary's consideration," after "of Defense".

On page 223, strike out lines 1 and 2 and insert in lieu thereof the following:

"(a) ESTABLISHMENT.—The National Imagery and Mapping Agency is a combat support agency of the Department of Defense and has significant national missions.

On page 223, strike out line 17 and all that follows through page 224, line 2 and insert in lieu thereof the following:

"(3) If an officer of the armed forces is appointed to the position of Director under this subsection, the position is a position of importance and responsibility for purposes of section 601 of this title and carries the grade of lieutenant general, or, in the case of an officer of the Navy, vice admiral.

## THURMOND AMENDMENTS NOS. 4255–4256

(Ordered to lie on the table.)

Mr. THURMOND submitted two amendments intended to be proposed by him to the bills, S. 1745, supra; as follows:

AMENDMENT NO. 4255

At the end of subtitle D of title III, add the following:

**SEC. . AUTHORITY FOR AGREEMENTS WITH INDIAN TRIBES FOR SERVICES UNDER ENVIRONMENTAL RESTORATION PROGRAM.**

Section 2701(d) of title 10, United States Code, is amended—

(1) in the first sentence of paragraph (1), by striking out ", or with any State or local government agency," and inserting in lieu thereof ", with any State or local government agency, or with any Indian tribe,"; and

(2) by adding at the end the following:

"(3) DEFINITION.—In this subsection, the term 'Indian tribe' has the meaning given such term in section 101(36) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(36)).".

AMENDMENT NO. 4256

In section 3136(a), in the matter preceding paragraph (1), strike out "section 3102" and insert in lieu thereof "section 3102(b)".

In section 3136(a)(1), strike out "$43,000,000" and insert in lieu thereof "$65,700,000".

In section 3136(a)(2), strike out "$15,000,000" and insert in lieu thereof "$80,000,000".

In section 3136(a)(2), strike out "stainless steel" and insert in lieu thereof "non-aluminum clad".

## LOTT AMENDMENTS NOS. 4257–4258

(Ordered to lie on the table.)

Mr. LOTT submitted two amendments intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4257

At the end of subtitle E of the title X add the following:

**SEC. 1054. REPORT ON FACILITIES USED FOR TESTING LAUNCH VEHICLE ENGINES.**

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the National Aeronautics and Space Administration, shall submit to Congress a report on the facilities used for testing launch vehicle engines.

(b) CONTENT OF REPORT.—The report shall contain an analysis of the duplication between Air Force and National Aeronautics and Space Administration hydrogen rocket test facilities and the potential benefits of further coordinating activities at such facilities.

AMENDMENT NO. 4258

At the end of subtitle A of title V add the following:

**SEC. 506. GRADE OF CHIEF OF NAVAL RESEARCH.**

Section 5022(a) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) Unless appointed to higher grade under another provision of law, an officer, while serving in the Office of Naval Research as Chief of Naval Research, has the rank of rear admiral (upper half).".

## THURMOND AMENDMENT NO. 4259

(Ordered to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

Beginning on page 127, strike out line 20 and all that follows through page 129, line 10, and insert in lieu thereof the following:

"(2)(A) Not more than 25 officers of any one armed force may be serving on active duty concurrently pursuant to orders to active duty issued under this section.

"(B) In the administration of subparagraph (A), the following officers shall not be counted:

"(i) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

"(ii) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of the active duty to which ordered.

"(iii) Any officer assigned to duty with the American Battle Monuments Commission for the period of active duty to which ordered.".

(b) OFFICERS RETIRED ON SELECTIVE EARLY RETIREMENT BASIS.—Such section is amended by adding at the end the following:

"(e) The following officers may not be ordered to active duty under this section:

"(1) An officer who retired under section 638 of this title.

"(2) An officer who—

"(A) after having been notified that the officer was to be considered for early retirement under section 638 of this title by a board convened under section 611(b) of this title and before being considered by that board, requested retirement under section 3911, 6323, or 8911 of this title; and

"(B) was retired pursuant to that request.".

(c) LIMITATION OF PERIOD OF RECALL SERVICE.—Such section, as amended by subsection (b), is further amended by adding at the end the following:

"(f) A member ordered to active duty under subsection (a) may not serve on active duty pursuant to orders under such subsection for more than 12 months within the 24 months following the first day of the active duty to which ordered under this section.".

## ROBB AMENDMENT NO. 4260

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1054. INFORMATION ON PROPOSED FUNDING FOR THE GUARD AND RESERVE COMPONENTS IN FUTURE-YEARS DEFENSE PROGRAMS.**

(a) REQUIREMENT.—The Secretary of Defense shall specify in each future-years defense program submitted to Congress after the date of the enactment of this Act the estimated expenditures and proposed appropriations for the procurement of equipment and for military construction for each of the Guard and Reserve components.

(b) DEFINITION.—For purposes of this section, the term "Guard and Reserve components" means the following:

(1) The Army Reserve.

(2) The Army National Guard of the United States.

(3) The Naval Reserve.

(4) The Marine Corps Reserve.

(5) The Air Force Reserve.

(6) The Air National Guard of the United States.

## McCAIN (AND OTHERS) AMENDMENT NO. 4261

(Ordered to lie on the table.)

Mr. McCAIN (for himself, Mr. HATCH, Mr. BENNETT, and Mr. NUNN) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

Strike out section 366 and insert in lieu thereof the following new section:

**SEC. 366. DEPARTMENT OF DEFENSE SUPPORT FOR SPORTING EVENTS**

(a) SECURITY AND SAFETY ASSISTANCE.—At the request of a Federal, State, or local government agency responsible for providing law enforcement services, security services, or safety services, the Secretary of Defense may authorize the commander of a military installation or other facility of the Department of Defense or the commander of a specified or unified combatant command to provide assistance for the World Cup Soccer Games, the Goodwill Games, the Olympics, and any other civilian sporting event in support of essential security and safety at such event, but only if the Attorney General certifies that such assistance is necessary to meet essential security and safety needs.

(b) OTHER ASSISTANCE.—the Secretary may authorize a commander referred to in subsection (a) to provide assistance for a sporting event referred to in that subsection in support of other needs relating to such event, but only—

(1) to the extent that such needs cannot reasonably be met by a source other than the Department;

(2) to the extent that the provision of such assistance does not adversely affect the military preparedness of the Armed Forces; and

(3) if the organization requesting such assistance agrees to reimburse the Department for amounts expended by the Department in providing the assistance in accordance with the provisions of section 377 of title 10, United States Code, and other applicable provisions of law.

(c) INAPPLICABILITY TO CERTAIN EVENTS.—Subsections (a) and (b) do not apply to the following sporting events:

(1) Sporting events for which funds have been appropriated before the date of the enactment of this Act.

(2) The Special Olympics.

(3) The Paralympics.

(d) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in

connection with the provision of assistance under this section as the Secretary considers necessary and appropriate to protect the interests of the United States.

(e) REPORT ON ASSISTANCE.—Not later than January 30 of each year following a year in which the Secretary provides assistance under this section, the Secretary shall submit to the congressional defense committees a report on the assistance provided. The report shall set forth—

(1) a description of the assistance provided;

(2) the amount expended by the Department in providing the assistance;

(3) if the assistance was provided under subsection (a), the certification of the Attorney General with respect to the assistance under that subsection; and

(4) if the assistance was provided under subsection (b)—

(A) an explanation why the assistance could not reasonably be met by a source other than the Department; and

(B) the amount the Department was reimbursed under that subsection.

(f) RELATIONSHIP TO OTHER LAWS.—Assistance provided under this section shall be subject to the provisions of sections 375 and 376 of title 10, United States Code.

## DOMENICI AMENDMENT NO. 4262

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle C of title II add the following:

**SEC. 237. SCORPIUS SPACE LAUNCH TECHNOLOGY PROGRAM.**

Of the amount authorized to be appropriated under section 201(4) for the Ballistic Missile Defense Organization for Support Technologies/Follow-On Technologies (PE 63173C), up to $7,500,000 is available for the Scorpius space launch technology program.

## GLENN (AND ABRAHAM) AMENDMENT NO. 4263

(Ordered to lie on the table.)

Mr. GLENN (for himself and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

In section 1022(a), strike out ". Such transfers" and insert in lieu thereof ", if the Secretary determines that the tugboats are not needed for transfer, donation, or other disposal under title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.). A transfer made under the preceding sentence".

## WELLSTONE AMENDMENTS NOS. 4264–4265

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

AMENDMENT NO. 4264

At the end of subtitle A of title X add the following:

**SEC. . TRANSFERS FOR EDUCATION AND EMPLOYMENT ASSISTANCE PROGRAMS.**

(a) EDUCATION PROGRAMS.—Of the total amount authorized to be appropriated for the Department of Defense for fiscal year 1997 pursuant to the authorizations of appropriations contained in this Act, the Secretary of Defense authorized to transfer to the Secretary of Education—

(1) $577,000,000, to carry out subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a), relating to Federal Pell Grants;

(2) $158,000,000, to carry out part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa et seq.), relating to Federal Perkins Loans; and

(3) $71,000,000, to carry out part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.), relating to Federal Direct Student Loans.

(b) EMPLOYMENT ASSISTANCE PROGRAMS.—Of the total amount appropriated for the Department of Defense for fiscal year 1997 pursuant to the authorizations of appropriations contained in this Act, the Secretary of Defense shall transfer to the Secretary of Labor—

(1) $193,000,000, to provide employment and training assistance to dislocated workers under title III of the Job Training Partnership Act (29 U.S.C. 1651 et seq.);

(2) $246,000,000, to carry out summer youth employment and training programs under part B of title II of the Job Training Partnership Act (29 U.S.C. 1630 et seq.);

(3) $25,000,000, to carry out School-to-Work Opportunities programs under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 2101 et seq.); and

(4) $40,000,000, to carry out activities, including activities provided through one-stop centers, under the Wagner-Peyser Act (29 U.S.C. 49 et seq.).

AMENDMENT NO. 4265

At the end of title VII add the following:

**SEC. 708. PREVENTIVE HEALTH CARE SCREENING FOR COLON AND PROSTATE CANCER.**

(a) MEMBERS AND FORMER MEMBERS.—(1) Section 1074d of title 10, United States Code, is amended—

(A) in subsection (a)—

(i) by inserting "(1)" before "Female"; and

(ii) by adding at the end the following new paragraph:

"(2) Male members and former members of the uniformed services entitled to medical care under section 1074 or 1974a of this title shall also be entitled to preventive health care screening for colon or prostate cancer at such intervals and using such screening methods as the administering Secretaries consider appropriate."; and

(B) in subsection (b), by adding at the end the following new paragraph:

"(8) Colon cancer screening, at the intervals and using the screening methods prescribed under subsection (a)(2).".

(2)(A) The heading of such section is amended to read as follows:

**"§ 1074d. Primary and preventive health care services**

(B) The item relating to such section in the table of sections at the beginning of chapter 55 of such title is amended to read as follows:

"1074d. Primary and preventive health care services.".

(b) DEPENDENTS.—(1) Section 1077(a) of such title is amended by adding at the end the following new paragraph:

"(14) Preventive health care screening for colon or prostate cancer, at the intervals and using the screening methods prescribed under section 1074d(a)(2) of this title.".

(2) Section 1079(a)(2) of such title is amended—

(A) in the matter preceding subparagraph (A), by inserting "the schedule and method of colon and prostate cancer screenings," after "pap smears and mammograms,"; and

(B) in subparagraph (B), by inserting "or colon and prostate cancer screenings" after "pap smears and mammograms".

## WELLSTONE (AND HARKIN) AMENDMENT NO. 4266

(Ordered to lie on the table.)

Mr. WELLSTONE (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

After section 3, insert the following:

**SEC. 4. GENERAL LIMITATION.**

(a) LIMITATION.—Notwithstanding any other provision of this Act, the total amount authorized to be appropriated by this Act may not exceed the amount requested by the President for fiscal year 1997 for the national security activities of the Department of Defense and the Department of Energy in the budget submitted to Congress by the President for that fiscal year under section 1105 of title 31, United States Code.

(b) ALLOCATION OF REDUCTIONS.—The Secretary of Defense shall allocate reductions in authorizations of appropriations that are necessary as a result of the application of the limitation set forth in subsection (a) so as not to jeopardize the military readiness of the Armed Forces or the quality of life of Armed Forces personnel.

(c) EXCESS AUTHORIZATIONS TO BE USED FOR DEFICIT REDUCTION.—The reduction under subsection (a) of the total amount that, except for that subsection, would otherwise be authorized to be appropriated for fiscal year 1997 by this Act shall be applied to reduce the budget deficit for fiscal year 1997.

## FEINSTEIN (AND OTHERS) AMENDMENT NO. 4267

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself, Mr. KYL, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1072. SALE OF CHEMICALS USED TO MANUFACTURE CONTROLLED SUBSTANCES BY FEDERAL DEPARTMENTS OR AGENCIES.**

A Federal department or agency may not sell from the stocks of the department or agency any chemical which, as determined by the Administrator of the Drug Enforcement Agency, could be used in the manufacture of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802) unless the Administrator certifies in writing to the head of the department or agency that there is no reasonable cause to believe that the sale of the chemical would result in the illegal manufacture of a controlled substance.

## FEINSTEIN AMENDMENT NO. 4268

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, S. 1745, supra; as follows:

At the end of subtitle F of title X, add the following:

**SEC. REVISION OF CERTAIN AUTHORITIES RELATING TO THE CORPORATION FOR THE PROMOTION OF RIFLE PRACTICE AND FIREARMS SAFETY.**

(a) USE OF PROCEEDS OF SALES FOR BREAST CANCER RESEARCH.—(1) Section 1614 of the Corporation for the Promotion of Rifle Practice and Firearms Safety Act (title XVI of Public Law 104–106; 110 Stat. 517; 36 U.S.C. 5504) is amended—

(A) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(B) by inserting after subsection (c) the following new subsection (d):

"(d) USE OF PROCEEDS OF SALES.—Proceeds from the sale of rifles, ammunition, targets, repair parts and accoutrements, and other supplies and appliances under this subsection shall be deposited in the Defense Health Program account and available for breast cancer research. Amounts so deposited shall be available for that purpose without fiscal year limitation.".

(2) Section 1618(a)(3) of that Act (110 Stat. 520; 36 U.S.C. 5508(a)(3)) is amended by striking out ", including the proceeds" and all that follows through "supplies and appliances,".

(b) TRANSFER OF FUNDS FOR BREAST CANCER RESEARCH.—Notwithstanding section 1621(a) of the Corporation for the Promotion of Rifle Practice and Firearms Safety Act (title XVI of Public Law 104–106; 110 Stat. 521; 36 U.S.C. 5521(a)), funds to be transferred to the Corporation for the Promotion of Rifle Practice and Firearms Safety in accordance with that section shall be transferred instead to the Defense Health Program and available only for breast cancer research. Funds so transferred shall be available for that purpose without fiscal year limitation.

(c) DETERMINATION OF FAIR MARKET VALUE OF ITEMS SOLD.—Section 1614(b) of the Corporation for the Promotion of Rifle Practice and Firearms Safety Act (title XVI of Public Law 104–106; 110 Stat. 517; 36 U.S.C. 5504(b)) is amended by adding at the end the following:

"(3) In determining the fair market value of rifles, ammunition, targets, repair parts and accoutrements, and other supplies and appliances sold under this subsection, the Corporation shall use the average price for such items at a variety of retail gun stores nationwide.".

## SMITH AMENDMENT NO. 4269

(Ordered to lie on the table.)

Mr. SMITH submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows:

At the appropriate place, insert:

**SEC. . SENSE OF THE SENATE CONCERNING USS LCS 102.**

It is the sense of the Senate that the Secretary of Navy should use existing authorities in law to seek the expeditious return of the former USS LCS 102 from the Government of Thailand in order for the ship to be transferred to the United States Shipbuilding Museum in Quincy, Massachusetts.

## WARNER AMENDMENT NO. 4270

(Ordered to lie on the table.)

Mr. WARNER submitted an amendment intended to be proposed by him to the bill, S. 1745, supra; as follows;

At the end of subtitle B of title II add the following:

**SEC. 223. CYCLONE CLASS CRAFT SELF-DEFENSE.**

(a) STUDY REQUIRED.—Not later than March 31, 1997, the Secretary of Defense shall—

(1) carry out a study of vessel self-defense options for the Cyclone class patrol craft; and

(2) submit to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives a report on the results of the study.

(b) SOCOM INVOLVEMENT.—The Secretary shall carry out the study through the Commander of the Special Operations Command.

(c) SPECIFIC SYSTEM TO BE EVALUATED.—The study under subsection (a) shall include an evaluation of the BARAK ship self-defense missile system.

(d) FUNDING.—Of the amount authorized to be appropriated by section 104, $2,000,000 is available for carrying out this section.

## HATFIELD (AND WYDEN) AMENDMENT NO. 4271

(Ordered to lie on the table.)

Mr. HATFIELD (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by them to the bill, S. 1745, supra; as follows:

Insert at the appropriate place the following:

**SEC. . OPPORTUNITY FOR REVIEW AND COMMENT BY STATE OF OREGON ON CERTAIN REMEDIAL ACTIONS AT HANFORD RESERVATION.**

(a) Except as provided in subsection (b), the Site Manager of the Hanford Reservation ("Site Manager") shall provide to the State of Oregon all written information required to be provided to the State of Washington on any matter covered by the Hanford Tri-Party Agreement.

(1) Any such information provided to the State of Washington shall be provided to the State of Oregon when it is provided to the State of Washington or as soon as practical thereafter.

(2) Except as provided in subsection (b), whenever an opportunity for review and comment is provided to the State of Washington on matters covered by the Hanford Tri-Party Agreement, the Site Manager shall also provide an opportunity for review and comment to the State of Oregon.

(b) Nothing in this section: (1) Requires the Site Manager to share enforcement sensitive information or information related to the negotiation, dispute resolution or State cost recovery provisions of the Hanford Tri-Party Agreement; (2) requires the Site Manager to provide confidential budget or procurement information under terms other than those provided in the Tri-Party Agreement for the transmission of such information to the State of Washington; (3) authorizes the State of Oregon to participate in enforcement, dispute resolution or negotiation actions conducted under provisions of the Hanford Tri-Party Agreement; (4) shall delay implementation of remedial or environmental management activities at the Hanford Reservation; or (5) obligates the Department of Energy to provide additional funds to the State of Oregon.

Insert at the appropriate place the following:

**SEC. . SENSE OF THE SENATE ON HANFORD MEMORANDUM OF UNDERSTANDING**

It is the sense of the Senate that the State of Oregon has the authority to and may enter into a joint memorandum of understanding with the State of Washington or a joint memorandum of understanding with the State of Washington and the Site Manager of the Hanford Reservation in order to address issues of mutual concern to such States regarding the Hanford Reservation.

## THE SMALL BUSINESS JOB PROTECTION ACT OF 1996

## BOND AMENDMENT NO. 4272

(Ordered to lie on the table.)

Mr. LOTT (for Mr. BOND) submitted an amendment intended to be proposed by him to the bill (H.R. 3448) to provide tax relief for small businesses, to protect jobs, to create opportunities, to increase the take home pay of workers, and for other purposes; as follows:

Strike title II and insert the following:

TITLE II—PAYMENT OF WAGES

**SEC. 2101. PROPER COMPENSATION FOR USE OF EMPLOYER VEHICLES.**

(a) SHORT TITLE.—This section may be cited as the "Employee Commuting Flexibility Act of 1996".

(b) USE OF EMPLOYER VEHICLES.—Section 4(a) of the Portal-to-Portal Act of 1947 (29 U.S.C. 254(a)) is amended by adding at the end the following: "For purposes of this subsection, the use of an employer's vehicle for travel by an employee and activities performed by an employee which are incidental to the use of such vehicle for commuting shall not be considered part of the employee's principal activities if the use of such vehicle for travel is within the normal commuting area for the employer's business or establishment and the use of the employer's vehicle is subject to an agreement on the part of the employer and the employee or representative of such employee.".

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act and shall apply in determining the application of section 4 of the Portal-to-Portal Act of 1947 to an employee in any civil action brought before such date of enactment but pending on such date.

**SEC. 2102. MINIMUM WAGE INCREASE.**

(a) SHORT TITLE.—This section may be cited as the "Minimum Wage Increase Act of 1996".

(b) AMENDMENT TO MINIMUM WAGE.—Section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)) is amended by striking "(a) Every" and all that follows through "$4.25 an hour after March 31, 1991;" and inserting the following: "(a) An employer shall pay to an employee of the employer the following wage rate in accordance with the requirements of this subsection:

"(1)(A) in the case of an employee who in any workweek is employed in an enterprise engaged in commerce or in the production of goods for commerce, not less than $4.25 an hour during the period ending on December 31, 1996, not less than $4.75 an hour during the year beginning on January 1, 1997, and not less than $5.15 an hour after December 31, 1997;

"(B) in the case of an employee who in any workweek is engaged in commerce or in the production of goods for commerce, but is not employed in an enterprise engaged in commerce or in the production of goods for commerce, not less than $4.25 an hour;".

(c) CONSTRUCTION.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by adding at the end thereof the following new subsection;

"(h) Nothing in this section shall be construed as affecting any exemption provided under section 13.".

**SEC. 2103. FAIR LABOR STANDARDS ACT AMENDMENTS.**

(a) COMPUTER PROFESSIONALS.—Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(A)) is amended—

(1) by striking the period at the end of paragraph (16) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(17) any employee—

"(A) who is a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker;

"(B) whose primary duty is—

"(i) the application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications;

"(ii) the design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

"(iii) the design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or

"(iv) a combination of duties described in clauses (i), (ii), and (iv) the performance of which requires the same level of skills; and

"(C) who is compensated on an hourly bases and is comp4ensated at a rate of not less than $27.63.".

(b) TIP CREDIT.—Section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)) is amended—

(1) by striking "(m) 'Wage' paid" and inserting "(m)(1) 'Wage' paid"; and

(2) by striking "In determining the war" and all that follows through "who customarily and regularly receive tips." and inserting the following:

"(2)(A) In determining the wage an employer is required to pay a tipped employee, the amount paid such employee by the employee's employer shall be an amount equal to—

"(i) the cash wage paid such employee which for purposes of such determination shall be not less than the cash wage required to be paid such an employee on the day proceeding the date of enactment of this paragraph; and

"(ii) an additional amount on account of the tips received by such employee which amount is equal to the difference between the wage specified in subclause (i) and the cash wage in effect under section 6(a)(1).

"(B) Subparagraph (A) shall not apply with respect to any tipped employee unless—

"(i) such employee has been informed by the employer of the provisions of this subsection; and

"(ii) all tips received by such employee have been retained by the employee, except that this subsection shall not be construed to prohibit the pooling of tips among employees who customarily and regularly receive tips."

"(c) OPPORTUNITY WAGE.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) is amended by inserting after subsection (f) the following new subsection:

"(g)(1) In lieu of the rate prescribed by subsection (a)(1), any employer may pay any employee of such employer, during the first 180 consecutive calendar days after such employee is initially employed by such employer, a wage which is not less than $4.25 an hour.

"(2) No employer may take any action to displace employees (including partial displacements such as a reduction in hours, wages, or employment benefits) for purposes of hiring individuals at the wage authorized in paragraph (1).

"(3) Any employer who violates this subsection shall be deemed to have violated section 15(a)(3).".

## KENNEDY AMENDMENT NO. 4273

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 3448, supra; as follows:

Strike Title II and replace with the following:

### TITLE II—LABOR PROVISIONS

**SEC. 1. INCREASE IN THE MINIMUM WAGE RATE.**

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than $4.25 an hour during the period ending July 4, 1996, not less than $4.70 an hour during the year beginning July 5, 1996, and not less than $5.15 an hour after July 4, 1997;".

(b) EMPLOYEES WHO ARE YOUTHS.—Section 6(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)) is amended—

(1) in paragraph (4), by striking "; or" and inserting a semicolon;

(2) in paragraph (5), by striking the period at the end thereof and inserting "; or"; and

(3) by adding at the end thereof the following new paragraph:

"(6) if the employee—

"(A) is not a migrant agricultural worker or a seasonal agricultural worker (as defined in paragraphs (8) and (10) of section 3 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802 (8) and (10)) without regard to subparagraph (B) of such paragraphs and is not a nonimmigrant described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)(ii)(a)); and

"(B) has not attained the age of 20 years, not less than $4.25 an hour during the first 30 days in which the employee is employed by the employer, and, thereafter, not less than the applicable wage rate described in paragraph (1).".

(c) EMPLOYEES IN PUERTO RICO.—Section 6(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(c)) is amended to read as follows:

"(c) The rate or rates provided by subsection (a)(1) shall be applicable in the case of any employee in Puerto Rico except an employee described in subsection (a)(2).".

**SEC. 2. EXEMPTION OF COMPUTER PROFESSIONALS FROM CERTAIN WAGE REQUIREMENTS.**

Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended—

(1) by striking the period at the end of paragraph (16) and inserting "; or"; and

(2) by adding at the end thereof the following new paragraph:

"(17) any employee who is a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker, whose primary duty is—

"(A) the application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications;

"(B) the design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

"(C) the design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or

(D) a combination of duties described in subparagraph (A), (B), and (C) the performance of which requires the same level of skills, and

who, in the case of an employee who is compensated on an hourly basis, is compensated at a rate of not less then $27.63 an hour.".

**SEC 3. USE OF AN EMPLOYER-OWNED VEHICLE.**

(a) IN GENERAL.—Section 4 of the Portal-to-Portal Act of 1947 (29 U.S.C. 254) is amended by inserting at the end the following:

"(e) For purposes of subsection (a), the use by an employee of an employer-owned vehicle to initially travel to the actual place of performance of the principal activity which such employee is employed to perform at the start of the workday and to ultimately travel to the home of the employee from the actual place of performance of the principal activity which such employee is employed to perform at the end of the workday shall not be considered an activity for which the employer is required to pay the minimum wage or overtime compensation if—

"(1) such employee has chosen to drive such vehicle pursuant to a knowing and voluntary agreement between such employer and such employee or the representative of such employee and such agreement is not a condition of employment;

"(2) such employee incurs no costs for driving, parking, or otherwise maintaining the vehicle of such employer;

"(3) the worksites to which such employee is commuting to or from are within the normal commuting area of the establishment of such employer; and

"(4) such vehicle is of a type that does not impose substantially greater difficulties to drive than the type of vehicle that is normally used by individuals for commuting.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and shall apply in determining the application of section 4 of the Portal-to-Portal Act of 1947 (29 U.S.C. 254) to an employee in any civil action brought before such date of enactment but pending on such date.

## THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

## BYRD AMENDMENT NO. 4274

Mr. BYRD proposed an amendment to the bill, S. 1745, supra; as follows:

At the end of title VII add the following:

**SEC. 708. RESEARCH AND BENEFITS RELATING TO GULF WAR SERVICE.**

(a) RESEARCH.—(1) The Secretary of Defense shall, by contract, grant, or other transaction, provide for scientific research to be carried out by entities independent of the Federal Government on possible causal relationships between the complex of illnesses and symptoms commonly known as "Gulf War syndrome" and the possible exposures of members of the Armed Forces to chemical warfare agents or other hazardous materials during Gulf War service.

(2) The Secretary shall prescribe the procedures for making awards under paragraph (1). The procedures shall—

(A) include a comprehensive, independent peer-review process for the evaluation of proposals for scientific research that are submitted to the Department of Defense; and

(B) provide for the final selection of proposals for award to be based on the scientific merit and program relevance of the proposed research.

(3) Of the amount authorized to be appropriated under section 301(19), $10,000,000 is available for research under paragraph (1).

(b) HEALTH CARE BENEFITS FOR AFFLICTED CHILDREN OF GULF WAR VETERANS.—(1) Under regulations prescribed by the Secretary of Defense, any child of a Gulf War veteran who has been born after August 2, 1990, and has a congenital defect or catastrophic illness not excluded from coverage under paragraph (2) is eligible for medical and dental care under chapter 55 of title 10, United States Code, for the congenital defect or catastrophic illness, and associated conditions, of the child.

(2) The administering Secretaries may exclude from coverage under this subsection—

(A) any congenital defect or catastrophic illness that, as determined by the Secretary of Defense to a reasonable degree of scientific certainty on the basis of scientific research, is not a defect or catastrophic illness that can result in a child from an exposure of a parent of the child to a chemical warfare agent or other hazardous material to which members of the Armed Forces might have been exposed during Gulf War service; and

(B) a particular congenital defect or catastrophic illness (and any associated condition) of a particular child if the onset of the defect or illness is determined to have preceded any possible exposure of the parent or parents of the child to a chemical warfare agent or other hazardous material during Gulf War service.

(3) No fee, deductible, or copayment requirement may be imposed or enforced for medical or dental care provided under chapter 55 of title 10, United States Code, in the case of a child who is eligible for such care under this subsection (even if the child would otherwise be subject to such a requirement on the basis of any eligibility for such care that the child also has under any provision of law other than this subsection).

(c) DEFINITIONS.—(1) In this section:

(A) The term "Gulf War veteran" means a veteran of Gulf War service.

(B) The term "Gulf War service" means service on active duty as a member of the Armed Forces in the Southwest Asia theater of operations during the Persian Gulf War.

(C) The term "Persian Gulf War" has the meaning given that term in section 101(33) of title 38, United States Code.

(D) The term "administering Secretaries" has the meaning given that term in section 1072(3) of title 10, United States Code.

(E) The term "child" means a natural child.

(2) The Secretary of Defense shall prescribe in regulations a definition of the terms "congenital defect" and "catastrophic illness" for the purposes of this section.

## BINGAMAN (AND OTHERS) AMENDMENT NO. 4275

Mr. BINGAMAN (for himself, Mr. BRADLEY, and Mr. FEINGOLD) proposed an amendment to the bill, S. 1745, supra; as follows:

On page 398, after line 23, insert the following:

**SEC. 2828. RENOVATION OF THE PENTAGON RESERVATION.**

The Secretary of Defense shall take such action as is necessary to reduce the total cost of the renovation of the Pentagon Reservation to not more than $1,118,000,000.

## BINGAMAN AMENDMENT NO. 4276

Mr. BINGAMAN proposed an amendment to the bill, S. 1745, supra; as follows:

Strike out section 402 and insert in lieu thereof the following:

**SEC. 402. REPEAL OF PERMANENT END STRENGTHS.**

(a) REPEAL.—Section 691 of title 10, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 39 of such title is amended by striking out the item relating to section 691.

## GREGG AMENDMENT NO. 4277

Mr. GREGG proposed an amendment to the bill, S. 1745, supra; as follows:

At the appropriate place, insert the following:

SEC. . (a) the Congress finds that—

(1) Federal Bureau of Investigation background files contain highly sensitive and extremely private information;

(2) the White House is entrusted with Federal Bureau of Investigation background files for legitimate security purposes but it should ensure that any files requested are needed for such purposes and that these files remain confidential and private;

(3) the White House has admitted that the personnel security office headed by Mr. Livingstone inappropriately requested the files of over 400 former White House pass holders who worked under the past two Republican Presidents;

(4) Craig Livingstone, the director of the White House personnel security office, has been placed on paid administrative leave at his own request;

(5) the President has taken no action to reprimand those responsible for improperly collecting sensitive Federal Bureau of Investigation files; and

(6) the taxpayers of the United States should not bear the financial responsibility of paying Mr. Livingstone's salary.

(b) It is the sense of the Senate that the President should terminate Mr. Livingstone from his position at the White House immediately.

## NOTICE OF HEARINGS

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to receive testimony regarding S. 1678, a bill to abolish the Department of Energy, and for other purposes.

The hearing will be held on Tuesday, July 23, 1996, it will begin at 9:30 a.m., and will take place in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Karen Hunsicker, counsel or Betty Nevitt, staff assistant.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, June 25, 1996, session of the Senate for the purpose of conducting a closed hearing on broadcast spectrum reform.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 25, 1996, at 10 a.m., to hold a hearing.

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

### COMMITTEE ON FOREIGN RELATIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 25, 1996, at 2 p.m., to hold a hearing.

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

### COMMITTEE ON THE JUDICIARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, June 25, 1996, at 2 p.m. to hold a nominations hearing.

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

### COMMITTEE ON VETERANS' AFFAIRS

Mr. McCONNELL. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a markup on pending legislation at 10 a.m., on Tuesday, June 25, 1996. The markup will be held in room 418 of the Russell Senate Office Building.

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

### SUBCOMMITTEE ON INVESTIGATIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Commerce on Governmental Affairs, be authorized to meet during the session of the Senate on Tuesday, June 25, 1996 to hold hearings on security in cyberspace.

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

### SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct an oversight hearing Tuesday, June 25, at 9:30 a.m., hearing room (SD-406) on the impact of Federal streamlining efforts on GSA leasing activities.

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

ADDITIONAL STATEMENTS

## TRIBUTE TO THE MILFORD MIDDLE SCHOOL FIFTH-GRADE STUDENTS FOR SUPPORTING THE SHRINERS HOSPITAL

• Mr. SMITH. Mr. President, I rise today to pay tribute to the 80 fifth-grade students in Pam Moreau's math classes at Milford Middle School in New Hampshire. Pam and her students organized an elaborate recycling system and donated 80,000 metal pull-tabs from soft drink cans to the Shriners hospital in Springfield, MA. The Shriners Hospital sells the tabs and uses the money to buy medical and nonmedical supplies for the hospital's burn victims and orthopaedic patients, all of whom are children. I congratulate the Milford students who worked for so many months to collect and recycle the tabs.

These 80 fifth-graders and the 80,000 tabs they collected are an example of the type of goodwill exemplified all across the country for the Shriners hospital. The Shriners hospital in Massachusetts is one of 22 Shriner hospitals in the United States that provides high-quality medical care absolutely free of charge. The Shriners hospital network is the only hospital system in the Nation that provides 100-percent charitable care, accepting no government or insurance reimbursement for treating hundreds of thousands of children. The only way the Shriners are able to help so many young patients is due to the generous support of the American people like the Milford fifth-graders.

Since 1922, when the first Shriner hospital was founded, the Shriner hospital network has helped over 500,000 children. Last year, the hospitals treated close to 20,000 orthopaedic cases and conducted over 200,000 outpatient and outreach clinic visits.

Money raised from the tabs collected by the Milford students will help pay for x-ray film, children's books, and VCR tapes for the patients at the Springfield Shriners Hospital. This hospital and other Shriner hospitals make the largest single contribution on a continuing basis to the care of disabled children in the United States.

I have always been impressed with the number of children the Shriners hospital helps each year and have worked with them over the years to promote and assist their efforts. I am particularly pleased that a group of young students in New Hampshire worked so diligently to contribute to this outstanding institution. These young fifth-graders will help make a difference in the lives of the sick and disabled children at the Shriners hospital. They should be very proud of their volunteer effort.

Mr. President, I ask that this recently published article from the Telegraph describing the students' hard work be inserted into the RECORD.

[From the Telegraph]

PROJECT HAS KIDS PULLING FOR OTHER KIDS

Fifth-graders in Pam Moreau's math classes are getting a lesson in numbers while helping other kids.

About 80 pupils at the Milford Middle School in New Hampshire began collecting metal pull-tabs from soft drink cans last fall and donating them to the Shriners Hospital in Springfield, Mass., which treats orthopaedic patients; other Shriners Hospitals, such as one in Boston, treat child burns patients.

The hospital sells the tabs to an aluminum recycler and uses the money to purchase a variety of medical and nonmedical items, from X-ray film to children's books and VCR tapes patients use during their hospitalization.

As of mid-April, the Milford pupils had collected about 80,000 of the small metal objects—an average of 1,000 per pupil. The dollar value of their efforts is estimated to be $130, so far [price fluctuates daily].

"It's a project we got started for the fun of it . . . but the kids come in with thousands each week," said Moreau, who added they might expand the effort to include more pupils next year.

Many pupils involve their parents, aunts, and uncles in their collecting, said Moreau. One girl made a bin for employees at her father's workplace to donate the tabs. Each month, Moreau gives out a small prize to the pupils who collect the most.

She said their collecting efforts have translated well in the math classes—pupils keep track of their collecting by plotting numbers on graphs. They deposit them into empty five-gallon water bottles, and have filled about five since they began.

It has also spawned a sense of recycling, which for many Milford residents is already the norm. But she said pupils have taken to checking the family garbage and picking up cans littering local parks.

Moreau said she learned about the fundraising project through a friend who saves the tabs and gives them to Chief Grayden, a Nashua Shriner active in Shriners Hospitals. Grayden regularly drives local patients to their treatments in Boston or Springfield, and he brings the tabs to Springfield when he has a bunch.

Moreau said they kicked off the volunteer effort by inviting Grayden in to speak about how collecting them would help other kids. Since then, pupils have been unstoppable.

"It's kids helping kids," she said. "Even though they never have met these kids, they think it's great to be helping out."•

## DEATH OF RALPH H. GOODPASTEUR

• Ms. MOSELEY-BRAUN. Mr. President, on June 20, 1996, the First Church of Deliverance in Chicago lost a minister of music and music director who had brought great joy, great energy, and great spirituality to its services for over 48 years. On that same date, gospel music lost an innovator, and a tremendous talent, a singer, pianist, composer, and arranger who performed with such great artists as Mahalia Jackson, Ethel Waters, Earl "Fatha" Hines, Sally Martin, and Nat King Cole.

Ralph H. Goodpasteur died on June 20, 1996. His death is a great loss to the First Church of Deliverance, to its ministers, staff, and congregation, to gospel music, to his relatives, and to his legions of friends.

Ralph Goodpasteur was born on December 12, 1923, in Columbus, IN. He was educated in the public schools in Richmond, IN. He was a graduate of the University of Southern California, with a degree in English and music, and George Williams College, where he received a masters degree in music.

His musical ability was apparent at an early age, and he began a musical career at age 7. His church life dates back almost as long as his musical interests. He was baptized at the Second Baptist Church at age 7. His entire life was spent combining those two great loves. Religious music, songs of praise and spiritual uplifting, were all part of his special gift, one that he shared with millions.

In 1943, he became pianist and director of the gospel choir of the Grant A.M.E. Church in Los Angeles, CA. In 1948, however, my home town of Chicago, IL was fortunate enough to become Ralph Goodpasteur's home town.

In Chicago, he brought life and joy, not just to the congregation at the First Church of Deliverance, but to every life he touched. His impact on his community was enormous. The love, the admiration, and the respect his adopted home town of Chicago had for him was evidenced by the fact that Mayor Harold Washington of Chicago issued a proclamation making October 4, 1987, Ralph Goodpasteur day. He has been recognized for his many contributions by institutions ranging from the Chicago Historical Society to the Smithsonian Institution to academic institutions throughout the world.

His life was a life of service to others, through his work in the church, and through his music generally. He was a wonderful gospel singer and composer, and used gospel music to move people, and to bring them closer to God. He was the first African-American to have a song published as a hymn in the 1975 edition of the National Baptist Hymnal, Southern Baptist Convention.

He was a special friend to me personally. I called him Uncle Ralph, as did many others, and he gave of his time to help me in my election effort. "Uncle Ralph" helped in may ways, but most importantly, with campaign finance. He was good at that, and brought the same commitment to excellence to the task that he brought to every endeavor he undertook. I will miss him.

Ralph Goodpasteur lived a life filled with accomplishment. He will be long remembered by all those who knew him, or who heard him perform. He has left all of us something very enduring, however; his legacy of music will live on and on for generations to come.

I regret that all of my colleagues have not had the opportunity to come

to know Ralph Goodpasteur. I urge every Member of this Senate to allow his wonderful music to become a part of their lives.•

## TRIBUTE TO COL. STANLEY F. DAVIDSON

• Mr. D'AMATO. Mr. President, I rise today to honor Col. Stanley F. Davidson, who will retire from the U.S. Army on July 1, 1996 after completing a long and distinguished career of more than 30 years of service to our Nation, including 6 years of service in key assignments in the Office of the Secretary of Defense. I would like to take a few minutes to highlight some of his contributions and accomplishments.

Colonel Davidson joined the U.S. Army Reserve as a private on August 30, 1965 and rose to the rank of sergeant. After completing 4 years of enlisted service, he was selected to attend Officer Candidate School and was appointed a second lieutenant on June 16, 1969. He served in several Army Reserve units within the 77th U.S. Army Reserve Command and the 98th Division (Training) in the State of New York and in the Missouri Army National Guard. He subsequently rose through the commissioned ranks and was promoted to the grade of colonel on June 25, 1996.

Prior to entering on active duty, Colonel Davidson's military positions included supply sergeant, detachment commander, platoon leader, and company commander in various engineer and military police units. Colonel Davidson entered on active duty for the U.S. Army Reserve as a member of the Active Guard and Reserve Program on August 1, 1977. His initial active duty assignment was as a captain in the Office of Recruiting and Retention at Headquarters, U.S. Army Forces Command, Fort McPherson, GA. Following this assignment, he was transferred to the Pentagon where he served as a staff officer in the Office of the Deputy Chief of Staff for Personnel. He was later assigned as a manpower mobilization planner in the Office of the Assistant Secretary of Defense for Force Management and Personnel.

His subsequent assignments were in the Personnel Division of the Office of the Chief, Army Reserve and on Project Vanguard in the Office of the Chief of Staff of the Army. He was then transferred to the newly established U.S. Army Reserve Command in Atlanta, GA, where he served as Chief of the Personnel Management Division. Returning once again to the Pentagon, Colonel Davidson served as the Chief of the Office of Policy and Liaison in the Office of the Chief, Army Reserve.

Colonel Davidson also served as liaison officer to the Reserve Forces Policy Board in the Office of the Secretary of Defense; to the Army Reserve Forces Policy Committee in the Office of the Chief of Staff of the Army; and to the Reserve Components Coordination Council in the Office of the Assistant Secretary of the Army for Manpower and Reserve Affairs.

Colonel Davidson's current assignment is as a field representative on the staff of the National Committee for Employer Support of the Guard and Reserve in the Office of the Assistant Secretary of Defense for Reserve Affairs where he has served since October 1994.

His performance of duty in each of these assignments has been exemplary. His decorations include the Legion of Merit, the Defense Meritorious Service Medal, the Meritorious Service Medal with three Oak Leaf Clusters, the Joint Service Commendation Medal, the Joint Service Achievement Medal, the Selective Service Meritorious Service Award, the Army Commendation Medal, the National Defense Service Medal, the Army Reserve Components Achievement Medal with one Oak Leaf Cluster, the Armed Forces Reserve Medal with two 10-year Devices, the Army General Staff Identification Badge, the Office of Secretary of Defense Identification Badge, and numerous other awards and decorations.

Mr. President, Colonel Davidson is an extraordinary officer. I have been impressed by his outstanding service and contributions to our Nation by his service in our Armed Forces. As he prepares to retire from military service, I congratulate him and thank him for his many years of outstanding service to our Nation and extend my best wishes for his future endeavors.•

## PORTRAIT OF HATTIE CARAWAY

• Mr. BUMPERS. Mr. President, last evening more than 200 folks braved the weather to pay tribute to a former Member of this body and a fellow Arkansan, Hattie Caraway

My colleague, Senator DAVID PRYOR, ably presided over a ceremony dedicating a portrait of Hattie Caraway, the first woman ever to place her name on a ballot and be elected to the Senate. This portrait is the second in the Senate art collection which honors a woman; the first is Pocahontas.

Members of the Caraway family, representatives from the Capitol historical and arts communities, congressional staffers, and a number of members of the Arkansas State Society heard Dr. David Malone and Prof. Diane Blair, both authors of books about this Arkansan, extol the many virtues of Hattie Caraway.

They heard Senator STROM THURMOND tell of her trailblazing accomplishments and Senator NANCY KASSEBAUM tell of how the example of Hattie Caraway was an inspiring one to her when she first entertained ideas of seeking a seat in the U.S. Senate.

Hattie Ophelia Wyatt Caraway was appointed to the U.S. Senate on November 13, 1931, to fill the vacancy caused by the death of her husband, Thaddeus Caraway. She was subsequently elected in a January 12, 1932, special election to complete the term. She ran for reelection to a full 6-year term later that year.

At first, Senator Caraway spoke so infrequently that she became known as "Silent Hattie." As she grew more comfortable in her new role, she emerged as a staunch supporter of the New Deal legislation, seconding the nomination of President Franklin Roosevelt at the 1936 Democratic Convention.

Senator Caraway was reelected in 1938. Thus, she served from November 13, 1931, to January 2, 1945. She was the first woman to preside over the Senate—on May 9, 1932—and the first to chair a Senate committee. Hattie died December 21, 1950, and is buried in her hometown, Jonesboro, AR.

Mr. President, I want to pay tribute to the Hattie Caraway Portrait Committee, so superbly chaired by Mary Ellen Jesson of Fort Smith. Members of the committee, which Senator PRYOR and I were proud to appoint to oversee this project—including raising the necessary funds—are: Diane Alderson, Diane Blair, Cassie Brothers, Irma Hunter Brown, Meredith Catlett, Gwen Cupp, Ann Dawson, Dorine Deacon, Mimi Dortch, Jacqueline Douglas, Lib Dunklin, Judy Gaddy, Jane Huffman, Dr. Charlott Jones, Chloe Kirksey, Karen Lackey, Bev Lindsey, Donna Kay Matteson, Susan Mayes, Clarice Miller, Betty Mitchell, Julia Mobley, Nancy Monroe, Sylvia Prewitt, Billie Rutherford, Irene Samuel, and Helen Walton.

Betty Bumpers and Barbara Pryor, were honorary co-chairs of the committee and had the honor of initially unveiling the portrait in Little Rock back in April.

Supporting the committee in this project were the Arkansas Humanities Council, the National Endowment for the Humanities, and the Arkansas Community Foundation. Special thanks also go to Thom Hall at the Arkansas Arts Center.

I also want to pay tribute to Senate Sergeant at Arms Howard Greene, Senate Historian Dick Baker, Assistant Senate Historian Jo Quatannens, Senate Registrar Melinda Smith, and Frank Wright, an artist and member of the advisory panel for the Senate Commission on Art, for their support and advice.

Kelly Johnston, Secretary of the Senate and executive secretary of the U.S. Senate Commission on Art, and Diane Skvarla, Senate Curator, were the guiding forces behind this project and instrumental in bringing us from initial approval of the project to dedication day.

The U.S. Senate Commission on Art selected J.O. Buckley, a Little Rock,

AR, artist to paint the portrait. He was selected from among a number of fine Arkansas portraitists. I invite my colleagues to step outside the Senate Chamber and take a look at this magnificent portrait, which hangs at the end of the main corridor.

Mr. President, last evening was indeed a proud one for Arkansans as a portrait of one of our State's most famous citizens was added to the prestigious collection of art in these hallowed Halls.

Mr. President, I ask that a letter that Bob Nash, Assistant to the President and Director of Presidential Personnel, read on behalf of the President last evening, as well as a letter read on behalf of Congresswoman BLANCHE LINCOLN, be included in the RECORD at this point.

The letters follow:

THE WHITE HOUSE,
*Washington, DC, June 20, 1996.*

Warm greetings to everyone gathered for the unveiling of the portrait of Senator Hattie Caraway of Arkansas.

On August 26, 1920, a new era dawned in America. Recognizing that the right to vote is fundamental to democratic citizenship, suffragists succeeded in empowering women with the political voice that was their due. Elected to her seat in the Senate twelve years later in 1932, Hattie Caraway built on the important progress of the women's movement as America's first elected female senator. Since then, women like Hattie Caraway have carved out for themselves positions of leadership from industry and government to academia and the arts, proving time and again that society benefits immeasurably when all people enjoy equal rights and opportunities.

We must continue the progress she made and urge a new generation to follow the heroic example set by Senator Hattie Caraway and so many other pioneering women. As you install Hattie's portrait into the Senate's permanent art collection, let us dedicate ourselves to building on her legacy of opportunity and achievement.

Best wishes to all for a memorable event.

BILL CLINTON.

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HOUSE OF REPRESENTATIVES,
*Washington, DC, June 21, 1996.*

Hon. DALE BUMPERS,
*Hattie Caraway Portrait Committee, Dirksen Senate Office Building, Washington, DC.*

DEAR FELLOW ARKANSANS AND HATTIE CARAWAY ADMIRERS: It is with deep regret that I cannot share in this historic occasion with you. As I am sure you are all aware, my new family has kept me home in Arkansas, but be assured I am with you in heart and spirit. I join with everyone gathered here today in honoring Senator Caraway for her service to our great state and for her courage to enter a profession which was dominated by men.

I have both a unique bond with and debt to Hattie Caraway. As the first woman ever elected to the Senate, first woman to chair a Senate committee, and the first woman to preside over the Senate, Mrs. Caraway paved the way for the women who would follow her. By blazing the trail over 60 years ago for other women to pursue a political career and by serving with distinction and diligence, she was an inspiration to me in becoming the first woman elected as Representative from the First District of Arkansas.

Without the tireless efforts of Senator and Mrs. Bumpers, Senator and Mrs. Pryor, and the members of the Hattie Caraway Portrait Committee, it would not have been possible to bring her portrait to the Capitol. This is a fitting tribute to a great and illustrious citizen whom we so proudly honor today. Many people are surprised to learn that Arkansas elected the first woman to the United States Senate. This dedication is indeed a celebration of the open-mindedness and fairness of the people of Arkansas.

When I return to Washington and resume my Congressional schedule, one of my first stops on the Hill will be to view the portrait of Hattie Caraway.

Thank you all for making this unveiling a reality.

Sincerely,

BLANCHE LAMBERT LINCOLN,
*Member of Congress.*•

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## TRIBUTE TO LT. GEN. GEORGE R. CHRISTMAS, U.S. MARINE CORPS—A MARINE'S MARINE

• Mr. NUNN. Mr. President, I would like to take a few moments today to offer a tribute to Lt. Gen. George R. Christmas, U.S. Marine Corps. General Christmas is currently the Deputy Chief of Staff for Manpower and Reserves Affairs at the Headquarters of the Marine Corps and will be retiring from the Corps in the very near future after more than 34 years of faithful and outstanding service.

General Christmas was commissioned as a second lieutenant in 1962. During the next 34 years, he served in command and staff assignments true to the Marine's Hymn—in every aspect of the Marine Corps:

He has been a student and an instructor;

He has served at the flagpole in the Marine Corps Headquarters as a Special Assistant to the Assistant Commandant of the Marine Corps and thousands of miles from the flagpole as the Director for Operations for the United States Pacific Command.

In peacetime, he has commanded an infantry platoon, a recruit training battalion, an infantry regiment, an expeditionary brigade, a Force Service Support Group, and a Marine Expeditionary Force.

In combat, he commanded an infantry company and participated in the now legendary Battle for Hue City. During this vicious fighting, General Christmas was seriously wounded. He was awarded the Navy Cross for his bravery and actions during this fighting.

In July of 1994, General Christmas assumed his current duties as the Deputy Chief of Staff for Manpower and Reserve Affairs for the Marine Corps.

General Christmas is no stranger to the Armed Services Committee having appeared before the committee on many occasions to help us work through the many challenging issues that have faced the military services in the post-cold war era.

He is, in every sense, a Marine's Marine—an eager student, a dedicated teacher, a superb resources manager, an outstanding leader, a combat warrior, a very talented professional and a true gentleman.

Most importantly, through the years, General Christmas has never lost sight of the importance of the individual Marine to our Nation's combat readiness. His concern for every Marine, for every family member and for every retiree was readily apparent each time the committee has sought his views.

The Marine Corps is a better place, a more ready force, and a greater national asset because Gen. Ron Christmas chose to dedicate his life to wearing the Globe and Anchor.

As Gen. Ron Christmas leaves active service, I would like to express my sincere appreciation and admiration for a job tremendously well done and, on behalf of those who have come to know him and to value his counsel, I would like to offer my very best wishes to him and to his wonderful family for every happiness and success in the future.•

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## UNANIMOUS-CONSENT AGREEMENT—S. 1219

Mr. GRAMS. Mr. President, I ask unanimous consent that S. 1219 not be considered the pending business.

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

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## ORDERS FOR WEDNESDAY, JUNE 26, 1996

Mr. GRAMS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, June 26; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day, and that the Senate then resume consideration of S. 1745, the DOD authorization bill, and the cloture vote with respect to S. 1745 occur immediately.

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

Mr. GRAMS. Mr. President, I further ask unanimous consent that Senators have until 10 a.m. on Wednesday to file second-degree amendments to the DOD authorization bill.

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

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## PROGRAM

Mr. GRAMS. Mr. President, for the information of all Senators, there will

be a rollcall vote on the motion to invoke cloture on the DOD authorization bill at 9:30 a.m. Regardless of the outcome of that vote, the Senate is expected to continue consideration of that bill throughout the day on Wednesday with rollcall votes expected. A late-night session is anticipated in order to make substantial progress on the DOD authorization bill.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. GRAMS. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate now stand in adjournment under the previous order.

There being no objection, the Senate, at 8:05 p.m., adjourned until Wednesday, June 26, 1996, at 9:30 a.m.

# HOUSE OF REPRESENTATIVES—*Tuesday, June 25, 1996*

The House met at 10:30 a.m. and was called to order by the Speaker.

## MORNING BUSINESS

The SPEAKER. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The SPEAKER pro tempore (Mr. FOLEY). The Chair recognizes the gentleman from Georgia [Mr. GINGRICH] for 5 minutes.

## TRIBUTE TO CONGRESSMAN BILL EMERSON

Mr. GINGRICH. Mr. Speaker, I thank the Chair for recognizing me.

I just want to take this moment to share with my colleagues briefly the sense of sadness that I think that we all feel at the passing away of Congressman BILL EMERSON of Missouri. BILL EMERSON was a tremendous human being who worked extraordinarily hard on the issue of hunger, reach out in a bipartisan way, and was recognized around the world as somebody who cared deeply about everyone on the planet having a chance to have a decent meal and to live a life which has good nutrition.

Congressman EMERSON was an expert on nutrition programs here and abroad. He was also a man who cared deeply. He cared deeply about his family, about his district, about representing the people of Missouri, and about serving in the U.S. Congress. I think that as all of us watched him struggle with cancer and we watched as he came to the floor with oxygen, he came to the floor in a wheelchair, but he was absolutely, totally dedicated to serving. He loved this House. He loved the process of dealing with issues and problems and helping people, and he loved the interaction between human beings.

I think all of us are a little poorer and all of us in the House I think on both sides of the aisle are certainly a little sadder at the loss of this fine, wonderful gentleman who passed away over the weekend. I simply wanted to share with the House those thoughts on behalf I think of all the Members of the House.

## TIME TO PASS HEALTH INSURANCE REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized during morning business for 5 minutes.

Mr. PALLONE. Mr. Speaker, I have taken to the floor many times in the last few months to talk about the need to pass health insurance reform, the bill that was originally sponsored by Senators KENNEDY and KASSEBAUM on a bipartisan basis that would try to achieve significant reform in the areas of portability and preexisting conditions.

I have also been very critical of the Republican leadership in the House which continues to press an amendment or an addition, if you will, to the Kennedy-Kassebaum bill that would include medical savings accounts.

I have referred to the medical savings accounts as the poison pill that basically will bring down health insurance reform this year and could very well make it impossible to pass any health insurance reform that would address the issues of portability and preexisting conditions.

I mention this today on the floor, Mr. Speaker, because there was an excellent editorial in the Star Ledger, which is New Jersey's largest circulation daily, which essentially addressed the issue of health insurance reform as well as medical savings accounts and pointed out how significant this legislation is in terms of providing additional health insurance for many Americans who lose their health insurance when they lose a job or because of a prior medical condition.

The editorial also details to some extent, I would say, why we should not include medical savings accounts if we ever want to see health insurance reform and to see more Americans covered by health insurance. So Mr. Speaker, I just wanted to read, if I could, some relevant sections of this editorial that was in the New Jersey Star Ledger today, because I think it really says it all in terms of where we are going or should be going with this health reform issue.

It starts out and it says:

The latest census bureau study says that 66.6 million people, one of every five Americans, will lose their medical coverage for a month or more during any 28-month period. That means a huge part of the population is always vulnerable to a major health care problem. It also makes it clear why Congress must stop playing games and pass a bill that would help protect people who get caught between jobs and lose their health coverage.

In the same time it takes for you to lose your coverage and get it back, your new insurance company can, and most likely will, stamp "prior and existing illness" on any condition you have, on anything that turns up within the first few months of the new coverage, whether it's pregnancy, cancer, heart disease, or your child's asthma—and the company will refuse to pay.

So, to the list of the chronically uninsured, you can add those who have insurance that does a fat lot of good for the health problems they face. This addresses the problem of preexisting conditions.

The most vulnerable are people who are laid off or switch jobs, including those who switch to better jobs where the health benefits may be improved but come with a waiting period before the coverage kicks in. It's the kind of thing that can make a bigger paycheck smaller faster tan you can say, "Why doesn't someone do something about this?"

Mr. Speaker, the Star Ledger says that, "Somebody is trying." They point out that, "the Kennedy-Kassebaum bill, sponsored by one Democrat and one Republican, would restrict the insurance companies' ability to impose waiting periods or deny coverage for existing health problems. The bill would give people who are caught between jobs a better change of holding on to health coverage that means something. It is a conservative and useful beginning to health care reform."

However, "the bill is bogged down because some of the same people who have been telling us we do not need to tinker with the health care system could not resist tinkering with this bill and they've added all sorts of amendments, including one that would allow medical savings accounts.

"Medical savings accounts are offered as a way for everyone to self-insure by putting money in tax-sheltered accounts as an alternative to buying coverage.

"Of course, since most people cannot afford health insurance premiums, it's not likely most can sock away as much cash as it would take to cover the family's medical needs. That is why medical savings accounts are nothing but a tax break that would cost the Government and benefit only the wealthy as well as a heavy Republican contributor pushing this approach."

What the Star Ledger is saying in this editorial, Mr. Speaker, is that it is time for us in the House of Representatives, as well as in the Senate, to push forward with health insurance reform that will help those who change jobs, the issue of portability, or help those who lose their job, or help those who have preexisting conditions.

Too many Americans, anywhere from 40 to 60 million Americans, could benefit from this legislation, and it is simply being held up because the Republican leadership insists on including these medical savings accounts simply because of special interests. They received something like $1.2 million in the last few years from the Golden Rule Insurance Co., which is pushing these accounts. It is time for real health insurance reform.

## WHY CONSUMERS SHOULD SUPPORT MSA'S

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. STEARNS] is recognized during morning business for 5 minutes.

Mr. STEARNS. Mr. Speaker, I hope the gentleman from New Jersey [Mr. PALLONE] will stay around for just a moment to listen to this.

In 1994, the then House majority leader, the gentleman from Missouri, DICK GEPHARDT, thought MSA's, medical savings accounts, were such a good idea that he included them in the Democrat leadership bill.

In 1994, all but one Democrat on the House Committee on Ways and Means voted in favor of medical savings accounts in the Clinton health care reform plan. So I think the gentleman from New Jersey, Mr. PALLONE, and others on the Democrat side who complain about medical savings accounts should realize that their leadership, not only in the House but in the Senate, when the Medical Cost Containment Act of 1992 was—which included medical savings accounts—presented to the Senate, even TOM DASCHLE, was there sponsoring it. So, Mr. Speaker, I think it is appropriate that I talk about medical savings accounts this morning.

We have heard a great deal from that side of the aisle, talk about how they are tax breaks for the rich, which is absolutely false, and I think we have all these Democrat leaders who have supported it, so I think the bottom line is, it is good for America. They were based upon the premise that the consumer, in this case the purchaser of health care, should have control over their health care dollars. This is important, because those of us who believe that by empowering people to have more control over their health care spending, they will become more cost conscious and in all likelihood would seek information to shop around, look at the marketplace.

Mr. Speaker, let us ask the basic question: What are medical savings accounts? During debate on the Clinton health care bill, we learned that Americans want health care reform that will provide consumers with the ability to choose the type of health care plans that best suit their needs. Medical savings accounts would provide consumers with just such an opportunity.

Under current tax law, third-party insurance is subsidized and self-insurance is penalized. Every dollar an employer pays for third-party insurance is excluded from employee income. When employees try to save that money, it is taxed. Medical savings accounts should be given the same tax incentive as currently given to third-party health insurance premiums.

Mr. Speaker, if we are to provide true health care reform, we must provide individuals with the options of being allowed to create medical savings accounts. On that side of the aisle, they have talked about giving retirement accounts for women who are at home and for working people. We had that in our American dream account. Medical savings accounts are under the same concept. They would enable consumers to use tax-free savings accounts to self-insure for routine, out-of-pocket medical expenses. The inclusion of a medical savings account would provide people with the opportunity to choose higher deductibles in the place of premium savings in individual medical savings accounts.

Mr. Speaker, our health care bill, which the gentleman from New Jersey [Mr. PALLONE] was talking about, provides that taxpayers would be permitted to have one account to make an annual deposit of no more than $2,000 if single, $4,000 if married. Under this bill, in order to make these contributions be tax deductible, an individual must be covered by a high deductible health care plan. By empowering consumers with choice and individual responsibility, healthy competition among insurance companies is created and it is better for all of us.

In 1994, in the issue of the Journal of American Health Policy article entitled, "Why Medical Savings Accounts Deserve a Closer Look," it said: "Research has shown that these accounts give lower health care expenditures markedly without any negative health effects on individuals with such coverage."

What are some of the advantages? They are portable, total freedom of choice, allows spending on long-term care premiums, will increase the number of insured Americans and, of course, Mr. Speaker, they create wealth through all of us increasing our savings rate.

Critics claim that health care has become too complicated and that consumers are no longer capable of making cost-conscious decisions. Several studies show that health care consumers do make cost-conscious decisions provided they are given the financial incentive to do so.

Critics also claim that consumers will not seek preventive care in order to save money for these accounts, but studies show that they do not deter preventive care. What we find is that savings result from a more discriminating use of optional services, and consumers select less expensive health care benefits.

Perhaps the criticism we hear the most is that these accounts would attract the healthy, leaving the sick with conventional insurance. In that case, the adverse selection or what is called cherry-picking, would cause an increase in the cost of traditional insurance. But this has not been shown to be true. Companies using this type of account have not experienced this problem. Several different groups and organizations have already established these accounts for their employees, and I believe the success they have met in so doing is a surprise for some of the critics.

What do the polls tell us about the public's reaction to medical savings accounts? Well, of the 1,000 workers responding to a survey conducted by the Marketing Research Institute, 87 percent said they would like to have medical savings accounts. Of course, when I mentioned earlier about the critics, we have the gentleman from Missouri [Mr. GEPHARDT], we have the gentleman from South Dakota [Mr. DASCHLE], we have all the Democrats on the Committee on Ways and Means voting for medical savings accounts, so it is clear it is bipartisan.

Mr. Speaker, let me close by also pointing out that 18 State legislatures have passed medical savings accounts legislation with overwhelming bipartisan support. Mr. Speaker, 68 million Americans already have access. We need to bring the rest of them in.

□ 1045

## DO NOT KILL THE DEPARTMENT OF COMMERCE

The SPEAKER pro tempore (Mr. FOLEY). Under the Speaker's announced policy of May 12, 1995, the gentleman from West Virginia [Mr. WISE] is recognized during morning business for 5 minutes.

Mr. WISE. Mr. Speaker, I am not here to speak about medical savings accounts, but I do have to respond to the gentleman from Florida.

Saying that Democrats who voted 2 or 3 years ago for medical savings accounts, in effect, support the medical savings account proposal today is like saying NEWT GINGRICH supports the Democratic agenda because he voted for one small piece of it.

I supported the Democratic health care plan 3 years ago, in which medical savings accounts were a very small piece of a very big puzzle, in which also there was guaranteed health care for all citizens as opposed to the present proposal, which is incremental, deals only with small numbers of the population, and medical savings accounts are the one piece that will sink the package that people do agree on. So there is a total difference.

Let us talk about something else that I have great concern about what the Gingrich leadership is doing because, Mr. Speaker, I ask you this: We just saw the basketball finals, the NBA finals. If you are heading into the playoffs, you have a tough schedule ahead of you, you are 2 to 2 in the series, would you pull Michael Jordan at that point? Of course, you would not.

Then why is it if we have an agency, a department, that has generated 80 billion dollars' worth of export contracts for the United States and created jobs, why would we then try to bench the Department of Commerce? And yet that is exactly what the Republican leadership intends to do in reform week that is coming up in the next few weeks.

That is right, they want to take apart the U.S. Department of Commerce, which, under Secretary Ron Brown and now Secretary Mickey Kantor, for the first time is really performing a valuable mission. What is the mission? To create jobs. To create jobs in America.

That is why I am coming to the floor today, to urge my colleagues now to rise up and to say, no we do not want to kill the Department of Commerce; we do not think we ought to, in the interest of saying we broke up an agency or a department, that we should move all these different departments around and shift boxes on the flow chart and thus take away the central element, the ability to coordinate our economic recovery efforts.

Because I think it is important to look at what the Department of Commerce does. First of all, the Department of Commerce works in partnership with local businesses and governments to provide much-needed infrastructure. I think everyone here has seen the benefits of an economic development administration enterprise, whether a grant for water and sewer or for a feasibility study.

I know in my own State of West Virginia, for instance, we have seen millions of dollars come in from EDA grants that has generated millions and millions of dollars worth of jobs in industrial parks and businesses. Because remember what EDA does, EDA only funds, in most cases, where it is a job-creating venture, where you create jobs as a result of it. We have seen $15 billion of EDA investment over 30 years, not only create infrastructure but to create jobs.

There is more that the Department of Commerce does. The National Weather Service. I think everybody has seen that firsthand and the need for that. That is economic development, too, because the farmer knows to protect his or her crops, the businessperson knows to get their equipment up on pallets because there is going to be flooding. The more advanced notice they get, the better they can plan their deliveries, plan their shipments. That is the National Weather Service.

There is more that the Department of Commerce does. The National Telecommunications and Information Administration, which provides grants to educational, health care, public safety, and social service agencies. All crucial activities. How about the International Trade Administration that many of our small businesses use? That is the one way that they get into the export market. Exports create jobs. The ITA in West Virginia as well as across the country is creating those jobs.

I talked to one small businessperson in my home just this last week who said that 40 percent of their business now comes through ITA-generated export opportunities. What do they want to do? They want to break this up and move it around. It makes no sense.

The Foreign Commercial Service, those are our hustlers out in every embassy. We do not have enough of them, but they want to move them someplace else. Makes no sense. The Department of Commerce has generated since 1992 more than $80 billion in foreign contracts for American businesses. That is Secretary Ron Brown going out with CEO's of major Fortune 500 companies and others as well nailing down those contracts and Secretary Mickey Kantor now doing the same thing.

We have the Advanced Technology Program, 220 public-private partnerships, joining more than $1.5 billion of Federal and private funds.

Mr. Speaker, I am urging businesses across the country now to let their Members of Congress know this is not a good idea. You do not pull Michael Jordan in the middle of the game, and you do not pull the Department of Commerce in a time when we are facing increased, not decreased, increased international competition.

I hope the CEO's of those Fortune 500 companies will stand up and say, yes, we do happen to think the Department of Commerce is important, and I hope all those who understand the importance of the Department of Commerce realize the next few weeks are crucial to saving this agency.

## THE FBI FILE SCANDAL

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1996, the gentleman from Illinois [Mr. EWING] is recognized during morning business for 5 minutes.

Mr. EWING. Mr. Speaker, I come here today to talk about a topic which is not new in the press, but I think I would like to talk about it in a little different way. I want to talk about how we are looking at the file scandal that affects our Government.

Many in the press and in this Congress have focused their attention on the actions of the White House staff with regard to the FBI files. They are correct to ask why the White House was rooting through most of this confidential and secretive information about hundreds of private citizens and whether the President's staff was digging for dirt on political opponents.

However, I believe that the media and the Congress are failing to adequately question the role for the Federal Bureau of Investigation in this matter. The FBI has been given tremendous responsibility by this Congress to investigate criminals and guarantee the security of our country. There is no excuse for the FBI to allow the White House staff to request highly confidential files without even asking the White House why they needed them. The FBI handling of this matter appears to me to be very irresponsible and negligent. This Congress needs to seriously question the FBI's role in this whole matter and how the agency would allow this breach of confidentiality.

Mr. Speaker, it really is not any wonder that so many Americans have lost faith with their Government when the most powerful investigative agency can be used to snoop around in the private lives of American people for no apparent reason. And I refer to a recent editorial in the Wall Street Journal which talks about an FBI agent who was, until 2 months ago, the top FBI agent working in the White House, and when he raised questions about the White House personnel security office and its director, Craig Livingstone, this FBI agent was transferred out by his superiors. I think that is a question that needs to be answered by this Congress.

In addition, we are now learning that these files may have contained IRS information about the individuals, and if we go back to the post-Watergate era, we know that this Congress passed laws to protect that from happening again. There are, indeed, some Members left in this Congress from the post-Watergate era and certainly to them the actions which they took to try to protect the rights of the American people from having their very sensitive and secret tax files made available for political reasons needs to be investigated.

The chairman of the Committee on Ways and Means has suggested that felonies may have occurred in the handling of these files at the White House, and I think we have every right to look into that. We know that there is no good reason that anyone at the White House has any need to be involved and looking through the files, the IRS files, of people who may need entrance or clearance to visit the White House. No one, I would repeat, no one, is authorized to look at taxpayers' files and they should not at the White House think they have that right.

Now, I believe that Attorney General Reno, and I commend her for seeking

someone outside of her department to investigate themselves in this matter, but that is a pretty shrewd move politically also, because Ms. Reno knows that once Mr. Starr is authorized to look into this matter, that that will probably prevent this Congress from holding hearings, this Congress from calling Mr. Livingstone up here and answering to us what his actions were about.

Initially, I think that Ms. Reno's efforts to broaden the inquiry were well received, but I am not sure that the American people or that any of us ought to sleep very comfortably knowing that we are going to be frozen out of the process of looking into this matter.

## WE MUST FIND A WAY TO REDUCE THE POLARIZATION AND RACIAL CONFLICT IN OUR SOCIETY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, this House was so shocked by church burnings in recent weeks that it last week passed a bill to add to Federal law enforcement authority, and I want to commend the gentleman from Illinois, Chairman HYDE, and the gentleman from Michigan, ranking member CONYERS, of the Committee on the Judiciary, for the leadership they took and also Chairman CONYERS for the Congressional Black Caucus hearing that shed additional light on this matter, including the need for prevention.

In my years as a youngster in the civil rights movement, I never saw this kind of systematic racist church burning. This House's response does it honor. A few high-profile prosecutions are now in order, but, Mr. Speaker, I have come to the floor because I want something more.

Martin Luther King would have wanted us to use his life amidst the polarization and balkanization that has contributed to these burnings. I come to the floor to call the House's attention to two events and to two people, both youngsters, who deserve the notice of this House. One is Billy Shawn Baxley, a 17-year-old white youngster who has confessed to burning a church; and the other is Keshia Thomas, an 18-year-old black girl who saved a pro-Klan white man at an anti-Klan rally a few days ago. Both are reported in the papers, and I know nothing more than what the papers tell me, but the Nation ought to know more.

In the small rural community of East Howellsville, NC, Billy Shawn Baxley, 17 years old, burned the church across the road from him, and he confessed on television. People in the community said, well, he did not know what he was doing, he is only a kid. The State's attorney said he was not willing to concede that race was not involved. The youngster could have burned a McDonald's; he burned a church. But the response of the two churches involved is what deserves special notice, and I want to tell it unvarnished by reading from the New York Times.

> He confessed to it in a televised interview. On Thursday night the teenager and about 12 members of his white church, Zion Tabernacle Baptist Church, joined about eight members of the Pleasant Hill congregation for bible study at the church that Mr. Baxley is accused of setting ablaze. After an hour of singing and scripture, the group stood in front of the pews, held hands and prayed. Mr. Baxley wiped a tear from his eye after prayer, and several members of both congregations hugged him and said they forgave him.

This is a story out of these tragic racial burnings that deserves the mention and the notice of Americans throughout this country. It is in the tradition of Martin Luther King. It reminds us that after the prosecutions are over, we are still one people, and we have to find a way to reduce the polarization and the racial conflict in this society.

□ 1100

Then perhaps you saw this picture; this young woman was interviewed on television last night. Keshia Thomas was a protester against the Ku Klux Klan at a Klan rally. There a white man who had a Confederate flag on his jacket and who appeared to support the Klansmen came forward. The crowd lunged at him and started to beat him. It looked as though they might beat him to death.

This is 18-year-old girl did what Martin Luther King told us must be done, except she was not here when he lived or when he died. Her instinctive decency was such that she threw herself on the racist white men and fended off those who were beating him. Finally, taking blows herself, they moved back and then she got up with him and led him away.

She was no admirer of this man, but she was a decent human being. She said, and I quote her, "Just because you beat somebody doesn't mean you are going change his mind." She has not had time to develop a very deep philosophy, but what she is is a decent black girl who happens to be a decent American.

These two youngsters, the 17-year-old who could not hold the crime in himself and confessed on television and the 18-year-old black girl who could not bear to see a man beat to death because of his views, these are the heroes of this ordeal. These are the people who have learned from it.

## STEAL AMERICAN TECHNOLOGIES ACT

The SPEAKER pro tempore (Mr. FOLEY). Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. ROHRABACHER] is recognized during morning business for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, I would like to associate myself with the remarks that we just heard from my colleague from Washington, DC. I thought they were articulate. I thought they were from the heart. I think they speak to every American that we should be standing together for those principles of decency and honor and love that should be the basis of the relationship between free people. Let us hope that there will not be racists that need to be protected and that we do not have to protect ourselves from church burnings and crowds because that will be exorcised from the hearts of every American. That should not be there in the first place. I thought those remarks were something to touch the hearts of all of us and help that process and make for all of us a better country.

Today we need to stand together as never before as Americans, whether it is black or white or yellow or whatever race or ethnic background, because America is under attack as never before. We went through the cold war and we stood together. Now we are facing a world of economic competition. Our national well-being and the rights of the American people are under attack in a more insidious way.

There will be a bill that will reach this floor shortly after the 4th of July called H.R. 3460. It is the Moorhead-Schroeder Act. I like to call it the Steal American Technologies Act because it will, if passed, result in the greatest rip-off of American technology in the history of this country and leave our people with a declining standard of living. They will never know what hit them because the fundamental rules that have provided us our technological superiority over our economic adversaries and, yes, over our military adversaries is being changed to the detriment of the United States.

Again, most Americans will not understand what hit them. Even today it is hard to understand this piece of legislation. But let us remember, if people want to understand what this bill is all about, all the changes to date proposed in the patent law and the changes proposed in H.R. 3460, the Steal American Technologies Act, are part of an effort to enact into law a hushed agreement that was made between the head of the United States Patent Office and the Japanese patent office. I have a copy of that back in January 1994. I am now submitting this agreement that almost no American knows about between the head of our Patent Office and the head of the Japanese patent office to harmonize American law with that of Japan, meaning trashing the constitutional protections we have had on patent rights since the founding of our country and harmonizing our law with

theirs, bringing down the rights of the American people in the name of harmonizing Japanese-American law.

I will also submit a copy of a 1993 Japanese patent association recommendation list for the United States Patent Office. Here it is. I submit that for the RECORD as well.

Guess what? Everything included in these recommendations are the things, are the provisions of H.R. 3460, which we are proposing, which this body will be voting on in the name of improving our patent law, making it exactly like Japan's. We are being told that these changes that are being proposed in our law are to prevent submarine patenting.

They say that is the driving force behind H.R. 3460. How come then, if that is the driving force, it is the Japanese that are demanding that we make those changes in our law? These changes will put a stranglehold on American innovation and help bring down the American leadership in technology that has protected the well-being of our own people. What does it do?

What are these recommendations? How is our law going to be changed? An American inventor who applies for a patent from this moment on after this law passes, up until now it has been secret what his patent application is until that patent is granted to that inventor. Now because of the Japanese request, we are going to publish every detail of every American patent, whether or not the patent has been issued to the inventor. That means every inventor, the details of every invention, every creative idea will be made public to every thief, every pirate, every Asian copycat in the world to use against us to bring our standard of living down.

Proponents of the publication say, well, 75 percent of all the patents are already patented overseas anyway. That is an inaccurate figure that has been given to this body, and we will soon be giving the Small Business Administration and GAO figures on that. But what is more important is that overseas patent applications, unlike American patent applications, are only small in detail. What they want to do is publish every one of our secrets so that we can be destroyed economically.

We must oppose H.R. 3460 and support the Rohrabacher substitute.

Mr. Speaker, I include for the RECORD the following information:

[From the Japan Patent Association, Sept. 1993]

THE UNITED STATES PATENT SYSTEM AND PRACTICES VIEWED FROM JAPAN: NOBODY IS PERFECT

BACKGROUND FOR PREPARING THIS DOCUMENT

Intellectual property is drawing attention world-wide in recent years, and there are a number of developments in various countries including revision of their patent legislation, in parallel with the progress in the discussions on harmonization of patent systems proposed by the World Intellectual Property Organization (WIPO) which is in the center of these developments.

The U.S., where the trend for protection of intellectual property intensified during the 80's, amended her IP related legislation and at the same time has been demanding the countries of the world, taking every opportunity and arena available to review their legislation towards strengthened IP protection. The United States expressed her very strong dissatisfaction especially against Japanese patent system, combined with the issue of trade imbalance between the two countries. The U.S. perception is expressed, for example, in the recent report from U.S.G.A.O. entitled "Intellectual Property Rights. U.S. Companies' Patent Experiences in Japan".

On the other hand, U.S. patent system which has a number of marked differences from the patent systems in other industrialized countries of the world, embraces numerous problems both in its statute and practices which are found of concern from the point of view of Japanese IP practitioners. In this document you will find the major points the members of IPA, who are users of U.S. IP system have found unsatisfactory in the U.S. legislation and practices through their daily involvement with that system, and which they would like to see changed.

*1. First-to-invent*

(1) The point at issue and general comments—Under first-to-invent system, the date of invention is established by means of interference process. But because the proof of date of invention made in a foreign country is not legally recognized even when the date of filing in the U.S. of the U.S. party is later than the date of filing in the country of the foreign party which is the basis of priority for the foreign party, the foreign parties in many cases give up their claim for their patent right, the cost factor involved also being a reason to do so. United States is now the only country in the world adopting first-to-invent system, and her early transition to first-to-file system is desired.

(2) Specific problems—

A. 35 U.S.C. §104—Establishment of invention date made in a foreign country is not recognized except for the case with convention priority right. This article provides de facto for discrimination against foreigners.

B. Interference—Interference requires a long and complicated process before the decision. Apart from the issue of time consumed in the process, the delay in patent grant caused by interference inflicts a serious inconvenience to the public in relation to patent term as explained in the following item 2. An applicant can intentionally modify the pending claim after looking at an issued patent, and apply for interference. A large amount of money is involved in interference leading to cases where the poorer party give up.

*2. Submarine patents*

(1) The point at issue and general comments—Because there is no provision of public disclosure of applications, there is no way to know about a patent application currently pending, no matter how long time ago the application may have been filed. This creates a situation whereby it is never predictable when or what kind of patent should suddenly come up to the surface.

Also because there is substantially unlimited patent term from the filing date, it is possible that those patents emerging from the oblivion of twenty or thirty years ago can exist for seventeen years from the date of grant causing, depending on the content of the patent, serious damages to the industry as well as to the public interest because of the characteristics of patent which can exclude uses of the invention by a third party.

Industrialized countries in the world all have the systems for public disclosure of patent applications and ceiling for patent term from the filing date. The U.S. is urged to adopt these systems as soon as possible.

(2) Specific problems—

A. The lack of the public disclosure system of applications—It causes inefficient double investments and disrupts effective employment of capital investments.

B. The lack of ceiling for patent term from the filing date—As the delay in examination has no effect on the patent term, sometimes applicants intentionally delay examination inducing de facto extension of patent term, and effect substantial modification to the claims watching the trend in the industry.

C. The lack of limits on the number of times or for the time-frame for division, continuation, or continuation in part of patent applications. This facilitates intentional prolongation of examination.

D. On top of above item C, addition of a new manner which was not disclosed in the original specification is allowed with continuation-in-part application. No judgement is passed on what is a new matter or which claims are relevant to the added new matter during examination process. This in turn makes establishment of reference dates for novelty and non-obviousness difficult, causing the determination on the effectiveness of patent extremely difficult. (This problem raises major difficulty in practice as mentioned in item 4, below, in connection with the determination of patent effectiveness.)

*3. Patent practice*

(1) The point at issue and general comments—Generally speaking, the level of examination on patentability could be improved, and the standards for judgement on non-obviousness vary widely. This is possibly due to budgetary problem. Many specifications demonstrate a large gap between the essence of invention and the expression of claims. In the practical area of examination process, improvements are due for requirement for selection of invention and the lack of clear definition for the extent of duty of prior art disclosure.

(2) Specific problems—

A. The standards for judgement on non-obviousness vary widely, and there are noticeable cases where the level of judgement is extremely inconsistent. Many patents have been granted for inventions with doubtful non-obviousness, such as those for sheer numerical limitations without criticality, etc.

B. Unclear patentability judgement on software related inventions. There are many patents that seem to claim practically algorithm per se.

C. Restriction requirement to applications which are essentially contained in the unity of invention. Standard for issuing restriction requirement is unclear, causing financial and administrative burdens to the applicant.

D. Unclear stipulation for duty of prior art disclosure. To try to construe on the safe side results in heavy administrative burden. It is especially true financially, when examination of corresponding foreign application, for instance, revealed prior art at approximately the same time for the U.S. patent grant, forcing the applicant to apply for continuation or to request for reexamination.

*4. Review of patent validity*

(1) the point at Issue and general comments—Because there is variation in the

quality of examination, many patents are granted with questionable patentability. It is difficult to confirm patentability (or nonpatentability) of these patents without recourse to litigations. Although reexamination system has been introduced as a means of reviewing patentability of patents after grant, the system is not structured to function sufficiently. Aan improvement is promptly needed off reexamination system. Although it is possible to review validity of patents in court, there are various practical problems as described in item 5, litigation and patent infringement below.

(2) Specific problems—

A. Imperfection in the system of request for reexamination—Under the current legislation, there are imperfections such as, only prior patents or publications can trigger a request for reexamination, the requesting person can only be partially involved in the reexamination, or no request for appeal is allowed in case of an unfavorable decision. Under these circumstances, an action with the objective of invalidating certain patents may end up in fortifying the patents in question, if the request for reexamination is rejected, of if the patentability is confirmed.

*5. Litigation and patent infringement*

(1) The point at issue and general comments—It is said that U.S. society is a litigation society and patent disputes are also brought relatively easily to court. From our point of view, there are many disadvantageous aspects and problems including excessive discovery and the jury system. We will not elaborate on this however, and concentrate on patent litigation and patent infringement issues.

The pressure for reconciliation, instead of going all the way seeking a just decision, is so strong because of the complexity of litigation processes, expensive lawyers' fee, unpredictable results due to the jury system, a very wide margin in the estimated damages in case of a lost case, etc. Also, it is difficult to predict a decision on patentability or infringement, especially a judgement on infringement based on doctrine of equivalents. Improvements in all these areas are desired.

(2) Specific problems—

A. Discovery system—The coverage for discovery demanded by the opponent party is often too broad causing gross burden in manpower, time and money.

B. Jury system—In case of trials highly technical in content as parent disputes, there are often instances where responsible results are hard to be achieved.

C. Scope of infringement of process patent ill-defined—The acts constituting process patent infringement as described in the text introduced by the Omnibus Trade and Competitiveness Act of 1988 are ill-defined, facilitating an excessive demand for damages from the patent holder.

D. Inappropriate determination of damages—There is no clear principle to base the calculation of damages. In case of willful infringement, 35 USC §284 rules that damages may be increased up to three times. The criteria for judging willfulness are not clear.

E. Excessive patent marking obligations—It is stipulated that a patent holder who has not been marking patented products cannot demand damages to the infringing party on infringements occurred prior to issuance of a warning.

According to precedents, patent markings must be applied promptly after the patent is granted, and a license must also adhere to this rule and the markings must be directly applied to product as much as possible. Such interpretations make the requirements extremely severe ones from the view point of business practice.

*6. Other points*

(1) The point at issue and general comments—Patent legislation in the U.S. is markedly heterogeneous from the legislation in other industrialized countries of the world. Numerous resultant obstacles are observed in addition to those mentioned in the above items 1 to 5, obstructing effective patent activities in the United States in the daily patent management and application works carried out as a matter of course by average career patent staffs. There are also de facto discriminatory handlings of foreign applicants, and numerous regulations that are against the spirit of the Paris Convention. It is desired that the U.S. will promptly amend these points and have her patent legislation harmonized with that of the rest of the world.

(2) Specific problems—

A. Discrimination of foreign nationals regarding determination of priority—An application filed in the U.S. with the application for right of priority in foreign countries may not guaranty the convention right, as it may not be possible to eliminate an application filed by a third party in the U.S. between the date of that foreign application and the date of U.S. patent filing.

B. Assignee application not permitted—This restriction is causing major inconvenience in practice. Prior use should be recognized as a means of refutation in infringement dispute.

C. Prior use not recognized—Prior use should be recognized as a means of refutation in infringement dispute.

D. Complicated payments of post-issuance fee—Payment terms of post-issuance fees is too complicated. For example they become due by 3.5 years, 7.5 years, and 11.5 years after the original grant. If post-issuance fee becomes payable yearly as in the case of other countries, management on the patent holder's side will become much easier, and besides, reduction in the sum payable should become feasible.

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MUTUAL UNDERSTANDING BETWEEN THE JAPANESE PATENT OFFICE AND THE UNITED STATES PATENT AND TRADEMARK OFFICE

ACTIONS TO BE TAKEN BY JAPAN

1. By July 1, 1995, the Japanese Patent Office (JPO) will permit foreign nationals to file patent applications in the English language, with a translation into Japanese to follow within two months.

2. Prior to the grant of a patent, the JPO will permit the correction of translation errors up to the time allowed for the reply to the first substantive communication from the JPO.

3. After the grant of a patent, the JPO will permit the correction of translation errors to the extent that the correction does not substantially extend the scope of protection.

4. Appropriate fees may be charged by the JPO for the above procedures.

ACTIONS TO BE TAKEN BY THE U.S.

1. By June 1, 1994, the United States Patent and Trademark Office (USPTO) will introduce legislation to amend U.S. patent law to change the term of patents from 17 years from the date of grant of a patent for an invention to 20 years from the date of filing of the first complete application.

2. The legislation that the USPTO will introduce shall take effect six months from the date of enactment and shall apply to all applications filed in the United States thereafter.

3. Paragraph 2 requires that the term of all continuing applications (continuations, continuations-in-part and divisionals), filed six months after enactment of the above legislation, be counted from the filing date of the earliest-filed of any applications invoked under 35 U.S.C. 120.

WATARU ASOU,
*Commissioner Japanese Patent Office.*
BRUCE A. LEHMAN,
*Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, United States Patent and Trademark Office.*

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## REPUBLICAN STUMBLING BLOCK ON WOMEN—THEIR RECORD

The SPEAKER pro tempore (Mr. ROHRABACHER). Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, first, let me say to the gentleman who was just speaking, if that bill were as he casts it, my name would not be on it. That bill is about making our patent office uniform with both the one in Europe and the one in Japan so our patents will be recognized all over the world. It will do a tremendous amount to increase the protection.

But that is not why I came here today. I came here today to talk about what I tried to do when I heard that the Republican women today were getting ready to launch their get out the vote drive for women. I was very frustrated by this so I decided it was time to talk to Eleanor. Eleanor lives in my office, Eleanor Roosevelt. And I went over and I said to her, what are we going to do about this? They are getting ready to try and bridge the gender gap with all sorts of slick press kits, with all sorts of warm fuzzy rhetoric. Eleanor said, Do you know what, PAT, do not worry; they have got a big stumbling block. It is called their record, their record. So as they go around desperately seeking female votes, they were very apt to trip over their record if the American people know it.

So today at 1, the Congresswomen, the Democratic Congresswomen are releasing a report on the Republican war against women. That is what we call it. It has been a war, and let us be very clear about it. We have seen more backsliding on progress than I have seen in my entire 24 years here. When we look at this, it is truly an unmatched record. The other side says they have an unmatched record for women. They have an unmatched record all right, but it is not for women. It is undoing things we had done for women.

First of all, I think the arrogance of power on that side has been very difficult to deal with. The arrogance of

power when they said, We will shut down Government rather than talk to people or deal with people or compromise or negotiate. I do not think women like that kind of arrogance of power and they are not going to forget the constant Government shutdowns and all the waste of money that went on during that period.

But let me talk about some of the other things this report is going to show. It is talking about family planning. Family planning survived in this Congress by one vote. That is about as close as you can get. Increasing the minimum wage. The majority of the people on the minimum wage happen to be women, many of them single women trying to support a family. We have been for raising it and they have not.

Domestic violence: The prior Congress we had a unanimous vote to start trying to do something about domestic violence and violence against women in this country. One of the first things that they attempted to do this year was cut the funding, cut it very severely. We got some of it back; we did not get all of it back. But it tells you where they really want to go, if they could.

Let us talk about the extreme cuts in Medicare and Medicaid that were attempted that would really gut those programs and leave an awful lot of people hanging out there. And then there was the launch on the school lunch program. I could not believe anybody would launch on school lunches. Everybody knows that children do much better if they are fed and if they have strong nutrition.

And then Head Start. My city of Denver got forced with Head Start cuts and they had to make a decision, did they throw kids out that were in the Head Start Program so they would have enough money to do the whole year or did they leave all the kids in that were in and then just go until they ran out of money? They opted for B, and they have already had to shut Head Start down. It did not make it until the end of the year. They ran out of money.

I cannot believe we are doing that to 3-year-olds. Three-year-olds are our future; they are the 21st century. Yet in Denver we had to tell them, no.

So women, I think, according to Eleanor, as she says it, it is up to the women, have got to hold Members accountable for their votes. We cannot let Members go around and say, we know we voted against women but after all, we are women, so do not hold it against us. I think you could hold it against them all the more. Because I think that women should be the particular advocates on this floor explaining why day care choices are needed, why dependent care choices for elderly family members who may need adult supervision during the day are needed, why families need more tax relief, why families need family medical leave, which is something Members on the other side did not want to back, why families need help, not a lot of help but they need some relief in lifting the pressure that they are feeling come down on them in this new global economy we are in.

I hope many people can get to that press conference. We are going to be talking back because Eleanor told us to.

## SIDS INTERNATIONAL CONFERENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. FOLEY] is recognized during morning business for 5 minutes.

Mr. FOLEY. Mr. Speaker, yesterday, I had the pleasure of speaking before the fourth SIDS international conference taking place in Bethesda, MD.

This conference brought together researchers, health professionals, and parents from around the world to discuss recent and future efforts in the fight against sudden infant death syndrome.

SIDS is the No. 1 cause of death among infants between the ages of 1 week and 1 year, striking infants of all countries and cultures.

This tragic disease is responsible for the death of over 6,000 babies in the United States each year.

The sudden death of a child is a painful experience for any parent, especially when the infant is otherwise healthy and there is no apparent explanation for the child's death.

The good news is we have found ways to lower the risks of SIDS and we are now closer than ever to understanding the underlying causes of this condition.

My personal interest in SIDS stems from my work as a Florida State Senator when I met Stephanie Quick, a mother who had lost her son, Michael, to SIDS.

Michael was just 2 months old when he passed away. At the time of his death, there were few, if any, services in Florida available to families such as Stephanie's who had suffered such a tragic and unexplainable loss.

Since that meeting when I first learned about SIDS, I have worked on State legislation and public education efforts promoting research, support services for grieving families, training for first responders, and guidelines for death scene protocol.

Last year in Congress I, along with Senators HOLLINGS and STEVENS, sponsored the first congressional SIDS briefing to promote SIDS awareness by educating our colleagues and their staff about research and prevention efforts.

This even focused attention on the national "Back to Sleep" campaign which encourages the placement of healthy babies on their back or side to sleep.

Today, more and more parents are taking preventive steps such as this to lower the risks of SIDS.

Preliminary studies of the Back to Sleep campaign indicate the number of SIDS deaths in the United States is declining.

This is an important finding that reflects similar reports from other countries which have also seen a drop in SIDS deaths when babies are placed on their back to sleep.

While this news is very encouraging, more work is necessary if we are to reach our goal of eliminating SIDS.

The National Institute of Child Health and Human Development is the Federal agency responsible for health care research in the area of SIDS.

A recent study revealed that a brain defect in some SIDS babies could interfere with normal respiratory activity in infants and play a part in SIDS deaths.

This important finding underscores the critical need for congressional support of federally funded research and will provide us with valuable knowledge in the fight against SIDS.

It is my hope that our continued commitment to SIDS research will shed new light on the mystery behind SIDS and bring us closer to finding a cure to this cruel and tragic condition.

□ 1115

I would like to take a moment to especially thank my legislative aid, Cherie Lott, who has worked so tirelessly on bringing this issue to the forefront of the U.S. Congress. I think it can prove, without question, that this Congress is committed to caring for our children, caring for our parents and to maintain the best possible health care for all Americans.

## RECESS

The SPEAKER pro tempore (Mr. ROHRABACHER). Pursuant to clause 12 of rule I, the House stands in recess until 12 noon.

Accordingly (at 11 o'clock and 17 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINDER) at 12 noon.

## PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray for the gift of vision, O God, for we know that when there is no vision, individuals and families and institutions do not thrive. Just as the flower receives its nourishment from the

Sun and the soil, so the human spirit is nourished by a vision of Your presence in our lives and the support we receive from Your abiding care. We pray, O gracious God, that whatever our concerns or whatever our needs or whatever our hopes and dreams, we may realize the strength and comfort that comes when we open our hearts to Your love. This is our earnest prayer. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri [Mr. HANCOCK] come forward and lead the House in the Pledge of Allegiance.

Mr. HANCOCK led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## TRIBUTE TO THE LATE HONORABLE BILL EMERSON

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, over the weekend we were saddened to learn of the death of one of our colleague, BILL EMERSON. from the great State of Missouri. Many of the Members know that BILL had been fighting a battle with cancer over the last 10 months. BILL lost that battle over the weekend.

BILL served here in Congress for almost 16 years, having first started in 1954 as a page here in the House, then going on to work for various Members as a staffer here on Capitol Hill. He served on the Committee on Agriculture, he served on the Committee on Transportation and Infrastructure, and he had a career-long interest in the issue of hunger, serving as the ranking minority member on the Select Committee on Hunger, and then going on to be the cochairman of the Hunger Task Force here in the Congress. His interest in hunger was certainly for those in a domestic purpose here in our country and also around the world.

I share with all of our Members our grief in losing our dear friend BILL. We send our condolences to Jo Ann and BILL's four children, and ask them to remember that BILL EMERSON was our friend, our colleague, and someone we dearly loved.

## TRIBUTE TO THE LATE U.S. REPRESENTATIVE, BILL EMERSON

(Mr. SKELTON asked and was given permission to address the House for 1 minute.)

Mr. SKELTON. Mr. Speaker, I rise today to pay tribute to my friend BILL EMERSON, who died Saturday night at the Bethesda Naval Hospital.

BILL was a truly outstanding legislator who was a great credit to Missouri and to our Nation. He made public service his life. He reflected all that is good in the political arena. Although he was of one political party and I of another, this fact never interfered with our friendship.

He stood by his principles and fought hard, but political differences never became personal with him.

He was a person filled with honor, one whose word was good. He reflected the people in his district. He was so proud of Missouri. He was also so very proud of his alma mater, Westminster College in Fulton, MO.

The country lost an excellent Congressman, Missouri lost an excellent Representative, and I lost a warm friend.

I know that all of my colleagues join me in extending condolences to his wife, Jo Ann, and to his daughters Elizabeth, Abigail, Victoria, and Katharine.

## IN MEMORY OF THE LATE BILL EMERSON

(Mr. HANCOCK asked and was given permission to address the House for 1 minute.)

Mr. HANCOCK. Mr. Speaker, one minute to express my personal feelings concerning the passing of our colleague, the Honorable BILL EMERSON from Missouri, is very difficult.

BILL EMERSON was a good friend, a trusted confidant, and a great American. He was dedicated to his maker, his family, and to the institution of the U.S. Congress where he served for almost 6 years.

BILL exemplified the qualities of honor and integrity that some would say is now lacking in public elected officials. BILL accepted people as they are and overlooked the frailties of human nature. This is why he will be sorely missed as a voice of reasonable accommodation.

All of us who had the privilege of knowing and working with BILL EMERSON will remember his positive attitude.

My sincerest regrets and sympathy to Jo Ann Emerson and all his family. They will be remembered in our prayers.

## TRIBUTE TO THE LATE HONORABLE BILL EMERSON

(Mr. POSHARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POSHARD. Mr. Speaker, I have known BILL EMERSON for nearly 20 years. I worked with BILL closely for the past 12 years. He was one of the most solid people that I know. He was common sense, he was decency. He exemplified the principle of integrity in this body and in his life as much as anyone I have ever known.

Some years ago, BILL and I shared a problem between our districts. We needed to keep an old bridge open to Chester, IL, over the troubled waters of the Mississippi River. We worked together. The bridge is still open today, still serving the basic needs of the people of our districts.

The old bridge symbolizes for me in many ways the life of BILL EMERSON. BILL was always reaching out, always trying to help, always building bridges over troubled waters somewhere in his life. I do not know that BILL ever really demanded a political solution. He was too interested in practical solutions to help his people and to help this country. I will forever be grateful for his true sense of bipartisanship.

I offer my condolences to his family on this day. We will miss BILL a great deal in this body.

## TRIBUTE TO THE LATE HONORABLE BILL EMERSON

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute.)

Mr. CHAMBLISS. Mr. Speaker, I rise today to salute my dear friend, BILL EMERSON. BILL EMERSON represented honesty, decency and integrity in this body in a very bipartisan way. Through my many conversations with BILL EMERSON, I learned to understand that BILL had his priorities in order. BILL loved this institution and he loved his country. But above all else, BILL loved his God, and he loved his family. I thank God for the opportunity to have served with BILL EMERSON in this body for the past 18 months. Because of the opportunity to serve with BILL EMERSON, those of us who knew BILL will be better Members of this body. But above all else, we will be better citizens.

## REMEMBERING BILL EMERSON

(Mr. POMEROY asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, I came down here with a text on one of the many issues before this country. I am putting that text away, because I too want to reflect upon BILL EMERSON and publicly express my deep sympathy to his family.

I served on the Agriculture Committee with BILL EMERSON for the last two sessions. He was without question a

tough Republican and we banged heads. Sometimes we banged heads hard. But BILL EMERSON was a man with a very big heart. He has left me with three impressions that I will particularly remember:

The first, he was a man of strong faith. I remember vividly when he presided over the National Prayer Breakfast in 1993, my first year in Congress.

Second, he was a man that approached the duties of a legislator with professionalism. When we would bang heads, we would walk out of committee, and that would be the end of it. We were each trying to do the best we could, we understood that about each other, and our policy differences never came between our friendship. We have too little of that in this Chamber. I hope we remember the example of BILL EMERSON and do a better job, each of us, going forward in the tough debates that are ahead.

Third, he was a man of incredible courage. We all watched as he maintained his perfect voting record this year in a state of obviously disintegrating health. It was terrible to watch someone we love like BILL grow sick and obviously failing right in front of us. But he hung in there and there was never any talk of retreat or surrender from BILL EMERSON. He was going to beat this cancer and he was going to be reelected. He was not done serving the people of Missouri. That courage and never, ever stopping, looking forward, and doing his best is something that I will never forget from my friend BILL.

Rest in peace, old buddy.

## MOURNING THE PASSING OF BILL EMERSON

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I, too, rise to mourn the passing of our friend and colleague, BILL EMERSON. Being a newcomer to the Congress, I reflected on the words of our colleague from Missouri, Mr. SKELTON, on bipartisanship and actions speak louder than words. So it has been on many occasions when I would see both Mr. SKELTON and Mr. EMERSON sharing a ride across the river to work. In our Cloakroom, there is a picture of a younger Mr. EMERSON and our colleague from Pennsylvania, Mr. KANJORSKI, when they served as pages in this institution, helping to bear the stretcher of a wounded Member in a terrible episode in our Nation's history. So, yes, this is a time of remembrance. It is also a time for true bipartisanship.

Mr. Speaker, I recall that in the middle of some troubled times, one political adversary gave his partisan foe some very good advice. It was Hubert Humphrey who told President Richard Nixon to lay out all the facts, and to come clean on certain issues. I daresay, had Mr. Nixon followed Mr. Humphrey's advice, a lot of the problems we faced in this country would have been eased.

In that spirit, Mr. Speaker, without venom or vitriol, in the spirit of true bipartisanship, I would call on this President to release the pertinent documents needed to bring the investigations to a resolute and clear conclusion, so that we may move forward in a bipartisan fashion to clear up questions and to work in a constructive manner in this body.

## IN MEMORY OF BILL EMERSON

(Mr. HALL of Ohio asked and was given permission to address the House for 1 minute.)

Mr. HALL of Ohio. Mr. Speaker, my friend died on Saturday.

BILL EMERSON and I knew each other for many years, traveled together, supported one another in our endeavors in Congress—especially in humanitarian work.

We served the Congressional Hunger Center as cochairmen, and BILL's support during my fast—and during the startup of this nonprofit organization—made a very real, very personal difference to me.

We got to know each other's families, and my family already feel the loss of our good friend. And we all extend our deepest sympathy to his family: to BILL's mother, Marie Hahn; to BILL's wife, Jo Ann; and to their daughters—Elizabeth, Abigail, Victoria, and Katherine.

In the Washington Post this weekend, David Broder wrote that "the companionship that once crossed party lines in Congress * * * has been replaced by a tone of unremitting enmity." That was never true with BILL EMERSON. He nurtured his relationships with both Democrats and Republicans alike.

Mr. Broder was right in lamenting a political climate that too often is hostile. "It is the personal relationships that determine how much the group will get done," he said—and he is right. But people like BILL EMERSON showed us all that we can work together to make a difference for the people who send us to Washington—and especially for children.

My friend was a decent, wonderful man. He will be missed by many of us, and I will never forget him.

□ 1215

## WE DO NOT REALIZE THE TRUE WORTH OF A GREAT MAN UNTIL HE IS GONE

(Mr. TALENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALENT. Mr. Speaker, we do not realize the true worth of a great man until he is gone. The networks of which he is a part, the man of which he is the hub, slip and shake and tremble. We all feel the insecurity of things if even the strongest among us can be so quickly taken from us. Yet we all realize the impact for good that a good man can have.

So it is, Mr. Speaker, with our dear colleague, BILL EMERSON. Much will be said of BILL in the coming days. I wish to say this now. He was my friend, faithful and just and charitable to me. He served his country. He loved his family. He is now most certainly with his Savior, and I will miss him more than I can say.

## AMERICA WILL MISS BILL EMERSON, I MOST OF ALL

(Mr. KANJORSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KANJORSKI. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to my oldest and dearest friend, BILL EMERSON. BILL and I knew each other for 43 years. We met in this Chamber as 15-year-olds when both of us were young. BILL was an exceptional young man, very bright, very focused and very dedicated. As a matter of fact, I used to think of him as an American Churchill or a Midwestern Lincoln: a person of great potential ready to be molded, with a big heart and an understanding love for America and what this great democracy is all about. You know, a lot of my friends on both sides of the aisle will miss BILL because he was truly bipartisan in most everything he ever did.

A lot of us know him and know him in different ways, but one does not know BILL EMERSON unless one knows he was not really BILL EMERSON. When I first met him, he struck out his hand and he introduced himself as Norville William Emerson of Missouri. Being a young man from Pennsylvania, I had never heard of a Norville William Emerson from Missouri before, particularly one who talked with a Midwestern twang and almost had hayseed in his hair. But clearly the light and brightness of his mind reflected through his eyes, and he and I became the dearest of friends, roommates for 2 years and fellow pages. And it did not stop there. We spent time together. He visited my home and I visited his, and our families became the closest of friends from my childhood days. We went on to colleges; we shared the hopes of young men and the witnesses of the great sacraments in marriage. And as we went on through life, we gave advice and thoughts to one another and always remained friends.

We even shared the history of the 90th anniversary of Gettysburg together. I drove through the battlefield

yesterday. That is 43 years ago that we stood up there, and I remember BILL well, telling me about his understanding of this great Civil War, this great battle that preserved democracy for America and individual rights for every American then and unborn into the future. He had such a fundamental understanding of it that truly I thought that he could be the next Lincoln coming along.

Well, BILL and I went through life together and shared all those years between then and 1980. He and I ran in 1980 for the House. He was a better politician than I. He got elected, I did not. But we remained close friends and in 1984 I had the good fortune of winning my seat, and we joined each other again after a period of 40 years of having known each other as very close friends.

In this House we tried with other Members, Mickey Leland being one, to form an organization uniting Members across the aisle. We tried to put Republicans and Democrats together as human beings, as friends, and as Americans, rather than as politicians interested in short-term advantage. BILL was a great bridge builder. BILL had that magnificence to reach out and be understood and trusted. It was not until recently, when I saw him afflicted with his last challenge that I understood the reason why: he had a profound understanding of the basic good nature of man, and that was reflected in his every action.

And, Mr. Speaker, people trusted him rightly so. He had a wonderful grandfather. We shared a love for him together. He has a beautiful mother, a wonderful wife and four beautiful daughters. They will all miss him. We will miss him. America will miss him. But I think, Mr. Speaker, I will miss him most of all.

## TRIBUTE TO CONGRESSMAN BILL EMERSON

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I also stand here in the well to remember our dear colleague, BILL EMERSON from Missouri. I can still see him in the back row, all the way in the back in the last aisle, standing there talking. And many of us used to go back to talk to him and ask him, BILL, what are the nuances of this vote and would he explain it. He was very knowledgeable about different bills on the House floor. But he would also give you a sense of humor, a point about the bill that would make you chuckle and laugh, knowing that sometimes Members were forced to vote on things they did not like, because within the whole bill there would be a small something you did like. But BILL EMERSON had that way.

And I also want to tell you, Mr. Speaker, that many times I spoke to him during his illness and encouraged him and gave him several articles, articles which talked about other Americans suffering from cancer and how they met this disease and the type of mind frame they put themselves in and tried to encourage it. But he did not need to be encouraged in terms of a positive attitude because his entire relationship that I had with him and saw on the House floor was one of optimism, one of being a positive American and showing other Americans, through his leadership and through his personality, the purpose of all of us is that we are to be caring and helpful for our fellow man.

So I tell you, Mr. Speaker, when I come here to the well, I can almost still see BILL in the back there, laughing, encouraging all of us, and giving that light chuckle he has, together with the sparkle in his eyes. So I bid him adieu and wish him and his family well and with deepest sympathy remind my colleagues of the great Congressman BILL EMERSON.

## TRIBUTE TO CONGRESSMAN BILL EMERSON

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I rise to associate myself with the remarks of all of those who have spoken here. I have sat here and I wanted to listen to all of the things about the life of BILL EMERSON, because I never was to his house. I did not know his family. But I knew BILL EMERSON, the man, and I knew him as the Congressman, and like each and every one of you, I liked him very much.

We served together on a couple of key issues, one of them the issue of smoking. BILL EMERSON was never one to involve himself in denial. He always was straightforward. He was legitimate. He told you what he felt on an issue. He backed it up and corroborated it with sound fact, data, and analysis.

I just simply want to rise today to say to Missouri, to the family of this fine man, that you elected a great Congressman. He paid attention to detail, he never forgot the constituent matters that are most important. Ladies and gentlemen, we are representatives of the people. Representation is what we shall do, and a prime example of that was BILL EMERSON.

My condolences to the family. I would hope that after all of this, we would reflect on the life of BILL EMERSON, and all of us may be a little better in our service as representatives of the American people.

## MY FRIEND AND COLLEAGUE BILL EMERSON

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, there is an empty seat in the House of Representatives today, and there is a great void that will never be filled, and that is the void created by the death of my friend and our colleague, BILL EMERSON. We will miss him. We send our condolences to his family.

Some of the previous speakers have reflected on BILL and his many contributions. I am not sure if the pages and Members all know about BILL's great legacy, but BILL came here as a page and served in the Congress. I remember seeing back in the Cloakroom, there is a photo of BILL as a young man helping when the shooting occurred in the House of the Representatives. When nationalists fired into the House Chamber, BILL was one of the young pages helping Members back then who were wounded. That picture still hangs in the Cloakroom.

Mr. Speaker, I came here as a freshman just several years ago, and BILL was doing the same thing, helping Members along the way, new Members like myself, to learn more about the House of Representatives and its procedures and how to go forward. He never changed his role.

BILL EMERSON was a tough bird, too. I remember talking to him as he was undergoing his treatment and giving him encouragement and also asking about some of my own dealings here. Should I move forward? Should I proceed? Sometimes I am pretty aggressive in my service. BILL, whether he was in the wheelchair taking chemotherapy or whether he was advising me as a new Member, he always said, "MICA, give 'em hell." I always admired his counsel and his advice and his determination that we should serve this body with every ounce of vigor that we can muster, and he did that right to almost his last days. Now he has been taken from us.

I remember him coming into this Chamber in his wheelchair and his concern was, and he expressed it to me, was not about his treatment but he said: "Oh, darn it." He did not use those exact terms. His concern was that he did not want to miss his obligations to this body, his service to the House of Representatives. That was his concern right to the end, that he complete his service. We have an example by a life of an individual who served first his family, and then his State, Missouri, and this is a great loss also for our Nation to not having his service here. This Congress has a great void without the BILL EMERSON who had a tough veneer but had a warm heart and a great record of service to this body that will never be matched.

BILL, we miss you. But I want to tell you that I will be out here, BILL, and I will continue to "give 'em hell," as you directed, and do the best I can to serve the constituents of my State like you served your State and our Nation. So long, BILL.

## REMEMBERING OUR GREAT COLLEAGUE, BILL EMERSON

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise to join with my colleagues in remembering our great colleague, BILL EMERSON. I was downstairs listening to a number of the remarks made about BILL's great contribution to the process of representative government, and I would like to take a brief period of time to talk about a very special relationship that I had with BILL.

Back in 1993, following some of the scandals that surrounded this place, in a bipartisan way, we saw the Democratic leadership put together the Joint Committee on the Organization of Congress. It was the first time in a half a century that a bipartisan, bicameral effort to look at institutional reform was assembled. I will tell Members that of the large number of Senators and House Members who were part of this organization, no one was more active and participated at a higher level than BILL EMERSON.

□ 1230

There is a very important reason for that, Mr. Speaker. BILL EMERSON, as I am sure was stated by my colleagues earlier, loved and revered this institution. He understood the fact that it was the greatest deliberative body known to man. He is one who spent a great deal of time trying to see the view held by the American people shift from what is tragically a corrosive cynicism back to what Will Rogers had, which is really a healthy skepticism. Thomas Jefferson wanted the American people to have a skeptical view of us, he thought that to be very healthy, and Will Rogers, again, said that time and time again.

BILL EMERSON, as one who loved and revered this institution, wanted us very much to get back to that, and that is the reason that BILL EMERSON spent so much time working with us on trying to make this institution more accountable to the American people and trying to make this institution as deliberative as it should be.

So, Mr. Speaker, I would simply like to say that I, of course, had a long and very warm personal relationship with him. I am a native of the "Show Me" State and in fact was just there yesterday. And on several occasions I had the opportunity to visit BILL in his southeastern Missouri district, and I spent time with him here in the Capitol because we were elected together back in 1980, the 97th Congress, a large group of 54 new Republicans to come, and Bill and I were among the two who defeated Democrat incumbent Members of the House of Representatives. So he will be sorely missed.

I have had great opportunities to spend personal time with BILL and his wife Jo Ann and other members of their family and it is a very sad day as we note his passing, and I wish all of his relatives and other friends Godspeed.

## TRIBUTE TO BILL EMERSON

(Mr. COX of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX of California. Mr. Speaker, there is hanging in the Republican Cloakroom a photograph of BILL EMERSON taken on March 1, 1954, when he was a page here. As all of us know, he served as a page on that fateful day when the House of Representatives was attacked by terrorists, and the photograph shows BILL EMERSON carrying on his shoulders the prone body of Alben Barkley, a Representative here, who was in fact shot during that attack. That was very early on in BILL's congressional career.

When the first Republican House of Representatives, the first Republican majority in 40 years, was sworn in and the gavel was banged in 1995, in January, it was BILL EMERSON who was in the chair. He was the only current Member of the House of Representatives who had been here during the last Republican majority because he had been here as a page. Probably, as a result, no one had more knowledge of this institution; and as so many speakers have pointed out this morning, more care for it, more understanding, and more love for the Congress of the United States.

It is natural for each of us to express ourselves at a time like this by giving a speech on the floor of the House. That is what we do. BILL himself gave many speeches. He was a fine speaker, but, more important than the CONGRESSIONAL RECORD, a history of what BILL EMERSON did here, was what those of us who worked with him saw and watched. His example is a powerful one. I am sure BILL would want us all, on the occasion of his death, to do more than to remember him; to do this, to follow his example, to be like him.

Perhaps he would not have thought so highly of himself, as we do, that he would have held himself up as an example for all of us in that way, but BILL had a special quality of being able to disagree, which we do here on the floor every day when we engage one another in debate, without being disagreeable. So each of us can pay tribute to BILL EMERSON today, and all the rest of our days, in no better way than by trying to be a little bit more like him.

## PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. STEARNS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole under the 5-minute rule:

Committee on Government Reform and Oversight; Committee on International Relations; Committee on National Security; Committee on Resources; Committee on Science; Committee on Small Business; and Committee on Transportation and Infrastructure.

Mr. Speaker, it is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. LINDER). Is there objection to the request of the gentleman from Florida?

There was no objection.

## BUCK DOES NOT STOP WITH CRAIG LIVINGSTONE ON FILEGATE

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, the buck on Filegate does not stop with White House political hack Craig Livingstone, who is now being paid not to work. As William Safire has pointed out, the problem extends to a White House counsel's office bent on stonewalling. But the obstruction goes even higher. On May 9 President Clinton directed his counsel to invoke Executive privilege and thereby conceal certain documents, including the White House request for FBI files on Billy Dale, months after he was fired.

Now, get that, Mr. Speaker. By his own admission, the President knew about the smoking gun document at least as early as May 9, when he invoked Executive privilege for the first time since Watergate, yet he did absolutely nothing at that point to surrender the improperly requested FBI files. They remained in the custody of the White House for weeks after that time.

Of course, Mr. Speaker, there was no justification whatsoever for the assertion of Executive privilege with regard to the FBI file request. And although that document eventually was turned over to the Committee on Government Reform and Oversight, the President continues to assert the privilege with regard to some 2,000 additional documents.

Mr. Speaker, the buck does not stop with Mr. Livingstone, not by a long shot.

## SAFE DRINKING WATER ACT AMENDMENTS OF 1996

Mr. BLILEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3604) to amend title XIV of the Public Health Service Act—the "Safe Drinking Water Act"—and for other purposes, as amended.

The Clerk read as follows:

H.R. 3604

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Safe Drinking Water Act Amendments of 1996".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title and table of contents.
Sec. 2. References; effective date; disclaimer.

TITLE I—PUBLIC WATER SYSTEMS

Subtitle A—Promulgation of National Primary Drinking Water Regulations

Sec. 101. Selection of additional contaminants.
Sec. 102. Disinfectants and disinfection by-products.
Sec. 103. Limited alternative to filtration.
Sec. 104. Standard-setting.
Sec. 105. Ground water disinfection.
Sec. 106. Effective date for regulations.
Sec. 107. Risk assessment, management, and communication.
Sec. 108. Radon, arsenic, and sulfate.
Sec. 109. Urgent threats to public health.
Sec. 110. Recycling of filter backwash.
Sec. 111. Treatment technologies for small systems.

Subtitle B—State Primary Enforcement Responsibility for Public Water Systems

Sec. 121. State primacy.

Subtitle C—Notification and Enforcement

Sec. 131. Public notification.
Sec. 132. Enforcement.
Sec. 133. Judicial review

Subtitle D—Exemptions and Variances

Sec. 141. Exemptions.
Sec. 142. Variances.

Subtitle E—Lead Plumbing and Pipes

Sec. 151. Lead plumbing and pipes.

Subtitle F—Capacity Development

Sec. 161. Capacity development.

TITLE II—AMENDMENTS TO PART C

Sec. 201. Source water quality assessment.
Sec. 202. Federal facilities.

TITLE III—GENERAL PROVISIONS REGARDING SAFE DRINKING WATER ACT

Sec. 301. Operator certification.
Sec. 302. Technical assistance.
Sec. 303. Public water system supervision program.
Sec. 304. Monitoring and information gathering.
Sec. 305. Occurrence data base.
Sec. 306. Citizens suits.
Sec. 307. Whistle blower.
Sec. 308. State revolving funds.
Sec. 309. Water conservation plan.

TITLE IV—MISCELLANEOUS

Sec. 401. Definitions.
Sec. 402. Authorization of appropriations.
Sec. 403. New York City watershed protection program.
Sec. 404. Estrogenic substances screening program.
Sec. 405. Reports on programs administered directly by Environmental Protection Agency.
Sec. 406. Return flows.
Sec. 407. Emergency powers.
Sec. 408. Waterborne disease occurrence study.
Sec. 409. Drinking water studies.
Sec. 410. Bottled drinking water standards.
Sec. 411. Clerical amendments.

*TITLE V—ADDITIONAL ASSISTANCE FOR WATER INFRASTRUCTURE AND WATERSHEDS*

*Sec. 501. General program.*
*Sec. 502. New York City Watershed, New York.*
*Sec. 503. Rural and Native villages, Alaska.*
*Sec. 504. Acquisition of lands.*
*Sec. 505. Federal share.*
*Sec. 506. Condition on authorizations of appropriations.*
*Sec. 507. Definitions.*

*TITLE VI—DRINKING WATER RESEARCH AUTHORIZATION*

*Sec. 601. Drinking water research authorization.*
*Sec. 602. Scientific research review.*

**SEC. 2. REFERENCES; EFFECTIVE DATE; DISCLAIMER.**

(a) REFERENCES TO SAFE DRINKING WATER ACT.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act, 42 U.S.C. 300f et seq.).

(b) EFFECTIVE DATE.—Except as otherwise specified in this Act or in the amendments made by this Act, this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(c) DISCLAIMER.—Nothing in this Act or in any amendments made by this Act to title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act) or any other law shall be construed by the Administrator of the Environmental Protection Agency or the courts as affecting, modifying, expanding, changing, or altering—

(1) the provisions of the Federal Water Pollution Control Act;

(2) the duties and responsibilities of the Administrator under that Act; or

(3) the regulation or control of point or nonpoint sources of pollution discharged into waters covered by that Act.

The Administrator shall identify in the agency's annual budget all funding and full-time equivalents administering such title XIV separately from funding and staffing for the Federal Water Pollution Control Act.

## TITLE I—PUBLIC WATER SYSTEMS

### Subtitle A—Promulgation of National Primary Drinking Water Regulations

**SEC. 101. SELECTION OF ADDITIONAL CONTAMINANTS.**

(a) IN GENERAL.—Section 1412(b)(3) (42 U.S.C. 300g-1(b)(3)) is amended to read as follows:

"(3) REGULATION OF UNREGULATED CONTAMINANTS.—

"(A) LISTING OF CONTAMINANTS FOR CONSIDERATION.—(i) Not later than 18 months after the date of the enactment of the Safe Drinking Water Act Amendments of 1996 and every 5 years thereafter, the Administrator, after consultation with the scientific community, including the Science Advisory Board, after notice and opportunity for public comment, and after considering the occurrence data base established under section 1445(g), shall publish a list of contaminants which, at the time of publication, are not subject to any proposed or promulgated national primary drinking water regulation, which are known or anticipated to occur in public water systems, and which may require regulation under this title.

"(ii) The unregulated contaminants considered under clause (i) shall include, but not be limited to, substances referred to in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and substances registered as pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act.

"(iii) The Administrator's decision whether or not to select an unregulated contaminant for a list under this subparagraph shall not be subject to judicial review.

"(B) DETERMINATION TO REGULATE.—(i) Not later than 5 years after the date of the enactment of the Safe Drinking Water Act Amendments of 1996, and every 5 years thereafter, the Administrator shall, by rule, for not fewer than 5 contaminants included on the list published under subparagraph (A), make determinations of whether or not to regulate such contaminants.

"(ii) A determination to regulate a contaminant shall be based on findings that—

"(I) the contaminant is known to occur or there is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at a level of public health concern; and

"(II) regulation of such contaminant presents a meaningful opportunity for public health risk reduction for persons served by public water systems.

Such findings shall be based on the best available public health information, including the occurrence data base established under section 1445(g).

"(iii) The Administrator may make a determination to regulate a contaminant that does not appear on a list under subparagraph (A) if the determination to regulate is made pursuant to clause (ii).

"(iv) A determination under this subparagraph not to regulate a contaminant shall be considered final agency action and subject to judicial review.

"(C) PRIORITIES.—In selecting unregulated contaminants for consideration under subparagraph (B), the Administrator shall select contaminants that present the greatest public health concern. The Administrator, in making such selection, shall take into consideration, among other factors of public health concern, the effect of such contaminants upon subgroups that comprise a meaningful portion of the general population (such as infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations) that are identifiable as being at greater risk of adverse health effects due to exposure to contaminants in drinking water than the general population.

"(D) REGULATION.—For each contaminant that the Administrator determines to regulate under subparagraph (B), the Administrator shall promulgate, by rule, maximum contaminant level goals and national primary drinking water regulations under this subsection. The Administrator shall propose the maximum contaminant level goal and national primary drinking water regulation not later than 24 months after the determination to regulate under subparagraph (B), and may publish such proposed regulation concurrent with the determination to

regulate. The Administrator shall promulgate a maximum contaminant level goal and national primary drinking water regulation within 18 months after the proposal thereof. The Administrator, by notice in the Federal Register, may extend the deadline for such promulgation for up to 9 months.

"(E) HEALTH ADVISORIES AND OTHER ACTIONS.—The Administrator may publish health advisories (which are not regulations) or take other appropriate actions for contaminants not subject to any national primary drinking water regulation.".

(b) APPLICABILITY OF PRIOR REQUIREMENTS.—The requirements of subparagraphs (C) and (D) of section 1412(b)(3) of title XIV of the Public Health Service Act (commonly known as the Safe Drinking Water Act) as in effect before the enactment of this Act, and any obligation to promulgate regulations pursuant to such subparagraphs not promulgated as of the date of enactment of this Act, are superseded by the amendments made by subsection (a) to such subparagraphs (C) and (D).

**SEC. 102. DISINFECTANTS AND DISINFECTION BY-PRODUCTS.**

Section 1412(b)(3) (42 U.S.C. 300g-1(b)(3)) is amended by adding at the end the following subparagraph:

"(F) DISINFECTANTS AND DISINFECTION BY-PRODUCTS.—

"(i) INFORMATION COLLECTION RULE.—Not later than December 31, 1996, the Administrator shall, after notice and opportunity for public comment, promulgate an information collection rule to obtain information that will facilitate further revisions to the national primary drinking water regulation for disinfectants and disinfection byproducts, including information on microbial contaminants such as cryptosporidium. The Administrator may extend the December 31, 1996, deadline under this clause for up to 180 days if the Administrator determines that progress toward approval of an appropriate analytical method to screen for cryptosporidium is sufficiently advanced and approval is likely to be completed within the additional time period.

"(ii) ADDITIONAL DEADLINES.—The time intervals between promulgation of a final information collection rule, an Interim Enhanced Surface Water Treatment Rule, a Final Enhanced Surface Water Treatment Rule, a Stage I Disinfectants and Disinfection Byproducts Rule, and a Stage II Disinfectants and Disinfection Byproducts Rule shall be in accordance with the schedule published in volume 59, Federal Register, page 6361 (February 10, 1994), in table III.13 of the proposed Information Collection Rule. If a delay occurs with respect to the promulgation of any rule in the timetable established by this subparagraph, all subsequent rules shall be completed as expeditiously as practicable but no later than a revised date that reflects the interval or intervals for the rules in the timetable.".

**SEC. 103. LIMITED ALTERNATIVE TO FILTRATION.**

Section 1412(b)(7)(C) is amended by adding the following after clause (iv):

"(v) As an additional alternative to the regulations promulgated pursuant to clauses (i) and (iii), including the criteria for avoiding filtration contained in CFR 141.71, a State exercising primary enforcement responsibility for public water systems may, on a case-by-case basis, and after notice and opportunity for public comment, establish treatment requirements as an alternative to filtration in the case of systems having uninhabited, undeveloped watersheds in consolidated ownership, and having control over access to, and activities in, those watersheds, if the State determines (and the Administrator concurs) that the quality of the source water and the alternative treatment requirements established by the State ensure greater removal or inactivation efficiencies of pathogenic organisms for which national primary drinking water regulations have been promulgated or that are of public health concern than would be achieved by the combination of filtration and chlorine disinfection (in compliance with paragraph (8)).".

**SEC. 104. STANDARD-SETTING.**

(a) IN GENERAL.—Section 1412(b) (42 U.S.C. 300g-1(b)) is amended as follows:

(1) In paragraph (4)—

(A) by striking "(4) Each" and inserting the following:

"(4) GOALS AND STANDARDS.—

"(A) MAXIMUM CONTAMINANT LEVEL GOALS.—Each";

(B) in the last sentence—

(i) by striking "Each national" and inserting the following:

"(B) MAXIMUM CONTAMINANT LEVELS.— Except as provided in paragraphs (5) and (6), each national"; and

(ii) by striking "maximum level" and inserting "maximum contaminant level"; and

(C) by adding at the end the following:

"(C) DETERMINATION.—At the time the Administrator proposes a national primary drinking water regulation under this paragraph, the Administrator shall publish a determination as to whether the benefits of the maximum contaminant level justify, or do not justify, the costs based on the analysis conducted under paragraph (12)(C).".

(2) By striking "(5) For the" and inserting the following:

"(D) DEFINITION OF FEASIBLE.—For the".

(3) In the second sentence of paragraph (4)(D) (as so designated), by striking "paragraph (4)" and inserting "this paragraph".

(4) By striking "(6) Each national" and inserting the following:

"(E) FEASIBLE TECHNOLOGIES.—

"(i) Each national".

(5) In paragraph (4)(E)(i) (as so designated), by striking "this paragraph" and inserting "this subsection".

(6) By inserting after paragraph (4) (as so amended) the following:

"(5) ADDITIONAL HEALTH RISK CONSIDERATIONS.—

"(A) IN GENERAL.—Notwithstanding paragraph (4), the Administrator may establish a maximum contaminant level for a contaminant at a level other than the feasible level, if the technology, treatment techniques, and other means used to determine the feasible level would result in an increase in the health risk from drinking water by—

"(i) increasing the concentration of other contaminants in drinking water; or

"(ii) interfering with the efficacy of drinking water treatment techniques or processes that are used to comply with other national primary drinking water regulations.

"(B) ESTABLISHMENT OF LEVEL.—If the Administrator establishes a maximum contaminant level or levels or requires the use of treatment techniques for any contaminant or contaminants pursuant to the authority of this paragraph—

"(i) the level or levels or treatment techniques shall minimize the overall risk of adverse health effects by balancing the risk from the contaminant and the risk from other contaminants the concentrations of which may be affected by the use of a treatment technique or process that would be employed to attain the maximum contaminant level or levels; and

"(ii) the combination of technology, treatment techniques, or other means required to meet the level or levels shall not be more stringent than is feasible (as defined in paragraph (4)(D)).

"(6) ADDITIONAL HEALTH RISK REDUCTION AND COST CONSIDERATIONS.—

"(A) IN GENERAL.—Notwithstanding paragraph (4), if the Administrator determines based on an analysis conducted under paragraph (12)(C) that the benefits of a maximum contaminant level promulgated in accordance with paragraph (4) would not justify the costs of complying with the level, the Administrator may, after notice and opportunity for public comment, promulgate a maximum contaminant level for the contaminant that maximizes health risk reduction benefits at a cost that is justified by the benefits.

"(B) EXCEPTION.—The Administrator shall not use the authority of this paragraph to promulgate a maximum contaminant level for a contaminant, if the benefits of compliance with a national primary drinking water regulation for the contaminant that would be promulgated in accordance with paragraph (4) experienced by—

"(i) persons served by large public water systems; and

"(ii) persons served by such other systems as are unlikely, based on information provided by the States, to receive a variance under section 1415(e) (relating to small system assistance program);

would justify the costs to the systems of complying with the regulation. This subparagraph shall not apply if the contaminant is found almost exclusively in small systems (as defined in section 1415(e), relating to small system assistance program).

"(C) DISINFECTANTS AND DISINFECTION BY-PRODUCTS.—The Administrator may not use the authority of this paragraph to establish a maximum contaminant level in a Stage I or Stage II national primary drinking water regulation for contaminants that are disinfectants or disinfection byproducts (as described in paragraph (3)(F)), or to establish a maximum contaminant level or treatment technique requirement for the control of cryptosporidium. The authority of this paragraph may be used to establish regulations for the use of disinfection by systems relying on ground water sources as required by paragraph (8).

"(D) JUDICIAL REVIEW.—A determination by the Administrator that the benefits of a maximum contaminant level or treatment requirement justify or do not justify the costs of complying with the level shall be reviewed by the court pursuant to section 1448 only as part of a review of a final national primary drinking water regulation that has been promulgated based on the determination and shall not be set aside by the court under that section unless the court finds that the determination is arbitrary and capricious.".

(b) DISINFECTANTS AND DISINFECTION BY-PRODUCTS.—The Administrator of the Environmental Protection Agency may use the authority of section 1412(b)(5) of the Public Health Service Act (as amended by this Act) to promulgate the Stage I and Stage II rules for disinfectants and disinfection byproducts as proposed in volume 59, Federal Register, page 38668 (July 29, 1994). The considerations used in the development of the July 29, 1994, proposed national primary drinking water regulation on Disinfection and Disinfection Byproducts shall be treated as consistent

with such section 1412(b)(5) for purposes of such Stage I and Stage II rules.

(c) REVIEW OF STANDARDS.—Section 1412(b)(9) (42 U.S.C. 300g–1(b)) is amended to read as follows:

"(9) REVIEW AND REVISION.—The Administrator shall, not less often than every 6 years, review and revise, as appropriate, each national primary drinking water regulation promulgated under this title. Any revision of a national primary drinking water regulation shall be promulgated in accordance with this section, except that each revision shall maintain, or provide for greater, protection of the health of persons.".

**SEC. 105. GROUND WATER DISINFECTION.**

Section 1412(b)(8) (42 U.S.C. 300g–1(b)(8)) is amended by striking the first sentence and inserting the following: "At any time after the end of the 3-year period that begins on the date of enactment of the Safe Drinking Water Act Amendments of 1996, but not later than the date on which the Administrator promulgates a Stage II rulemaking for disinfectants and disinfection byproducts (as described in paragraph (3)(F)(ii)), the Administrator shall also promulgate national primary drinking water regulations requiring disinfection as a treatment technique for all public water systems, including surface water systems and, as necessary, ground water systems. After consultation with the States, the Administrator shall (as part of the regulations) promulgate criteria that the Administrator, or a State that has primary enforcement responsibility under section 1413, shall apply to determine whether disinfection shall be required as a treatment technique for any public water system served by ground water. A State that has primary enforcement authority shall develop a plan through which ground water disinfection determinations are made. The plan shall be based on the Administrator's criteria and shall be submitted to the Administrator for approval.".

**SEC. 106. EFFECTIVE DATE FOR REGULATIONS.**

Section 1412(b)(10) (42 U.S.C. 300g–1(b)(10)) is amended to read as follows:

"(10) EFFECTIVE DATE.—A national primary drinking water regulation promulgated under this section (and any amendment thereto) shall take effect on the date that is 3 years after the date on which the regulation is promulgated unless the Administrator determines that an earlier date is practicable, except that the Administrator, or a State (in the case of an individual system), may allow up to 2 additional years to comply with a maximum contaminant level or treatment technique if the Administrator or State (in the case of an individual system) determines that additional time is necessary for capital improvements.".

**SEC. 107. RISK ASSESSMENT, MANAGEMENT, AND COMMUNICATION.**

Section 1412(b) (42 U.S.C. 300g–1(b)) is amended by inserting after paragraph (11) the following:

"(12) RISK ASSESSMENT, MANAGEMENT AND COMMUNICATION.—

"(A) USE OF SCIENCE IN DECISIONMAKING.—In carrying out this section, and, to the degree that an Agency action is based on science, the Administrator shall use—

"(i) the best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices; and

"(ii) data collected by accepted methods or best available methods (if the reliability of the method and the nature of the decision justifies use of the data).

"(B) PUBLIC INFORMATION.—In carrying out this section, the Administrator shall ensure that the presentation of information on public health effects is comprehensive, informative and understandable. The Administrator shall, in a document made available to the public in support of a regulation promulgated under this section, specify, to the extent practicable—

"(i) each population addressed by any estimate of public health effects;

"(ii) the expected risk or central estimate of risk for the specific populations;

"(iii) each appropriate upper-bound or lower-bound estimate of risk;

"(iv) each significant uncertainty identified in the process of the assessment of public health effects and studies that would assist in resolving the uncertainty; and

"(v) peer-reviewed studies known to the Administrator that support, are directly relevant to, or fail to support any estimate of public health effects and the methodology used to reconcile inconsistencies in the scientific data.

"(C) HEALTH RISK REDUCTION AND COST ANALYSIS.—

"(i) MAXIMUM CONTAMINANT LEVELS.—When proposing any national primary drinking water regulation that includes a maximum contaminant level, the Administrator shall, with respect to a maximum contaminant level that is being considered in accordance with paragraph (4) and each alternative maximum contaminant level that is being considered pursuant to paragraph (5) or (6)(A), publish, seek public comment on, and use for the purposes of paragraphs (4), (5), and (6) an analysis of:

"(I) Quantifiable and nonquantifiable health risk reduction benefits for which there is a factual basis in the rulemaking record to conclude that such benefits are likely to occur as the result of treatment to comply with each level.

"(II) Quantifiable and nonquantifiable health risk reduction benefits for which there is a factual basis in the rulemaking record to conclude that such benefits are likely to occur from reductions in co-occurring contaminants that may be attributed solely to compliance with the maximum contaminant level, excluding benefits resulting from compliance with other proposed or promulgated regulations.

"(III) Quantifiable and nonquantifiable costs for which there is a factual basis in the rulemaking record to conclude that such costs are likely to occur solely as a result of compliance with the maximum contaminant level, including monitoring, treatment, and other costs and excluding costs resulting from compliance with other proposed or promulgated regulations.

"(IV) The incremental costs and benefits associated with each alternative maximum contaminant level considered.

"(V) The effects of the contaminant on the general population and on groups within the general population such as infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations that are identified as likely to be at greater risk of adverse health effects due to exposure to contaminants in drinking water than the general population.

"(VI) Any increased health risk that may occur as the result of compliance, including risks associated with co-occurring contaminants.

"(VII) Other relevant factors, including the quality and extent of the information, the uncertainties in the analysis supporting subclauses (I) through (VI), and factors with respect to the degree and nature of the risk.

"(ii) TREATMENT TECHNIQUES.—When proposing a national primary drinking water regulation that includes a treatment technique in accordance with paragraph (7)(A), the Administrator shall publish and seek public comment on an analysis of the health risk reduction benefits and costs likely to be experienced as the result of compliance with the treatment technique and alternative treatment techniques that are being considered, taking into account, as appropriate, the factors described in clause (i).

"(iii) APPROACHES TO MEASURE AND VALUE BENEFITS.—The Administrator may identify valid approaches for the measurement and valuation of benefits under this subparagraph, including approaches to identify consumer willingness to pay for reductions in health risks from drinking water contaminants.

"(iv) AUTHORIZATION.—There are authorized to be appropriated to the Administrator, acting through the Office of Ground Water and Drinking Water, to conduct studies, assessments, and analyses in support of regulations or the development of methods, $35,000,000 for each of fiscal years 1996 through 2003.".

**SEC. 108. RADON, ARSENIC, AND SULFATE.**

Section 1412(b) is amended by inserting after paragraph (12) the following:

"(13) CERTAIN CONTAMINANTS.—

"(A) RADON.—Any proposal published by the Administrator before the enactment of the Safe Drinking Water Act Amendments of 1996 to establish a national primary drinking water standard for radon shall be withdrawn by the Administrator. Notwithstanding any provision of any law enacted prior to the enactment of the Safe Drinking Water Act Amendments of 1996, within 3 years of such date of enactment, the Administrator shall propose and promulgate a national primary drinking water regulation for radon under this section, as amended by the Safe Drinking Water Act Amendments of 1996. In undertaking any risk analysis and benefit cost analysis in connection with the promulgation of such standard, the Administrator shall take into account the costs and benefits of control programs for radon from other sources.

"(B) ARSENIC.—(i) Notwithstanding the deadlines set forth in paragraph (1), the Administrator shall promulgate a national primary drinking water regulation for arsenic pursuant to this subsection, in accordance with the schedule established by this paragraph.

"(ii) Not later than 180 days after the date of enactment of this paragraph, the Administrator shall develop a comprehensive plan for study in support of drinking water rulemaking to reduce the uncertainty in assessing health risks associated with exposure to low levels of arsenic. In conducting such study, the Administrator shall consult with the National Academy of Sciences, other Federal agencies, and interested public and private entities.

"(iii) In carrying out the study plan, the Administrator may enter into cooperative agreements with other Federal agencies, State and local governments, and other interested public and private entities.

"(iv) The Administrator shall propose a national primary drinking water regulation for arsenic not later than January 1, 2000.

"(v) Not later than January 1, 2001, after notice and opportunity for public comment, the Administrator shall promulgate a national primary drinking water regulation for arsenic.

"(vi) There are authorized to be appropriated $2,000,000 for each of fiscal years 1997

through 2001 for the studies required by this paragraph.

"(C) SULFATE.—

"(i) ADDITIONAL STUDY.—Prior to promulgating a national primary drinking water regulation for sulfate, the Administrator and the Director of the Centers for Disease Control and Prevention shall jointly conduct an additional study to establish a reliable dose-response relationship for the adverse human health effects that may result from exposure to sulfate in drinking water, including the health effects that may be experienced by groups within the general population (including infants and travelers) that are potentially at greater risk of adverse health effects as the result of such exposure. The study shall be conducted in consultation with interested States, shall be based on the best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices.

"(ii) PROPOSED AND FINAL RULE.—Notwithstanding the deadlines set forth in paragraph (1), the Administrator may, pursuant to the authorities of this subsection and after notice and opportunity for public comment, promulgate a final national primary drinking water regulation for sulfate. Any such regulation shall include requirements for public notification and options for the provision of alternative water supplies to populations at risk as a means of complying with the regulation in lieu of a best available treatment technology or other means.".

**SEC. 109. URGENT THREATS TO PUBLIC HEALTH.**

Section 1412(b) is amended by inserting the following after paragraph (13):

"(14) URGENT THREATS TO PUBLIC HEALTH.—The Administrator may promulgate an interim national primary drinking water regulation for a contaminant without making a determination for the contaminant under paragraph (4)(C) or completing the analysis under paragraph (12)(C) to address an urgent threat to public health as determined by the Administrator after consultation with and written response to any comments provided by the Secretary of Health and Human Services, acting through the director of the Centers for Disease Control and Prevention or the director of the National Institutes of Health. A determination for any contaminant in accordance with paragraph (4)(C) subject to an interim regulation under this subparagraph shall be issued, and a completed analysis meeting the requirements of paragraph (12)(C) shall be published, not later than 3 years after the date on which the regulation is promulgated and the regulation shall be repromulgated, or revised if appropriate, not later than 5 years after that date.".

**SEC. 110. RECYCLING OF FILTER BACKWASH.**

Section 1412(b) is amended by adding the following new paragraph after paragraph (14):

"(15) RECYCLING OF FILTER BACKWASH.—The Administrator shall promulgate a regulation to govern the recycling of filter backwash water within the treatment process of a public water system. The Administrator shall promulgate such regulation not later than 4 years after the date of the enactment of the Safe Drinking Water Act Amendments of 1996 unless such recycling has been addressed by the Administrator's 'enhanced surface water treatment rule' prior to such date.".

**SEC. 111. TREATMENT TECHNOLOGIES FOR SMALL SYSTEMS.**

(a) LIST OF TECHNOLOGIES FOR SMALL SYSTEMS.—Section 1412(b)(4)(E) (42 U.S.C. 300g-1(b)(4)(E)), is amended by adding at the end the following:

"(ii) The Administrator shall include in the list any technology, treatment technique, or other means that is affordable for small public water systems serving—

"(I) a population of 10,000 or fewer but more than 3,300;

"(II) a population of 3,300 or fewer but more than 500; and

"(III) a population of 500 or fewer but more than 25;

and that achieves compliance with the maximum contaminant level or treatment technique, including packaged or modular systems and point-of-entry or point-of-use treatment units. Point-of-entry and point-of-use treatment units shall be owned, controlled and maintained by the public water system or by a person under contract with the public water system to ensure proper operation and maintenance and compliance with the maximum contaminant level or treatment technique and equipped with mechanical warnings to ensure that customers are automatically notified of operational problems. If the American National Standards Institute has issued product standards applicable to a specific type of point-of-entry or point-of-use treatment unit, individual units of that type shall not be accepted for compliance with a maximum contaminant level or treatment technique requirement unless they are independently certified in accordance with such standards.

"(iii) Except as provided in clause (v), not later than 2 years after the date of the enactment of this clause and after consultation with the States, the Administrator shall issue a list of technologies that achieve compliance with the maximum contaminant level or treatment technique for each category of public water systems described in subclauses (I), (II), and (III) of clause (ii) for each national primary drinking water regulation promulgated prior to the date of the enactment of this paragraph.

"(iv) The Administrator may, at any time after a national primary drinking water regulation has been promulgated, supplement the list of technologies describing additional or new or innovative treatment technologies that meet the requirements of this paragraph for categories of small public water systems described in subclauses (I), (II) and (III) of clause (ii) that are subject to the regulation.

"(v) Within one year after the enactment of this clause, the Administrator shall list technologies that meet the surface water treatment rules for each category of public water systems described in subclauses (I), (II), and (III) of clause (ii).".

(b) AVAILABILITY OF INFORMATION ON SMALL SYSTEM TECHNOLOGIES.—Section 1445 (42 U.S.C. 300j-4) is amended by adding after subsection (g):

"(h) AVAILABILITY OF INFORMATION ON SMALL SYSTEM TECHNOLOGIES.—For purposes of sections 1412(b)(4)(E) and 1415(e) (relating to small system assistance program), the Administrator may request information on the characteristics of commercially available treatment systems and technologies, including the effectiveness and performance of the systems and technologies under various operating conditions. The Administrator may specify the form, content, and submission date of information to be submitted by manufacturers, States, and other interested persons for the purpose of considering the systems and technologies in the development of regulations or guidance under sections 1412(b)(4)(E) and 1415(e).".

**Subtitle B—State Primary Enforcement Responsibility for Public Water Systems**

**SEC. 121. STATE PRIMACY.**

(a) STATE PRIMARY ENFORCEMENT RESPONSIBILITY.—Section 1413 (42 U.S.C. 300g-2) is amended as follows:

(1) In subsection (a), by amending paragraph (1) to read as follows:

"(1) has adopted drinking water regulations that are no less stringent than the national primary drinking water regulations promulgated by the Administrator under subsections (a) and (b) of section 1412 not later than 2 years after the date on which the regulations are promulgated by the Administrator, except that the Administrator may provide for an extension of not more than 2 years if, after submission and review of appropriate, adequate documentation from the State, the Administrator determines that the extension is necessary and justified;".

(2) By adding at the end the following subsection:

"(c) INTERIM PRIMARY ENFORCEMENT AUTHORITY.—A State that has primary enforcement authority under this section with respect to each existing national primary drinking water regulation shall be considered to have primary enforcement authority with respect to each new or revised national primary drinking water regulation during the period beginning on the effective date of a regulation adopted and submitted by the State with respect to the new or revised national primary drinking water regulation in accordance with subsection (b)(1) and ending at such time as the Administrator makes a determination under subsection (b)(2)(B) with respect to the regulation.".

(b) EMERGENCY PLANS.—Section 1413(a)(5) is amended by inserting after "emergency circumstances" the following: "including earthquakes, floods, hurricanes, and other natural disasters, as appropriate".

**Subtitle C—Notification and Enforcement**

**SEC. 131. PUBLIC NOTIFICATION.**

Section 1414(c) (42 U.S.C. 300g-3(c)) is amended to read as follows:

"(c) NOTICE TO PERSONS SERVED.—

"(1) IN GENERAL.—Each owner or operator of a public water system shall give notice of each of the following to the persons served by the system:

"(A) Notice of any failure on the part of the public water system to—

"(i) comply with an applicable maximum contaminant level or treatment technique requirement of, or a testing procedure prescribed by, a national primary drinking water regulation; or

"(ii) perform monitoring required by section 1445(a).

"(B) If the public water system is subject to a variance granted under subsection (a)(1)(A), (a)(2), or (e) of section 1415 for an inability to meet a maximum contaminant level requirement or is subject to an exemption granted under section 1416, notice of—

"(i) the existence of the variance or exemption; and

"(ii) any failure to comply with the requirements of any schedule prescribed pursuant to the variance or exemption.

"(C) Notice of the concentration level of any unregulated contaminant for which the Administrator has required public notice pursuant to paragraph (2)(E).

"(2) FORM, MANNER, AND FREQUENCY OF NOTICE.—

"(A) IN GENERAL.—The Administrator shall, by regulation, and after consultation with the States, prescribe the manner, frequency, form, and content for giving notice

under this subsection. The regulations shall—

"(i) provide for different frequencies of notice based on the differences between violations that are intermittent or infrequent and violations that are continuous or frequent; and

"(ii) take into account the seriousness of any potential adverse health effects that may be involved.

"(B) STATE REQUIREMENTS.—

"(i) IN GENERAL.—A State may, by rule, establish alternative notification requirements—

"(I) with respect to the form and content of notice given under and in a manner in accordance with subparagraph (C); and

"(II) with respect to the form and content of notice given under subparagraph (D).

"(ii) CONTENTS.—The alternative requirements shall provide the same type and amount of information as required pursuant to this subsection and regulations issued under subparagraph (A).

"(iii) RELATIONSHIP TO SECTION 1413.—Nothing in this subparagraph shall be construed or applied to modify the requirements of section 1413.

"(C) VIOLATIONS WITH POTENTIAL TO HAVE SERIOUS ADVERSE EFFECTS ON HUMAN HEALTH.—Regulations issued under subparagraph (A) shall specify notification procedures for each violation by a public water system that has the potential to have serious adverse effects on human health as a result of short-term exposure. Each notice of violation provided under this subparagraph shall—

"(i) be distributed as soon as practicable after the occurrence of the violation, but not later than 24 hours after the occurrence of the violation;

"(ii) provide a clear and readily understandable explanation of—

"(I) the violation;

"(II) the potential adverse effects on human health;

"(III) the steps that the public water system is taking to correct the violation; and

"(IV) the necessity of seeking alternative water supplies until the violation is corrected;

"(iii) be provided to the Administrator or the head of the State agency that has primary enforcement responsibility under section 1413 as soon as practicable, but not later than 24 hours after the occurrence of the violation; and

"(iv) as required by the State agency in general regulations of the State agency, or on a case-by-case basis after the consultation referred to in clause (iii), considering the health risks involved—

"(I) be provided to appropriate broadcast media;

"(II) be prominently published in a newspaper of general circulation serving the area not later than 1 day after distribution of a notice pursuant to clause (i) or the date of publication of the next issue of the newspaper; or

"(III) be provided by posting or door-to-door notification in lieu of notification by means of broadcast media or newspaper.

"(D) WRITTEN NOTICE.—

"(i) IN GENERAL.—Regulations issued under subparagraph (A) shall specify notification procedures for violations other than the violations covered by subparagraph (C). The procedures shall specify that a public water system shall provide written notice to each person served by the system by notice (I) in the first bill (if any) prepared after the date of occurrence of the violation, (II) in an annual report issued not later than 1 year after the date of occurrence of the violation, or (III) by mail or direct delivery as soon as practicable, but not later than 1 year after the date of occurrence of the violation.

"(ii) FORM AND MANNER OF NOTICE.—The Administrator shall prescribe the form and manner of the notice to provide a clear and readily understandable explanation of the violation, any potential adverse health effects, and the steps that the system is taking to seek alternative water supplies, if any, until the violation is corrected.

"(E) UNREGULATED CONTAMINANTS.—The Administrator may require the owner or operator of a public water system to give notice to the persons served by the system of the concentration levels of an unregulated contaminant required to be monitored under section 1445(a).

"(3) REPORTS.—

"(A) ANNUAL REPORT BY STATE.—

"(i) IN GENERAL.—Not later than January 1, 1998, and annually thereafter, each State that has primary enforcement responsibility under section 1413 shall prepare, make readily available to the public, and submit to the Administrator an annual report on violations of national primary drinking water regulations by public water systems in the State, including violations with respect to (I) maximum contaminant levels, (II) treatment requirements, (III) variances and exemptions, and (IV) monitoring requirements determined to be significant by the Administrator after consultation with the States.

"(ii) DISTRIBUTION.—The State shall publish and distribute summaries of the report and indicate where the full report is available for review.

"(B) ANNUAL REPORT BY ADMINISTRATOR.—Not later than July 1, 1998, and annually thereafter, the Administrator shall prepare and make available to the public an annual report summarizing and evaluating reports submitted by States pursuant to subparagraph (A) and notices submitted by public water systems serving Indian Tribes provided to the Administrator pursuant to subparagraph (C) or (D) of paragraph (2) and making recommendations concerning the resources needed to improve compliance with this title. The report shall include information about public water system compliance on Indian reservations and about enforcement activities undertaken and financial assistance provided by the Administrator on Indian reservations, and shall make specific recommendations concerning the resources needed to improve compliance with this title on Indian reservations.

"(4) CONSUMER CONFIDENCE REPORTS BY COMMUNITY WATER SYSTEMS.—

"(A) ANNUAL REPORTS TO CONSUMERS.—The Administrator, in consultation with public water systems, environmental groups, public interest groups, risk communication experts, and the States, and other interested parties, shall issue regulations within 24 months after the date of the enactment of this paragraph to require each community water system to mail to each customer of the system at least once annually a report on the level of contaminants in the drinking water purveyed by that system (hereinafter in this paragraph referred to as a 'consumer confidence report'). Such regulations shall provide a brief and plainly worded definition of the terms 'maximum contaminant level goal' and 'maximum contaminant level' and brief statements in plain language regarding the health concerns that resulted in regulation of each regulated contaminant. The regulations shall also provide for an Environmental Protection Agency toll-free hot-line that consumers can call for more information and explanation.

"(B) CONTENTS OF REPORT.—The consumer confidence reports under this paragraph shall include, but not be limited to, each of the following:

"(i) Information on the source of the water purveyed.

"(ii) A brief and plainly worded definition of the terms 'maximum contaminant level goal' and 'maximum contaminant level', as provided in the regulations of the Administrator.

"(iii) If any regulated contaminant is detected in the water purveyed by the public water system, a statement setting forth (I) the maximum contaminant level goal, (II) the maximum contaminant level, (III) the level of such contaminant in such water system, and (IV) for any regulated contaminant for which there has been a violation of the maximum contaminant level during the year concerned, the brief statement in plain language regarding the health concerns that resulted in regulation of such contaminant, as provided by the Administrator in regulations under subparagraph (A).

"(iv) Information on compliance with national primary drinking water regulations.

"(v) Information on the levels of unregulated contaminants for which monitoring is required under section 1445(a)(2) (including levels of cryptosporidium and radon where States determine they may be found).

"(vi) A statement that more information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency hot line.

A public water system may include such additional information as it deems appropriate for public education. The Administrator may, for not more than 3 regulated contaminants other than those referred to in subclause (IV) of clause (iii), require a consumer confidence report under this paragraph to include the brief statement in plain language regarding the health concerns that resulted in regulation of the contaminant or contaminants concerned, as provided by the Administrator in regulations under subparagraph (A).

"(C) COVERAGE.—The Governor of a State may determine not to apply the mailing requirement of subparagraph (A) to a community water system serving fewer than 10,000 persons. Any such system shall—

"(i) inform its customers that the system will not be complying with subparagraph (A),

"(ii) make information available upon request to the public regarding the quality of the water supplied by such system, and

"(iii) publish the report referred to in subparagraph (A) annually in one or more local newspapers serving the area in which customers of the system are located.

"(D) ALTERNATIVE FORM AND CONTENT.—A State exercising primary enforcement responsibility may establish, by rule, after notice and public comment, alternative requirements with respect to the form and content of consumer confidence reports under this paragraph.".

**SEC. 132. ENFORCEMENT.**

(a) IN GENERAL.—Section 1414 (42 U.S.C. 300g–3) is amended as follows:

(1) In subsection (a):

(A) In paragraph (1)(A)(i), by striking "any national primary drinking water regulation in effect under section 1412" and inserting "any applicable requirement", and by striking "with such regulation or requirement" in the matter following clause (ii) and inserting "with the requirement".

(B) In paragraph (1)(B), by striking "regulation or" and inserting "applicable".

(C) By amending paragraph (2) to read as follows:

"(2) ENFORCEMENT IN NONPRIMACY STATES.—

"(A) IN GENERAL.—If, on the basis of information available to the Administrator, the Administrator finds, with respect to a period in which a State does not have primary enforcement responsibility for public water systems, that a public water system in the State—

"(i) for which a variance under section 1415 or an exemption under section 1416 is not in effect, does not comply with any applicable requirement; or

"(ii) for which a variance under section 1415 or an exemption under section 1416 is in effect, does not comply with any schedule or other requirement imposed pursuant to the variance or exemption;

the Administrator shall issue an order under subsection (g) requiring the public water system to comply with the requirement, or commence a civil action under subsection (b).

"(B) NOTICE.—If the Administrator takes any action pursuant to this paragraph, the Administrator shall notify an appropriate local elected official, if any, with jurisdiction over the public water system of the action prior to the time that the action is taken.".

(2) In subsection (b), in the first sentence, by striking "a national primary drinking water regulation" and inserting "any applicable requirement".

(3) In subsection (g):

(A) In paragraph (1), by striking "regulation, schedule, or other" each place it appears and inserting "applicable".

(B) In paragraph (2), by striking "effect until after notice and opportunity for public hearing and," and inserting "effect,", and by striking "proposed order" and inserting "order", in the first sentence and in the second sentence, by striking "proposed to be".

(C) In paragraph (3), by striking subparagraph (B) and inserting the following:

"(B) In a case in which a civil penalty sought by the Administrator under this paragraph does not exceed $5,000, the penalty shall be assessed by the Administrator after notice and opportunity for a public hearing (unless the person against whom the penalty is assessed requests a hearing on the record in accordance with section 554 of title 5, United States Code). In a case in which a civil penalty sought by the Administrator under this paragraph exceeds $5,000, but does not exceed $25,000, the penalty shall be assessed by the Administrator after notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code.".

(D) In paragraph (3)(C), by striking "paragraph exceeds $5,000" and inserting "subsection for a violation of an applicable requirement exceeds $25,000".

(4) By adding at the end the following subsections:

"(h) RELIEF.—

"(1) IN GENERAL.—An owner or operator of a public water system may submit to the State in which the system is located (if the State has primary enforcement responsibility under section 1413) or to the Administrator (if the State does not have primary enforcement responsibility) a plan (including specific measures and schedules) for—

"(A) the physical consolidation of the system with 1 or more other systems;

"(B) the consolidation of significant management and administrative functions of the system with 1 or more other systems; or

"(C) the transfer of ownership of the system that may reasonably be expected to improve drinking water quality.

"(2) CONSEQUENCES OF APPROVAL.—If the State or the Administrator approves a plan pursuant to paragraph (1), no enforcement action shall be taken pursuant to this part with respect to a specific violation identified in the approved plan prior to the date that is the earlier of the date on which consolidation is completed according to the plan or the date that is 2 years after the plan is approved.

"(i) DEFINITION OF APPLICABLE REQUIREMENT.—In this section, the term 'applicable requirement' means—

"(1) a requirement of section 1412, 1414, 1415, 1416, 1417, 1441, or 1445;

"(2) a regulation promulgated pursuant to a section referred to in paragraph (1);

"(3) a schedule or requirement imposed pursuant to a section referred to in paragraph (1); and

"(4) a requirement of, or permit issued under, an applicable State program for which the Administrator has made a determination that the requirements of section 1413 have been satisfied, or an applicable State program approved pursuant to this part.".

(b) STATE AUTHORITY FOR ADMINISTRATIVE PENALTIES.—Section 1413(a) (42 U.S.C. 300g-2(a)) is amended as follows:

(1) In paragraph (4), by striking "and" at the end thereof.

(2) In paragraph (5), by striking the period at the end and inserting "; and".

(3) By adding at the end the following:

"(6) has adopted authority for administrative penalties (unless the constitution of the State prohibits the adoption of the authority) in a maximum amount—

"(A) in the case of a system serving a population of more than 10,000, that is not less than $1,000 per day per violation; and

"(B) in the case of any other system, that is adequate to ensure compliance (as determined by the State);

except that a State may establish a maximum limitation on the total amount of administrative penalties that may be imposed on a public water system per violation.".

**SEC. 133. JUDICIAL REVIEW**

Section 1448(a) (42 U.S.C. 300j-7(a)) is amended as follows:

(1) In paragraph (2), in the first sentence, by inserting "final" after "any other".

(2) In the matter after and below paragraph (2):

(A) By striking "or issuance of the order" and inserting "or any other final Agency action".

(B) By adding at the end the following: "In any petition concerning the assessment of a civil penalty pursuant to section 1414(g)(3)(B), the petitioner shall simultaneously send a copy of the complaint by certified mail to the Administrator and the Attorney General. The court shall set aside and remand the penalty order if the court finds that there is not substantial evidence in the record to support the finding of a violation or that the assessment of the penalty by the Administrator constitutes an abuse of discretion.".

**Subtitle D—Exemptions and Variances**

**SEC. 141. EXEMPTIONS.**

(a) SYSTEMS SERVING FEWER THAN 3,300 PERSONS.—Section 1416 is amended by adding the following at the end thereof:

"(h) SMALL SYSTEMS.—(1) For public water systems serving fewer than 3,300 persons, the maximum exemption period shall be 4 years if the State is exercising primary enforcement responsibility for public water systems and determines that—

"(A) the public water system cannot meet the maximum contaminant level or install Best Available Affordable Technology ('BAAT') due in either case to compelling economic circumstances (taking into consideration the availability of financial assistance under section 1452, relating to State Revolving Funds) or other compelling circumstances;

"(B) the public water system could not comply with the maximum contaminant level through the use of alternate water supplies;

"(C) the granting of the exemption will provide a drinking water supply that protects public health given the duration of exemption; and

"(D) the State has met the requirements of paragraph (2).

"(2)(A) Before issuing an exemption under this section or an extension thereof for a small public water system described in paragraph (1), the State shall—

"(i) examine the public water system's technical, financial, and managerial capability (taking into consideration any available financial assistance) to operate in and maintain compliance with this title, and

"(ii) determine if management or restructuring changes (or both) can reasonably be made that will result in compliance with this title or, if compliance cannot be achieved, improve the quality of the drinking water.

"(B) Management changes referred to in subparagraph (A) may include rate increases, accounting changes, the hiring of consultants, the appointment of a technician with expertise in operating such systems, contractual arrangements for a more efficient and capable system for joint operation, or other reasonable strategies to improve capacity.

"(C) Restructuring changes referred to in subparagraph (A) may include ownership change, physical consolidation with another system, or other measures to otherwise improve customer base and gain economies of scale.

"(D) If the State determines that management or restructuring changes referred to in subparagraph (A) can reasonably be made, it shall require such changes and a schedule therefore as a condition of the exemption. If the State determines to the contrary, the State may still grant the exemption. The decision of the State under this subparagraph shall not be subject to review by the Administrator, except as provided in subsection (d).

"(3) Paragraphs (1) and (3) of subsection (a) shall not apply to an exemption issued under this subsection. Subparagraph (B) of subsection (b)(2) shall not apply to an exemption issued under this subsection, but any exemption granted to such a system may be renewed for additional 4-year periods upon application of the public water system and after a determination that the criteria of paragraphs (1) and (2) of this subsection continue to be met.

"(4) No exemption may be issued under this section for microbiological contaminants.".

(b) LIMITED ADDITIONAL COMPLIANCE PERIOD.—At the end of section 1416(h) insert:

"(5)(A) Notwithstanding this subsection, the State of New York, on a case-by-case basis and after notice and an opportunity of at least 60 days for public comment, may allow an additional period for compliance with the Surface Water Treatment Rule established pursuant to section 1412(b)(7)(C) in the case of unfiltered systems in Essex, Columbia, Greene, Dutchess, Rennsselaer,

Schoharie, Saratoga, Washington, and Warren Counties serving a population of less than 5,000, which meet appropriate disinfection requirements and have adequate watershed protections, so long as the State determines that the public health will be protected during the duration of the additional compliance period and the system agrees to implement appropriate control measures as determined by the State.

"(B) The additional compliance period referred to in subparagraph (A) shall expire on the earlier of the date 3 years after the date on which the Administrator identifies appropriate control technology for the Surface Water Treatment Rule for public water systems in the category that includes such system pursuant to section 1412(b)(4)(E) or 5 years after the enactment of the Safe Drinking Water Act Amendments of 1996.".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—(1) Section 1416(b)(1) is amended by striking "prescribed by a State pursuant to this subsection" and inserting "prescribed by a State pursuant to this subsection or subsection (h)".

(2) Section 1416(c) is amended by striking "under subsection (a)" and inserting "under this section" and by inserting after "(a)(3)" in the second sentence "or the determination under subsection (h)(1)(C)".

(3) Section 1416(d)(1) is amended by striking "3-year" and inserting "4-year" and by amending the first sentence to read as follows: "Not later than 4 years after the date of enactment of the Safe Drinking Water Act Amendments of 1996, the Administrator shall complete a comprehensive review of the exemptions granted (and schedules prescribed pursuant thereto) by the States during the 4-year period beginning on such date.".

(4) Section 1416(b)(2)(C) is repealed.

(d) SYSTEMS SERVING MORE THAN 3,300 PERSONS.—Section 1416(b)(2)(A)(ii) is amended by striking "12 months" and inserting "4 years" and section 1416(b)(2)(B) is amended by striking "3 years after the date of the issuance of the exemption" and inserting "4 years after the expiration of the initial exemption".

**SEC. 142. VARIANCES.**

(a) BAAT VARIANCE.—Section 1415 (42 U.S.C. 300g–4) is amended by adding the following at the end thereof:

"(e) SMALL SYSTEM ASSISTANCE PROGRAM.—

"(1) BAAT VARIANCES.—In the case of public water systems serving 3,300 persons or fewer, a variance under this section shall be granted by a State which has primary enforcement responsibility for public water systems allowing the use of Best Available Affordable Technology in lieu of best technology or other means where—

"(A) no best technology or other means is listed under section 1412(b)(4)(E) for the applicable category of public water systems;

"(B) the Administrator has identified BAAT for that contaminant pursuant to paragraph (3); and

"(C) the State finds that the conditions in paragraph (4) are met.

"(2) DEFINITION OF BAAT.—The term 'Best Available Affordable Technology' or 'BAAT' means the most effective technology or other means for the control of a drinking water contaminant or contaminants that is available and affordable to systems serving fewer than 3,300 persons.

"(3) IDENTIFICATION OF BAAT.—(A) As part of each national primary drinking water regulation proposed and promulgated after the enactment of the Safe Drinking Water Act Amendments of 1996, the Administrator shall identify BAAT in any case where no 'best technology or other means' is listed for a category of public water systems listed under section 1412(b)(4)(E). No such identified BAAT shall require a technology from a specific manufacturer or brand. BAAT need not be adequate to achieve the applicable maximum contaminant level or treatment technique, but shall bring the public water system as close to achievement of such maximum contaminant level as practical or as close to the level of health protection provided by such treatment technique as practical, as the case may be. Any technology or other means identified as BAAT must be determined by the Administrator to be protective of public health. Simultaneously with identification of BAAT, the Administrator shall list any assumptions underlying the public health determination referred to in the preceding sentence, where such assumptions concern the public water system to which the technology may be applied, or its source waters. The Administrator shall provide the assumptions used in determining affordability, taking into consideration the number of persons served by such systems. Such listing shall provide as much reliable information as practicable on performance, effectiveness, limitations, costs, and other relevant factors in support of such listing, including the applicability of BAAT to surface and underground waters or both.

"(B) To the greatest extent possible, within 36 months after the date of the enactment of the Safe Drinking Water Act Amendments of 1996, the Administrator shall identify BAAT for all national primary drinking water regulations promulgated prior to such date of enactment where no best technology or other means is listed for a category of public water systems under section 1412(b)(4)(E), and where compliance by such small systems is not practical. In identifying BAAT for such national primary drinking water regulations, the Administrator shall give priority to evaluation of atrazine, asbestos, selenium, pentachlorophenol, antimony, and nickel.

"(4) CONDITIONS FOR BAAT VARIANCE.—To grant a variance under this subsection, the State must determine that—

"(A) the public water system cannot install 'best technology or other means' because of the system's small size;

"(B) the public water system could not comply with the maximum contaminant level through use of alternate water supplies or through management changes or restructuring;

"(C) the public water system has the capacity to operate and maintain BAAT; and

"(D) the circumstances of the public water system are consistent with the public health assumptions identified by the Administrator under paragraph (3).

"(5) SCHEDULES.—Any variance granted by a State under this subsection shall establish a schedule for the installation and operation of BAAT within a period not to exceed 2 years after the issuance of the variance, except that the State may grant an extension of 1 additional year upon application by the system. The application shall include a showing of financial or technical need. Variances under this subsection shall be for a term not to exceed 5 years (including the period allowed for installation and operation of BAAT), but may be renewed for such additional 5-year periods by the State upon a finding that the criteria in paragraph (1) continue to be met.

"(6) REVIEW.—Any review by the Administrator under paragraphs (4) and (5) shall be pursuant to subsection (a)(1)(G)(i).

"(7) INELIGIBILITY FOR VARIANCES.—A variance shall not be available under this subsection for—

"(A) any maximum contaminant level or treatment technique for a contaminant with respect to which a national primary drinking water regulation was promulgated prior to January 1, 1986; or

"(B) a national primary drinking water regulation for a microbial contaminant (including a bacterium, virus, or other organism) or an indicator or treatment technique for a microbial contaminant.".

(b) TECHNICAL AND CONFORMING CHANGES.—Section 1415 (42 U.S.C. 300g–4) is amended as follows:

(1) By striking "best technology, treatment techniques, or other means" and "best available technology, treatment techniques or other means" each place such terms appear and inserting in lieu thereof "best technology or other means".

(2) By striking the third sentence and by striking "Before a schedule prescribed by a State pursuant to this subparagraph may take effect" and all that follows down to the beginning of the last sentence in subsection (a)(1)(A).

(3) By amending the first sentence of subsection (a)(1)(C) to read as follows: "Before a variance is issued and a schedule is prescribed pursuant to this subsection or subsection (e) by a State, the State shall provide notice and an opportunity for a public hearing on the proposed variance and schedule.".

(4) By inserting "under this section" before the period at the end of the third sentence of subsection (a)(1)(C).

(5) By striking "under subparagraph (A)" and inserting "under this section" in subsection (a)(1)(D).

(6) By striking "that subparagraph" in each place it appears and insert in each such place "this section" in subsection (a)(1)(D).

(7) By striking the last sentence of subsection (a)(1)(D).

(8) By striking "3-year" and inserting "5-year" in subsection (a)(1)(F) and by amending the first sentence of such subsection (a)(1)(F) to read as follows: "Not later than 5 years after the enactment of the Safe Drinking Water Act Amendments of 1996, the Administrator shall complete a review of the variances granted under this section (and the schedules prescribed in connection with such variances).".

(9) By striking "subparagraph (A) or (B)" and inserting "this section" in subsection (a)(1)(G)(i).

(10) By striking "paragraph (1)(B) or (2) of subsection (a)" and inserting "this section" in subsection (b).

(11) By striking "subsection (a)" and inserting "this section" in subsection (c).

(12) By repealing subsection (d).

**Subtitle E—Lead Plumbing and Pipes**

**SEC. 151. LEAD PLUMBING AND PIPES.**

Section 1417 (42 U.S.C. 300g–6) is amended as follows:

(1) In subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) PROHIBITIONS.—

"(A) IN GENERAL.—No person may use any pipe, any pipe or plumbing fitting or fixture, any solder, or any flux, after June 19, 1986, in the installation or repair of—

"(i) any public water system; or

"(ii) any plumbing in a residential or nonresidential facility providing water for human consumption,

that is not lead free (within the meaning of subsection (d)).

"(B) LEADED JOINTS.—Subparagraph (A) shall not apply to leaded joints necessary for the repair of cast iron pipes.".

(2) In subsection (a)(2)(A), by inserting "owner or operator of a" after "Each".

(3) By adding at the end of subsection (a) the following:

"(3) UNLAWFUL ACTS.—Effective 2 years after the date of enactment of this paragraph, it shall be unlawful—

"(A) for any person to introduce into commerce any pipe, or any pipe or plumbing fitting or fixture, that is not lead free, except for a pipe that is used in manufacturing or industrial processing;

"(B) for any person engaged in the business of selling plumbing supplies, except manufacturers, to sell solder or flux that is not lead free; or

"(C) for any person to introduce into commerce any solder or flux that is not lead free unless the solder or flux bears a prominent label stating that it is illegal to use the solder or flux in the installation or repair of any plumbing providing water for human consumption.".

(4) In subsection (d)—

(A) by striking "lead, and" in paragraph (1) and inserting "lead;";

(B) by striking "lead." in paragraph (2) and inserting "lead; and"; and

(C) by adding at the end the following:

"(3) when used with respect to plumbing fittings and fixtures, refers to plumbing fittings and fixtures in compliance with standards established in accordance with subsection (e).".

(5) By adding at the end the following:

"(e) PLUMBING FITTINGS AND FIXTURES.—

"(1) IN GENERAL.—The Administrator shall provide accurate and timely technical information and assistance to qualified third-party certifiers in the development of voluntary standards and testing protocols for the leaching of lead from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion.

"(2) STANDARDS.—

"(A) IN GENERAL.—If a voluntary standard for the leaching of lead is not established by the date that is 1 year after the date of enactment of this subsection, the Administrator shall, not later than 2 years after the date of enactment of this subsection, promulgate regulations setting a health-effects-based performance standard establishing maximum leaching levels from new plumbing fittings and fixtures that are intended by the manufacturer to dispense water for human ingestion. The standard shall become effective on the date that is 5 years after the date of promulgation of the standard.

"(B) ALTERNATIVE REQUIREMENT.—If regulations are required to be promulgated under subparagraph (A) and have not been promulgated by the date that is 5 years after the date of enactment of this subsection, no person may import, manufacture, process, or distribute in commerce a new plumbing fitting or fixture, intended by the manufacturer to dispense water for human ingestion, that contains more than 4 percent lead by dry weight.".

**Subtitle F—Capacity Development**

**SEC. 161. CAPACITY DEVELOPMENT.**

Part B (42 U.S.C. 300g et seq.) is amended by adding at the end the following:

**"SEC. 1419. CAPACITY DEVELOPMENT.**

"(a) STATE AUTHORITY FOR NEW SYSTEMS.—Each State shall obtain the legal authority or other means to ensure that all new community water systems and new nontransient, noncommunity water systems commencing operation after October 1, 1999, demonstrate technical, managerial, and financial capacity with respect to each national primary drinking water regulation in effect, or likely to be in effect, on the date of commencement of operations.

"(b) SYSTEMS IN SIGNIFICANT NONCOMPLIANCE.—

"(1) LIST.—Beginning not later than 1 year after the date of enactment of this section, each State shall prepare, periodically update, and submit to the Administrator a list of community water systems and nontransient, noncommunity water systems that have a history of significant noncompliance with this title (as defined in guidelines issued prior to the date of enactment of this section or any revisions of the guidelines that have been made in consultation with the States) and, to the extent practicable, the reasons for noncompliance.

"(2) REPORT.—Not later than 5 years after the date of enactment of this section and as part of the capacity development strategy of the State, each State shall report to the Administrator on the success of enforcement mechanisms and initial capacity development efforts in assisting the public water systems listed under paragraph (1) to improve technical, managerial, and financial capacity.

"(c) CAPACITY DEVELOPMENT STRATEGY.—

"(1) IN GENERAL.—Not later than 4 years after the date of enactment of this section, each State shall develop and implement a strategy to assist public water systems in acquiring and maintaining technical, managerial, and financial capacity.

"(2) CONTENT.—In preparing the capacity development strategy, the State shall consider, solicit public comment on, and include as appropriate—

"(A) the methods or criteria that the State will use to identify and prioritize the public water systems most in need of improving technical, managerial, and financial capacity;

"(B) a description of the institutional, regulatory, financial, tax, or legal factors at the Federal, State, or local level that encourage or impair capacity development;

"(C) a description of how the State will use the authorities and resources of this title or other means to—

"(i) assist public water systems in complying with national primary drinking water regulations;

"(ii) encourage the development of partnerships between public water systems to enhance the technical, managerial, and financial capacity of the systems; and

"(iii) assist public water systems in the training and certification of operators;

"(D) a description of how the State will establish a baseline and measure improvements in capacity with respect to national primary drinking water regulations and State drinking water law; and

"(E) an identification of the persons that have an interest in and are involved in the development and implementation of the capacity development strategy (including all appropriate agencies of Federal, State, and local governments, private and nonprofit public water systems, and public water system customers).

"(3) REPORT.—Not later than 2 years after the date on which a State first adopts a capacity development strategy under this subsection, and every 3 years thereafter, the head of the State agency that has primary responsibility to carry out this title in the State shall submit to the Governor a report that shall also be available to the public on the efficacy of the strategy and progress made toward improving the technical, managerial, and financial capacity of public water systems in the State.

"(4) REVIEW.—The decisions of the State under this section regarding any particular public water system are not subject to review by the Administrator and may not serve as the basis for withholding funds under section 1452(a)(1)(H)(i).

"(d) FEDERAL ASSISTANCE.—

"(1) IN GENERAL.—The Administrator shall support the States in developing capacity development strategies.

"(2) INFORMATIONAL ASSISTANCE.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Administrator shall—

"(i) conduct a review of State capacity development efforts in existence on the date of enactment of this section and publish information to assist States and public water systems in capacity development efforts; and

"(ii) initiate a partnership with States, public water systems, and the public to develop information for States on recommended operator certification requirements.

"(B) PUBLICATION OF INFORMATION.—The Administrator shall publish the information developed through the partnership under subparagraph (A)(ii) not later than 18 months after the date of enactment of this section.

"(3) PROMULGATION OF DRINKING WATER REGULATIONS.—In promulgating a national primary drinking water regulation, the Administrator shall include an analysis of the likely effect of compliance with the regulation on the technical, financial, and managerial capacity of public water systems.

"(4) GUIDANCE FOR NEW SYSTEMS.—Not later than 2 years after the date of enactment of this section, the Administrator shall publish guidance developed in consultation with the States describing legal authorities and other means to ensure that all new community water systems and new nontransient, noncommunity water systems demonstrate technical, managerial, and financial capacity with respect to national primary drinking water regulations.".

**TITLE II—AMENDMENTS TO PART C**

**SEC. 201. SOURCE WATER QUALITY ASSESSMENT.**

(a) GUIDELINES AND PROGRAMS.—Section 1428 is amended by adding "**and source water**" after "**WELLHEAD**" in the section heading and by adding at the end thereof the following:

"(l) SOURCE WATER ASSESSMENT.—

"(1) GUIDANCE.—Within 12 months after enactment of the Safe Drinking Water Act Amendments of 1996, after notice and comment, the Administrator shall publish guidance for States exercising primary enforcement responsibility for public water systems to carry out directly or through delegation (for the protection and benefit of public water systems and for the support of monitoring flexibility) a source water assessment program within the State's boundaries.

"(2) PROGRAM REQUIREMENTS.—A source water assessment program under this subsection shall—

"(A) delineate the boundaries of the assessment areas in such State from which one or more public water systems in the State receive supplies of drinking water, using all reasonably available hydrogeologic information on the sources of the supply of drinking water in the State and the water flow, recharge, and discharge and any other reliable information as the State deems necessary to adequately determine such areas; and

"(B) identify for contaminants regulated under this title for which monitoring is required under this title (or any unregulated contaminants selected by the State in its discretion which the State, for the purposes of this subsection, has determined may present a threat to public health), to the extent practical, the origins within each delineated area of such contaminants to determine the susceptibility of the public water systems in the delineated area to such contaminants.

"(3) APPROVAL, IMPLEMENTATION, AND MONITORING RELIEF.—A State source water assessment program under this subsection shall be submitted to the Administrator within 18 months after the Administrator's guidance is issued under this subsection and shall be deemed approved 9 months after the date of such submittal unless the Administrator disapproves the program as provided in subsection (c). States shall begin implementation of the program immediately after its approval. The Administrator's approval of a State program under this subsection shall include a timetable, established in consultation with the State, allowing not more than 2 years for completion after approval of the program. Public water systems seeking monitoring relief in addition to the interim relief provided under section 1418(a) shall be eligible for monitoring relief, consistent with section 1418(b), upon completion of the assessment in the delineated source water assessment area or areas concerned.

"(4) TIMETABLE.—The timetable referred to in paragraph (3) shall take into consideration the availability to the State of funds under section 1452 (relating to State Revolving Funds) for assessments and other relevant factors. The Administrator may extend any timetable included in a State program approved under paragraph (3) to extend the period for completion by an additional 18 months. Compliance with subsection (g) shall not affect any State permanent monitoring flexibility program approved under section 1418(b).

"(5) DEMONSTRATION PROJECT.—The Administrator shall, as soon as practicable, conduct a demonstration project, in consultation with other Federal agencies, to demonstrate the most effective and protective means of assessing and protecting source waters serving large metropolitan areas and located on Federal lands.

"(6) USE OF OTHER PROGRAMS.—To avoid duplication and to encourage efficiency, the program under this section shall, to the extent practicable, be coordinated with other existing programs and mechanisms, and may make use of any of the following:

"(A) Vulnerability assessments, sanitary surveys, and monitoring programs.

"(B) Delineations or assessments of ground water sources under a State wellhead protection program developed pursuant to this section.

"(C) Delineations or assessments of surface or ground water sources under a State pesticide management plan developed pursuant to the Pesticide and Ground Water State Management Plan Regulation (subparts I and J of part 152 of title 40, Code of Federal Regulations), promulgated under section 3(d) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(d)).

"(D) Delineations or assessments of surface water sources under a State watershed initiative or to satisfy the watershed criterion for determining if filtration is required under the Surface Water Treatment Rule (section 141.70 of title 40, Code of Federal Regulations).

"(7) PUBLIC AVAILABILITY.—The State shall make the results of the source water assessments conducted under this subsection available to the public.".

(b) APPROVAL AND DISAPPROVAL OF STATE PROGRAMS.—Section 1428 is amended as follows:

(1) Amend the first sentence of subsection (c)(1) to read as follows: "If, in the judgment of the Administrator, a State program or portion thereof under subsection (a) is not adequate to protect public water systems as required by subsection (a) or a State program under subsection (l) or section 1418(b) does not meet the applicable requirements of subsection (l) or section 1418(b), the Administrator shall disapprove such program or portion thereof.".

(2) Add after the second sentence of subsection (c)(1) the following: "A State program developed pursuant to subsection (l) or section 1418(b) shall be deemed to meet the applicable requirements of subsection (l) or section 1418(b) unless the Administrator determines within 9 months of the receipt of the program that such program (or portion thereof) does not meet such requirements.".

(3) In the third sentence of subsection (c)(1) and in subsection (c)(2) strike "is inadequate" and insert "is disapproved".

(4) In subsection (b), add the following before the period at the end of the first sentence: "and source water assessment programs under subsection (l)".

(5) In subsection (g)—

(A) insert after "under this section" the following: "and the State source water assessment programs under subsection (l) for which the State uses grants under section 1452 (relating to State Revolving Funds)"; and

(B) strike "Such" in the last sentence and inserting "In the case of wellhead protection programs, such".

**SEC. 202. FEDERAL FACILITIES.**

(a) IN GENERAL.—Part C (42 U.S.C. 300h et seq.) is amended by adding at the end thereof the following new section:

**"SEC. 1429. FEDERAL FACILITIES.**

"(a) IN GENERAL.—Each department, agency, and instrumentality of the executive, legislative, and judicial branches of the Federal Government—

"(1) owning or operating any facility in a wellhead protection area,

"(2) engaged in any activity at such facility resulting, or which may result, in the contamination of water supplies in any such area, or

"(3) owning or operating any public water system,

shall be subject to, and comply with, all Federal, State, interstate, and local requirements, both substantive and procedural (including any requirement for permits or reporting or any provisions for injunctive relief and such sanctions as may be imposed by a court to enforce such relief), respecting the protection of such wellhead areas and respecting such public water systems in the same manner and to the same extent as any person is subject to such requirements, including the payment of reasonable service charges. The Federal, State, interstate, and local substantive and procedural requirements referred to in this subsection include, but are not limited to, all administrative orders and all civil and administrative penalties and fines, regardless of whether such penalties or fines are punitive or coercive in nature or are imposed for isolated, intermittent, or continuing violations. The United States hereby expressly waives any immunity otherwise applicable to the United States with respect to any such substantive or procedural requirement (including, but not limited to, any injunctive relief, administrative order or civil or administrative penalty or fine referred to in the preceding sentence, or reasonable service charge). The reasonable service charges referred to in this subsection include, but are not limited to, fees or charges assessed in connection with the processing and issuance of permits, renewal of permits, amendments to permits, review of plans, studies, and other documents, and inspection and monitoring of facilities, as well as any other nondiscriminatory charges that are assessed in connection with a Federal, State, interstate, or local regulatory program respecting the protection of wellhead areas or public water systems. Neither the United States, nor any agent, employee, or officer thereof, shall be immune or exempt from any process or sanction of any State or Federal Court with respect to the enforcement of any such injunctive relief. No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal, State, interstate, or local law concerning the protection of wellhead areas or public water systems with respect to any act or omission within the scope of the official duties of the agent, employee, or officer. An agent, employee, or officer of the United States shall be subject to any criminal sanction (including, but not limited to, any fine or imprisonment) under any Federal or State requirement adopted pursuant to this title, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the Federal Government shall be subject to any such sanction. The President may exempt any facility of any department, agency, or instrumentality in the executive branch from compliance with such a requirement if he determines it to be in the paramount interest of the United States to do so. No such exemption shall be granted due to lack of appropriation unless the President shall have specifically requested such appropriation as a part of the budgetary process and the Congress shall have failed to make available such requested appropriation. Any exemption shall be for a period not in excess of 1 year, but additional exemptions may be granted for periods not to exceed 1 year upon the President's making a new determination. The President shall report each January to the Congress all exemptions from the requirements of this section granted during the preceding calendar year, together with his reason for granting each such exemption.

"(b) ADMINISTRATIVE PENALTY ORDERS.—

"(1) IN GENERAL.—If the Administrator finds that a Federal agency has violated an applicable requirement under this title, the Administrator may issue a penalty order assessing a penalty against the Federal agency.

"(2) PENALTIES.—The Administrator may, after notice to the agency, assess a civil penalty against the agency in an amount not to exceed $25,000 per day per violation.

"(3) PROCEDURE.—Before an administrative penalty order issued under this subsection becomes final, the Administrator shall provide the agency an opportunity to confer with the Administrator and shall provide the agency notice and an opportunity for a hearing on the record in accordance with chapters 5 and 7 of title 5, United States Code.

"(4) PUBLIC REVIEW.—

"(A) IN GENERAL.—Any interested person may obtain review of an administrative penalty order issued under this subsection. The review may be obtained in the United States

District Court for the District of Columbia or in the United States District Court for the district in which the violation is alleged to have occurred by the filing of a complaint with the court within the 30-day period beginning on the date the penalty order becomes final. The person filing the complaint shall simultaneously send a copy of the complaint by certified mail to the Administrator and the Attorney General.

"(B) RECORD.—The Administrator shall promptly file in the court a certified copy of the record on which the order was issued.

"(C) STANDARD OF REVIEW.—The court shall not set aside or remand the order unless the court finds that there is not substantial evidence in the record, taken as a whole, to support the finding of a violation or that the assessment of the penalty by the Administrator constitutes an abuse of discretion.

"(D) PROHIBITION ON ADDITIONAL PENALTIES.—The court may not impose an additional civil penalty for a violation that is subject to the order unless the court finds that the assessment constitutes an abuse of discretion by the Administrator.

"(c) LIMITATION ON STATE USE OF FUNDS COLLECTED FROM FEDERAL GOVERNMENT.—Unless a State law in effect on the date of the enactment of the Safe Drinking Water Act Amendments of 1996 or a State constitution requires the funds to be used in a different manner, all funds collected by a State from the Federal Government from penalties and fines imposed for violation of any substantive or procedural requirement referred to in subsection (a) shall be used by the State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement.".

(b) CITIZEN ENFORCEMENT.—(1) The first sentence of section 1449(a) (42 U.S.C. 300j-8(a)) is amended—

(A) in paragraph (1), by striking ", or" and inserting a semicolon;

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

(C) by adding at the end the following:

"(3) for the collection of a penalty by the United States Government (and associated costs and interest) against any Federal agency that fails, by the date that is 18 months after the effective date of a final order to pay a penalty assessed by the Administrator under section 1429(b), to pay the penalty.".

(2) Subsection (b) of section 1449 (42 U.S.C. 300j-8(b)) is amended, by striking the period at the end of paragraph (2) and inserting "; or" and by adding the following new paragraph after paragraph (2):

"(3) under subsection (a)(3) prior to 60 days after the plaintiff has given notice of such action to the Attorney General and to the Federal agency.".

(c) CONFORMING AMENDMENTS.—Section 1447 (42 U.S.C. 300j-6) is amended as follows:

(1) In subsection (a):

(A) In the first sentence, by striking "(1) having jurisdiction over any federally owned or maintained public water system or (2)".

(B) In the first sentence, by striking out "respecting the provision of safe drinking water and".

(C) In the second sentence, by striking "(A)", "(B)", and "(C)" and inserting "(1)", "(2)", and "(3)", respectively.

(2) In subsection (c), by striking "the Safe Drinking Water Amendments of 1977" and inserting "this title" and by striking "this Act" and inserting "this title".

## TITLE III—GENERAL PROVISIONS REGARDING SAFE DRINKING WATER ACT

### SEC. 301. OPERATOR CERTIFICATION.

Section 1442 is amended by adding the following after subsection (e):

"(f) MINIMUM STANDARDS.—(1) Not later than 30 months after the date of enactment of the Safe Drinking Water Act Amendments of 1996 and after consultation with States exercising primary enforcement responsibility for public water systems, the Administrator shall promulgate regulations specifying minimum standards for certification (and recertification) of the operators of community and nontransient noncommunity public water systems. Such regulations shall take into account existing State programs, the complexity of the system and other factors aimed at providing an effective program at reasonable cost to States and public water systems, taking into account the size of the system.

"(2) Any State exercising primary enforcement responsibility for public water systems shall adopt and implement, within 2 years after the promulgation of regulations pursuant to paragraph (1), requirements for the certification of operators of community and nontransient noncommunity public water systems.

"(3) For any State exercising primary enforcement responsibility for public water systems which has an operator certification program in effect on the date of the enactment of the Safe Drinking Water Act Amendments of 1996, the regulations under paragraph (1) shall allow the State to enforce such program in lieu of the regulations under paragraph (1) if the State submits the program to the Administrator within 18 months after the promulgation of such regulations unless the Administrator determines (within 9 months after the State submits the program to the Administrator) that such program is not substantially equivalent to such regulations. In making this determination, such existing State programs shall be presumed to be substantially equivalent to the regulations, notwithstanding program differences, based on the size of systems or the quality of source water, providing State programs meet overall public health objectives of the regulations. If disapproved the program may be resubmitted within 6 months after receipt of notice of disapproval.".

### SEC. 302. TECHNICAL ASSISTANCE.

Section 1442(e) (42 U.S.C. 300j-1(e)), relating to technical assistance for small systems, is amended to read as follows:

"(e) TECHNICAL ASSISTANCE.—The Administrator may provide technical assistance to small public water systems to enable such systems to achieve and maintain compliance with applicable national primary drinking water regulations. Such assistance may include circuit-rider programs, training, and preliminary engineering evaluations. There is authorized to be appropriated to the Administrator to be used for such technical assistance $15,000,000 for fiscal years 1997 through 2003. No portion of any State revolving fund established under section 1452 (relating to State revolving funds) and no portion of any funds made available under this subsection may be used either directly or indirectly for lobbying expenses. Of the total amount appropriated under this subsection, 3 percent shall be used for technical assistance to public water systems owned or operated by Indian tribes.".

### SEC. 303. PUBLIC WATER SYSTEM SUPERVISION PROGRAM.

Section 1443(a) (42 U.S.C. 300j-2(a)) is amended as follows:

(1) Paragraph (7) is amended to read as follows:

"(7) AUTHORIZATION.—FOR THE PURPOSE of making grants under paragraph (1), there are authorized to be appropriated $100,000,000 for each of fiscal years 1997 through 2003.".

(2) By adding at the end the following:

"(8) RESERVATION OF FUNDS BY THE ADMINISTRATOR.—If the Administrator assumes the primary enforcement responsibility of a State public water system supervision program, the Administrator may reserve from funds made available pursuant to this subsection, an amount equal to the amount that would otherwise have been provided to the State pursuant to this subsection. The Administrator shall use the funds reserved pursuant to this paragraph to ensure the full and effective administration of a public water system supervision program in the State.

"(9) STATE LOAN FUNDS.—For any fiscal year for which the amount made available to the Administrator by appropriations to carry out this subsection is less than the amount that the Administrator determines is necessary to supplement funds made available pursuant to paragraph (8) to ensure the full and effective administration of a public water system supervision program in a State, the Administrator may reserve from the funds made available to the State under section 1452 (relating to State revolving funds) an amount that is equal to the amount of the shortfall. This paragraph shall not apply to any State not exercising primary enforcement responsibility for public water systems as of the date of enactment of the Safe Drinking Water Amendments of 1996.".

### SEC. 304. MONITORING AND INFORMATION GATHERING.

(a) REVIEW OF EXISTING REQUIREMENTS.—Paragraph (1) of section 1445(a) (42 U.S.C. 300j-4(a)(1)) is amended to read as follows:

"(1)(A) Every person who is subject to any requirement of this title or who is a grantee, shall establish and maintain such records, make such reports, conduct such monitoring, and provide such information as the Administrator may reasonably require by regulation to assist the Administrator in establishing regulations under this title, in determining whether such person has acted or is acting in compliance with this title, in administering any program of financial assistance under this title, in evaluating the health risks of unregulated contaminants, or in advising the public of such risks. In requiring a public water system to monitor under this subsection, the Administrator may take into consideration the system size and the contaminants likely to be found in the system's drinking water.

"(B) Every person who is subject to a national primary drinking water regulation under section 1412 shall provide such information as the Administrator may reasonably require, after consultation with the State in which such person is located if such State has primary enforcement responsibility for public water systems, on a case-by-case basis, to determine whether such person has acted or is acting in compliance with this title.

"(C) Every person who is subject to a national primary drinking water regulation under section 1412 shall provide such information as the Administrator may reasonably require to assist the Administrator in establishing regulations under section 1412 of this title, after consultation with States and suppliers of water. The Administrator may not require under this subparagraph the installation of treatment equipment or process

changes, the testing of treatment technology, or the analysis or processing of monitoring samples, except where the Administrator provides the funding for such activities. Before exercising this authority, the Administrator shall first seek to obtain the information by voluntary submission.

"(D) The Administrator shall not later than 2 years after the date of enactment of this sentence, after consultation with public health experts, representatives of the general public, and officials of State and local governments, review the monitoring requirements for not fewer than 12 contaminants identified by the Administrator, and promulgate any necessary modifications.".

(b) MONITORING RELIEF.—Part B is amended by adding the following new section after section 1417:

**"SEC. 1418. MONITORING OF CONTAMINANTS.**

"(a) INTERIM MONITORING RELIEF AUTHORITY.—(1) A State exercising primary enforcement responsibility for public water systems may modify the monitoring requirements for any regulated or unregulated contaminants for which monitoring is required other than microbial contaminants (or indicators thereof), disinfectants and disinfection byproducts or corrosion byproducts for an interim period to provide that any public water system serving 10,000 persons or fewer shall not be required to conduct additional quarterly monitoring during an interim relief period for such contaminants if—

"(A) monitoring, conducted at the beginning of the period for the contaminant concerned and certified to the State by the public water system, fails to detect the presence of the contaminant in the ground or surface water supplying the public water system, and

"(B) the State, (considering the hydrogeology of the area and other relevant factors), determines in writing that the contaminant is unlikely to be detected by further monitoring during such period.

"(2) The interim relief period referred to in paragraph (1) shall terminate when permanent monitoring relief is adopted and approved for such State, or at the end of 36 months after the enactment of the Safe Drinking Water Act Amendments of 1996, whichever comes first. In order to serve as a basis for interim relief, the monitoring conducted at the beginning of the period must occur at the time determined by the State to be the time of the public water system's greatest vulnerability to the contaminant concerned in the relevant ground or surface water, taking into account in the case of pesticides the time of application of the pesticide for the source water area and the travel time for the pesticide to reach such waters and taking into account, in the case of other contaminants, seasonality of precipitation and contaminant travel time.

"(b) PERMANENT MONITORING RELIEF AUTHORITY.—(1) Each State exercising primary enforcement responsibility for public water systems under this title and having an approved wellhead protection program and a source water assessment program may adopt, in accordance with guidance published by the Administrator, and submit to the Administrator as provided in section 1428(c), tailored alternative monitoring requirements for public water systems in such State (as an alternative to the monitoring requirements for chemical contaminants set forth in the applicable national primary drinking water regulations) where the State concludes that (based on data available at the time of adoption concerning susceptibility, use, occurrence, wellhead protection, or from the State's drinking water source water assessment program) such alternative monitoring would provide assurance that it complies with the Administrator's guidelines. The State program must be adequate to assure compliance with, and enforcement of, applicable national primary drinking water regulations. Alternative monitoring shall not apply to regulated microbiological contaminants (or indicators thereof), disinfectants and disinfection by-products, or corrosion by-products. The preceding sentence is not intended to limit other authority of the Administrator under other provisions of this title to grant monitoring flexibility.

"(2)(A) The Administrator shall issue, after notice and comment and at the same time as guidelines are issued for source water assessment under section 1428(l), guidelines for States to follow in proposing alternative monitoring requirements under paragraph (1) of this subsection for chemical contaminants. The Administrator shall publish such guidelines in the Federal Register. The guidelines shall assure that the public health will be protected from drinking water contamination. The guidelines shall require that a State alternative monitoring program apply on a contaminant-by-contaminant basis and that, to be eligible for such alternative monitoring program, a public water system must show the State that the contaminant is not present in the drinking water supply or, if present, it is reliably and consistently below the maximum contaminant level.

"(B) For purposes of subparagraph (A), the phrase 'reliably and consistently below the maximum contaminant level' means that, although contaminants have been detected in a water supply, the State has sufficient knowledge of the contamination source and extent of contamination to predict that the maximum contaminant level will not be exceeded. In determining that a contaminant is reliably and consistently below the maximum contaminant level, States shall consider the quality and completeness of data, the length of time covered and the volatility or stability of monitoring results during that time, and the proximity of such results to the maximum contaminant level. Wide variations in the analytical results, or analytical results close to the maximum contaminant level, shall not be considered to be reliably and consistently below the maximum contaminant level.

"(3) The guidelines issued by the Administrator under paragraph (2) shall require that if, after the monitoring program is in effect and operating, a contaminant covered by the alternative monitoring program is detected at levels at or above the maximum contaminant level or is no longer reliably or consistently below the maximum contaminant level, the public water system must either—

"(A) demonstrate that the contamination source has been removed or that other action has been taken to eliminate the contamination problem, or

"(B) test for the detected contaminant pursuant to the applicable national primary drinking water regulation.

"(c) TREATMENT AS NPDWR.—All monitoring relief granted by a State to a public water system for a regulated contaminant under subsection (a) or (b) shall be treated as part of the national primary drinking water regulation for that contaminant.

"(d) OTHER MONITORING RELIEF.—Nothing in this section shall be construed to affect the authority of the States under applicable national primary drinking water regulations to alter monitoring requirements through waivers or other existing authorities. The Administrator shall periodically review and, as appropriate, revise such authorities.".

(c) UNREGULATED CONTAMINANTS.—Section 1445(a) (42 U.S.C. 300j-4(a)) is amended by striking paragraphs (2) through (8) and inserting the following:

"(2) MONITORING PROGRAM FOR UNREGULATED CONTAMINANTS.—

"(A) ESTABLISHMENT.—The Administrator shall promulgate regulations establishing the criteria for a monitoring program for unregulated contaminants. The regulations shall require monitoring of drinking water supplied by public water systems and shall vary the frequency and schedule for monitoring requirements for systems based on the number of persons served by the system, the source of supply, and the contaminants likely to be found.

"(B) MONITORING PROGRAM FOR CERTAIN UNREGULATED CONTAMINANTS.—

"(i) INITIAL LIST.—Not later than 3 years after the date of enactment of the Safe Drinking Water Amendments of 1996 and every 5 years thereafter, the Administrator shall issue a list pursuant to subparagraph (A) of not more than 40 unregulated contaminants to be monitored by public water systems and to be included in the national drinking water occurrence data base maintained pursuant to subsection (g).

"(ii) GOVERNORS' PETITION.—The Administrator shall include among the list of contaminants for which monitoring is required under this paragraph each contaminant recommended in a petition signed by the Governor of each of 7 or more States, unless the Administrator determines that the action would prevent the listing of other contaminants of a higher public health concern.

"(C) MONITORING PLAN FOR SMALL AND MEDIUM SYSTEMS.—

"(i) IN GENERAL.—Based on the regulations promulgated by the Administrator, each State shall develop a representative monitoring plan to assess the occurrence of unregulated contaminants in public water systems that serve a population of 10,000 or fewer. The plan shall require monitoring for systems representative of different sizes, types, and geographic locations in the State.

"(ii) GRANTS FOR SMALL SYSTEM COSTS.—From funds appropriated under subparagraph (H), the Administrator shall pay the reasonable cost of such testing and laboratory analysis as are necessary to carry out monitoring under the plan.

"(D) MONITORING RESULTS.—Each public water system that conducts monitoring of unregulated contaminants pursuant to this paragraph shall provide the results of the monitoring to the primary enforcement authority for the system.

"(E) NOTIFICATION.—Notification of the availability of the results of monitoring programs required under paragraph (2)(A) shall be given to the persons served by the system and the Administrator.

"(F) WAIVER OF MONITORING REQUIREMENT.—The Administrator shall waive the requirement for monitoring for a contaminant under this paragraph in a State, if the State demonstrates that the criteria for listing the contaminant do not apply in that State.

"(G) ANALYTICAL METHODS.—The State may use screening methods approved by the Administrator under subsection (i) in lieu of monitoring for particular contaminants under this paragraph.

"(H) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this paragraph $10,000,000 for each of the fiscal years 1997 through 2003.".

(d) SCREENING METHODS.—Section 1445 (42 U.S.C. 300j–4) is amended by adding the following after subsection (h):

"(i) SCREENING METHODS.—The Administrator shall review new analytical methods to screen for regulated contaminants and may approve such methods as are more accurate or cost-effective than established reference methods for use in compliance monitoring.".

**SEC. 305. OCCURRENCE DATA BASE.**

Section 1445 is amended by adding the following new subsection after subsection (f):

"(g) NATIONAL DRINKING WATER OCCURRENCE DATA BASE.—

"(1) IN GENERAL.—Not later than 3 years after the date of enactment of the Safe Drinking Water Act Amendments of 1996, the Administrator shall assemble and maintain a national drinking water occurrence data base, using information on the occurrence of both regulated and unregulated contaminants in public water systems obtained under subsection (a)(1)(A) or subsection (a)(2) and reliable information from other public and private sources.

"(2) PUBLIC INPUT.—In establishing the occurrence data base, the Administrator shall solicit recommendations from the Science Advisory Board, the States, and other interested parties concerning the development and maintenance of a national drinking water occurrence data base, including such issues as the structure and design of the data base, data input parameters and requirements, and the use and interpretation of data.

"(3) USE.—The data shall be used by the Administrator in making determinations under section 1412(b)(3) with respect to the occurrence of a contaminant in drinking water at a level of public health concern.

"(4) PUBLIC RECOMMENDATIONS.—The Administrator shall periodically solicit recommendations from the appropriate officials of the National Academy of Sciences and the States, and any person may submit recommendations to the Administrator, with respect to contaminants that should be included in the national drinking water occurrence data base, including recommendations with respect to additional unregulated contaminants that should be listed under subsection (a)(2). Any recommendation submitted under this clause shall be accompanied by reasonable documentation that—

"(A) the contaminant occurs or is likely to occur in drinking water; and

"(B) the contaminant poses a risk to public health.

"(5) PUBLIC AVAILABILITY.—The information from the data base shall be available to the public in readily accessible form.

"(6) REGULATED CONTAMINANTS.—With respect to each contaminant for which a national primary drinking water regulation has been established, the data base shall include information on the detection of the contaminant at a quantifiable level in public water systems (including detection of the contaminant at levels not constituting a violation of the maximum contaminant level for the contaminant).

"(7) UNREGULATED CONTAMINANTS.—With respect to contaminants for which a national primary drinking water regulation has not been established, the data base shall include—

"(A) monitoring information collected by public water systems that serve a population of more than 3,300, as required by the Administrator under subsection (a);

"(B) monitoring information collected by the States from a representative sampling of public water systems that serve a population of 3,300 or fewer; and

"(C) other reliable and appropriate monitoring information on the occurrence of the contaminants in public water systems that is available to the Administrator.".

**SEC. 306. CITIZENS SUITS.**

Section 1449 (42 U.S.C. 300j-8) is amended by inserting ", or a State" after "prosecuting a civil action in a court of the United States" in subsection (b)(1)(B).

**SEC. 307. WHISTLE BLOWER.**

(a) WHISTLE BLOWER.—Section 1450(i) is amended as follows:

(1) Amend paragraph (2)(A) by striking "30 days" and inserting "180 days" and by inserting before the period at the end "and the Environmental Protection Agency".

(2) Amend paragraph (2)(B)(i) by inserting before the last sentence the following: "Upon conclusion of such hearing and the issuance of a recommended decision that the complaint has merit, the Secretary shall issue a preliminary order providing the relief prescribed in clause (ii), but may not order compensatory damages pending a final order.".

(3) Amend paragraph (2)(B)(ii) by inserting "and" before "(III)" and by striking "compensatory damages, and (IV) where appropriate, exemplary damages" and inserting "and the Secretary may order such person to provide compensatory damages to the complainant".

(4) Redesignate paragraphs (3), (4), (5), and (6) as paragraphs (4), (5), (6), and (7), respectively, and insert after paragraph (2) the following:

"(3)(A) The Secretary shall dismiss a complaint filed under paragraph (1), and shall not conduct the investigation required under paragraph (2), unless the complainant has made a prima facie showing that any behavior described in subparagraphs (A) through (C) of paragraph (1) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(B) Notwithstanding a finding by the Secretary that the complaint has made the showing required by paragraph (1)(A), no investigation required under paragraph (2) shall be conducted if the employer demonstrates, by clear and convincing evidence, that it would have taken the same unfavorable personnel action in the absence of such behavior.

"(C) The Secretary may determine that a violation of paragraph (1) has occurred only if the complainant has demonstrated that any behavior described in subparagraphs (A) through (C) of paragraph (1) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(D) Relief may not be ordered under paragraph (2) if the employer demonstrates clear and convincing evidence that it would have taken the same unfavorable personnel action in the absence of such behavior.".

(5) Add at the end the following:

"(8) This subsection may not be construed to expand, diminish, or otherwise affect any right otherwise available to an employee under Federal or State law to reduce the employee's discharge or other discriminatory action taken by the employer against the employee. The provisions of this subsection shall be prominently posted in any place of employment to which this subsection applies.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to claims filed under section 1450(i) of the Public Health Service Act on or after the date of the enactment of this Act.

**SEC. 308. STATE REVOLVING FUNDS.**

Part E (42 U.S.C. 300j et seq.) is amended by adding the following new section after section 1451:

**"SEC. 1452. STATE REVOLVING FUNDS.**

"(a) GENERAL AUTHORITY.—

"(1) GRANTS TO STATES TO ESTABLISH REVOLVING FUNDS.—(A) The Administrator shall enter into agreements with eligible States to make capitalization grants, including letters of credit, to the States under this subsection solely to further the health protection objectives of this title, promote the efficient use of fund resources, and for such other purposes as are specified in this title.

"(B) To be eligible to receive a capitalization grant under this section, a State shall establish a drinking water treatment revolving loan fund and comply with the other requirements of this section.

"(C) Such a grant to a State shall be deposited in the drinking water treatment revolving fund established by the State, except as otherwise provided in this section and in other provisions of this title. No funds authorized by other provisions of this title to be used for other purposes specified in this title shall be deposited in any State revolving fund.

"(D) Such a grant to a State shall be available to the State for obligation during the fiscal year for which the funds are authorized and during the following fiscal year, except that grants made available from funds provided in Public Law 103–327, Public Law 103–124, and Public Law 104–134 shall be available for obligation during each of the fiscal years 1997 and 1998.

"(E) Except as otherwise provided in this section, funds made available to carry out this part shall be allotted to States that have entered into an agreement pursuant to this section in accordance with—

"(i) for each of fiscal years 1995 through 1997, a formula that is the same as the formula used to distribute public water system supervision grant funds under section 1443 in fiscal year 1995, except that the minimum proportionate share established in the formula shall be 1 percent of available funds and the formula shall be adjusted to include a minimum proportionate share for the State of Wyoming; and

"(ii) for fiscal year 1998 and each subsequent fiscal year, a formula that allocates to each State the proportional share of the State needs identified in the most recent survey conducted pursuant to section 1452(h), except that the minimum proportionate share provided to each State shall be the same as the minimum proportionate share provided under clause (i).

"(F) Such grants not obligated by the last day of the period for which the grants are available shall be reallotted according to the appropriate criteria set forth in subparagraph (E).

"(G) The State allotment for a State not exercising primary enforcement responsibility for public water systems shall not be deposited in any such fund but shall be allotted by the Administrator as follows: 20 percent of such allotment shall be available to the Administrator as needed to exercise primary enforcement responsibility under this title in such State and the remainder shall be reallotted to States exercising primary enforcement responsibility for public water systems for deposit in such funds. Whenever the Administrator makes a final determination pursuant to section 1413(b) that the requirements of section 1413(a) are no longer being met by a State, additional grants for such State under this title shall be immediately terminated by the Administrator.

This subparagraph shall not apply to any State not exercising primary enforcement responsibility for public water systems as of the date of enactment of the Safe Drinking Water Act Amendments of 1996.

"(H)(i) Beginning in fiscal year 1999, the Administrator shall withhold 20 percent of each capitalization grant made pursuant to this section to a State if the State has not met the requirements of section 1419 (relating to capacity development).

"(ii) The Administrator shall withhold 20 percent of each capitalization grant made pursuant to this section if the State has not met the requirements of subsection (f) of section 1442 (relating to operator certification).

"(iii) All funds withheld by the Administrator pursuant to clause (i) shall be reallotted by the Administrator on the basis of the same ratio as is applicable to funds allotted under subparagraph (E). None of the funds reallotted by the Administrator pursuant to this paragraph shall be allotted to a State unless the State has met the requirements of section 1419 (relating to capacity development).

"(iv) All funds withheld by the Administrator pursuant to clause (ii) shall be reallotted by the Administrator on the basis of the same ratio as applicable to funds allotted under subparagraph (E). None of the funds reallotted by the Administrator pursuant to this paragraph shall be allotted to a State unless the State has met the requirements of subsection (f) of section 1442 (relating to operator certification).

"(2) USE OF FUNDS.—Except as otherwise authorized by this title, amounts deposited in such revolving funds, including loan repayments and interest earned on such amounts, shall be used only for providing loans, loan guarantees, or as a source of reserve and security for leveraged loans, the proceeds of which are deposited in a State revolving fund established under paragraph (1), or other financial assistance authorized under this section to community water systems and nonprofit noncommunity water systems, other than systems owned by Federal agencies. Such financial assistance may be used by a public water system only for expenditures (not including monitoring, operation, and maintenance expenditures) of a type or category which the Administrator has determined, through guidance, will facilitate compliance with national primary drinking water regulations applicable to such system under section 1412 or otherwise significantly further the health protection objectives of this title. Such funds may also be used to provide loans to a system referred to in section 1401(4)(B) for the purpose of providing the treatment described in section 1401(4)(B)(i)(III). Such funds shall not be used for the acquisition of real property or interests therein, unless such acquisition is integral to a project authorized by this paragraph and the purchase is from a willing seller. Of the amount credited to any revolving fund established under this section in any fiscal year, 15 percent shall be available solely for providing loan assistance to public water systems which regularly serve fewer than 10,000 persons.

"(3) LIMITATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no assistance under this part shall be provided to a public water system that—

"(i) does not have the technical, managerial, and financial capability to ensure compliance with the requirements of this title; or

"(ii) is in significant noncompliance with any requirement of a national primary drinking water regulation or variance.

"(B) RESTRUCTURING.—A public water system described in subparagraph (A) may receive assistance under this part if—

"(i) the owner or operator of the system agrees to undertake feasible and appropriate changes in operations (including ownership, management, accounting, rates, maintenance, consolidation, alternative water supply, or other procedures) if the State determines that such measures are necessary to ensure that the system has the technical, managerial, and financial capability to comply with the requirements of this title over the long term; and

"(ii) the use of the assistance will ensure compliance.

"(b) INTENDED USE PLANS.—

"(1) IN GENERAL.—After providing for public review and comment, each State that has entered into a capitalization agreement pursuant to this part shall annually prepare a plan that identifies the intended uses of the amounts available to the State loan fund of the State.

"(2) CONTENTS.—An intended use plan shall include—

"(A) a list of the projects to be assisted in the first fiscal year that begins after the date of the plan, including a description of the project, the expected terms of financial assistance, and the size of the community served;

"(B) the criteria and methods established for the distribution of funds; and

"(C) a description of the financial status of the State loan fund and the short-term and long-term goals of the State loan fund.

"(3) USE OF FUNDS.—

"(A) IN GENERAL.—An intended use plan shall provide, to the maximum extent practicable, that priority for the use of funds be given to projects that—

"(i) address the most serious risk to human health;

"(ii) are necessary to ensure compliance with the requirements of this title (including requirements for filtration); and

"(iii) assist systems most in need on a per household basis according to State affordability criteria.

"(B) LIST OF PROJECTS.—Each State shall, after notice and opportunity for public comment, publish and periodically update a list of projects in the State that are eligible for assistance under this part, including the priority assigned to each project and, to the extent known, the expected funding schedule for each project.

"(c) FUND MANAGEMENT.—Each State revolving fund under this section shall be established, maintained, and credited with repayments and interest. The fund corpus shall be available in perpetuity for providing financial assistance under this section. To the extent amounts in each such fund are not required for current obligation or expenditure, such amounts shall be invested in interest bearing obligations.

"(d) ASSISTANCE FOR DISADVANTAGED COMMUNITIES.—

"(1) LOAN SUBSIDY.—Notwithstanding any other provision of this section, in any case in which the State makes a loan pursuant to subsection (a)(2) to a disadvantaged community or to a community that the State expects to become a disadvantaged community as the result of a proposed project, the State may provide additional subsidization (including forgiveness of principal).

"(2) TOTAL AMOUNT OF SUBSIDIES.—For each fiscal year, the total amount of loan subsidies made by a State pursuant to paragraph (1) may not exceed 30 percent of the amount of the capitalization grant received by the State for the year.

"(3) DEFINITION OF DISADVANTAGED COMMUNITY.—In this subsection, the term 'disadvantaged community' means the service area of a public water system that meets affordability criteria established after public review and comment by the State in which the public water system is located. The Administrator may publish information to assist States in establishing affordability criteria.

"(e) STATE CONTRIBUTION.—Each agreement under subsection (a) shall require that the State deposit in the State revolving fund from State moneys an amount equal to at least 20 percent of the total amount of the grant to be made to the State on or before the date on which the grant payment is made to the State, except that a State shall not be required to deposit such amount into the fund prior to the date on which each grant payment is made for fiscal years 1994, 1995, 1996, and 1997 if such State deposits the State contribution amount into the State fund prior to September 30, 1998.

"(f) COMBINED FINANCIAL ADMINISTRATION.—Notwithstanding subsection (c), a State may (as a convenience and to avoid unnecessary administrative costs) combine, in accordance with State law, the financial administration of a revolving fund established under this section with the financial administration of any other revolving fund established by the State if otherwise not prohibited by the law under which such revolving fund was established and if the Administrator determines that—

"(1) the grants under this section, together with loan repayments and interest, will be separately accounted for and used solely for the purposes specified in this section; and

"(2) the authority to establish assistance priorities and carry out oversight and related activities (other than financial administration) with respect to such assistance remains with the State agency having primary responsibility for administration of the State program under section 1413.

"(g) ADMINISTRATION.—(1) Each State may annually use up to 4 percent of the funds allotted to the State under this section to cover the reasonable costs of administration of the programs under this section, including the recovery of reasonable costs expended to establish such a fund which are incurred after the date of enactment of this section, and to provide technical assistance to public water systems within the State. For fiscal year 1995 and each fiscal year thereafter, each State with primary enforcement responsibility for public water systems within that State may use up to an additional 10 percent of the funds allotted to the State under this section—

"(A) for public water system supervision programs which receive grants under section 1443(a);

"(B) to administer or provide technical assistance through source water protection programs;

"(C) to develop and implement a capacity development strategy under section 1419(c); and

"(D) for an operator certification program for purposes of meeting the requirements of section 1442(f),

if the State matches such expenditures with at least an equal amount of State funds. At least half of such match must be additional to the amount expended by the State for public water supervision in fiscal year 1993.

An additional 1 percent of the funds annually allotted to the State under this section shall be used by each State to provide technical assistance to public water systems in such State. Funds utilized under section 1452(g)(1)(B) shall not be used for enforcement actions or for purposes which do not facilitate compliance with national primary drinking water regulations or otherwise significantly further the health protection objectives of this title.

"(2) The Administrator shall publish such guidance and promulgate such regulations as may be necessary to carry out the provisions of this section, including—

"(A) provisions to ensure that each State commits and expends funds allotted to the State under this section as efficiently as possible in accordance with this title and applicable State laws,

"(B) guidance to prevent waste, fraud, and abuse, and

"(C) guidance to avoid the use of funds made available under this section to finance the expansion of any public water system in anticipation of future population growth.

Such guidance and regulations shall also insure that the States, and public water systems receiving assistance under this section, use accounting, audit, and fiscal procedures that conform to generally accepted accounting standards.

"(3) Each State administering a revolving fund and assistance program under this subsection shall publish and submit to the Administrator a report every 2 years on its activities under this subsection, including the findings of the most recent audit of the fund and the entire State allotment. The Administrator shall periodically audit all revolving funds established by, and all other amounts allotted to, the States pursuant to this subsection in accordance with procedures established by the Comptroller General.

"(h) NEEDS SURVEY.—The Administrator shall conduct an assessment of water system capital improvements needs of all eligible public water systems in the United States and submit a report to the Congress containing the results of such assessment within 180 days after the date of the enactment of the Safe Drinking Water Act Amendments of 1996 and every 4 years thereafter.

"(i) INDIAN TRIBES.—1½ percent of the amounts appropriated annually to carry out this section may be used by the Administrator to make grants to Indian Tribes and Alaskan Native Villages which are not otherwise eligible to receive either grants from the Administrator under this section or assistance from State revolving funds established under this section. Such grants may only be used for expenditures by such tribes and villages for public water system expenditures referred to in subsection (a)(2).

"(j) OTHER AREAS.—Of the funds annually available under this section for grants to States, the Administrator shall make allotments in accordance with section 1443(a)(4) for the District of Columbia, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, and the Republic of Palau. The grants allotted as provided in this subsection may be provided by the Administrator to the governments of such areas, to public water systems in such areas, or to both, to be used for the public water system expenditures referred to in subsection (a)(2). Such grants shall not be deposited in revolving funds. The total allotment of grants under this section for all areas described in this paragraph in any fiscal year shall not exceed 1 percent of the aggregate amount made available to carry out this section in that fiscal year.

"(k) SET-ASIDES.—

"(1) IN GENERAL.—Notwithstanding subsection (a)(2), a State may take each of the following actions:

"(A) Provide assistance, only in the form of a loan to one or both of the following:

"(i) Any public water system described in subsection (a)(2) to acquire land or a conservation easement from a willing seller or grantor, if the purpose of the acquisition is to protect the source water of the system from contamination and to ensure compliance with national primary drinking water regulations.

"(ii) Any community water system to implement local, voluntary source water protection measures to protect source water in areas delineated pursuant to section 1428(1), in order to facilitate compliance with national primary drinking water regulations applicable to such system under section 1412 or otherwise significantly further the health protection objectives of this title. Funds authorized under this clause may be used to fund only voluntary, incentive-based mechanisms.

"(B) Provide assistance, including technical and financial assistance, to any public water system as part of a capacity development strategy developed and implemented in accordance with section 1419(c).

"(C) Make expenditures from the capitalization grant of the State for fiscal years 1996 and 1997 to delineate and assess source water protection areas in accordance with section 1428(1), except that funds set aside for such expenditure shall be obligated within 4 fiscal years.

"(D) Make expenditures from the fund for the establishment and implementation of wellhead protection programs under section 1428.

"(2) LIMITATION.—For each fiscal year, the total amount of assistance provided and expenditures made by a State under this subsection may not exceed 15 percent of the amount of the capitalization grant received by the State for that year and may not exceed 10 percent of that amount for any one of the following activities:

"(A) To acquire land or conservation easements pursuant to paragraph (1)(A)(i).

"(B) To provide funding to implement voluntary, incentive-based source water quality protection measures pursuant to paragraph (1)(A)(ii).

"(C) To provide assistance through a capacity development strategy pursuant to paragraph (1)(B).

"(D) To make expenditures to delineate or assess source water protection areas pursuant to paragraph (1)(C).

"(E) To make expenditures to establish and implement wellhead protection programs pursuant to paragraph (1)(D).

"(3) STATUTORY CONSTRUCTION.—Nothing in this section creates or conveys any new authority to a State, political subdivision of a State, or community water system for any new regulatory measure, or limits any authority of a State, political subdivision of a State or community water system.

"(l) SAVINGS.—The failure or inability of any public water system to receive funds under this section or any other loan or grant program, or any delay in obtaining the funds, shall not alter the obligation of the system to comply in a timely manner with all applicable drinking water standards and requirements of this title.

"(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the purposes of this section $599,000,000 for the fiscal year 1994 and $1,000,000,000 for each of the fiscal years 1995 through 2003. Sums shall remain available until expended.

"(n) HEALTH EFFECTS STUDIES.—From funds appropriated pursuant to this section for each fiscal year, the Administrator shall reserve $10,000,000 for health effects studies on drinking water contaminants authorized by the Safe Drinking Water Act Amendments of 1996. In allocating funds made available under this subsection, the Administrator shall give priority to studies concerning the health effects of cryptosporidium, disinfection byproducts, and arsenic, and the implementation of a plan for studies of subpopulations at greater risk of adverse effects.

"(o) DEMONSTRATION PROJECT FOR STATE OF VIRGINIA.—Notwithstanding the other provisions of this subsection limiting the use of funds deposited in a State revolving fund from any State allotment, the State of Virginia may, as a single demonstration and with the approval of the Virginia General Assembly and the Administrator, conduct a program to demonstrate alternative approaches to intergovernmental coordination to assist in the financing of new drinking water facilities in the following rural communities in southwestern Virginia where none exists on the date of the enactment of the Safe Drinking Water Act Amendments of 1996 and where such communities are experiencing economic hardship: Lee County, Wise County, Scott County, Dickenson County, Russell County, Buchanan County, Tazewell County, and the city of Norton, Virginia. The funds allotted to that State and deposited in the State revolving fund may be loaned to a regional endowment fund for the purpose set forth in this paragraph under a plan to be approved by the Administrator. The plan may include an advisory group that includes representatives of such counties.

"(p) SMALL SYSTEM TECHNICAL ASSISTANCE.—The Administrator may reserve up to 2 percent of the total funds appropriated pursuant to subsection (m) for each of the fiscal years 1997 through 2003 to carry out the provisions of section 1442(e), relating to technical assistance for small systems.".

**SEC. 309. WATER CONSERVATION PLAN.**

Part E is amended by adding at the end the following:

**"SEC. 1453. WATER CONSERVATION PLAN.**

"(a) GUIDELINES.—Not later than 2 years after the date of the enactment of the Safe Drinking Water Act Amendments of 1996, the Administrator shall publish in the Federal Register guidelines for water conservation plans for public water systems serving fewer than 3,300 persons, public water systems serving between 3,300 and 10,000 persons, and public water systems serving more than 10,000 persons, taking into consideration such factors as water availability and climate.

"(b) SRF LOANS OR GRANTS.—Within 1 year after publication of the guidelines under subsection (a), a State exercising primary enforcement responsibility for public water systems may require a public water system, as a condition of receiving a loan or grant from a State revolving fund under section 1452, to submit with its application for such loan or grant a water conservation plan consistent with such guidelines.".

## TITLE IV—MISCELLANEOUS

**SEC. 401. DEFINITIONS.**

(a) ALTERNATIVE QUALITY CONTROL AND TESTING PROCEDURES.—Section 1401(1)(D) (42 U.S.C. 300f(1)(D)) is amended by adding the following at the end thereof: "At any time

after promulgation of a regulation referred to in this paragraph, the Administrator may add equally effective quality control and testing procedures by guidance published in the Federal Register. Such procedures shall be treated as an alternative for public water systems to the quality control and testing procedures listed in the regulation.".

(b) PUBLIC WATER SYSTEM.—

(1) IN GENERAL.—Section 1401(4) (42 U.S.C. 300f(4)) is amended—

(A) in the first sentence, by striking "piped water for human consumption" and inserting "water for human consumption through pipes or other constructed conveyances";

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(C) by striking "(4) The" and inserting the following:

"(4) PUBLIC WATER SYSTEM.—

"(A) IN GENERAL.—The"; and

(D) by adding at the end the following:

"(B) CONNECTIONS.—

"(i) IN GENERAL.—For purposes of subparagraph (A), a connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection, if—

"(I) the water is used exclusively for purposes other than residential uses (consisting of drinking, bathing, and cooking, or other similar uses);

"(II) the Administrator or the State (in the case of a State exercising primary enforcement responsibility for public water systems) determines that alternative water to achieve the equivalent level of public health protection provided by the applicable national primary drinking water regulation is provided for residential or similar uses for drinking, cooking, and bathing; or

"(III) the Administrator or the State (in the case of a State exercising primary enforcement responsibility for public water systems) determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a pass-through entity, or the user to achieve the equivalent level of protection provided by the applicable national primary drinking water regulations.

"(ii) IRRIGATION DISTRICTS.—An irrigation district in existence prior to May 18, 1994, that provides primarily agricultural service through a piped water system with only incidental residential or similar use shall not be considered to be a public water system if the system or the residential or similar users of the system comply with subclause (II) or (III) of clause (i).

"(C) TRANSITION PERIOD.—A water supplier that would be a public water system only as a result of modifications made to this paragraph by the Safe Drinking Water Act Amendments of 1996 shall not be considered a public water system for purposes of the Act until the date that is two years after the date of enactment of this subparagraph. If a water supplier does not serve 15 service connections (as defined in subparagraphs (A) and (B)) or 25 people at any time after the conclusion of the two-year period, the water supplier shall not be considered a public water system.".

(2) GAO STUDY.—The Comptroller General of the United States shall undertake a study to—

(A) ascertain the numbers and locations of individuals and households relying for their residential water needs, including drinking, bathing, and cooking (or other similar uses) on irrigation water systems, mining water systems, industrial water systems or other water systems covered by section 1401(4)(B) of the Safe Drinking Water Act that are not public water systems subject to the Safe Drinking Water Act;

(B) determine the sources and costs and affordability (to users and systems) of water used by such populations for their residential water needs; and

(C) review State and water system compliance with the exclusion provisions of section 1401(4)(B) of such Act.

The Comptroller General shall submit a report to the Congress within 3 years after the enactment of this Act containing the results of such study.

**SEC. 402. AUTHORIZATION OF APPROPRIATIONS.**

(a) GENERAL.—Part A (42 U.S.C. 300f) is amended by adding the following new section after section 1401:

**"SEC. 1402. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this title for the first 7 fiscal years following the enactment of the Safe Drinking Water Act Amendments of 1996. With the exception of biomedical research, nothing in this Act shall affect or modify any authorization for research and development under this Act or any other provision of law.".

(b) CRITICAL AQUIFER PROTECTION.—Section 1427 (42 U.S.C. 300h–6) is amended as follows:

(1) Subsection (b)(1) is amended by striking "not later than 24 months after the enactment of the Safe Drinking Water Act Amendments of 1986".

(2) The table in subsection (m) is amended by adding at the end the following:

"1992–2003 ..... 15,000,000.".

(c) WELLHEAD PROTECTION AREAS.—The table in section 1428(k) (42 U.S.C. 300h–7(k)) is amended by adding at the end the following:

"1992–2003 ..... 30,000,000.".

(d) UNDERGROUND INJECTION CONTROL GRANT.—The table in section 1443(b)(5) (42 U.S.C. 300j–2(b)(5)) is amended by adding at the end the following:

"1992–2003 ..... 15,000,000.".

**SEC. 403. NEW YORK CITY WATERSHED PROTECTION PROGRAM.**

Section 1443 (42 U.S.C. 300j–2) is amended by adding at the end the following:

"(d) NEW YORK CITY WATERSHED PROTECTION PROGRAM.—

"(1) IN GENERAL.—The Administrator is authorized to provide financial assistance to the State of New York for demonstration projects implemented as part of the watershed program for the protection and enhancement of the quality of source waters of the New York City water supply system, including projects necessary to comply with the criteria for avoiding filtration contained in 40 CFR 141.71. Demonstration projects which shall be eligible for financial assistance shall be certified to the Administrator by the State of New York as satisfying the purposes of this subsection. In certifying projects to the Administrator, the State of New York shall give priority to monitoring projects that have undergone peer review.

"(2) REPORT.—Not later than 5 years after the date on which the Administrator first provides assistance pursuant to this paragraph, the Governor of the State of New York shall submit a report to the Administrator on the results of projects assisted.

"(3) MATCHING REQUIREMENTS.—Federal assistance provided under this subsection shall not exceed 35 percent of the total cost of the protection program being carried out for any particular watershed or ground water recharge area.

"(4) AUTHORIZATION.—There are authorized to be appropriated to the Administrator to carry out this subsection for each of fiscal years 1997 through 2003 *$8,000,000* for each of such fiscal years for the purpose of providing assistance to the State of New York to carry out paragraph (1).".

**SEC. 404. ESTROGENIC SUBSTANCES SCREENING PROGRAM.**

Part F is amended by adding the following at the end thereof:

**"SEC. 1466. ESTROGENIC SUBSTANCES SCREENING PROGRAM.**

"(a) DEVELOPMENT.—Not later than 2 years after the date of enactment of this section, the Administrator shall develop a screening program, using appropriate validated test systems and other scientifically relevant information, to determine whether certain substances may have an effect in humans that is similar to an effect produced by a naturally occurring estrogen, or such other endocrine effect as the Administrator may designate.

"(b) IMPLEMENTATION.—Not later than 3 years after the date of enactment of this section, after obtaining public comment and review of the screening program described in subsection (a) by the scientific advisory panel established under section 25(d) of the Act of June 25, 1947 (chapter 125) or the Science Advisory Board established by section 8 of the Environmental Research, Development, and Demonstration Act of 1978 (42 U.S.C. 4365), the Administrator shall implement the program.

"(c) SUBSTANCES.—In carrying out the screening program described in subsection (a), the Administrator—

"(1) shall provide for the testing of all active and inert ingredients used in products described in section 103(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603(e)) that may be found in sources of drinking water, and

"(2) may provide for the testing of any other substance that may be found in sources of drinking water if the Administrator determines that a substantial population may be exposed to such substance.

"(d) EXEMPTION.—Notwithstanding subsection (c), the Administrator may, by order, exempt from the requirements of this section a biologic substance or other substance if the Administrator determines that the substance is anticipated not to produce any effect in humans similar to an effect produced by a naturally occurring estrogen.

"(e) COLLECTION OF INFORMATION.—

"(1) IN GENERAL.—The Administrator shall issue an order to a person that registers, manufactures, or imports a substance for which testing is required under this subsection to conduct testing in accordance with the screening program described in subsection (a), and submit information obtained from the testing to the Administrator, within a reasonable time period that the Administrator determines is sufficient for the generation of the information.

"(2) PROCEDURES.—To the extent practicable the Administrator shall minimize duplicative testing of the same substance for the same endocrine effect, develop, as appropriate, procedures for fair and equitable sharing of test costs, and develop, as necessary, procedures for handling of confidential business information.

"(3) FAILURE OF REGISTRANTS TO SUBMIT INFORMATION.—

"(A) SUSPENSION.—If a person required to register a substance referred to in subsection (c)(1) fails to comply with an order under paragraph (1) of this subsection, the Administrator shall issue a notice of intent to suspend the sale or distribution of the substance by the person. Any suspension proposed under this paragraph shall become final at the end of the 30-day period beginning on the date that the person receives the notice of intent to suspend, unless during that period a person adversely affected by the notice requests a hearing or the Administrator determines that the person referred to in paragraph (1) has complied fully with this subsection.

"(B) HEARING.—If a person requests a hearing under subparagraph (A), the hearing shall be conducted in accordance with section 554 of title 5, United States Code. The only matter for resolution at the hearing shall be whether the person has failed to comply with an order under paragraph (1) of this subsection. A decision by the Administrator after completion of a hearing shall be considered to be a final agency action.

"(C) TERMINATION OF SUSPENSIONS.—The Administrator shall terminate a suspension under this paragraph issued with respect to a person if the Administrator determines that the person has complied fully with this subsection.

"(4) NONCOMPLIANCE BY OTHER PERSONS.—Any person (other than a person referred to in paragraph (3)) who fails to comply with an order under paragraph (1) shall be liable for the same penalties and sanctions as are provided under section 16 of the Toxic Substances Control Act (15 U.S.C. 2601 and following) in the case of a violation referred to in that section. Such penalties and sanctions shall be assessed and imposed in the same manner as provided in such section 16.

"(f) AGENCY ACTION.—In the case of any substance that is found, as a result of testing and evaluation under this section, to have an endocrine effect on humans, the Administrator shall, as appropriate, take action under such statutory authority as is available to the Administrator, including consideration under other sections of this Act, as is necessary to ensure the protection of public health.

"(g) REPORT TO CONGRESS.—Not later than 4 years after the date of enactment of this section, the Administrator shall prepare and submit to Congress a report containing—

"(1) the findings of the Administrator resulting from the screening program described in subsection (a);

"(2) recommendations for further testing needed to evaluate the impact on human health of the substances tested under the screening program; and

"(3) recommendations for any further actions (including any action described in subsection (f)) that the Administrator determines are appropriate based on the findings.

"(h) SAVINGS CLAUSE.—Nothing in this section shall be construed to amend or modify the provisions of the Toxic Substances Control Act or the Federal Insecticide, Fungicide, and Rodenticide Act.".

**SEC. 405. REPORTS ON PROGRAMS ADMINISTERED DIRECTLY BY ENVIRONMENTAL PROTECTION AGENCY.**

For States and Indian Tribes in which the Administrator of the Environmental Protection Agency has revoked primary enforcement responsibility under part B of title XIV of the Public Health Service Act (which title is commonly known as the Safe Drinking Water Act) or is otherwise administering such title, the Administrator shall provide every 2 years, a report to Congress on the implementation by the Administrator of all applicable requirements of that title in such States.

**SEC. 406. RETURN FLOWS.**

Section 3013 of Public Law 102-486 (42 U.S.C. 13551) shall not apply to drinking water supplied by a public water system regulated under title XIV of the Public Health Service Act (the Safe Drinking Water Act).

**SEC. 407. EMERGENCY POWERS.**

Section 1431(b) is amended by striking out "$5,000" and inserting in lieu thereof "$15,000".

**SEC. 408. WATERBORNE DISEASE OCCURRENCE STUDY.**

(a) SYSTEM.—The Director of the Centers for Disease Control and Prevention, and the Administrator of the Environmental Protection Agency, shall jointly establish—

(1) within 2 years after the date of enactment of this Act, pilot waterborne disease occurrence studies for at least 5 major United States communities or public water systems; and

(2) within 5 years after the date of enactment of this Act, a report on the findings of the pilot studies, and a national estimate of waterborne disease occurrence.

(b) TRAINING AND EDUCATION.—The Director and Administrator shall jointly establish a national health care provider training and public education campaign to inform both the professional health care provider community and the general public about waterborne disease and the symptoms that may be caused by infectious agents, including microbial contaminants. In developing such a campaign, they shall seek comment from interested groups and individuals, including scientists, physicians, State and local governments, environmental groups, public water systems, and vulnerable populations.

(c) FUNDING.—There are authorized to be appropriated for each of the fiscal years 1997 through 2001, $3,000,000 to carry out this section. To the extent funds under this section are not fully appropriated, the Administrator may use not more than $2,000,000 of the funds from amounts reserved under section 1452(n) for health effects studies for purposes of this section. The Administrator may transfer a portion of such funds to the Centers for Disease Control and Prevention for such purposes.

**SEC. 409. DRINKING WATER STUDIES.**

(a) SUBPOPULATIONS AT GREATER RISK.—The Administrator of the Environmental Protection Agency shall conduct a continuing program of studies to identify groups within the general population that are at greater risk than the general population of adverse health effects from exposure to contaminants in drinking water. The study shall examine whether and to what degree infants, children, pregnant women, the elderly, individuals with a history of serious illness, or other subpopulations that can be identified and characterized are likely to experience elevated health risks, including risks of cancer, from contaminants in drinking water.

(b) BIOLOGICAL MECHANISMS.—The Administrator shall conduct studies to—

(1) understand the biomedical mechanisms by which chemical contaminants are absorbed, distributed, metabolized, and eliminated from the human body, so as to develop more accurate physiologically based models of the phenomena;

(2) understand the effects of contaminants and the biomedical mechanisms by which the contaminants cause adverse effects (especially noncancer and infectious effects) and the variations in the effects among humans, especially subpopulations at greater risk of adverse effects, and between test animals and humans; and

(3) develop new approaches to the study of complex mixtures, such as mixtures found in drinking water, especially to determine the prospects for synergistic or antagonistic interactions that may affect the shape of the dose-response relationship of the individual chemicals and microbes, and to examine noncancer endpoints and infectious diseases, and susceptible individuals and subpopulations.

(c) STUDIES ON HARMFUL SUBSTANCES IN DRINKING WATER.—

(1) DEVELOPMENT OF STUDIES.—The Administrator shall, after consultation with the Secretary of Health and Human Services, the Secretary of Agriculture, and, as appropriate, the heads of other Federal agencies, conduct the studies described in paragraph (2) to support the development and implementation of the most current version of each of the following:

(A) Enhanced surface water treatment rule (59 Fed. Reg. 38832 (July 29, 1994)).

(B) Disinfectant and disinfection byproducts rule (59 Fed. Reg. 38668 (July 29, 1994)).

(C) Ground water disinfection rule (availability of draft summary announced at (57 Fed. Reg. 33960; July 31, 1992)).

(2) CONTENTS OF STUDIES.—The studies required by paragraph (1) shall include, at a minimum, each of the following:

(A) Toxicological studies and, if warranted, epidemiological studies to determine what levels of exposure from disinfectants and disinfection byproducts, if any, may be associated with developmental and birth defects and other potential toxic end points.

(B) Toxicological studies and, if warranted, epidemiological studies to quantify the carcinogenic potential from exposure to disinfection byproducts resulting from different disinfectants.

(C) The development of dose-response curves for pathogens, including cryptosporidium and the Norwalk virus.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $12,500,000 for each of fiscal years 1997 through 2003.

**SEC. 410. BOTTLED DRINKING WATER STANDARDS.**

Section 410 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349) is amended as follows:

(1) By striking "Whenever" and inserting "(a) Except as provided in subsection (b), whenever".

(2) By adding at the end thereof the following new subsection:

"(b)(1) Not later than 180 days before the effective date of a national primary drinking water regulation promulgated by the Administrator of the Environmental Protection Agency for a contaminant under section 1412 of the Public Health Service Act (42 U.S.C. 300g-1), the Secretary shall promulgate a standard of quality regulation under this subsection for that contaminant in bottled water or make a finding that such a regulation is not necessary to protect the public health because the contaminant is contained in water in public water systems (as defined under section 1401(4) of such Act (42 U.S.C. 300f(4))) but not in water used for bottled drinking water. The effective date for any such standard of quality regulation shall be the same as the effective date for such national primary drinking water regulation, except for any standard of quality of regulation promulgated by the Secretary before the date of enactment of the Safe Drinking

Water Act Amendments of 1996 for which (as of such date of enactment) an effective date had not been established. In the case of a standard of quality regulation to which such exception applies, the Secretary shall promulgate monitoring requirements for the contaminants covered by the regulation not later than 2 years after such date of enactment. Such monitoring requirements shall become effective not later than 180 days after the date on which the monitoring requirements are promulgated.

"(2) A regulation issued by the Secretary as provided in this subsection shall include any monitoring requirements that the Secretary determines appropriate for bottled water.

"(3) A regulation issued by the Secretary as provided in this subsection shall require the following:

"(A) In the case of contaminants for which a maximum contaminant level is established in a national primary drinking water regulation under section 1412 of the Public Health Service Act, the regulation under this subsection shall establish a maximum contaminant level for the contaminant in bottled water which is no less stringent than the maximum contaminant level provided in the national primary drinking water regulation.

"(B) In the case of contaminants for which a treatment technique is established in a national primary drinking water regulation under section 1412 of the Public Health Service Act, the regulation under this subsection shall require that bottled water be subject to requirements no less protective of the public health than those applicable to water provided by public water systems using the treatment technique required by the national primary drinking water regulation.

"(4)(A) If the Secretary does not promulgate a regulation under this subsection within the period described in paragraph (1), the national primary drinking water regulation referred to in paragraph (1) shall be considered, as of the date on which the Secretary is required to establish a regulation under paragraph (1), as the regulation applicable under this subsection to bottled water.

"(B) In the case of a national primary drinking water regulation that pursuant to subparagraph (A) is considered to be a standard of quality regulation, the Secretary shall, not later than the applicable date referred to in such subparagraph, publish in the Federal Register a notice—

"(i) specifying the contents of such regulation, including monitoring requirements, and

"(ii) providing that for purposes of this paragraph the effective date for such regulation is the same as the effective date for the regulation for purposes of title XIV of the Public Health Service Act (or, if the exception under paragraph (1) applies to the regulation, that the effective date for the regulation is not later than 2 years and 180 days after the date of the enactment of the Safe Drinking Water Act Amendments of 1996).".

**SEC. 411. CLERICAL AMENDMENTS.**

(a) PART B.—Part B (42 U.S.C. 300g and following) is amended as follows:

(1) In section 1412(b)(2)(C) by striking "paragraph (3)(a)" and inserting "paragraph (3)(A)".

(2) In section 1412(b)(8) strike "1442(g)" and insert "1442(e)".

(3) In section 1415(a)(1)(A) by inserting "the" before "time the variance is granted".

(b) PART C.—Part C (42 U.S.C. 300h and following) is amended as follows:

(1) In section 1421(b)(3)(B)(i) by striking "number or States" and inserting "number of States".

(2) In section 1427(k) by striking "this subsection" and inserting "this section".

(c) PART E.—Section 1441(f) (42 U.S.C. 300j(f)) is amended by inserting a period at the end.

(d) SECTION 1465(b).—Section 1465(b) (42 U.S.C. 300j-25) is amended by striking "as by" and inserting "by".

(e) SHORT TITLE.—Section 1 of Public Law 93-523 (88 Stat. 1600) is amended by inserting "of 1974" after "Act" the second place it appears and title XIV of the Public Health Service Act is amended by inserting the following immediately before part A:

**"SEC. 1400. SHORT TITLE AND TABLE OF CONTENTS.**

"(a) SHORT TITLE.—This title may be cited as the 'Safe Drinking Water Act'.

"(b) TABLE OF CONTENTS.—

"TITLE XIV—SAFETY OF PUBLIC WATER SYSTEMS

"Sec. 1400. Short title and table of contents.

"PART A—DEFINITIONS

"Sec. 1401. Definitions.
"Sec. 1402. Authorization of appropriations.

"PART B—PUBLIC WATER SYSTEMS

"Sec. 1411. Coverage.
"Sec. 1412. National drinking water regulations.
"Sec. 1413. State primary enforcement responsibility.
"Sec. 1414. Enforcement of drinking water regulations.
"Sec. 1415. Variances
"Sec. 1416. Exemptions.
"Sec. 1417. Prohibition on use of lead pipes, solder, and flux.
"Sec. 1418. Monitoring of contaminants.
"Sec. 1419. Capacity development.

"PART C—PROTECTION OF UNDERGROUND SOURCES OF DRINKING WATER

"Sec. 1421. Regulations for State programs.
"Sec. 1422. State primary enforcement responsibility.
"Sec. 1423. Enforcement of program.
"Sec. 1424. Interim regulation of underground injections.
"Sec. 1425. Optional demonstration by States relating to oil or natural gas.
"Sec. 1426. Regulation of State programs.
"Sec. 1427. Sole source aquifer demonstration program.
"Sec. 1428. State programs to establish wellhead and source water protection areas.
"Sec. 1429. Federal facilities.

"PART D—EMERGENCY POWERS

"Sec. 1431. Emergency powers.
"Sec. 1432. Tampering with public water systems.

"PART E—GENERAL PROVISIONS

"Sec. 1441. Assurance of availability of adequate supplies of chemicals necessary for treatment of water.
"Sec. 1442. Research, technical assistance, information, training of personnel.
"Sec. 1443. Grants for State programs.
"Sec. 1444. Special study and demonstration project grants; guaranteed loans.
"Sec. 1445. Records and inspections.
"Sec. 1446. National Drinking Water Advisory Council.
"Sec. 1447. Federal agencies.
"Sec. 1448. Judicial review.
"Sec. 1449. Citizen's civil action.
"Sec. 1450. General provisions.
"Sec. 1451. Indian tribes.
"Sec. 1452. State revolving funds.
"Sec. 1453. Water conservation plan.

"PART F—ADDITIONAL REQUIREMENTS TO REGULATE THE SAFETY OF DRINKING WATER

"Sec. 1461. Definitions.
"Sec. 1462. Recall of drinking water coolers with lead-lined tanks.
"Sec. 1463. Drinking water coolers containing lead.
"Sec. 1464. Lead contamination in school drinking water.
"Sec. 1465. Federal assistance for State programs regarding lead contamination in school drinking water.
"Sec. 1466. Estrogenic substances screening program.".

**TITLE V—ADDITIONAL ASSISTANCE FOR WATER INFRASTRUCTURE AND WATERSHEDS**

**SEC. 501. GENERAL PROGRAM.**

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Administrator may provide technical and financial assistance in the form of grants to States (1) for the construction, rehabilitation, and improvement of water supply systems, and (2) consistent with nonpoint source management programs established under section 319 of the Federal Water Pollution Control Act, for source water quality protection programs to address pollutants in navigable waters for the purpose of making such waters usable by water supply systems.

(b) LIMITATION.—Not more than 30 percent of the amounts appropriated to carry out this section in a fiscal year may be used for source water quality protection programs described in subsection (a)(2).

(c) CONDITION.—As a condition to receiving assistance under this section, a State shall ensure that such assistance is carried out in the most cost-effective manner, as determined by the State.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 1996 through 2003. Such sums shall remain available until expended.

**SEC. 502. NEW YORK CITY WATERSHED, NEW YORK.**

(a) IN GENERAL.—The Administrator may provide technical and financial assistance in the form of grants for a source water quality protection program described in section 501 for the New York City Watershed in the State of New York.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,000,000 for each of fiscal years 1996 through 2003. Such sums shall remain available until expended.

**SEC. 503. RURAL AND NATIVE VILLAGES, ALASKA.**

(a) IN GENERAL.—The Administrator may provide technical and financial assistance in the form of grants to the State of Alaska for the benefit of rural and Alaska Native villages for the development and construction of water systems to improve conditions in such villages and to provide technical assistance relating to construction and operation of such systems.

(b) CONSULTATION.—The Administrator shall consult the State of Alaska on methods of prioritizing the allocation of grants made to such State under this section.

(c) ADMINISTRATIVE EXPENSES.—The State of Alaska may use not to exceed 4 percent of the amount granted to such State under this section for administrative expenses necessary to carry out the activities for which the grant is made.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000. Such sums shall remain available until expended.

**SEC. 504. ACQUISITION OF LANDS.**

Assistance provided with funds made available under this title may be used for the acquisition of lands and other interests in lands; however, nothing in this title authorizes the acquisition of lands or other interests in lands from other than willing sellers.

**SEC. 505. FEDERAL SHARE.**

The Federal share of the cost of activities for which grants are made under this title shall be 50 percent.

**SEC. 506. CONDITION ON AUTHORIZATIONS OF APPROPRIATIONS.**

An authorization of appropriations under this title shall be in effect for a fiscal year only if at least 75 percent of the total amount of funds authorized to be appropriated for such fiscal year by section 308 are appropriated.

**SEC. 507. DEFINITIONS.**

In this title, the following definitions apply:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) STATE.—The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

(3) WATER SUPPLY SYSTEM.—The term "water supply system" means a system for the provision to the public of piped water for human consumption if such system has at least 15 service connections or regularly serves at least 25 individuals and a draw and fill system for the provision to the public of water for human consumption. Such term does not include a for-profit system that has fewer than 15 service connections used by year-round residents of the area served by the system or a for-profit system that regularly serves fewer than 25 year-round residents and does not include a system owned by a Federal agency. Such term includes (A) any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and (B) any collection or pretreatment facilities not under such control that are used primarily in connection with such system.

**TITLE VI—DRINKING WATER RESEARCH AUTHORIZATION**

**SEC. 601. DRINKING WATER RESEARCH AUTHORIZATION.**

There are authorized to be appropriated to the Administrator of the Environmental Protection Agency, in addition to—

(1) amounts authorized for research under section 1412(b)(13) of the Safe Drinking Water Act (title XIV of the Public Health Service Act);

(2) amounts authorized for research under section 409 of the Safe Drinking Water Act Amendments of 1996; and

(3) $10,000,000 from funds appropriated pursuant to this section 1452(n) of the Safe Drinking Water Act (title XIV of the Public Health Service Act),

such sums as may be necessary for drinking water research for fiscal years 1997 through 2003. The annual total of the sums referred to in this section shall not exceed $26,593,000.

**SEC. 602. SCIENTIFIC RESEARCH REVIEW.**

(a) IN GENERAL.—The Administrator shall assign to the Assistant Administrator for Research and Development (in this section referred to as the "Assistant Administrator") the duties of—

(1) developing a strategic plan for drinking water research activities throughout the Environmental Protection Agency (in this section referred to as the "Agency");

(2) integrating that strategic plan into ongoing Agency planning activities; and

(3) reviewing all Agency drinking water research to ensure the research—

(A) is of high quality; and

(B) does not duplicate any other research being conducted by the Agency.

(b) REPORT.—The Assistant Administrator shall transmit annually to the Administrator and to the Committees on Commerce and Science of the House of Representatives and the Committee on Environment and Public Works of the Senate a report detailing—

(1) all Agency drinking water research the Assistant Administrator finds is not of sufficiently high quality; and

(2) all Agency drinking water research the Assistant Administrator finds duplicates other Agency research.

The SPEAKER pro tempore (Mr. LINDER). Pursuant to the rule, the gentleman from Virginia [Mr. BLILEY] and the gentleman from California [Mr. WAXMAN] each will control 20 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that the time for debate on this bill be extended by 30 minutes, such time to be equally divided between the gentleman from California [Mr. WAXMAN] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. The gentleman from Virginia [Mr. BLILEY] and the gentleman from California [Mr. WAXMAN] each will control 35 minutes.

The Chair recognizes the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I yield myself such time as I my consume.

Mr. Speaker, I am pleased to rise in support of H.R. 3604, the Safe Drinking Water Act Amendments of 1996.

More than 3 years ago, at the urging of States and local governments, I sat down with former Congressman Jim Slattery to consider how the Safe Drinking Water Act could be fixed.

Both Congressman Slattery and I recognized that the act was not working. Under the existing law, EPA was on a regulatory treadmill.

We also recognized that the Safe Drinking Water Act afforded no flexibility in implementation—the act incorporated a one-size-fits-all philosophy towards monitoring and technology. Unfortunately, if you weren't the right size—meaning a large public water system—well, that was your problem.

I regret that we were not able to finish our work in the previous Congress. But if there is any consolation in the delay—I believe that we have a far better bill today.

H.R. 3604 contains a balanced package of reforms. The bill gives the EPA the ability to use common sense in establishing new drinking water standards. The Agency, for the first time, can set a drinking water standard which balances the risk of one contaminant against another and directs limited resources toward those contaminants which present the greatest threat to public health.

In addition, the bill contains new emphasis on source water protection, provisions to ensure that operators of public water systems are properly trained, and a new program to help public water systems maintain the capacity to meet drinking water standards.

We have also incorporated consumer-right-to-know provisions and have provided for estrogenic screening.

Importantly, we do not impose all these new requirements on States and local water systems without providing a source of funding. The State Revolving Fund—which provides $1 billion per year—is explicitly tied to Safe Drinking Water Act requirements.

Altogether, I believe we have delivered on our commitment to bring a consensus bill forward which Members from both sides of the aisle can support. We have incorporated the concerns of two other committees and have attempted to put together the broadest possible agreement.

The goal of our effort has been—and always will be—the provision of safe drinking water to our homes and our communities. I believe the bill produced by the Commerce Committee lives up to our historic responsibility to provide for the public health and welfare.

Mr. Speaker, I include the following material for the RECORD:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, June 25, 1996.*

Hon. THOMAS J. BLILEY, Jr.
*Chairman, Committee on Commerce, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed intergovernmental and private sector mandates cost estimates for H.R. 3604, the Safe Drinking Water Act Amendments of 1996, as reported by the House Committee on Commerce on June 24, 1996. CBO provided a federal cost estimate for this bill on June 24, 1996.

This bill would impose new intergovernmental and private sector mandates as defined in Public Law 104–4. The costs of these mandates, however, would not exceed the thresholds established in that law.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL,
*Director.*

CONGRESSIONAL BUDGET OFFICE ESTIMATED COST OF INTERGOVERNMENTAL MANDATES

1. Bill number: H.R. 3604.

2. Bill title: Safe Drinking Water Act Amendments of 1996.

3. Bill status: As reported by the House Committee on Commerce on June 24, 1996.

4. Bill purpose: H.R. 3604 would amend the Safe Drinking Water Act (SDWA) to authorize the Environmental Protection Agency (EPA) to make grants to states for capitalizing state revolving loan funds (SRFs). These

SRFs would provide low-cost financing for the construction of facilities to treat drinking water. In addition, the bill would change the process for selecting drinking water contaminants for regulation and would allow costs and benefits to be considered when setting standards for those contaminants. The bill would also alter requirements for monitoring, treatment, and public notification, and would authorize other kinds of assistance for states and water systems.

5. Intergovernmental mandates contained in bill: H.R. 3604 would impose new mandates on both state and local governments, but would also change the federal drinking water program in ways that would lower the costs to public water systems of complying with existing and future federal requirements.

The bill would require public water systems, many of which are publicly owned and operated, to:

adhere to new public notification requirements, including a requirement to distribute an annual "consumer confidence report" to the customers,

comply with operator certification requirements established by the states pursuant to EPA regulations, and

provide requested information to EPA on regulated and unregulated contaminants for a new national drinking water database.

In addition, the bill would require states to obtain the legal authority or "other means" to ensure that all new community water systems and new non-transient, non-community water systems demonstrate technical, managerial, and financial capacity to comply with federal drinking water regulations. Within four years of the bill's enactment, states would have to develop and implement a strategy to assist public water systems in acquiring and maintaining technical, managerial, and financial capacity. State agencies would be required to write reports about their efforts and submit them to either the Environmental Protection Agency (EPA) or the governor of the state.

The bill would ease drinking water requirements on public water systems by:

changing the procedures that EPA uses to identify contaminants for regulation under the SDWA in ways that would likely result in fewer contaminants being regulated.

delaying the effective date of new regulations,

directing EPA to define treatment technologies that are feasible for small drinking water systems when the agency issues new contaminant regulations,

allowing operators of small drinking water systems to obtain variances from drinking water standards under certain conditions, and

allowing states to establish alternative monitoring requirements for contaminants in drinking water.

6. Estimated direct costs of mandates to State, local, and tribal governments:

(a) *Is the $50 Million Threshold Exceeded?* No.

(b) *Total Direct Costs of Mandates:* CBO estimates that the annual costs of new mandates imposed by the bill on state and local governments would total $30 million to $40 million. CBO projects that publicly owned water systems would incur costs of $15 million to $25 million per year to comply with requirement to mail annual "consumer confidence reports" to their customers. Publicly owned water systems would also incur annual direct costs of $5 million to $10 million to comply with the operator-certification requirement, beginning in fiscal year 2001. CBO further estimates that state governments would incur costs totaling several million dollars per year to comply with the requirement to develop and implement capacity development strategies for water systems.

These additional costs to state and local governments would be at least partially offset by a number of other changes to the federal drinking water program that would significantly lower the costs of complying with future requirements. Specifically, the bill would reduce public water systems' likely costs by changing the federal standard-setting process, delaying the effective date of new regulations, allowing operators to obtain variances, and allowing states to establish alternative monitoring requirements.

(c) *Estimate of Necessary Budget Authority:* Not applicable.

7. Basis of estimate; The new mandates in the bill would affect both state and local governments. Municipal water systems would have to send annual "consumer confidence reports" to their customers and would have to comply with new operator certification requirements. They would also be subject to new reporting and information requirements. State governments would be required to develop and implement strategies to improve the technical, financial, and managerial capacities of public water systems. The estimated impact of each of these provisions on state and local governments is discussed below.

*New mandates of local governments*

*New Public Notification Requirements.*—Section 131 would require EPA to issue regulations to rural community water systems to mail an annual "consumer confidence report" to each customer. The reports would contain:

information about the source of the water supplies by the system,

the levels of any regulated contaminants detected in the water,

the levels of unregulated contaminants for which monitoring is required, and in some cases, a brief statement explaining the health concerns that prompted the regulation of a contaminant.

The governor of a state could exempt systems serving fewer than 10,000 people from the requirement to mail the report. Systems not required to mail the report would instead have to publish it in local newspapers and make the information available upon request.

CBO estimates that this new requirement would apply to about 23,000 publicly owned community water systems that are not already complying with similar state laws. These systems serve about 54 million households. Based on information from water system operators in those states with similar laws, CBO concluded that most larger systems would be able to insert the report into a billing statement without incurring additional postage costs. For smaller systems, CBO assumed that some systems could use bulk mail and that others would have to use first-class postage. Including the cost of printing and staff time needed to write the reports, we estimate the aggregate national cost to be $15 million to $25 million annually for publicly owned systems.

Based on a small survey of small circulation daily newspapers, CBO estimates that providing the option for small systems to publish their report in newspapers would not significantly reduce the aggregate cost of the requirement. CBO estimates that, in general, the printing and postage costs for a system serving 10,000 or fewer people would be similar to the cost of a display advertisement or legal notice.

*New Operator Certification Requirements.*—H.R. 3604 would require EPA to issue regulations specifying minimum standards for the certification of operators of community water systems. This mandate would impose costs totaling $5 million to $10 million annually on publicly owned systems, primarily on very small ones. While almost every state now has an operator certification program, many of them exempt these small systems. CBO estimates that approximately 33,000 additional systems would be subject to operator certification requirements as a result of this bill and that about 10,000 of those are owned and operated by local governments.

Based on information provided by EPA officials, state officials, and associations of state and local officials, CBO assumed that many of the smallest water systems would utilize contractors rather than employ certified operators. Other systems would incur costs for training and testing their employees.

This estimate is based on a number of factors that are highly uncertain. The bill would give EPA considerable latitude in establishing minimum standards, and CBO cannot predict what those standards would be. Further, we cannot predict the extent to which EPA would allow states to continue their current programs in lieu of adopting the new standards. We have assumed that EPA would not require substantial changes in existing state requirements for larger systems. The cost of this mandate could be greater if that were not the case. Part of the cost we have attributed to the public sector could be shifted to the private sector if some small water systems require individual operators to bear the cost of obtaining their certification.

*Information Requirements.*—The bill would allow EPA, after consultation with the states and with water systems, to require water systems to provide information for use in establishing new standards for contaminants. Under current law, EPA can only require this information through a formal rule-making. The bill would limit the kinds of information EPA could require without providing funding and would require the agency to first try to obtain the information voluntarily. Because of these limitations, CBO does not expect reporting costs for public water systems to increase significantly as a result of this change.

*New mandate on State governments*

H.R. 3604 would require each state to obtain the legal authority or "other means" to ensure that all new community water systems and new non-transient, non-community water systems demonstrate technical, managerial, and financial capacity to comply with federal drinking water regulations. Within four years of the bill's enactment, states would have to develop and implement a "capacity development strategy" to assist public water systems in acquiring and maintaining technical, managerial, and financial capacity. State agencies would be required to submit periodic reports to EPA or to the governor of the state about the success of the strategy.

Although some states are already providing this kind of assistance to new and existing water systems, CBO expects that most states would have to devote additional resources to meet this requirement. Many state agencies that oversee drinking water systems (usually environmental or public health agencies) do not currently have expertise in managerial or financial operations of drinking water systems. Therefore CBO estimates that as a whole states would have to spend several million dollars per year to develop and implement these strategies. How

much states spend would depend on what standard EPA applies in carrying out the bill's instruction to withhold 20 percent of a state's SRF grant if it has not complied with this mandate. In any case, states receiving SRF grants from EPA would be allowed to use some of the grant money to defray this cost. This funding would probably offset most of the additional costs to the states.

*Changes likely to reduce compliance costs*

Other provisions, discussed individually below, would reduce the likely costs of complying with future drinking water regulations. These future regulations, which would be required under current law, would impose significant costs, primarily on local public water systems. The number and stringency of these regulations are likely to be less under H.R. 3604, and associated cost savings would at least partially offset the additional costs of new mandates contained in the bill. However, CBO cannot estimate these savings on the basis of information we currently have.

*New standard-setting procedure.*—H.R. 3604 would change the procedures for selecting drinking water contaminants for regulation and for determining permissible levels of those contaminants in ways that would likely lower future compliance costs for public water systems. First, it would rescind the requirement that EPA issue rules for 25 drinking water contaminants every three years. Thus, EPA would not have to regulate a specific number of contaminants. Although it is possible that, with this change, EPA would regulate more contaminants than current law dictates, CBO expects that the agency would regulate fewer contaminants than currently required.

Second, the bill would require EPA to conduct a cost-benefit analysis for national primary drinking water regulations before they are proposed. The bill also would require EPA, when proposing a maximum contaminant level, to determine whether the benefits of the proposed MCL justify the costs of complying with it. EPA would be given the discretionary authority to establish less stringent standards when it determines that the benefits of an MCL set at the feasible level would not justify the cost of compliance or when it determines that the contaminant occurs almost exclusively in small systems. If EPA uses this discretionary authority, it would have to set the MCL at a level that maximizes the reduction in health risk at a cost justified by the benefits. While current law requires EPA to perform cost/benefit analyses of new regulations, it does not give the agency the discretion to use those analyses as justification for changing the standards contained in new regulations. This change would give EPA greater discretion to set less stringent standards in future regulations. Any use of that discretion would lower the cost of compliance for public water systems.

*Effective date of regulations.*—The bill would change the date that primary drinking water regulations become effective from eighteen months to three years after the date of promulgation, unless EPA determines that an earlier date is practicable. This change would give water systems more time to install new equipment or take other steps necessary to comply with the new regulation.

*Small system technologies and variances.*—Current law allows EPA and the states to provide variances to small systems if it is too costly for them to meet a standard. Such provisions are almost never used, however. The bill would create a Best Available Affordable Technology (BAAT) variance. States would be allowed to grant BAAT variances to small systems that can not otherwise afford to meet the standard. If this variance option is widely used, it could provide financial relief to small systems, many of which are publicly owned.

*Changes to monitoring requirements.*—H.R. 3604 would change monitoring requirements for local water systems in ways that probably would lower compliance costs. First, the section would allow states with primary enforcement authority (primacy) to modify temporarily the monitoring requirements for most regulated and unregulated contaminants. States with primacy would be allowed to relieve water systems serving 10,000 or fewer people of monitoring for a contaminant for up to three years if certain conditions are met.

Second, the bill would allow states with primary enforcement authority, in some circumstances, to alter monitoring requirements for most regulated contaminants permanently. Third, the section would cap the number of unregulated contaminants for which EPA could require monitoring. Under current law, which has no such cap, EPA requires testing for 33 unregulated contaminants.

Fourth, under "representative monitoring plans" developed by states with primary enforcement authority, public water systems serving 10,000 or fewer people would probably monitor for unregulated contaminants less frequently than they do now. Current law requires all systems to do such monitoring, but under these plans, only a representative sample of water systems would have to monitor. Finally, this section would direct the EPA Administrator to pay the reasonable costs of testing and analysis that small systems (those serving 3,300 or fewer people) incur by carrying out the representative monitoring plans.

8. Appropriation or other Federal financial assistance provided in bill to cover mandate costs:

*New Federal Grant Program to Set Up State Revolving Funds.*—The bill would authorize appropriations of $8.4 billion for state and local governments over fiscal years 1997 to 2003. The largest authorization would be $7 billion for the creation of state revolving funds. In addition, the bill would make available for spending $725 million that was appropriated for the SRFs in fiscal years 1994–1996. If the authorized funds are appropriated, these SRFs would be a significant source of low-cost infrastructure financing for many public water supply systems.

In order to receive a federal SRF grant, states would have to deposit matching funds of 20 percent into their revolving fund. The bill would instruct EPA to withhold 20 percent of an SRF grant to a state if the state has not met EPA's requirements for an operator certification program. EPA would also be instructed to withhold 20 percent of an SRF grant to a state if the state has not met federal requirements for capacity development programs.

The bill would allow states to use a portion of their SRF grants to help pay for the cost of developing and implementing capacity development strategies. However, in order to use that funding, states would have to take steps to become eligible for an SRF grant and provide the required 20 percent state match to receive the grant.

The bill would allow a state to spend up to 15 percent of its SRF grant on certain activities, but only up to 10 percent on any one activity. The allowable activities would include providing assistance to water systems for developing technical, managerial, and financial capacity. The bill would also allow a state with primary enforcement authority to spend up to 10 percent of its SRF grant on four different kinds of activities, one of which is developing and implementing a capacity development strategy. In order to do so, states would have to match such expenditures with an equal amount of state funds, at least half of which would have to exceed the amount the state spent supervising public water systems in fiscal year 1993.

CBO expects that most, if not all, states would apply to EPA for SRF grant funding and thus would be able to use a portion of their grant for funding state activities, including developing and implementing their capacity development strategies.

Assuming appropriation of the full amounts authorized, CBO estimates that, if states claim the maximum amounts available for these activities, about $1.6 billion in SRF funds would be available to states over the fiscal years 1997 through 2003. While states would be required to provide matching funds to receive SRF grants and, in some cases, to use the grant money for purposes other than capitalizing their SRF, CBO estimates that they would be able to pay for most of their capacity development activities with federal funding.

*Other Authorizations of Appropriations.*—Section 302 of the bill would authorize appropriations of $15 million for fiscal years 1997 through 2003 to be used by EPA to provide technical assistance to small public water systems. Such assistance may include circuit-rider programs, training, and preliminary engineering evaluations. The purpose of such assistance would be to enable small public water systems to achieve and maintain compliance with national primary drinking water regulations.

Section 303 would extend the authorization for grants to the states for public water system supervision (PWSS) programs through fiscal year 2003 at $100 million per year and in some situations would allow states to supplement their PWSS grant with money from their SRF capitalization grant. The PWSS programs implement the Safe Drinking Water Act at the level through enforcement, staff training, data management, sanitary surveys, and certification of testing laboratories.

Section 304 would authorize appropriations of $10 million annually for fiscal years 1997 through 2003 for EPA to carry out a monitoring program for unregulated contaminants. Based on regulations promulgated by EPA, each state would have to develop a plan for representative sampling of small systems serving a population of 10,000 or less. The bill would require EPA to use some of the appropriated funds as grants for these small systems to pay for the costs of monitoring unregulated contaminants.

Section 402 would extend the authorization of appropriations for EPA's sole source aquifer demonstration program at $15 million for each of fiscal years 1997 through 2003. This program provides 50 percent matching grants to states and localities for projects to protect critical aquifers. This section would also extend the authorization of appropriations for EPA's wellhead protection program at $30 million through fiscal year 2003. This program provides matching grants to states to fund their efforts to protect the areas around water wells.

Section 403 would authorize appropriations of $15 million annually through fiscal year 2003 to help fund a watershed protection program for the city of New York. Federal assistance for this program would be capped at 35 percent.

9. Other impacts on State, local, and tribal governments: Several sections of the bill would increase the responsibilities of states only if they have chosen to accept primary enforcement responsibility for national drinking water regulations. Every state except Wyoming currently has primary enforcement authority. To receive primacy for a particular regulation, a state must adopt its own regulation that is at least as stringent as the federal regulation, and it must have adequate procedures for enforcing that regulation. If states do not accept primacy, EPA will enforce the provisions of the SDWA in that state. These additional responsibilities are not mandates as defined in Public Law 104–4 because states have the option of not accepting primary enforcement responsibility.

*Operator Certification Requirements.*—H.R. 3604 would require state agencies that exercise primary enforcement responsibility to adopt and implement EPA regulations requiring the certification of water system operators. Based on information provided by the Association of State Drinking Water Administrators, CBO estimates that states could incur costs totaling about $5 million to comply with this requirement. These costs would be incurred by the 37 states that now exempt very small systems from their certification programs.

The bill would allow states with primary enforcement authority to use a portion of their SRF grant to defray the cost of this new primacy condition, but states would still be required to commit some of their own resources. The bill would also allow a state with primary enforcement authority to spend up to 10 percent of its SRF grant on four different kinds of activities, one of which is implementing an operator certification program. In order to do so, however, states would have to match such expenditures with an equal amount of state funds, at least half of which would have to exceed the amount the state spent supervising public water systems in fiscal year 1993.

*Representative Monitoring Plan.*—The bill would require states with primary enforcement authority to develop a "representative monitoring plan" to assess the occurrence of unregulated contaminants in small and medium water systems (those serving 10,000 or fewer people). Under these plans, only a representative sample of water systems in each state would be required to monitor for unregulated contaminants. Current law requires all systems to do such monitoring. While these plans could reduce the cost of monitoring for the water systems, they would require extra effort by the states.

10. Previous CBO estimate: None.

11. Estimate prepared by: Pepper Santalucia.

12. Estimate approved by: Robert A. Sunshine (for Paul N. Van de Water, Assistant Director for Budget Analysis).

CONGRESSIONAL BUDGET OFFICE ESTIMATE OF COSTS OF PRIVATE-SECTOR MANDATES

1. Bill number: H.R. 3604.

2. Bill title: Safe Drinking Water Act Amendments of 1996.

3. Bill status: As reported by the House Committee on Commerce on June 24, 1996.

4. Bill purpose: H.R. 3604 would amend and reauthorize the Safe Drinking Water Act (SDWA). The purpose of the SDWA is to protect the public drinking water supplies from harmful contaminants. The SDWA is administered through regulatory programs that establish standards and treatment requirements for drinking water and ground water. SDWA regulations apply to both privately and publicly owned systems that serve at least 25 people (or 15 service connections) at least 60 days per year. H.R. 3604 would authorize the Environmental Protection Agency (EPA) to make grants to states for capitalizing state revolving loan funds (SRFs). These SRFs would provide low-cost financing for the construction of facilities to treat drinking water. Other major provisions of the bill would:

amend the procedures used for the selection of contaminants for regulation based on an analysis of costs, benefits and relative risk,

authorize variances for small systems that cannot afford to comply with national standards,

direct EPA to define treatment technologies that are feasible for small drinking water systems when the agency issues new contaminant regulations,

allow states to establish an alternative monitoring program for contaminants in drinking water,

require states to ensure that new public water systems have the technical expertise and financial resources to implement the SDWA, and

authorize appropriations of $100 million a year for state public water system supervision (PWSS) programs, $15 million a year for protecting underground drinking water sources, $30 million a year for protecting drinking water wellhead areas, and $15 million a year for assisting small drinking water systems.

5. Private-sector mandates contained in bill: H.R. 3604 would impose new mandates on public water systems, businesses in the plumbing industry, manufacturers of certain chemical products, and manufacturers of bottled drinking water. However, the bill also would change the federal drinking water program in ways that would lower the costs to public water systems of complying with existing federal requirements and that would lower the likely cost of complying with future requirements. Over 50 percent of public water systems are privately owned. A large portion of privately owned water systems are relatively small, serving less than 10,000 households. Many provisions of the bill would directly reduce the compliance costs of these systems and provide for grants and technical assistance.

The bill contains several new mandates on public water system. Specifically, the bill would require water systems to:

comply with operator certification requirements established by the states pursuant to EPA regulations.

adhere to new public notification requirements, including a requirement to distribute an annual "consumer confidence report" to their customers, and

provide requested information to EPA for use in establishing new standards for contaminants.

The bill also contains new mandates on the bottled-water industry, certain segments of the plumbing industry, and manufacturers of certain chemicals. H.R. 3640, if enacted, would:

impose the standards set for tap water under the SDWA as regulations on the quality of bottled water if the Food and Drug Administration has not acted within 180 days of the issuance of the tap water standards by EPA,

expand the ban on the use of materials containing lead in drinking water systems and home plumbing, and

require businesses that register, manufacture, or import certain products to screen for substances that may have an effect on humans that is similar to an effect produced by naturally occurring estrogen, or other endocrine effects as directed by EPA.

The bill would reduce public water systems' likely cost of complying with future regulations by:

changing the procedures that EPA uses to identify contaminants for regulation under the SDWA in ways that would likely result in fewer contaminants being regulated,

delaying the effective date of new regulations,

directing EPA to define treatment technologies that are feasible for small drinking water systems when the agency issues new contaminant regulations,

allowing operators of small drinking water systems greater flexibility to obtain variances from drinking water standards under certain conditions, and

allowing states to establish alternative monitoring requirements for contaminants in drinking water.

6. Estimated direct cost to the private sector: The net direct costs of the private-sector mandates identified in this bill would not likely exceed the $100 million threshold established in Public Law 104–4. Although mandates become effective at different dates, CBO estimates that the aggregate direct cost of mandates in this bill for which we were able to obtain data would range from $40 million to $60 million annually for the first five years. Greater uncertainty exists for mandates that become effective in later years. Specifically, costs for estrogenic testing under Section 404 could exceed the threshold if more expensive tests become required. We further estimate that the costs of these new mandates on the private sector would be at least partially offset by savings from changes the bill would make in the standard-setting process and in other aspects of the federal drinking water program. These changes, which are the same as those resulting in savings to publicly owned systems, would significantly lower the costs privately owned systems would incur to comply with future regulatory requirements.

CBO estimates that privately owned water systems would incur direct costs of $10 million to $15 million per year to comply with a new requirement to mail annual "consumer confidence reports" to their customers. Privately owned water systems would also incur annual direct costs of $15 million to $20 million to comply with the new operator-certification requirement, beginning in fiscal year 2001. CBO estimates that the costs to manufacturers and importers of substances that would be subject to estrogen testing would initially range from $15 million to $25 million annually. (In later years, after an initial period of testing, the costs could be more than $100 million as more sophisticated tests may be required to determine longer term effects). The incremental costs of expanding the ban on lead materials to the plumbing industry would be negligible, as most in the industry have already started to comply with the increased ban on lead in plumbing fittings and fixtures. CBO also estimates that the incremental costs to the bottled-water industry would be negligible as most manufacturers attempt to comply with EPA standards for tap water where appropriate for bottled water.

*New mandates on the private sector*

*New Operator Certification Requirements.*—H.R. 3604 would require EPA to issue regulations specifying minimum standards for the certification of operators of community water systems. This mandate would impose

costs totaling $25 million to $30 million annually on publicly and privately owned systems, primarily on very small water systems. While almost every state now has an operator certification program, many of them exempt these small systems. CBO estimates that approximately 33,000 additional public water systems would be subject to operator certification requirements as a result of this bill and about 23,000 of those are privately owned. Thus, CBO estimates that the incremental costs to privately owned water systems would range from $15 million to $20 million per year to comply with the new federal requirements for operator certification.

Based on information provided by EPA officials, state officials, and associations of state and local officials, CBO assumed that many of the smallest water systems would utilize contractors rather than employ certified operators. Other systems would incur costs for training and testing of their employees.

This estimate is based on a number of factors that are highly uncertain. The bill would give EPA considerable latitude in establishing minimum standards, and CBO cannot predict what those standards would be. Further, we cannot predict the extent to which EPA would allow states to continue their programs in lieu of adopting the new standards. We have assumed that EPA would not require substantial changes in existing state requirements for large systems. The cost of this mandate could be greater if that were not the case. Part of the cost we have attributed to the public sector could be shifted to the private sector if some small water systems require individual operators to bear the cost of obtaining their certification.

*New Public Notification Requirements.*—Section 131 would require EPA to issue regulations to require community water systems to mail an annual "consumer confidence report" to each customer. The reports would contain:

information about the source of the water supplied by the system,

the levels of any regulated contaminants detected in the water,

the levels of unregulated contaminants for which monitoring is required, and

in some cases, a brief statement explaining the health concerns that prompted the regulation of a contaminant.

The governor of a state could exempt systems serving fewer than 10,000 people from the requirement to mail the report. Systems not required to mail the report would instead have to publish it in local newspapers and make the information available upon request.

CBO estimates that this new requirement would apply to about 30,000 privately owned community water systems that are not already complying with similar state laws. These systems serve about 15 million households. Based on information from water system operators in those states with similar laws, CBO estimates that it would cost $10 million to $15 million annually for these privately owned systems to prepare and mail these reports. The estimate includes: the cost of printing a report, the cost of staff time to develop a report, and the cost of mailing reports to customers. CBO does not expect that providing the option for small systems (serving under 10,000) to publish the report in local newspapers would significantly reduced the aggregate cost of the requirement.

*Information Requirements.*—The bill would allow EPA, after consultation with the states and with water systems, to require water systems to provide information for use in establishing new standards for contaminants. Under current law, EPA can only require this information through a formal rule-making process. The bill would limit the kinds of information EPA could require without providing funding and would require the agency to first try to obtain the information voluntarily. Because of these limitations, CBO does not expect reporting costs for public water systems to increase significantly as a result of this change.

*New Bottled Drinking Water Standards.*—Section 410 of the bill would direct the Federal Drug Administration (FDA) to establish regulations for bottled water for each contaminant for which the EPA has promulgated a rule for drinking water. The regulations are to be issued no later than 180 days after tap water standards have been set and are to be no less stringent. If FDA fails to act within the 180-day period, the maximum contaminant levels established for tap water and would apply to bottled water. Industry representatives claim that they already meet and most likely exceed federal standards for drinking water. The likely incremental effect of this provision would be to influence how quickly federal rules are promulgated for bottled water. The incremental compliance costs to the industry of this provision would be negligible.

*New Ban on Lead Plumbing Fixtures.*—Section 141 of the bill would ban the use of plumbing fittings and fixtures that exceed established lead leaching rates and prohibit the use and sale of leaded solder and flux unless it is clearly labeled to prevent its use in plumbing delivering water for human consumption. Current law already bans the use of pipe, solder or flux containing lead in public water systems and residential plumbing intended for human consumption. H.R. 3604 would add a ban on the use of lead plumbing fittings and fixtures and defines "lead free" to be based on a consensus standard to be established by The National Sanitation Foundation (a private certifier). Industry experts consulted by CBO indicate that these provisions codify current activity in the industry and would not create significant incremental compliance costs.

*New Estrogenic Substances Screening Program.*—Section 404 would direct EPA to establish a screening program to determine whether certain pesticides and other chemicals may affect the endocrine system in ways similar to the natural hormone estrogen. After a two-year period to develop appropriate validated test systems, EPA would require persons who register pesticides and chemicals, or who manufacture or import targeted substances to conduct testing in accordance with the screening program. Based on information provided by research scientists, industry experts and EPA officials, CBO assumed that an initial screening period would be necessary to begin separating out those pesticides and chemicals from the substances targeted by EPA that would not likely have an effect on the endocrine system. Experts consulted by CBO indicated that the initial stage of the screening program would probably involve a set of short-term tests designed to screen for an indication of an endocrine-like effect at the cellular level.

Cost estimates for a set of these tests range from $10,000 to $15,000, depending on the number and types of tests that would be validated by EPA to be included in an initial screening program. The group of substances eligible for testing include active and inert ingredients from pesticides and industrial chemicals. Experts consulted by CBO indicate that a range of 1,500 to 1,700 substances could be tested in an initial screening program. Based on these data, CBO estimates the cost of testing to manufacturers and importers could range from $15 million to $25 million. After a period of initial screening, scientists and EPA officials indicated that more sophisticated tests would probably be required to analyze the longer-term effects of the substances that remain of importance. These tests could be similar in nature to the multi-generational tests conducted under current law (FIFRA and TSCA) and could cost on average about $500,000 per test. If such additional screening were required by EPA, the costs to the private sector could increase to over $100 million in years after the initial testing has been completed.

*Changes likely to reduce compliance costs*

Several provisions in H.R. 3604 should result in savings to the private sector relative to current law. The additional costs to the private sector of mandates in the bill would be at least partially offset by a number of other changes to the federal drinking water program that would significantly lower the costs of complying with future requirements. Specifically, the bill would reduce public water systems' likely costs by changing the federal standard-setting process, delaying the effective date of new regulations, allowing operators to obtain variances, and allowing states to establish alternative monitoring requirements. Major provisions that have potential to result in savings are discussed below.

*New Standard-Setting Procedure.*—H.R. 3604 would change the procedures for selecting drinking water contaminants for regulation and for determining permissible levels of those contaminants in ways that would likely lower future compliance costs for public water systems. The bill would rescind the requirement that EPA issue rules for 25 drinking water contaminants every three years. Thus, EPA would not have to regulate a specific number of contaminants. Although it is possible that, with this change, EPA would regulate more new contaminants than current law dictates, CBO expects that the agency would actually regulate fewer new contaminants than currently required.

Second, the bill would require EPA to conduct a cost-benefit analysis for national primary drinking water regulations before they are proposed. The bill also would require EPA, when proposing a maximum contaminant level (MCL), to determine whether the benefits of the proposed MCL justify the costs of complying with it. EPA would be given the discretionary authority to establish less stringent standards when it determines that the benefits of an MCL set at the feasible level would not justify the cost of compliance or when it determines that the contaminant occurs almost exclusively in small systems. If EPA uses this discretionary authority, it would have to set the MCL at a level that maximizes the reduction in health risk at a cost justified by the benefits. While current law requires EPA to perform cost/benefit analyses of new regulations, it does not give the agency the discretion to use those analyses as justification for changing the standards contained in new regulations. This change in current law would give EPA greater discretion to set less stringent standards in future regulations. Any use of that discretion would lower the cost of compliance for public water systems.

*Effective Date of Regulations.*—The bill would change the date that primary drinking water regulations become effective from

eighteen months to three years after the date of promulgation, unless EPA determines that an earlier date is practicable. This change would give water systems more time to install new equipment or take other steps necessary to comply with the new regulation.

*Small System Technologies and Variances.*—Current law allows EPA and the states to provide variances to small systems if it is too costly for them to meet a standard. Such provisions are almost never used, however. Section 142 of the bill would create a Best Available Affordable Technology (BAAT) variance. States would be allowed to grant BAAT variances to small systems that can not otherwise afford to meet the standard. If this variance option is widely used, it could provide financial relief to small systems, many of which are privately owned.

*Changes to Monitoring Requirements.*—H.R. 3604 would change monitoring requirements for local water systems in ways that probably would lower compliance costs. First, the section would allow states with primary enforcement authority (primacy) to modify temporarily the monitoring requirements for most regulated and unregulated contaminants. States with primacy would be allowed to relieve water systems serving 10,000 or fewer people of monitoring for a contaminant for up to three years if certain conditions are met.

Second, the bill would allow states with primacy, in some circumstances, to alter monitoring requirements for most regulated contaminants permanently. Third, the bill would cap the number of unregulated contaminants for which EPA could require monitoring. Under current law, which has no such cap, EPA requires testing for 33 unregulated contaminants.

Fourth, the bill would require states with primacy to develop a "representative monitoring plan" to assess the occurrence of unregulated contaminants in small and medium water systems (those serving 10,000 or fewer people). Under these plans, only a representative sample of water systems in each state would be required to monitor for unregulated contaminants. Because current law requires all systems to do such monitoring, these plans could reduce the cost of monitoring for the water systems. Finally, this section would direct the EPA Administrator to pay the reasonable costs of testing and analysis that small systems incur by carrying out the representative monitoring plans.

7. Appropriations or other Federal financial assistance:

*New Federal Grant Program to Set Up State Revolving Funds.*—The bill would authorize appropriations of $7.8 billion for state and local governments over fiscal years 1997 to 2003 in part to be used in various programs to assist publicly and privately owned water systems. The largest authorization would be $7 billion for the creation of state revolving funds (SRFs). In addition, the bill would make available for spending $725 million that was appropriated for the SRFs in fiscal years 1994–1996. If the authorized funds are appropriated, these SRFs would be a significant source of low-cost infrastructure financing for many public water supply systems.

The bill, under section 308, would establish a new State Revolving Fund (SRF) program for drinking water infrastructure. The bill authorizes $1 billion per year through fiscal year 2003 for capitalization grants. The federal government would provide capitalization grants to state-run SRFs. States would use these funds to make grants and loans to public water systems to facilitate compliance with the Safe Drinking Water Act. Further, the bill would authorize EPA to reserve up to 2 percent of its annual grant to provide technical assistance to small water systems serving a population of 10,000 or less. Assistance may include financial management, planning and design, source water protection, or system restructuring.

In order to receive a federal SRF grant, states would have to deposit matching funds of 20 percent into their revolving fund. The bill would instruct EPA to withhold 20 percent of an SRF grant to a state if the state has not met EPA's requirements for an operator certification program. EPA would also be instructed to withhold twenty percent of an SRF grant to a state if the state has not met federal requirements for capacity development programs.

*Other Authorizations of Appropriations.*—Section 302 of the bill would authorize $15 million for fiscal years 1997 through 2003 to be used by EPA to provide technical assistance to small public water systems. Such assistance may include circuit-rider programs, training, and preliminary engineering evaluations. The purpose of such assistance would be to enable small public water systems to achieve and maintain compliance with national primary drinking water regulations.

Section 303 of the bill would extend the authorization for grants to the states for public water system supervision (PWSS) programs through fiscal year 2003 at $100 million per year and in some situations would allow states to supplement their PWSS grant with money from their SRF capitalization grant. The PWSS programs implement the Safe Drinking Water Act at the state level through enforcement, staff training, data management, sanitary surveys, and certification of testing laboratories. Some of these funds may be used to pay for training operators of privately owned systems.

Section 304 of the bill would authorize appropriations of $10 million annually for fiscal years 1997 through 2003 for EPA to carry out a monitoring program for unregulated contaminants. Based on regulations promulgated by EPA, each state would have to develop a plan for representative sampling of small systems serving a population of 10,000 or less. The bill would require EPA to use some of the appropriated funds as grants for these small systems to pay for the costs of monitoring unregulated contaminants.

8. Previous CBO estimate: None

9. Estimate prepared by: Terry Dinan and Patrice Gordon.

10. Estimate approved by: Jan Acton, Assistant Director for Natural Resources and Commerce.

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ENVIRONMENTAL PROTECTION AGENCY,
*Washington, DC, June 11, 1996.*

Hon. THOMAS J. BLILEY, Jr.,
*Chairman, Committee on Commerce, Washington, DC.*

DEAR MR. CHAIRMAN: I applaud your work and the efforts of other key members of the Committee on Commerce to reach bipartisan agreement on a strengthened Safe Drinking Water Act (SDWA). As you prepare for Full Committee mark-up and future steps in the legislative process, I would like to provide you with the Environmental Protection Agency's (EPA) initial views on the bill reported by the Subcommittee on health and Environment, as well as an assessment of EPA's ability to implement provisions of the bill.

Ensuring the safety of the water we drink every day is one of the most fundamental responsibilities of government, and one of President Clinton's top environmental priorities. In September 1993, the Administration sent to Congress ten recommendations for SDWA reauthorization. We seek a reauthorized Act that provides responsible regulatory improvements coupled with stronger 'preventive" approaches and public information along with increased State and local funding—all of which will improve public health protection.

The Committee's bill achieves these goals by drawing on many of the strongest elements of the Senate bill, S. 1316, while making essential improvements in several key areas. The Committee's improvements in the area of "prevention" are perhaps the most significant. The bill reflects the Administration's recommendations to fundamentally improve the ability of water systems and States to prevent drinking water safety problems and avoid public health endangerment in the future. Preventing pollution of drinking water sources in the first place can reduce the cost of treating water "after the fact." The bill provides for the delineation and assessment of source water areas, as in the Senate bill, but provides States with extensive flexibility to develop and fund their own source water protection programs and local protection projects. We strongly support this flexibility; State and local initiatives should not be stifled by overly prescriptive statutory requirements. In addition, the bill strengthens small system assistance, operator training and certification, and State programs to encourage greater technical, financial, and managerial capacity among the nation's water systems.

We applaud the Commerce for including provisions to improve consumer awareness. Public access to information on drinking water safety is long overdue. We are pleased to see the Committee has included an estrogen screening program that will advance our understanding of endocrine disrupters and their potential health effects. These provisions and the stronger prevention focus in the bill, if passed into law, would signal a revitalized national commitment to meet the challenge of safe and affordable drinking water long into the future.

The Committee's bill, like the Senate bill, includes several provisions that address current implementation problems faced by water systems, States, and EPA—most notably, monitoring flexibility, workable exemptions, small system assistance, small system technology variances, and more funding for States. The bill also establishes the Drinking Water State Revolving Fund (SRF) proposed by President Clinton, which will provide funding to communities to improve drinking water safety. I am concerned, however, that the total level of "taps" from the SRF to fund specific activities will limit the availability of dollars needed for building a permanent source of revolving funds.

Finally, the Committee's bill builds upon the Senate's balanced framework for selecting contaminants and setting standards, but eliminates duplicative procedural hurdles that could cause unnecessary delays in future safety standards. The bill also has a special provision to preserve the balanced framework that was agreed upon as part of a negotiated rulemaking for setting future standards for disinfection byproducts and Cryptosporidium.

The Administration has steadfastly supported improvements to SDWA along the lines of the bill reported by the Subcommittee, and EPA has taken a number of steps to

prepare for these improvements. Over the last year we have worked hard with stakeholders to realign our resources to reflect priority drinking water concerns. We believe our extensive outreach effort will bolster future partnerships for implementing SDWA. In addition, our planned reorganization of the drinking water program should improve the Agency's ability to strengthen its scientific work in drinking water while maintaining other priority activities.

EPA's responsibilities in the bill will present significant implementation challenges. Important new efforts to boost stakeholder involvement and strengthen science will undoubtedly make some time frames difficult and strain current Agency resources. Timely implementation is achievable, however, depending on adequate levels of future funding. We look forward to working together to assure there are resources necessary to allow implementation of the important public health protections in this bill.

I appreciate the opportunity to provide comments on the bill. We may have additional comments as we conduct a more detailed review of individual provisions. I look forward to working with the Committee to secure final passage of SDWA reauthorization that provides balanced regulatory improvements, new funding, strong prevention, and public information.

Sincerely,

CAROL M. BROWNER.

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JUNE 11, 1996.

Hon. THOMAS J. BLILEY, Jr.,
*Chairman, Committee on Commerce, U.S. House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: We write to express our appreciation for your hard work in developing H.R. 3604, the bipartisan bill to reauthorize the Safe Drinking Water Act reported by the Health and Environment Subcommittee on June 6. We urge the Commerce Committee and the House to approve that bill as expeditiously as possible to keep the legislative process moving forward.

First and foremost, H.R. 3604 improves the protection of public health. It represents a significant advance over current law and over the bill approved by the House in 1994. Among other significant changes, the measure approved in subcommittee eliminates the requirement for the Environmental Protection Agency to regulate 25 new contaminants every three years and instead focuses attention on contaminants that actually occur or are likely to occur in drinking water. The bill improves the current standard setting process by allowing EPA to balance risks and to consider costs and benefits in setting most new standard. It also addresses the technology needs of small water systems, allows some relief from monitoring requirements when contaminants do not occur in the drinking water in a given community, and authorizes a new state revolving fund for much needed investments in drinking water infrastructure. These changes and others are important improvements over the current law.

As you know, the bill also includes several expanded federal authorities and new mandates on states, local governments, and water suppliers about which we have some concerns. We await the Congressional Budget Office analysis of the costs of these mandates.

We will continue to work with you and your colleagues in the Senate to assure that the Safe Drinking Water Act reauthorization bill is enacted into law this year, providing the public with both safe and affordable drinking water.

Sincerely,

Governor Tommy G. Thompson, Chairman, National Governors' Association;
Gregory S. Lashutka, President, National League Cities;
Norman B. Rice, President, The U.S. Conference of Mayors;
Douglas R. Bovin, President, National Association of Countries;
James J. Lack, President, National Conference of State Legislature;
David L. Tippin, President, Association of Metropolitan Water Agencies;
Karl F. Kohlhoff, President, American Water Works Association;
Ronald S. Dugan, President, National Association of Water Companies;
James K. Cleland, President, Association of State Drinking Water Administrators;
Fred N. Pfeiffer, President National Water Resources Association.

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CAMPAIGN FOR SAFE AND AFFORDABLE DRINKING WATER,
*June 21, 1996.*

Hon. THOMAS BLILEY,
*House of Representatives, Washington, DC.*

DEAR CHAIRMAN BLILEY: We are writing to thank you for your leadership in negotiating and achieving unanimous Committee passage of the "Safe Drinking Water Act of 1996," H.R. 3604, and to express our appreciation for your attention to our views in the legislative process. We do not agree with all of the decisions that the Committee reached, but we do believe that our concerns received full and fair consideration.

Although we did not support S. 1316 as it was passed by the Senate, we are pleased to be able to endorse H.R. 3604. We support it on balance because it provides a number of important public health protections, including:

The right-to-know provision, which requires water systems to issue drinking water quality reports to consumers.

Prevention provisions, including an improved source water assessment, operator certification, and capacity development sections.

A reasonable radon provision that establishes a rational process for setting a standard for this important cancer-causing contaminant.

More workable small system provisions. Small system exemptions and variances would be limited to water systems serving less than 3,300 customers. These provisions would encourage and facilitate compliance rather than needlessly waiving public health protection requirements.

Improved monitoring provisions for unregulated contaminants, tying monitoring relief to source water assessments, and requiring a disease monitoring study.

We continue to have, of course, objections to some of the language included in H.R. 3604, particularly the provisions affecting citizen suits, standard setting (although we recognize that the House language improves upon the Senate proposal), source water program funding, and information gathering. Accordingly, our continued support for H.R. 3604 will be predicated upon maintaining the important improvements the Commerce Committee adopted.

Sincerely,

20/20 Vision;
Gary Rose, Aids Action Council;
Susan Polan, American Cancer Society;
Ted Morton, American Oceans Campaign;
Dr. Fernando Treviño, American Public Health Association;
Beth Norcross, American Rivers;
Michael Hirshfield, PhD., Chesapeake Bay Foundation;
Roberta Hazen-Aranson, Childhood Lead Action Project, RI;
Winonah Hauter, Citizen Action;
Mary Clark, Citizen Action of New York;
Paul Schwartz, Clean Water Action;
Ginny Yingling, Clean Water Action Alliance of Minnesota;
Beth Blissman, Lorain Grenado, Steering Committee, COPEEN, Colorado People's Environmental and Economic Network;
Diana Neidle, Consumer Federation of America;
Donald Clark, Cornicopia Network of New Jersey, Inc.;
James K. Wyerman, Defenders of Wildlife;
Phil Clapp, Environmental Information Center;
Brian Cohen, Environmental Working Group;
Velma Smith, Friends of the Earth;
Joanne Royce, Government Accountability Project;
Tom FitzGerald, Kentucky Resources Council;
Jan Conley, Lake Superior Greens;
Judy Pannullo, Long Island Progressive Coalition;
Dr. Edward B. Smart, Metropolitan Ecumenical Ministry;
Aisha Ikramuddin, Mothers & Others;
Mary Marra, National Wildlife Federation;
Cleo Manual, National Consumers League;
Erik Olson, Natural Resources Defence Council;
Rev. Albert G. Cohen, Network for Environmental & Economic Responsibility;
Amy Goldsmith, New Jersey Environmental Federation;
Bruce R. Carpenter, New York Rivers United;
Todd Miller, North Carolina Coastal Federation;
Debbie Ortman, Northern Environmental Network;
Alfonso Lopez, Physicians for Social Responsibility;
Rabbi David Sapperstein; Religious Action Center;
Alison Walsh, Save the Bay, Rhode Island;
Mark Pelavin, Union of American Hebrew Congregations;
Daniel Rosenberg, U.S. PIRG;
Parker Blackmun, WashPIRG;
Robert Hudek, Wisconsin Citizen Action.

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CLEAN WATER COUNCIL,
*May 29, 1996.*

Hon. THOMAS J. BLILEY, Jr.,
*Chairman, House Commerce Committee, Washington, DC.*

DEAR MR. CHAIRMAN: The undersigned members of the Clean Water Council represent employers and independent professionals who finance, design, construct, and maintain drinking water delivery and treatment facilities. We urge you to support timely action on legislation to reauthorize the Safe Drinking Water Act and create a State Revolving Loan Fund (SRF) Program to help states finance capital investment and improvements in drinking water infrastructure.

The proposed drinking water SRF program would be an efficient and cost-effective means of providing capital for the construction of drinking water delivery and treatment facilities. The need for the program is

well documented. Growing demands on our aging and sometimes nonexistent infrastructure often force cash-strapped communities to patch the leaks and stretch the infrastructure to unsafe limits for lack of financial resources. Water main breaks, boil water orders, and dry fire hydrants are routine occurrences and pose unacceptable risks to our families. A 1990 report published by the Clean Water Council demonstrated a $2-billion annual drinking water infrastructure deficit above and beyond what the states themselves are expected to invest.

Furthermore, clean water infrastructure is essential to environmental protection, private sector productivity and profitability, and job creation. Half of the estimated 57,000 jobs created for every $1 billion invested are permanent jobs. Clean water construction, rehabilitation, and maintenance also increase the local tax base. A dependable network of pipes and treatment facilities attracts new homes and businesses to a community. This is an area where environmental protection and economic growth go hand-in-hand.

Your efforts to move safe drinking water legislation this year are an investment in America's clean water future.

Sincerely,

The Clean Water Council,
American Consulting Engineers Council;
American Portland Cement Alliance;
American Road and Transportation Builders Association;
American Society of Civil Engineers;
American Subcontractors Association;
Associated Equipment Distributors;
Associated General Contractors of America;
Constructed Industry Manufacturers Association;
Council of Infrastructure Financing Authorities;
Equipment Manufacturers Institute;
International Spiral Rib Pipe Association;
National Aggregates Association;
National Constructors Association;
National Precast Concrete Association;
National Ready Mixed Concrete Association;
National Stone Association;
National Utility Contractors Association;
Uni-Bell PVC Pipe Association;
Water and Sewer Distributors of America;
Water and Wastewater Equipment Manufacturers Association.

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COUNCIL OF INFRASTRUCTURE FINANCING AUTHORITIES,
*Washington, DC, June 13, 1996.*

Hon. THOMAS J. BLILEY, Jr.,
*Chairman, Commerce Committee, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: We want to extend our congratulations to you, the members of your Committee and staff for your skillful legislative effort in fashioning a bi-partisan consensus bill that moved swiftly through your Committee to reauthorize the Safe Drinking Water Act. H.R. 3604 is a good and carefully constructed piece of legislation that deserves to be adopted by the House.

We are pleased to advise you of our support for this legislation, as reported out of your Committee, and appreciate the extensive effort that you and the other members of the Commerce Committee devoted to fashioning the several compromises that have allowed this bill to move forward. The provisions in the bill creating a new State Revolving Loan fund will authorize critically needed funds to finance water system improvements and if expeditiously enacted, will make already appropriated funds available for state lending. We are especially appreciative of the continued efforts by the Committee staff to work with us to accommodate changes in the State Revolving Loan Fund financing provisions which will make them more workable when the bill becomes law.

We look forward to the passage of this legislation, and offer our support and assistance through the continuation of the legislative process.

With appreciation,

Sincerely,

PAUL MARCHETTI,
*President.*

Mr. BLILEY. Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the bill.

Mr. Speaker, I am astounded to hear myself say I am speaking in opposition to this bill. I have here in my hand a statement in support of the bill, a statement that commends, appropriately, the gentleman from Virginia [Mr. BLILEY], the gentleman from Michigan [Mr. DINGELL], and the gentleman from Florida [Mr. BILIRAKIS], and the members of our committee for the very long period of negotiations entered into in good faith to resolve the differences on the Safe Drinking Water Act.

This was a negotiation that literally took place over a matter of years and the result of our negotiations was a bill supported by everyone, the water systems, the State and local governments, the agricultural interests, and the environmentalists. Everybody was satisfied that the legislation that was reported unanimously out of the Committee on Commerce was a good bill and this legislation appeared to be heading to conference and to the President's desk as one of the rare accomplishments of this legislative session.

The unfortunate fact is I cannot make that statement that ordinarily is made on a suspension bill, urging all our colleagues to support it. The reason I cannot make that statement is that this bill was changed last night. An important part of the drinking water legislation is a revolving fund that would help drinking water systems throughout this country to able to draw on money so that they could upgrade their systems, so that we could be assured that those water systems will be delivering water that meets the standard to protect the public health.

In the bill now before us, as a result of negotiations behind closed doors that did not involve any of us on the Democratic side, money has been earmarked for certain projects to be paid for out of this revolving fund; $375 million is earmarked for specific areas, specific water projects. Now, that means there is less money for the rest of the country. It means that the revolving fund will not be used for the highest priorities, where we need to clean those systems up or allow the systems to be modernized so that the water can be cleaned.

This bill should not be coming to the floor under those kinds of circumstances. We all believe, and the reason we entered the negotiations is we wanted to accomplish something through a bipartisan agreement. In accomplishing a bipartisan agreement, there has to be understandings and the bill was delicately balanced. It certainly was not the bill I wanted completely. It was not the bill the gentleman from Virginia [Mr. BLILEY] or the gentleman from Florida [Mr. BILIRAKIS] wanted in its entirety, but we balanced out the different concerns and had a compromise bill we all felt we could stand behind.

Part of that balancing out was an understanding that we would all negotiate with each other, we would all have to agree to changes all the way through conference. Well, we are not even off the House floor and changes are being made in this bill without our agreeing to it.

□ 1245

In fact, without even knowing about it. Bipartisanship and working to accomplish something in this House has to involve relying on each other to keep commitments, to be able to rely on each other's understandings of where we are going with any legislation.

The provisions in this bill now that have been added are arbitrary. These projects are arbitrarily designated as being ahead of everybody else, every other water system in the country. It is not for public health reasons. It is for political reasons that some projects are being given special treatment.

I feel very sad to have to come here to the floor after all this effort and urge my colleagues not to support this legislation. It seems to me a very poor way for us to be moving legislation that should be a proud accomplishment that all of us should look with pride as having done something in the public interest.

Mr. Speaker, I will yield to others who may want to speak on this legislation, but, while we have in the past told all our colleagues to support the bill, now we have to urge opposition to it. If these projects are meritorious, let us have a vote on them. Let Members have a discussion as to those specific projects. If they were presented to us on the House floor and the Members wanted to go along with it, then I would really have no complaint, even if I were to oppose it. But to have special projects that amount to political pork inserted in the bill and then we have to vote for the whole bill and move those projects along with a bill that everybody wanted seems to me the improper way for us to proceed.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. BOEHLERT], chairman of the Subcommittee on Water Resources and Environment.

Mr. BOEHLERT. Mr. Speaker, we are getting smarter as we go along. We have developed a very good bill that responds to a legitimate need of the American people. That is to deal in a responsible manner with safe drinking water.

The American people have said to us they want smaller, less costly, less intrusive government, and we are responding. But they do not want us to dismantle government and they for darn sure want us to be responsible in protecting the air we breathe and the water we drink, and the food we eat. This measure, the Safe Drinking Water Act, does just that.

I would point out to my distinguished colleague from California this bill does not, let me repeat, this bill does not contain any earmarks. The bill does not include any site-specific provisions. EPA and the States have the authority to select their own priorities. Let me make that abundantly clear. This bill does not have any earmarks. This bill has some language making recommendations to the Environmental Protection Agency, but the Environmental Protection Agency is given free rein to make the best possible judgments consistent with the objectives of this legislation.

Let me also point out that, if Congress fails to appropriate at least 75 percent of the authorization for the grants program and if the States and localities do not come up with at least a 50/50 cost sharing match, two very responsible ways to deal with the legislation, then all bets are off.

It is important for all my colleagues following this debate very closely to understand this bill does not include any earmarks. What it does include is hope for communities all across this country who have said to us in no uncertain terms, please help us, please give us some resources so that we can do the job that our constituents have every right to expect us to do; that is, to protect the water we drink.

We can go all around the world, and there are very few countries where you can do what I am about to do, reach over and grab a glass of water from a public water system. This is not any fancy imported water. This is from the Washington public water system. I can drink it knowing full well that I am not placing my health in jeopardy. Do you want to know why? Because we have the Environmental Protection Agency, because we have Federal employees implementing Federal regulations, operating under Federal law. Here is to you America. And we are going to do something more. We are going to protect that water supply.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

I do want to take this opportunity to tell the gentleman from New York that he has played a very important role in fashioning a Safe Drinking Water Act that we can be proud of. The right-to-know provisions in this legislation are just one of the areas from an environmental perspective that we have in this legislation due to his enormous efforts. On this bill and any others that affect the environment, the public health, he has been a champion, and I want to commend him for it.

We do not have a disagreement over this legislation and the substance of this legislation. My only complaint, and it is not with the gentleman from New York, is that on our side we were never consulted about the specific projects. We were never consulted about it. We did not know about it until it was put in this legislation.

I do want to underscore the points my colleague has made that, after all the work that has been done, we have a drinking water bill on substance that is one we should proudly support. My only objections are the changes were made.

Mr. BOEHLERT. Mr. Speaker, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Speaker, I would like to point out that in our Committee on Transportation and Infrastructure, which, incidentally, is the largest committee of this Congress or, for that matter, any Congress in the history of the Republic, it passed by unanimous vote, Republicans and Democrats alike. And we did have some very thorough consultation.

I can only speak for my committee. We did have some consultation about our section of the bill, and I see some of my colleagues from the committee who were very much a part of that consultation on the other side of the aisle. The point is we have striven mightily to make this not a partisan thing, although we proudly claim an initiative here, but to work in concert with our good friends who are Democrats who share the same vision for America that we all have; that is, we want cleaner water.

I would further point out that I am very mindful of the fact that the gentleman has some special needs in Santa Monica, and we have talked about this and we have exchanged correspondence. This is the ideal vehicle to go forward with the improvements that my colleague needs for the water system in Santa Monica.

Mr. WAXMAN. Mr. Speaker, reclaiming my time, I do not believe that anything in Santa Monica is in this legislation. That was on another matter. The fact of the matter is, my colleague's committee made some decisions. My complaint is not about that committee making decisions within its jurisdiction.

My complaint is that, when we agreed in our committee on a drinking water bill, we agreed that everybody, the gentleman from Michigan [Mr. DINGELL], myself, the gentleman from Florida [Mr. BILIRAKIS], and the gentleman from Virginia [Mr. BLILEY], had to sign off on any changes in the bill that we had. We feel we were not consulted in the changes that were made. That is our complaint. Our complaint is not with my colleague and not with the members of his committee, as to what he may have pursued within his own committee as it affected the bill that we all agreed to and had mutual commitments would not be changed.

Mr. BOEHLERT. Mr. Speaker, if the gentleman will continue to yield, I know time is precious, just let me say that we are about today something that I think is going to make the American people very happy. They watch what goes on down here and they wonder why we cannot come together, Republicans and Democrats, on something so important as safe drinking water. We can look the American people in the eye and say, we have come up with a good program that is going to protect the water supply for America. I think that is a day's deed well done.

I think the gentleman for his help and for his guidance. He was here before I. He has been my inspiration on some occasions. We have been partners dealing with some legislation like acid rain. We are partners here again today. I hope we march forward together and pass this very important legislation.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for his comments and I hope that we will be together on this legislation, if not today, down the road, because we have been consistently fighting the battle on the same side.

Mr. Speaker, I reserve the balance of my time.

Mr. BLILEY. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. BILIRAKIS], chairman of the subcommittee that has worked very hard on this bill.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding time to me, my full committee chairman.

Over 5 months ago, I chaired the Health and Environment Subcommittee hearing concerning priorities for the reauthorization of the Safe Drinking Water Act.

The subcommittee heard testimony from public officials, private water systems, and the environmental community. And, while opinions varied, no one disputed the essential task before us—the need to overhaul a well-intentioned, 10-year-old statute which has served us well, but which has not aged gracefully.

Many have cited the need for flexibility in the administration of the law.

EPA has also estimated that the capital expenditures needed to comply with current requirements total $8.6 billion. So the question has not been whether to act, but how to best correct identified problems.

At first, I must admit the job looked easy, especially given the action of the other body to vote unanimously in favor of reforms. The careful review of the Commerce Committee, however, has helped to shape legislative provisions which are improved and which I believe will stand the test of time.

We have improved the standard setting language which lies at the heart of the act, making it more workable and efficient.

In addition, the bill strengthens certain provisions regarding capacity development and operator training. The bill will directly improve the human factor in the safe drinking water act.

All of these changes are not universally popular with every interested party. But a careful balance has been struck in this legislation between flexibility in administration and certainty in regulation.

I believe we have a good bill before us. It is a bill which bears the imprint and hard work of many Members too numerous to mention. I would urge its approval to help ensure the continued safety of the Nation's drinking water supply.

Mr. BOEHLERT. Mr. Speaker, will the gentleman yield?

Mr. BILIRAKIS. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Speaker, the chairman of the full Committee on Transportation and Infrastructure is presiding over some very important hearings at this very hour dealing with aviation safety. Otherwise, he would be here.

The SPEAKER pro tempore (Mr. LINDER). The gentleman from Michigan [Mr. DINGELL] has 25 minutes remaining, and the gentleman from Virginia [Mr. BLILEY] has 27 minutes remaining.

Without objection, the gentleman from Michigan [Mr. DINGELL] controls the remainder of the time of the gentleman from California [Mr. WAXMAN].

There was no objection.

Mr. DINGELL. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, first of all I want to pay my respects and my compliments to my dear friends, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Florida [Mr. BILIRAKIS]. They have tried hard to work with us on a fair and a decent bill. I believe that it had in that effort a real seed of careful and good legislative work. For that I commend them and for that I thank them.

But between the time that Mr. BLILEY and Mr. BILIRAKIS, the gentleman from California, Mr. WAXMAN, and I agreed with regard to the substance of the bill, something peculiar happened. All of a sudden, we have found that the Committee on Transportation and Infrastructure, well known for its ability to seize pork wherever that pork might be found, has done so again.

So we do not bring Members a bill which is going to make safe the waters only. We bring here a bill which through some curious process between the time the bill left our committee and the time it came to the floor came to contain 375 million dollars' worth of pork.

My staff informs me that perhaps a couple of the projects which are in this area of pork have some merit. Most of them are, quite frankly, nothing more or less than shameless raids by the Committee on Transportation and Infrastructure. Not only are they quite shameless raids, but they are for projects which are quite lacking in merit. More importantly, they are an attempt to raid a small fund which is going to help communities all across this country to make safe the drinking water upon which their people are dependent.

□ 1300

They are things for parks and for rehabilitation of water systems, improvement and restoration of an aquatic system at Pennypack Park. They are other wonderful programs for water line extensions. They are programs for construction and activities at a reservoir.

There are other infrastructure water assistance programs, not for making water safe for the public at large, not for carrying out the purposes for which this program was set up, but simply to take care of some political things so that we now have a safe drinking water bill where the moneys available to assist communities in addressing the problem of safety of their water simply are being perverted by the Committee on Public Works to seize a wonderful opportunity to convert meaningful public expenditures into pork to benefit the members of that committee and to get around the constraints that are put on by Republican colleagues over here with regard to how public moneys have been spent.

This is a sneaky, dishonest effort to get around the requirements of the Budget Act and the budget. That is all it is. This is not good, honest, carefully thought-out legislation at all. It has been perverted by the Committee on Transportation and Infrastructure in a fashion which is unique to that committee, and it manifests in a splendid way fiscal irresponsibility on that side of the aisle from which Members over here were totally excluded. It also manifests splendid irresponsibility in seizing and converting funds which should have gone to communities for making water safe, into pork. Thus has the Committee on Transportation and Infrastructure served this body.

Every Member of this body could look at this piece of legislation and say my district would have had a chance to get real and meaningful assistance in terms of cleaning up our water supply, making it safe, but the Committee on Transportation and Infrastructure has stolen $375 million out of that fund for their own peculiar, unreported purposes for which there have been neither hearings nor reports, and they have done so in a way which evades the Budget Act.

Now, the bill started out to be a responsible effort to clean up the drinking waters of this country, to avoid the kind of things that struck Milwaukee where they had a major infestation of an intestinal parasite which caused a large number of deaths and an even larger number of sicknesses and illness. It is an attempt to see to it that water systems in places like Washington, DC, where we have been told that the waters of this city that are used by the citizens of this city should be boiled because they are unsafe. But, no, we have gone to steal money from the State-controlled drinking water fund to fatten pork projects suggested not on the basis of need, but on the basis of congressional politics and in a splendid way to escape the constraints that my Republican colleagues would put on the budget for the Committee on Public Works.

I think this is clearly wrong. The revolving fund which is raided to the tune of $375 million is an important assistance to communities across this country, which desperately need those moneys to carry out important projects. But some 14 members of the Committee on Public Works and their friends have decided, no, those moneys are going to be shortstopped, those moneys are going to be taken off to take care of their own peculiar special nice interests at the expense of all the other Members of this body and at the expense of a program which is already far too small for the cleaning up of the drinking water supplies of the people of this country.

The only source of money, apparently, that the Committee on Public Works could find from which they could filch this money was the funding which is included in this bill for the protection of drinking water supplies and for the restoration of the safety of those drinking water supplies. Those moneys are limited, but they are essential, and they are important to the public health to the safety of the people of this country, Mr. Speaker, and they are a public expenditure which is very important to all the people.

Now, Mr. Speaker, I will be happy to yield to the gentleman from New York [Mr. BOEHLERT] briefly.

Mr. BOEHLERT. Mr. Speaker, I thank my distinguished colleague for yielding, and I do not wish to interrupt his fun, but I do appreciate his giving

me a time to respond to some of his comments. The gentleman from Michigan is suggesting that what used to be called the Committee on Public Works which is now called the Committee on Transportation and Infrastructure, this is the new era——

Mr. DINGELL. I know it by the old name, and they are still up to their old practices which is pork, pork at all costs, pork at any cost, pork without responsibility, pork without need, pork. We perhaps should change their name to the committee on pork.

Mr. BOEHLERT. As my colleagues know, I have only been here 14 years, so I am still learning, but I am talking now to the master because, as I look here at the River Rouge project over the past few years, I notice there are $320 million that has been earmarked at the direction of the gentleman from Michigan.

Mr. DINGELL. That was a wise expenditure, and I thank the gentleman.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. I say that in a spirit, the good spirit of the day. I just want to point out as we are talking about something, just because he says it is so does not mean it is so. Let me stress this bill does not have any earmarks; earmarks, that is, directing the expenditure of a certain amount of money for any particular project. That is very important for all my colleagues to understand.

Second, the preceding speaker, the gentleman from Michigan, for whom I have the greatest respect, could teach us all a lesson on how to get pork because, as I look at the appropriations from 1992 through 1997, I notice $320 million specifically earmarked for the Rouge River National Wet Weather project. Now, in 1992 it was $46 million; he was modest that year. In 1993 he got a little more energized, was up to $82 million, and keep going up. In 1994, $85 million. In 1995, in the spirit of the day, modestly went back to $75 million. In 1996, well, there have been some changes around here, was only $11⅝ million, but in 1997 the committee report already includes $20 million.

The point is, and I have no quarrel; I used to live in Michigan. I can understand the importance of cleaning up the Rouge River, and I want to work with the gentleman to do just that.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I rise in support of the legislation that was reported out of the Committee on Commerce.

Mr. Speaker, this Member would like to engage the distinguished gentleman from Virginia [Mr. BLILEY] in colloquy regarding the provisions of the bill relating to ground water disinfection.

Nebraska is by far the most ground water-dependent State in the Nation. As this Member made clear in the statement submitted for the RECORD, the ground water disinfection rule could place an absolutely unworkable and untenable burden upon many of our local communities unless reason prevails. In fact, chlorination of community drinking water from ground water sources, which may present some health risks, could be requiring a solution to a nonproblem in most Nebraska communities.

Is it the committee's intent that communities using groundwater as a drinking water source will not be required to disinfect the water unless an actual health threat is present?

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, as the gentleman is aware, the bill provides in section 105 that EPA must issue criteria which a State would be required to use to determine whether disinfection is necessary for any public water system served by ground water. In developing such criteria, the administrator is authorized to use the new authority in the bill to set a different level if she determines that the benefits of the regulation do not justify the costs, provided that the level she establishes maximizes health risk reduction benefits at a cost that is justified by the benefits.

Mr. BEREUTER. Mr. Speaker, reclaiming my time, would this legislation also ensure that the potential health risks associated with chlorination, as well as the costs associated with disinfection be taken into account when developing the ground water disinfection rule?

Mr. BLILEY. If the gentleman would yield, the answer is "yes." Under this legislation, the administrator is required to conduct an analysis of the costs and benefits of a proposed regulatory level. This analysis must include a review of health risk reduction benefits as well as compliance costs.

Mr. BEREUTER. Reclaiming my time, this gentleman thanks the distinguished gentleman for this clarification.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. BURR], a member of the committee.

Mr. BURR. Mr. Speaker, I thank the gentleman from Virginia [Mr. BLILEY] for yielding, and I also thank him and the gentleman from Florida [Mr. BILIRAKIS] for their leadership on this bill.

This bill seeks to protect public safety by improving the outdated law that regulates tap water. It is not a perfect bill, but it is a good bill, it is a bill my colleagues should support. The safe drinking water bill is well negotiated, bipartisan agreement grounded in three vital principles:

First, targeting the most dangerous contaminants in our tap water; second, providing greater resources to small water treatment plants; and third, making sure consumers know more about the tap water that they use more so than ever before.

I want to personally thank those people in North Carolina who had faith in this process. I want to thank key individuals in North Carolina: Linda Sewall and Rick Durham from the North Carolina Department of Environmental Health and Natural Resources for their help and their understanding as we went through the process; and I want to thank Terry Henderson in North Carolina, who heads up the North Carolina League of Municipalities for his support.

I urge my colleagues' support for the Safe Drinking Water Act. It is the right thing.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I just listened to what my colleague from North Carolina said, and I agree with everything he said, but the problem is that the bill, as it came out of the Committee on Commerce on a bipartisan basis, was appropriate this morning for action on the suspension list. Normally, as we all know, we put bills on the suspension list if they had been agreed to on both sides, if they are good government and we want to get them moving in an expedited fashion. The problem is that somehow when this bill left the Committee on Commerce, all these pork projects were added to it, and that now jeopardizes the legislation, which is really sad.

This was a bill that was to be a model for a bill that we could get together on a bipartisan basis that would help from an environmental point of view, that would help with the public health. We had the President's support. the legislation that came out of the Committee on Commerce was very similar to what passed the Senate. So we were expediting it because we felt we could get it to the President's desk and be signed into the law.

All of that is out the window now because of the action that was taken by the Republican leadership. And I think it is a real shame because, because of the addition of these particular projects which are earmarked in the bill and not on an objective basis, that means now that we jeopardize the possibility of it passing the House on an expedited basis, we jeopardize the possibility of coming to an agreement quickly with the Senate and also getting the President to sign the bill.

And I just wanted to say for those who are saying that it is not true that there are specific earmarks or pork in this bill, I am just reading from the report language that says that the administrator is directed to provide priority consideration to the following projects, and then 13 or 14 projects are

specifically listed as having to be prioritized.

That goes against the objective criteria that were put in the bill in the Committee on Commerce. Basically, the money in this fund was supposed to be divided between the States on an objective formula, and they would decide to focus the money on projects that address the most serious health risks. This is no longer the case, and that is why we have to oppose this bill on the suspension list.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. SAXTON], who has been very helpful on the right-to-know provision on this bill.

Mr. SAXTON. Mr. Speaker, I appreciate the opportunity to just take 1 minute to say to my friends on the other side of the aisle we have worked together so well through this process I would certainly hope that we could bring it to a successful conclusion here today.

The gentleman, the chairman of the subcommittee, the gentleman from California [Mr. WAXMAN], and I in particular worked together on the community right-to-know provisions so that everyone who reaches up and turns on the tap water in their home or in their place of business will know that it is good, clean water without contaminants that will be harmful to them or their families. This is a consumer-friendly bill, therefore, which will provide our constituents with more information than ever before.

□ 1315

When this bill become law, violations of the water standards will be reviewed and be reported to customers within 24 hours of any violation, and every year every member of the community, every consumer in the community, will be provided with a consumer confidence report listing all foreign materials. I think this is an excellent bill and I urge passage today.

Mr. BLILEY. Mr. Speaker, I yield myself 30 seconds.

I would point out, Mr. Speaker, that some of the groups supporting this bill are the National Governors Association, National League of Cities, U.S. Council of Mayors, National Association of Counties, National Conference of State Legislatures, Association of Metropolitan Water Agencies, and the list goes on and on.

Mr. Speaker, I include for the RECORD the following list of organizations in support of the legislation.

The material referred to is as follows:

GROUPS SUPPORTING H.R. 3604

The National Governors' Association.
National League of Cities.
U.S. Conference of Mayors.
National Association of Counties.
National Conference of State Legislatures.
Association of Metropolitan Water agencies.
American Water Works Association.
National Association of Water Companies.
Association of State Drinking Water Administrators.
National Water Resources Association.
Association of Metropolitan Water Agencies.
Clean Water Action Project.
National Wildlife Federation.
Natural Resources Defense Council.
U.S. PIRG.
Citizen Action.
Physicians for Social Responsibility.
Consumer Federation of America.
Friends of the Earth.
AIDS action Council.
Environmental Working Group.
American Public Health Association.
American Cancer Society.
American Oceans Campaign.
American Rivers.
Chesapeake Bay Foundation.
Childhood Lead Action Project, RI.
Citizen Action of New York.
Clean Water Action.
Clean Water Action Alliance of Minnesota.
Colorado People's Environmental and Economic Network.
Consumer Federation of America.
Cornicopia Network of New Jersey, Inc.
Defenders of Wildlife.
Environmental Information Center.
Government Accountability Project.
Kentucky Resources Council.
Lake Superior Greens.
Long Island Progressive Coalition.
Metropolitan Ecumenical Ministry.
Mothers & Others.
National Consumers League.
Network for Environmental & Economic Responsibility.
New Jersey Environmental Federation.
New York Rivers United.
North Carolina Coastal Federation.
Northern Environmental Network.
Religious Action Center.
Save the Bay, RI.
Union of American Hebrew Congregations.
WashPIRG.
Wisconsin Citizen Action.

Mr. DINGELL. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I thank the ranking Member for yielding time to me.

Mr. Speaker, I want to say to the gentleman from New Jersey [Mr. SAXTON] what an important contribution he played in this bill. One of the very significant features of this bill is the right to know section that will give people clear information about any risks they are taking. I think that is important for people to have. We ought to empower people with that kind of information. I want the Members of this body to know that the gentleman from New Jersey, who introduced his own legislation, has worked with me and others and was responsible for this.

Mr. BLILEY. Mr. Speaker, it gives me pleasure to yield 1 minute to the gentleman from Iowa [Mr. GANSKE], a valuable member of the committee.

Mr. GANSKE. Mr. Speaker, I speak in favor of this bill. This legislation not only protects the environment and human health, but it does so in a way that is smarter and better than before. Gone are many of the costly and inflexible command and control mandates. For the first time, true risk assessment and cost-benefit analysis is brought to this statute. We have made more manageable the requirements of the EPA in determining new contaminants. Greater flexibility has been given to local systems, which have vastly different needs and concerns from each other. We have increased the technical assistance provided to smaller systems in order to ensure that they can deliver the best and safest drinking water possible.

One area of particular concern to me in my home State of Iowa is adequate and fair source water protection. The measure we are debating today contains an honest and fair source water program. Up to 10 percent of the State revolving fund can be used by water systems to enter into voluntary incentive-based source water protection programs with willing upstream neighbors, whether they are farmers or businesses. This is a very good addition. I urge its prompt adoption.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I would like to take a few moments to address the merits of the Safe Drinking Water Act, which we are discussing today. I am very concerned about the continued ability of rural parts of this country to have access to water. This might come as a surprise to some, but there are many areas in this country, including central and southeastern Illinois, that are just now being reached by rural water cooperatives, just now receiving the benefits of full water service. This has not happened overnight. It has taken a lot of hard work by people at the local, State, and Federal level.

Mr. Speaker, I am a cosponsor of this bill, H.R. 3406, because it strikes a necessary balance between environmental protection and relief from brudensome regulations for many of our small communities. There are provisions that recognize the particular needs and constrictions of these locales, and I would hate to see an opportunity for such forward-thinking legislation be missed. The Safe Drinking Water Act has received bipartisan support throughout the committee process and has been endorsed by the administration as well as environmental groups. Moreover, our cities, towns, and constituents have repeatedly voiced their support for this action. Let us do the right thing, the necessary thing, and pass this legislation and ensure the ability of all Americans to drink clean water.

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I thank the distinguished chairman and my colleague for yielding time to me.

Mr. Speaker, I wish to come back to something that is very important, that we repeat several times to make certain all clearly understand this. This bill does not have any earmarks. That is very important. The funding for the grants program, incidentally, is in response to the demand, the cry, the plea from our Governors, our county officials, and our mayors that we come up with a grants program.

The grants program is contingent on Congress first appropriating at least 745 percent of the amount authorized for the revolving loan fund. They are intended for hardship communities. Mr. Speaker, I think my colleagues on both sides of the aisle should be working hand in glove, as the gentleman from Pennsylvania [Mr. BORSKI] has with me on this subcommittee as we have brought this out on a bipartisan basis, because we recognize there are communities that have legitimate needs and just do not have the wherewithal to address those needs. Thus, the creation of this grants program. It is a good program, and I urge my colleagues, on a bipartisan basis, to join me in supporting it.

Mr. DINGELL. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I sit on the Subcommittee on Health and Environment of the Committee on Commerce, and this bill has been held up repeatedly as an example of bipartisanship. That is the way it started. That is the way it started. It went through the Senate 99 to nothing. It went through our full committee 44 to 0.

Then, a funny thing happened as it came over here. There are 375 pages that have been added, that no one has had a chance to see. I ask every Member, have they read the 375 pages? No, they have not. They are going to vote on something they have never read, they have never seen, we have never had a hearing on, we never had a chance to debate. I worked long and hard with the Members on this bill. We had a good bill. It has now gone down the drain.

Take a look at it. Title V, go to title V. That is where all the changes are. This bill was a good bill. Title V will now jeopardize the public health, and I believe it will undermine the State revolving fund by limiting the States' flexibility to prioritize. That flexibility we have heard about for the last 2 years, giving it back to the States, has just gone out the window in the last 24 hours. There is no flexibility.

Mr. Speaker, the bill at the current level of funding, with the set-asides for designated, we do not want to say earmarked projects, let us call them designated activities, continue to limit the availability of funds needed for a permanent revolving fund. We worked so hard to get the money in there, the State revolving fund, the technical assistance program with the EPA. It was all in here to help areas, small areas like mine in northern Michigan.

Mr. WAXMAN. Mr. Speaker, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding, Mr. Speaker.

Let us not overstate this revolving fund. We are offended by it. But this bill is a good bill. One of the reasons it is a good bill is the provision the gentleman has authored to be sure we had estrogenic review of any impurities in the drinking water, any kind of pollutants that would have a causal effect on breast cancer. This is a very good bill. Let us not forget it is a very good bill. Let us not ignore that we have something we can be very proud of.

It is unfortunate that we have the disagreement, and we are stating our disagreements about the result of putting in these earmarkings of the water systems. That is something we will debate and will go to conference on and talk further about, but I wanted, while the gentleman is speaking, to make the point that his contribution led to this being a much better bill in a very fundamental way.

The American people are worried about impacts on them from chemicals. The idea that in their drinking water there might be something that could be a cause of breast cancer is a horrifying thought. We will now measure that, we will screen for it, and make sure that does not happen.

Mr. STUPAK. Mr. Speaker, my question to the gentleman from New York is, there have been a lot of questions about the State revolving loan fund. The gentleman from California [Mr. WAXMAN] has pointed out a number of parts about it.

I would ask the gentleman from New York, can we agree and promise the American people and Members of this body that when it goes to the conference committee, that the 57-percent trigger that protects the State revolving loan fund will stay in there? Because without that trigger, this thing becomes more a pork barrel project than what has been added to it. The only way to protect this bill and those 375 earmarks that are there is that we have some protection that that 75 trigger remains in. I know the gentleman will be in the conference committee. Can he promise that to the Members and the American people?

Mr. BOEHLERT. Mr. Speaker, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Speaker, let me tell my colleagues I helped author that provision, so I am going to be very supportive.

Just let me say, despite what anyone might suggest, no one can convince me that this is a glass of vintage wine. This is a glass of water. We may call it vintage wine, we may repeat it over and over, but it does not change the fact it is still water. The fact of the matter is there is no pork in this bill. There are no earmarks.

Mr. STUPAK. Mr. Speaker, I include for the RECORD this statement of administration policy.

The statement referred to is as follows:

STATEMENT OF ADMINISTRATION POLICY

H.R. 3604—SAFE DRINKING WATER ACT AMENDMENTS OF 1995

The Administration strongly supports H.R. 3604 as reported by the House Commerce Committee. Ensuring the safety of the Nation's drinking water is one of the Administration's top environmental priorities.

H.R. 3604, which is the result of a bipartisan effort, reflects the Administration's recommendations for strengthening public health protections by: (1) establishing a State Revolving Fund (SRF) to subsidize community efforts to improve drinking water safety; (2) providing a flexible framework to promote the protection of drinking water sources; (3) providing responsible regulatory reforms including the appropriate use of cost-benefit analysis in standards setting; and (4) strengthening State programs for improving the capability of water systems to provide safe water. These provisions coupled with the bill's improved consumer awareness provisions will help meet the challenge of providing safe and affordable drinking water.

The Administration, however, strongly opposes the provisions added in Title V which jeopardize public health and undermine the SRF by limiting the States' flexibility to prioritize project funding. Furthermore, the Administration recommends that H.R. 3604 be modified in conference to minimize the number of earmarks on State Revolving Funds. The bill's current level of Fund set-asides for designated activities would limit the availability of funds needed for a permanent revolving fund. The Administration may also propose several technical corrections in conference.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. BORSKI] to speak on behalf of pork.

Mr. BORSKI. Mr. Speaker, let me thank the gentleman for yielding time to me.

Mr. Speaker, I am pleased to support H.R. 3604, the Safe Drinking Water Act Amendments of 1996, as amended by Chairman BLILEY.

I wish to commend the chairman and the ranking Democrat of the Commerce Committee for their fine work in developing this important, bipartisan legislation for the benefit of States and local water suppliers and the customers they serve. This bill demonstrates the way in which we in the House can work on a bipartisan basis to resolve a serious need facing the States and local interests.

Mr. Speaker, while the Transportation Committee has been very interested in the financing provisions of this bill, I also wish to indicate my support for the regulatory reforms contained in the bill. The bill makes important

modifications to the drinking water programs. The bill modifies the way in which EPA sets drinking water standards to better meet the needs of local communities. It also enhances State flexibility on monitoring requirements and assures improved capacity to meet drinking water standards. I am also pleased that the bill includes provisions on right to know. I have always strongly supported measures to assure that citizens are adequately informed about the condition of their environment.

Mr. Speaker, I know that there have been issues raised about additions which have been made to the Commerce Committee bill as ordered reported. Several of these changes were made to accommodate the interests and concerns of the Transportation Committee. I am particularly pleased that the bill includes the Transportation Committee provisions to establish a separate grant program to aid communities in developing adequate water supply infrastructure.

These provisions were developed in the Transportation Committee on a bipartisan basis, and reflect the fair and full consideration of the committee. The separate grant program represents the Transportation Committee's view, based upon numerous hearings, of how to best meet the overall drinking water needs of the Nation. While I support the intent of the Commerce Committee bill to assure that funds are used toward compliance with the Safe Drinking Water Act, the overall needs of States and local governments to provide a safe and reliable source of drinking water dwarf the needs solely related to that act. We on the Transportation Committee have determined that there is a Federal role in responding to those greater needs as well.

The infrastructure needs of the country are enormous, and no less so in the area of drinking water. Recent estimates of need for drinking water infrastructure are as high as $23 billion, just to meet needs which are known to exist over the next 5 years. While it has been fashionable of late to blame water supply infrastructure needs on so-called unfunded Federal mandates, the truth is that only about $3 billion of the $23 billion in needs, or less than 15 percent of the needs are associated with Federal drinking water standards. The vast majority of needs are associated with basic infrastructure which is necessary to provide adequate water supplies to the public.

These needs are great and know no political or regional boundaries. In my State there are needs to remove harmful pollutants from what should be pristine waters. In older urban areas, the water supply infrastructure is badly in need of rehabilitation and repair.

Mr. Speaker, this bill demonstrates the good which the Congress can do if it works together, in a bipartisan manner to address the Nation's problems. It also demonstrates the ability for multiple committees in the House to work to reach a common goal.

When President Clinton first proposed Federal assistance to assist States and localities in providing safe, reliable drinking water supplies, the Public Works and Transportation Committee responded by quickly drafting and reporting to the House legislation which would establish such a program. We modeled it after the highly successful State revolving loan fund program of the Clean Water Act. I am pleased that the bill before us includes many of the same elements as were in that proposal.

With Chairman BLILEY's amendment, this bill now also includes the very important authority for the Administrator to make grants, in addition to the State revolving loan fund program, for drinking water needs.

Mr. Speaker, this additional grantmaking authority is crucial to meeting the Nation's overall drinking water needs. In our committee's experience with the Clean Water Act, we have learned that there are times when even very low or no interest loans are just not sufficient to provide affordable, adequate basic infrastructure. While the overwhelming majority of assistance under this bill will be provided through the revolving loan program, the modest grant program fashioned in the Transportation Committee, and which has been included in the chairman's amendment, will help complete the package of financial assistance for communities who need such assistance. By way of example, the Appropriations Committee just completed action on legislation for EPA which will provide grant assistance for a variety of projects such as the Texas Colonias, Boston, Massachusetts, New Orleans, Louisiana, and the Rouge River in Michigan.

This bill promises much in the way of meeting drinking water infrastructure needs. I hope that the majority will be committed to assuring the authorizations in this bill do not become illusory. If this bill is to be the success which it should be, we must assure that the appropriation levels match the authorization levels. Unfortunately, that very same appropriations bill which will fund this legislation provides less than one-half of the authorized amount for fiscal year 1997. I hope that before there are too many congratulatory remarks about meeting infrastructure needs for drinking water, that the majority revisits their priorities in responding to local needs. A $1 billion authorization, appropriated at only $450 million, is still only a $450 million program. Let's watch what the majority does, as well as what they say. I am prepared to work on a bipartisan basis to achieve full funding for this important program.

Mr. Speaker, this legislation is the culmination of a proposal first made by the Clinton administration more than 3 years ago. It is time to get this bill to the President for his signature. I hope that we will be able to resolve quickly any differences with the Senate and assure its speedy enactment.

I am pleased to support the bill, as modified by the chairman. I urge my colleagues to join me with their support as well.

□ 1330

Mr. BLILEY. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, I rise in strong support of this bipartisan bill, and I would like to thank the gentleman from Virginia [Mr. BLILEY] and the gentleman from Florida [Mr. BILIRAKIS] for addressing this issue in such an open manner.

This bill represents a triumph for commonsense and science-based environmental strategies; it focuses on the product, rather than the process, and values the outcome of the regulations above the regulations themselves.

Our bill will refocus our priorities toward the most immediate threats to the public health, provide EPA and local water authorities with greater flexibility in how they can administer this act, and place new emphasis on making sure that public water systems have the technical and financial resources they need to meet the standards of the Safe Drinking Water Act.

I can't emphasize enough the progressiveness of this bipartisan bill—we moving forward toward a need and outcome-based strategy, and working together in cooperation instead of confrontation. This will help us to better serve the public health needs of the American people, and provide us all with a cleaner and safer environment.

Mr. Speaker, I ask that my statement be included in the RECORD and I urge my colleagues to support this bill.

Mr. Speaker, I am pleased to rise in strong support of H.R. 3604, the bipartisan Safe Drinking Water Act Amendments of 1996, which will achieve for the American people vast improvements over the existing inflexibilities of the existing outdated Safe Drinking Water Act [SDWA]. This reauthorization of the SDWA will provide a commonsense, science-based blueprint for how to most effectively determine and implement the regulation and protection of our drinking water supply.

This bill will be a significant step forward, away from an outdated and ineffective process that places higher value on the regulation itself, toward a more progressive and outcome-based process which will allow us to best serve the public health needs of the American people. I am very proud to have been able to play a close role in strengthening and improving such an important statute as the SDWA. These amendments will provide for sensible and much-needed reforms in how the SDWA is implemented. H.R. 3604 will help

to refocus EPA's resources toward those contaminants which present the greatest and most immediate threat to public health, provide EPA and local water authorities with greater flexibility in administering the law, and place new emphasis on ensuring that public water systems have the necessary technical, managerial, and financial resources available to comply with the SDWA.

Mr. Speaker, this also marks a significant achievement in our ability to recognize and address flaws or gaps in our existing environmental or public health strategies. Laws such as the SDWA were clearly well-meant at the time of their inception—in this case, the 1972-era SDWA has not been reauthorized since 1986. However, the passage of time invariably exposes weaknesses or shortcomings in the strongest of our statutes. In the past, it has often been easier to confront problems by simply blaming a law, instead of focusing closely on whether the law in question is being properly implemented, or whether it is still effective in serving its intended purpose. These laws need to be as dynamic and flexible as the rapidly changing environments we intend for them to protect.

This means that occasionally such laws must be revisited and renewed, in order to reflect its original goals. I firmly believe that we ought not to cling to the conventional wisdom that our public health and environmental laws are "set in stone," and incapable of being improved. In order to maintain their effectiveness, we have the responsibility to see to it that when modern science and technology can be applied to improve these laws, we act to do so. Many of our crown jewel environmental laws were written over 20 years ago, and it is incumbent upon us to make these needed improvements when necessary. With this comprehensive reauthorization, we complete a challenging but needed task on behalf of all of our constituents nationwide, and I commend my chairman, Mr. BLILEY and Mr. BILIRAKIS and my other colleagues who worked hard together, in a bipartisan manner, to bring us to this point.

There are two aspects of this bill which are of particular interest to me, and upon which I would like to elaborate. Under current law, there is no standard for radon that occurs in drinking water. H.R. 3604 requires that, within 3 years, EPA must promulgate a standard for radon in drinking water using the new standard setting provisions of the bill, which require the use of the best available science and the risk assessment process. I had several specific concerns about this provision, due to the unique challenges radon presents as a contaminant in our environment. Radon is an odorless, colorless gas which occurs naturally, and rises from the soil. Man has been exposed to varying levels of radon since the beginning of time, which makes it more difficult to focus on ample margins of safety within the context of the SDWA. Because it is a natural element, there is no way to alter its occurrence level in outdoor air, which is where humans receive their greatest exposure to radon.

My concerns were that under this provision, it could be feasible for the EPA to promulgate a standard for radon which would require water systems to treat for radon in drinking water at a level well below the level of radon which is already occurring in ambient air; in other words, focusing considerable financial resources on mitigating a relatively small percentage of our total overall exposure to radon. For small water systems especially, such a scenario could result in scarce financial resources being diverted from other, more pressing health considerations, such as crytosporidium and other microbial contaminants. Additionally, since radon occurs at widely varying levels across the country, I was concerned that by allowing up to 3 years for the EPA to set a standard, areas which might have a more immediate need to address radon occurrence might not be provided with a standard as swiftly as could be.

During our committee's consideration of the SDWA bill, I prepared an amendment to assist in these discussions with my colleagues, and which I was prepared to offer to the bill. It would have required EPA to link its level of treatment of radon occurring in water to the level of radon occurrence in ambient air; as mentioned previously, I believe it is important to consider the overall exposure risk of any potential contaminant, including radon. Additionally, providing EPA with this kind of direction would enable them to establish a standard faster, for areas that might have higher occurrence levels. Finally, my amendment would have specified that States may set more restrictive levels for radon, if it were determined that such a level would provide more health protection than the Federal standard. I ultimately chose to not offer the amendment, opting to focus instead on working on a dialog to address this with other of my colleagues who shared my concerns, and which I am confident will continue as this bill moves into conference.

Clearly, radon is a complicated part of the SDWA puzzle. I worked closely with several Members, including my California colleague, HENRY WAXMAN, to try and find a solution which would address these radon question adequately. We were able to recognize and identify several potential alternatives, and discussions as to how to best implement them will no doubt continue as we move into the conference committee. I would point out that these discussions were on several occasions mistakenly and inaccurately labeled as attempts to weaken the bill's radon standards. In truth, those of us here in Congress who have some experience in administering public health programs, myself included, are intent on providing the best possible strategies for protecting the public health, and our dialog was focused on that goal alone.

Additionally, Mr. Speaker, there is one section of the bill of which I am particularly proud. Section 410 of H.R. 3604 consists of language from a bill I introduced last year—H.R. 2601—to require that Federal standards for bottled water keep pace with our standards for tapwater. Because bottled water is considered a food item, the Food and Drug Administration [FDA] regulates its production and sale to protect the public health. The EPA, on the other hand, has jurisdiction over public drinking water standards. However, the FDA has not always been timely in issuing its regulations for elements in bottled water, after EPA has published its regulations for the same elements in public drinking water. As an example, on December 1, 1994, FDA published a final rule for 35 elements in bottled water; however, nearly 4 years earlier, EPA had issued its regulations for the same elements in public drinking water.

My language will simply require that any EPA regulation which sets a maximum contaminant level for tapwater, and any FDA regulation setting a standard of quality for bottled water for the same contaminant take effect at the same time. If the FDA does not promulgate a regulation within a realistic timeframe established by section 410, the regulation established by the EPA for that element in tapwater will be considered the applicable regulation for the same element in bottled water. This will provide consumers with the health assurances that the water they can purchase off the shelf meets at least the same standards as their tapwater.

Mr. Speaker, I have several supporting documents which I would like to have inserted into the RECORD along with my statement.

In conclusion, Mr. Speaker, in my hometown of San Diego, we are fortunate to already enjoy an extremely high standard of quality in our drinking water; a study by a national environmental group found that water systems in the San Diego region reported zero health advisories over the last 3 years. By comparison, the same study found that an alarmingly high percentage of water systems in some regions of the country—including Washington, D.C.—reported health advisories or compliance failures during the same time period. Our safe drinking water amendments will strengthen existing law, and help bring these high levels of health and environmental quality which we appreciate in San Diego to other communities nationwide. Again, and I can't emphasize it enough, this is a progressive step forward, away from a 1970's-era process which places higher value on process and regulation itself, toward a more responsible and outcome-based approach which focuses on the product that is generated. This will help us reinforce our common goals of better serving the public health needs of the American people, and providing us with a cleaner and safer overall environment.

COUNTY OF SAN DIEGO, DEPARTMENT OF ENVIRONMENTAL HEALTH,
*San Diego, CA, June 24, 1996.*

Hon. BRIAN P. BILBRAY,
*Congressman, 49th District,*
*Washington, DC.*

DEAR CONGRESSMAN BILBRAY: This letter is in response to your request to provide technical input regarding draft language that you may propose related to the maximum contaminant level [MCL] for radon in drinking water. The Department of Environmental Health supports efforts to establish a maximum contaminant level [MCL] for radon in drinking water that is based on an analysis of the hazards that radon poses to human health.

Your proposed amendment is based on the Conference of Radiation Control Program's recommendation to establish a realistic standard for radon in drinking water. We concur with this recommendation. It has been estimated that the nationwide average concentration of radon in groundwater is 351 pci, but ranges from 24 pci to 10,000 pci. Establishing the level at 200 pci is not practical. In order to reduce radon levels to 200 pci, the water must be treated. One treatment method, using granulated activated

carbon filters, produces a radioactive waste. The cost of homeowners and water districts could be significant.

The significant routes of exposure, the risks of those exposures, and the available water treatment technologies to reduce those risks should all be considered in the establishment of an MCL that protects public health. The literature is lacking information on the ingestion health effects of radon. Therefore, we recommend that further studies be conducted to define this hazard.

If you have any questions, or need additional information, please call me at (619) 338–2211.

Sincerely,

DANIEL J. AVERA,
*Director,*
*Department of Environmental Health.*

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ALLIANCE FOR RADON REDUCTION,
*Washington, DC, June 25, 1996.*

DEAR REPRESENTATIVE BILBRAY: On behalf of the Alliance for Radon Reduction, I would like to express our appreciation for your recent public statements regarding radon in drinking water. As you stated during committee consideration, humans have been exposed to varying levels of radon since the beginning of time, and radon presents unique challenges from a public health perspective.

Our national organization is comprised of water agencies and municipalities with members from fourteen states. Since 1992, we have been working with the Environmental Protection Agency [EPA] and Congress to formulate as reasonable and cost-effective "radon in drinking water" strategy that protects the public health.

The House Safe Drinking Water Act [SDWA] reauthorization bill takes the approach that radon should be regulated like other drinking water standards and directs EPA to promulgate a standard within 3 years. Under the House bill, the radon standard would be based on the standard setting and risk/benefit cost analysis process that is being established for all other drinking water contaminants. The House bill also directs EPA "to take into account the costs and benefits of control programs for radon from other sources."

The Senate SDWA reauthorization bill would direct EPA to promulgate a standard for radon in drinking water no later than 180 days after enactment at a concentration level of 3,000 pCi/L. This level was selected to assure that the risk from radon in drinking water was comparable to the risk from radon in outdoor air. (A level of 3,000 pCi/L equates to the lower end of the range of national average outdoor radon concentrations as determined by EPA.)

While the Senate bill recognizes the need for radon to be regulated under a framework different than the standard setting process applicable for all other drinking water contaminants, the House bill does not make this distinction except with respect to recognizing the importance of non-drinking water sources of exposure.

The primary question for Congress to consider is: Should radon be regulated directly from other drinking water contaminants?

1. EPA has been trying to set a radon standard for more than fifteen years. EPA's difficulty in setting a standard has been largely rooted in the challenges of using the standard setting process applicable to all other drinking water contaminants. Given that radon is unique among drinking water contaminants, traditional standard setting approaches should not be applied.

2. Radon is naturally occurring and the public is continuously exposed to radon. While compounds such as lead and arsenic are also naturally occurring and therefore the public may be exposed, there is not the continuous, passive, unavoidable exposure that the public experiences with radon.

3. The risk from radon exposure at the naturally occurring unavoidable level can not be assessed from the same vantage point as other drinking water contaminants, or for that matter other environmental hazards. According to EPA estimates, the cancer risk from exposure to radon in outdoor air is in the 1/1,000 risk range. The risk from indoor air exposure has been estimated to be in the 1/100 risk range. These risks are orders of magnitude greater than the risks from other environmental pollutants. EPA's policy has been to set standards in the 1/100,000 to 1/1,000,000 risk range. Such a framework for standard setting should not be applied to radon because the natural background level for radon in air is orders of magnitude greater than the level found in water.

4. The establishment of an unnecessarily stringent radon drinking water standard will divert resources away from other radon public health programs. The Conference of Radiation Control Program Directors [CRCPD], a national organization of state radiation protection directors, recently stated support for the approach taken in S. 1316 because "it would rougly result in water contributing no more radon to indoor air than is present in outdoor air" (May 3, 1996 CRCPD letter to the Alliance for Radon Reduction). In an earlier August 30, 1990, letter to then EPA Administrator Reilly, CRCPD notes that:

"A low MCL for radon in water will probably have an adverse effect on the overall effort of EPA to reduce deaths from radon exposure because resources that would otherwise be used to address the much more serious problems of radon in air will be diverted to address the much less serious problems of radon in water. It is difficult to conceive of a cost/benefit analysis which would support this decision."

In conclusion, we believe that radon should not be regulated like other drinking water contaminants. Radon's characteristics suggest that a non-traditional approach is needed for the establishment of a standard that considers the public's overall exposure to radon from all sources. The approach adopted by the U.S. Senate would provide the public health protection necessary to address radon in drinking water and allow the EPA to move forward expeditiously to estalish a standard. If the Agency is compelled to use a traditional risk/cost-benefit approach for controlling radon in drinking water, it is likely that we will be without a radon standard for many years.

We hope that the conferees will consider these points during the process of reconciling the House and Senate versions. If you need further information regarding radon in drinking water, please do not hesitate to contact us.

Sincerely,

DAVID REYNOLDS,
*Executive Director.*

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CONFERENCE OF RADIATION
CONTROL PROGRAM DIRECTORS, INC.,
*Frankfort, KY, May 3, 1996.*

DAVID REYNOLDS,
*Executive Director, Alliance for Radon Reduction, Washington, DC.*

DEAR MR. REYNOLDS: I understand that your organization is interested in a radon provision that would be included in the House Safe Drinking Water Act (SDWA) legislation. I would like to provide you with the perspective of the Board of Directors of the Conference of Radiation Control Program Directors, Inc. (CRCPD).

The CRCPD is comprised of the program directors and their staffs who are responsible for radiation protection matters in each of the states (excluding Wyoming), and certain local radiation control agencies. These radiation control programs have primary responsibility for protecting the public from unnecessary exposure from all man-made and certain naturally occurring sources of radiation, including those which occur through the various environmental pathways.

In the past we have expressed our concerns with the EPA proposed Maximum Contaminant Level [MCL] for radon. Under the SDWA, as currently written, the EPA has maintained it would be required to set a standard as low as 200 or 300 pCi/1.

As radiation control professionals, members of our organizations are committed to protecting human life and the environment from the harmful effects of radiation. However, we must be practical in our approach to providing this protection and we therefore question EPA's proposed MCL for radon in drinking water. In addition to placing an unacceptable financial burden on individual homeowners without providing commensurate health benefits, the EPA's proposed MCL would result in significant administrative and financial burdens on affected state programs.

Simply stated, we believe that an MCL in the range of 200 pCi/1 is neither practical nor justified. A more realistic standard would be in the range of 5,000 to 10,000 pCi/1. The Senate bill would set a water standard at 3,000 pCi/1 that could be revised based on sound science. This is a reasonable approach because it would roughly result in water contributing no more radon to indoor air than is present in outdoor air.

On behalf of the CRCPD, I would appreciate your consideration of our concerns. If you have any questions, please feel free to contact me directly.

Sincerely,

RUTH E. MCBURNEY,
*Chairperson.*

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CONFERENCE OF RADIATION
CONTROL PROGRAM DIRECTORS, INC.,
*Frankfort, KY, August 30, 1990.*

WILLIAM REILLY,
*Administrator, U.S. Environmental Protection Agency, Washington, DC.*

DEAR MR. REILLY: This letter relates to U.S. Environmental Protection Agency's [EPA] consideration of appropriate standards for acceptable radon levels in drinking water and is written on behalf of the Executive Board of the Conference of Radiation Control Program Directors, Inc. [CRCPD].

The CRCPD is made up of the program directors and their staffs who are responsible for radiation protection matters in each of the fifty states. These radiation control programs have primary responsibility for protecting the public health from all sources of avoidable radiation exposure, including those which occur through the various environmental pathways.

The EPA has proposed (Advanced Notice for Proposed Rulemaking, FR 51,189, 34836) revisions to regulations under the Safe Water Drinking Act which would provide for a Maximum Contaminant Level [MCL] for public drinking water systems. The MCL suggested for radon in water is in the range of 200–2,000 pCi/1. The Executive Board of the CRCPD is concerned with the rationale being used by EPA in proposing these radon limits

for drinking water. To illustrate these concerns, I bring to your attention the following points:

The Radon Abatement Act of 1988 has the goal of lowering indoor radon concentration to the same as ambient levels. The EPA Citizen's Guide to Radon uses 0.2pCi/l as the background for ambient radon. Using the rule-of-thumb of 10,000 to 1 for dissolved radon going from water to house air, one would calculate a radon in water concentration of no less than 2,000 pCi/l.

EPA estimates that 5% of the general population's exposure to radon progeny comes from radon derived from water. The number of deaths prevented per year is 18 from an MCL of 2,000 pCi/l and 94 for an MCL of 200 pCi/l respectively. However, EPA estimates that 21,000 deaths per year are caused by exposure to airborne radon progeny derived from soil, but there is no effort to develop an equivalent MCL for radon in air. The public will be totally confused in trying to compare the EPA airborne radon action level of 4 pCi/l with the suggested MCL radon in water level of 200–2,000 pCi/l.

An MCL of 2,000 pCi/l will cost an estimated 35 million dollars per year for public water suppliers. For this 35 million dollars the total estimated general public exposure from radon in water will be reduced by less than 1%, or approximately 18 lives saved.

An MCL for public water supplies will likely become a defacto standard for homeowners with private wells.

An estimated 30% of private well water owners (approximately 3 million homes) would exceed an MCL of 2,000 pCi/l. The typical cost to each homeowner to correct his or her well to meet the suggested standard is estimated at $2,000. To correct the problem nationally is estimated to require over 1 billion dollars annually. Correcting all private wells which are estimated to exceed 2,000 pCi/l would reduce the total estimated exposure from radon in water to the general public by less than 10%.

A routine and inexpensive analytical method for dissolved radon is not available.

A low MCL for radon in water will probably have an adverse effect on the overall effort of EPA to reduce deaths from radon exposure because resources that would otherwise be used to address the more serious problems of radon in air will be diverted to address the much less serious problems of radon in water. It is difficult to conceive of a cost/benefit analysis which would support this decision.

The approximate indoor radon in air level across the nation is 1.0 pCi/l. It is assumed that this is the risk, or exposure level, which the public is willing to accept for the benefit of living in a home. This risk would equate to having a radon in water value of 10,000 pCi/l, assuming all the radon in water would become airborne.

A panel of radiation protection experts, assembled by EPA at the National Workshop for Radioactivity in Drinking Water, 1985, made the following recommendation:

"Based on these considerations of estimated Rn exposures in the United States, a derived practical limit on radon concentrations in water is not less than 10,000 pCi/l. A 20,000 pCi/l value is reasonable and conservative from the standpoints of limiting cost of remedial action to a more manageable number of houses."

Under the Inactive Uranium Processing Sites Regulations, EPA standards for buildings specify the objective is to achieve an indoor Rn-progeny concentration of 0.02 WL. This would equate to an MCL of 40,000 pCi/l, assuming all radon would become airborne.

These two standards, which are both designed to address risks from radon and its progeny, would place the EPA in a position of making inconsistent risk management decisions.

As radiation control professionals we are committed to protecting human life and the environment from the harmful effects of radiation. However, we must be practical in our approach to providing this protection, and we have much concern that the MCL's under discussion (200–2000 pCi/l) will place an unacceptable financial burden on individual homeowners, e.g., $2,000 per system. These limits would also place large administrative and financial burdens on affected state programs. A major concern to regulatory agencies is the shear magnitude of addressing a regulatory issue in every household in the land.—Resources just do not exist for such an endeavor.

Based on the above discussion, the recommendations of the Executive Board of the CRCPD are as follows:

1. An MCL in the range of 200 pCi/l is neither practical nor justified, and the MCL should be no less than 2,000 pCi/l. A more realistic standard is in the range of 5,000 to 10,000 pCi/l.

2. EPA should be consistent in its risk management decisions to the maximum extent possible.

3. Since the entire radon issue is bound up with an extended statistical argument based upon epidemiological findings (for underground miners) which may or may not give a true picture for a low level indoor environment, EPA should carefully evaluate any proposed MCL's for radon in air or water.

Attached with this letter is a report prepared by the CRCPD Radon Program Implementation Committee which addresses these concerns in more detail.

On behalf of the Executive Board of the CRCPD, I would appreciate your consideration of our concerns and request your response to these concerns at your earliest convenience.

Yours very truly,

DIANE E. TEFFT,
*Chairperson.*

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Minnesota [Mr. MINGE] to speak against pork.

Mr. MINGE. Mr. Speaker, I would like to join in the chorus of others who are praising the work of the committees in reporting out a bill that actually addresses problems that many communities around this country have had in maintaining a safe drinking water system and doing so in a way that fits within a budget and reasonable mandates.

There are two issues here that affect the legislation that I would like to briefly address. The first is the issue of pork, and I only wish that I had time to read 300 pages and know exactly what the architecture of the grant arrangement is. Let me say, if there is a 75 percent trigger figure or level that has to be reached before any earmarks are implemented, that does not detract, in my opinion, from the adverse nature of earmarking in legislation.

Mr. Speaker, I would certainly hope that in the conference committee process this matter is cleaned up. It is nice to have safe drinking water. We want clean drinking water; let us have a clean bill.

A second point that I would like to raise has to do with the public right to know. In a community that is in my congressional district, we ran into a rather unfortunate situation. In the context of transferring a home, there was a test of tap water that was run. It was discovered that there was lead in the tap water. The State agency administrating the Federal program at that point told the municipality: You must publish a notice in the local and the regional paper that you have lead in the drinking water in your city.

The municipality said: This is not the case. the lead came from that home, and we can show from other tests that this lead was not from our municipal system, it is from the home itself.

I would like to ask the distinguished chairman of the committee if he is aware if there is anything in this legislation that would simplify the situation so a municipality would be able to distinguish in any right-to-know publication between lead that comes from its system as opposed to lead that may came from household plumbing.

Mr. BLILEY. Mr. Speaker, will the gentleman yield?

Mr. MINGE. I yield to the gentleman from Virginia.

Mr. BLILEY. Mr. Speaker, I understand the gentleman's frustration. As a former mayor, I know that the contaminant is just as likely to come from household plumbing as from the public water system itself. I must advise the gentleman, however, that the bill does not change the way in which lead violations are determined. The bill does give States more flexibility in how the public is notified about violations. I would be happy to work with the gentleman to make sure in the conference as best I can that his concerns are addressed.

Mr. MINGE. Mr. Speaker, I appreciate that greatly, and I would like to again compliment the distinguished chairman of the committee and the ranking member for the work that they have done in bringing to the floor of his House a substantive measure which truly meets the needs of this Nation with respect to preserving the safe drinking water supply.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me this time.

I grew up 3 miles out of a small town in North Dakota, and our water was not fit to drink. We literally carried water to our town. This is the state of thousands and thousands of homes today. The happy news is that literally thousands and thousands of homes that did not have drinkable water now do

have because of the reach of rural water systems and improvements in small town water systems that afford them drinkable water where they did not have drinkable water before.

Mr. Speaker, the present law needs to be changed because it is threatening the viability of some of these rural water systems imposing too many one-size-fits-all requirements out of Washington, most notoriously the requirement that 25 new contaminants be identified to be tested for every single year, which is ludicrous, and not even having a requirement that that be related to the public health concerns of the area. This is a bad law and needs to be changed.

The bill before us makes positive changes. Specifically, the new revolving loan fund will help small communities fund improvements, huge improvements. There is greater flexibility to allow localities to address local concerns and special treatment recognizing the difficulties small systems have in maintaining absolutely sound water, but dealing with the high costs of treatment.

One the other hand, I must note two great disappointments about this bill. The bill coming out of committee by unanimous vote was one I think we all could have been proud to vote for. To have the revolving loan fund earmarked by the Committee on Transportation and Infrastructure in the fashion that has unfolded in the legislation before us is a bitter disappointment. I think all systems ought to compete for that money fair and square, not have some public works earmarks grafted in by report language, and I think that that amendment has indeed been highly regrettable.

The Senate passed their safe drinking water bill unanimously. We could have on the House side. It is unfortunate that this change was made.

Mr. Speaker, I rise today in support of this legislation but also to express my disappointment about the recent controversy surrounding this bill. It is unfortunate that once again the normal committee process has been circumvented and in the process, passage of this bill—which enjoyed broad bipartisan support—is in jeopardy. In the interest of providing desperately needed relief to rural water systems throughout the country, I will be supporting this bill.

Mr. Speaker, since my election to Congress, I have visited with mayors and community leaders who consider reform of the Safe Drinking Water Act to be one of their top priorities. It is no wonder. The Safe Drinking Water Act is one of the most expensive unfunded mandates facing North Dakota communities.

Water systems throughout the country are forced to test for an arbitrary number of contaminants regardless of the threat to public health. Many small and rural water systems simply cannot comply with these madates—they don't have the technology and they don't have the resources. This law has driven the water systems of some communities to the edge of viability, while others have had to ignore the law in order to survive financially.

A National Rural Water Association report found that rural communities will spend over $639 million for redundant monitoring between 1994 and 1996. In order to comply with these regulations, 80 percent of small communities surveyed will be forced to forego plans to hookup more families, improve water treatment, operate wells, and other critical functions.

In order to help move this issue forward, I introduced the unanimously passed Senate version in March. Many of the provisions contained in that bill are also contained in this legislation. It reduces the regulatory burden imposed on States and public water systems, increases State flexibility, provides financial assistance for unfunded mandates, and requires that the EPA consider costs and benefits when setting new standards.

The fundamental flaw of the current law is its one-size-fits-all approach. What makes more sense is allowing water systems to focus their scarce resources on the real risks to human health in their communities. With passage of this bill, what is affordable will no longer be governed by what Chicago or New York can afford—system size will be taken into consideration when determining affordability.

In this case, less regulation can actually mean safer drinking water. This legislation will not undermine the importance of the current drinking water laws. Rather, it will ensure safe drinking water without bankrupting our communities.

I am concerned about the expansion of EPA autority into operator certification programs. I believe the North Dakota Department of Health should retain primacy over this program, because they are better suited to understand the certification needs of North Dakota system operators.

As this legislation goes to conference, I will continue to work to see that this and other issues impacting small and rural water systems are addressed. I remain hopeful that we can enact a reform bill still this session.

Mr. DINGELL. Mr. Speaker, I yield myself the remainder of my time.

It was observed to me that pigs cannot fly, but they can swim, and they are in our drinking water. The Committee on Public Works, or now, I gather, the Committee on Transportation and Infrastructure is it, has never forgotten how to put pigs in the drinking water. They have never forgotten how to take a fund which would benefit all of the Members of Congress, all of the people of the country and convert it into a proposal which will take care of just a few congressional districts, with, quite frankly, a very shameless raid upon a fund which is already too small to do what it has to do.

Now, I am not going to defend the situation which triggered this. I am sure the natural instinct of that committee was to do exactly what they did, regardless of how large or how small the fund is. Because the Committee on Transportation and Infrastructure, is it, yes, the Committee on Transportation and Infrastructure has never seen a pile of money that they did not want to use for pork, and that is what has transpired here.

So I would say to my colleagues in the House, if we do not have money to deal with the problems of clean water and safe drinking water in our districts, it is the Committee on Transportation and Infrastructure which has very carefully extorted from us and from our districts the funds which would make that possible.

Mr. BLILEY. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Speaker, I am pleased that the House is considering this bipartisan environmental legislation.

The existing Safe Drinking Water Act's intent is important and vitally necessary—ensuring the public has a clean water supply. Unfortunately, the existing law provides this public health protection through unnecessarily rigid mandates.

This bipartisan legislation validates that the same level of public health protection can be provided, but at a lower financial cost to the public and those who operate water systems.

I would like to take this chance to specifically address the Federal facilities provisions in title II of the bill. Ensuring the Federal Government's compliance with environmental laws has been a longtime campaign of mine.

Historically, the Federal Government has been the Nation's biggest polluter. It has sought to assert sovereign immunity to escape accountability for its environmental violations. This is simply wrong.

Not only does the Federal Government have the duty to follow the laws it enacts, but citizens living on or near Federal facilities deserve the same environmental protections afforded to those on private lands.

Congress has sought to hold the Federal Government accountable in the context of other environmental statutes. In 1992, after years of effort, we won enactment of the Federal Facilities Compliance Act, which gave States the ability to enforce Resource and Conservation Recovery Act standards at Federal facilities. And, last year, we were able to incorporate similar provisions in the Clean Water Act amendments now pending in the Senate.

I am pleased that H.R. 3604 contains the parallel provisions necessary to ensure that Federal facilities will adhere to the Safe Drinking Water Act.

Mr. Speaker, I am pleased to be an original cosponsor of this legislation. I am specifically encouraged that Congress is taking another step toward ensuring full compliance by Federal facilities with environmental laws.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. SCHAEFER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, just by way of observation, the Safe Drinking Water Act amendments were reported from the Committee on Transportation and Infrastructure on a bipartisan basis. We concur in the language in the bill, and we support the legislation and urge its adoption by the House.

Mr. SCHAEFER. Mr. Speaker, I thank the gentleman very much. I am also pleased to be an original cosponsor and encouraged that Congress has taken another step forward in fulfilling compliance by the Federal facilities in this country the same that private industry does.

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Speaker, I rise in strong support of the Safe Drinking Water Act reform and urge its passage.

Mr. BEREUTER. Mr. Speaker, I rise in support of the legislation which was originally reported out of the Commerce Committee. Indeed, there is general agreement that the current drinking water law is badly broken and needs to be fixed. There is an urgent need to make the Safe Drinking Water Act's regulations more flexible, and common sense in orientation, and less costly. Although certainly not perfect, H.R. 3604 represents a very large improvement over the current law and this Member hopes that it can be further improved in conference with the other body.

In particular, this Member is concerned about the Federal approach, H.R. 3604 takes with regard to issues such as operator certification and capacity development. A Federal one-size-fits-all approach is not the proper way to address these concerns. These are clearly matters better left to the States.

This Member is further concerned with this bill's radon provisions. It is critical for communities throughout Nebraska and the rest of the country that a reasonable radon standard be developed. Without a common sense approach, communities across the Nation will be forced to spend billions of dollars to implement a regulation which would result in minimal health benefits since water contributes very little to the public exposure to radon. This Member expresses his strong desire that the conference acquiesce to the other body's more reasonable radon provisions which would provide adequate protection without unnecessarily burdening communities.

Despite these flaws, this Member believes H.R. 3604 helps correct some of the serious problems and reduces the substantial local costs created by the current law. Clearly, many of the current SDWA requirements result in prohibitive costs without any real health benefit or increase in water quality. This is an issue on which this Member has been speaking out and seeking corrective actions by the EPA for some time, but without results. However, in large part, it is Congress which is to blame for the statutory direction we have given to the EPA.

H.R. 3604 injects more reasonableness and common sense on this issue and allows States and communities to identify and focus on those contaminants which present an actual health risk in a particular area. Legislation enacted by Congress simply must take into account the economic and budgetary realities faced by States and communities. Blanket Federal legislation for this yet very diverse Nation is usually ineffective, overreaching, inflexible, and expensive for States and communities of all sizes. That surely is the case with various parts of the current Safe Drinking Water Act.

Clearly, most Members and the informed American public now support an assessment of risks during the regulatory process. Clearly, some applications of environmental regulation has entered a phase of diminishing returns. Although great progress has been made in meeting threats to health and safety, a point has been reached where each new environmental regulation should undergo a cost/benefit estimate based on an analysis of risk.

H.R. 3604 gives State and local officials greater responsibility in tailoring a safe drinking water program based on sound science. These officials certainly have a powerful incentive to provide safe drinking since they and their constituents will be drinking that water and they know full well where the buck stops. They certainly would not subject themselves and their family and friends to harmful water. Instead, they will focus their time and money on the problems unique to their community.

Mr. Speaker, there is a growing financial crisis for small communities that becomes more evident each year as new testing and treatment deadlines are imposed. This Member's experience in visiting with local officials and listening to constituents at town hall meetings indicates that the regulations promulgated to enforce the Safe Drinking Water Act have become a major Federal irritant to local government officials and terribly expensive—for no real benefit. These regulations often result in diverting scarce local dollars to address problems or contaminants which do not exist.

It costs nearly as much for a very small community to go through the mandated testing procedures as it does for a large community. In most cases, therefore, residents in smaller communities will be forced to pay much more per person, since the costs cannot be spread out over a larger population. Without changes in the current law, though, communities of all sizes will be severely impacted.

This bill also removes many of the rigid and arbitrary requirements of the current safe drinking water law. For instance, it eliminates the notorious and ridiculous current statutory mandate that EPA identify 25 contaminants every 3 years for regulation and replaces it with a system based on contaminants that, first, represent a public health concern, and second, actually occur in drinking water. The legislation also allows States to tailor monitoring requirements to particular circumstances, with responsible flexibility and reasonable exemptions made more easily available.

Mr. Speaker, while everyone certainly recognizes the importance of providing safe drinking water for everyone, this Member believes it should be done in a realistic manner which does not inappropriately burden the communities affected. As stated previously, this Member does not support taking any action that will cause drinking water to become unsafe. For instance, where there is a problem with biological contamination, yes; treatment is obviously necessary. However, the Federal Government should provide more discretion to States so that they can use common sense and not be subject to arbitrary nationwide standards that have no relevance in a particular State. For instance, the nature of water testing in Nebraska should reflect the State's uniquely strong ground water dependency. This Member has consistently conveyed these views to current and former EPA administrators.

Mr. Speaker, Nebraska relies far more heavily on ground water sources for both drinking water and commercial uses than any other State in the Nation. For example, only 6 or 7 of the more than 1,395 public water supply entities in the State use any surface water. In a great many Nebraska communities, individual wells are located at various points in a community without being interconnected. Since most Nebraska communities incorporate water from their wells directly into their distribution systems, a requirement for chlorination would have the effect of requiring centralization of their water supply systems or chlorination would sometimes have to be provided at each separate well site—an action which would be almost economically impossible for many Nebraska communities.

It is also important to note that Nebraska has not had a water-borne disease outbreak attributed to a public water supply system since at least 1969. That particular situation involved a transient population with an undetermined source or cause of illness.

Mr. Speaker, this Member is pleased that the House is taking action on this important issue and hopes that the legislation will be further improved in conference and that includes a deletion of the earmarked or recommended projects which were added after the legislation was reported originally from the Commerce Committee.

Mrs. LINCOLN. Mr. Speaker, I rise today to congratulate all parties, particularly Messrs. BLILEY, DINGELL, BILIRAKIS, and WAXMAN, in reaching an agreement on the reauthorization of the Safe Drinking Water Act. This is a truly bipartisan bill which establishes good public policy.

I am only sorry that in the final days before today's vote that the bipartisan nature of this bill was strained by jurisdictional disagreements. This bill should have passed by a unanimous vote with praise from both sides of the aisle. Instead, the debate exhibited the partisan nature that has become all too familiar during the 104th Congress—all over some additional district-specific provisions that could diminish the State revolving fund [SRF] as much as $375 million in grants.

I hope that we can resolve the differences that were outlined today to ensure the enactment of a comprehensive Safe Drinking Water Act this year. This is a good bill that sets forth solid public policy. H.R. 3604 grants long needed regulatory relief for small systems and provides needed financial resources for rural water circuit rider programs and for purely voluntary, incentive-based, and community-driven source water protection programs.

Let's resolve the remaining controversies and move towards a conference with the Senate. Because this bill has broad-based support, it would be terrible to lose this opportunity to pass comprehensive legislation into law this Congress.

Mr. SHUSTER. Mr. Speaker, I rise in strong support of H.R. 3604, the Safe Drinking Water Act Amendments of 1996. This bill, as amended by the Transportation and Infrastructure Committee, will help meet the mandates for environmental infrastructure and a cleaner, safer, and healthier environment.

First, I must congratulate and thank the leadership of the Commerce Committee, particularly the gentleman from Virginia, Chairman TOM BLILEY, and the gentleman from Florida, Subcommittee Chairman MICHAEL BILIRAKIS, for their efforts regarding H.R. 3604 and their willingness to work with the Transportation and Infrastructure Committee. Working together, we have combined provisions from their bill and from our bill, H.R. 2747, the Water Supply Infrastructure Assistance Act of 1996, to produce a strong, bipartisan package.

A lot of the credit also goes to the membership of the Transportation and Infrastructure Committee, particularly the gentleman from Minnesota, Ranking Democrat JAMES OBERSTAR, the gentleman from New York, chairman of the Water Resources and Environment Subcommittee, SHERRY BOEHLERT, and the gentleman from Pennsylvania, Ranking Democrat of the Water Resources and Environment Subcommittee, ROBERT BORSKI. Our efforts resulted in a broadly-supported, bipartisan bill authorizing a new State revolving fund [SRF] for drinking water and source water quality protection, as well as grants for additional, related assistance. The bill also helped build momentum for broader legislation reauthorizing and reforming the Safe Drinking Water Act within the Commerce Committee.

Last week, with the assistance of the House Republican leadership, the two committees combined portions from both bills—H.R. 2747 and H.R. 3604—to help move improved legislation to the floor as soon as possible.

The resulting package of amendments contains the regulatory and financing provisions, including the SRF, from H.R. 3604 and certain water infrastructure and watershed protection provisions from H.R. 2747. The bill's new title V, Additional Assistance for Water Infrastructure and Watersheds, is straight from H.R. 2747 and authorizes $50 million a year to EPA for grants to States for drinking water infrastructure and source water quality protection. The authorization is contingent on Congress appropriating 75 percent or more of the amount authorized each year for the SRE—reflecting the policy that Congress should give priority to capitalizing the SRF. The package also includes provisions from H.R. 2747 to address regional needs in Alaska and the New York City watershed. Provisions and concepts from H.R. 2747 on the makeup and use of a national SRF are also either already part of H.R. 3604 or part of the Senate-passed drinking water bill.

Mr. Speaker, because the legislative history may not be entirely clear, it is important to elaborate on some of the bill's provisions—particularly those from the Transportation and Infrastructure committee's bill, H.R. 2747. House Report 104–515, the committee report accompanying H.R. 2747, describes the provisions in and intent behind section 15 of H.R. 2747. Essentially the only changes from section 15 and the new title V of H.R. 3604 relate to the authorization dates and levels. The generic grants program is now authorized through fiscal year 2003, rather than fiscal year 2000, to be consistent with authorization dates throughout the reported version of H.R. 3604. Authorization dates and levels for the New York City watershed program are also slightly modified: The program is authorized through fiscal year 2003, like comparable provisions in the reported version of H.R. 3604, and the authorization level is reduced to $8 million per year to reflect a comparable change made to the reported version of H.R. 3604.

There has been considerable discussion surrounding the generic grants program and the mention of projects in the committee report. The committee believes the Administrator of EPA and the affected States should determine their own priorities under this program. Based on testimony and other information submitted to the committee, however, the committee urges that priority consideration be given to communities listed in the committee report. In no way, however, is this intended to preclude assistance for other communities. In fact, since the filing of the report, additional needs have come to our committee's attention. For example, Madison, OH, has waterline replacement and booster station needs. These, like other infrastructure projects throughout the Nation, could benefit from the program.

The Transportation and Infrastructure Committee report also adds important language regarding land acquisition provisions and the requirement that they be from willing sellers. Page 17 of the report elaborates further on the committee's intent; all of those provisions continue to apply to the provisions added from H.R. 2747 to H.R. 3604.

Some additional comments on the eligibilities and uses of the new SRF might be helpful. Both H.R. 2747 and H.R. 3604 have SRF's with provisions on eligibilities. From the perspective of the Transportation and Infrastructure Committee, our intent is that the construction, rehabilitation, and improvement of water systems could certainly include work related to pipes and that, in limited circumstances, assistance from the SRF and from title V could be used to refinance loans as described in the report on H.R. 2747.

I congratulate members of both committees, as well as the members of the Science Committee, for working together on this bipartisan legislation. Beyond a doubt, it will significantly improve our country's water infrastructure and drinking water protection efforts.

I look forward to working with my colleagues in both the House and the Senate as H.R. 3604 moves further down the road toward enactment.

Mr. WALKER. Mr. Speaker, I rise today in support of H.R. 3604, the Safe Drinking Water Act Amendments of 1996. H.R. 3604 is a sound bill, and I would like to compliment Chairman BLILEY on his committee's fine work.

H.R. 3604 was referred to the Committee on Science for consideration of its drinking water research provision. The Science Committee has for the last two decades authorized drinking water research as part of the Environmental Research, Development, and Demonstration Authorization Act.

During this Congress, the committee authorized the Environmental Protection Agency's [EPA] drinking water research in both the Omnibus Civilian Science Authorization Act of 1995, H.R. 2405, and 1996, H.R. 3322. Both these measures passed the House of Representatives.

It was my intent, Mr. Speaker, to have the Science Committee mark up H.R. 3604 in order to reconcile its drinking water research provisions with those which passed the House on May 30, 1996, as part of H.R. 3322. However, due to the looming August 1, 1996, deadline for the enactment of a Safe Drinking Water Act reauthorization, and based on a request from Chairman BLILEY, the Science Committee has agreed to discharge H.R. 3604.

In exchange, the Commerce Committee has agreed to include a new research title in the bill, title VI, and support the appointment of Science Committee conferees to the House-Senate conference for those House or Senate provisions which involve drinking water research. Title VI reconciles the drinking water research provisions in H.R. 3604 with the authorization level in H.R. 3322.

As amended by the Science Committee's new title, H.R. 3604 authorizes $26,593,000 a year for fiscal years 1997 through 2003 for drinking water research. Contained within this authorization are specific authorizations for section 1412(b)(13) of the Safe Drinking Water Act, arsenic research, section 409 of H.R. 3604, drinking water research on harmful substances, and section 1452(n) of the Safe Drinking Water Act, research on the health effects of pathogens such as cryptosporidium and disinfection byproducts.

Title VI also places the Assistant Administrator for Research and Development in charge of the quality of all drinking-water-related research conducted by the agency. Under the provision, the Assistant Administrator will be required to report to Congress on any duplicative or low-quality drinking water research conducted by the agency. Centralizing the responsibility for the quality of all drinking water research conducted by EPA should help ensure that the agency relies on the highest quality science when it promulgates future drinking water regulations.

Mr. Speaker, title VI makes a good bill better, and I encourage all my colleagues to suspend the rules and pass H.R. 3604.

Mr. TATE. Mr. Speaker, today I rise in strong support of the Safe Drinking Water Act amendments. I commend my colleagues for their strong bipartisan cooperation, continuing the tradition of bipartisanship that has characterized the Safe Drinking Water Act since it was originally signed into law by President Ford and reauthorized during the Reagan Presidency.

Today, the Safe Drinking Water Act is revitalized by a Republican Congress that has put policies aside, rolled up its collective sleeves, and gone to work to deliver to the American

people safe and pure drinking water. Governors, State and county legislators and mayors, alongside local and State water authorities, have endorsed the Safe Drinking Water Act amendments as representing a significant advance over current law.

In Washington State, there are over 4,000 separate water systems impacted by the Safe Drinking Water Act and approximately 2,000 of these have less than 100 families connected to them. Local authorities can and will find effective ways of providing safe drinking water to their residents—if they are allowed to do so.

The Safe Drinking Water Act amendments establish clear priorities, concentrating safe drinking water programs on those contaminants that pose the greatest threat to human health. No longer will local water systems be forced to test for contaminants that responsible authorities have never found, and are unlikely ever to find, in the water supply. Instead, local water authorities will be able to harness their knowledge, expertise, and dedication, and focus their resources where it is needed the most.

Arbitrary requirements calling for regulations on 25 new contaminants every 3 years are removed. Instead, the best available scientific evidence will be utilized to target real and documented threats to the public, including enhanced testing for estrogenic substances and a screening program for pesticides and chemicals.

Mr. Speaker, this legislation ensures that water systems will be able to obtain the financial and technical expertise they need to implement Federal water standards. The EPA is required to proactively assist water systems as they struggle to comply with Federal regulations by identifying new technologies best suited to meet their needs. Special technical assistance is also extended to small water systems.

This legislation provides the resources our drinking water systems need. A State revolving fund of $7.6 billion is established to help public water systems implement drinking water standards. Funding for the public water State supervision grants, for use in the implementation and enforcement of State drinking water programs, is more than doubled to $100 million annually. Also, $80 million is provided for scientific research on the health affects and treatment of arsenic, radon, and cryptosporidium.

Most important, the Safe Drinking Water Act amendments vigorously enforces the public's right to know. The EPA is required to track unregulated contaminants and annually provide a consumer confidence report detailing each water system's compliance with safe drinking water standards. In addition, the public must be notified of violations within 24-hours rather than the current 14 days.

The Safe Drinking Water Act amendments harnesses sound and objective scientific practices, local expertise, and common sense in order to produce real public health benefits. Science, local flexibility, and common sense—rather than redtape—will help ensure the purity and safety of our Nation's drinking water. I urge all my colleagues to vote in support of the Safe Drinking Water Act amendments.

Mrs. FOWLER. Mr. Speaker, I rise today in support of these important reforms to the Safe Drinking Water Act. The fact that we need to protect our environment and ensure the public health is indisputable, and this debate focuses on how best to achieve these goals.

H.R. 3604 demonstrates a commitment to effective, commonsense regulations that will guarantee safe drinking water within the confines of achieving a balanced budget. The bill focuses attention on those contaminants that pose the great risk to health and requires public notification of water safety violations.

Equally important is the bill's addition of a State revolving loan fund to provide capitalization grants to States to further the health protection objectives of this bill. Without this funding source, many municipalities and States would face environmental mandates with which they could not possibly comply. I was pleased to be an original cosponsor of the portion of this legislation that established this revolving loan fund and strongly support its inclusion as part of our overall proposal to ensure safe drinking water.

This legislation takes an important step beyond the campaign-oriented rhetoric that we have been hearing on environmental issues and moves toward actually ensuring the protection of our environment and health.

Mr. CAMP. Mr. Speaker, I strongly support H.R. 3604, the Safe Drinking Water Act amendments, and will vote for passage of the bill. Under our current Safe Drinking Water Act, communities do not have adequate resources, both financial and technical, to comply with Federal water standards. This legislation will provide $7.6 billion for grants and loans to local water authorities for compliance, activities, training of new operators, and development of solutions to water pollution. These measures will help our communities provide clean, safe drinking water to their residents.

The legislation also includes a community right-to-know provision, requiring water systems to mail every consumer an annual report concerning the levels of regulated contaminants in their water. Consumers need to know that their water is clean and pure. Parents need to know that the water they give their children is safe to drink. These reports will put more information into the hands of consumers and parents, and allow them to better monitor the resources in their communities.

This bill ends the one-size-fits-all safe drinking water policies that our current law dictates. It returns the decisionmaking power to the State and local water authorities, who know best the needs of their community water system. Communities will be better able to monitor the purity of their water than bureaucrats in Washington, DC. Rural water system officials in mid-Michigan have contacted me in support of this bill, because they realize that less Federal control means more local control, and ultimately cleaner water for Michigan's communities.

This legislation is the product of over 2 years of negotiations between Congress, State, and local officials, and representatives of virtually every public water system in the country. The Commerce Committee deserves credit for fashioning a bipartisan bill that reforms a Safe Drinking Water Act that is broken. This legislation will go far toward insuring safe drinking water and efficient allocation of Federal, State, and local resources. I urge my colleagues to vote for this important piece of environmental legislation.

Mr. ENSIGN. Mr. Speaker, I would like to express my strong support and intent to vote for H.R. 3604, the Safe Drinking Water Act amendments. Despite the inclusion of nonrelated grants under the Safe Drinking Water Act, I feel that it is vital to the American people that we pass this legislation. It will enhance the safety of Americans' drinking water by focusing regulatory efforts on the most dangerous health contaminants and giving States and local water systems the financial and technical resources they need.

H.R. 3604 provides $7.6 billion in direct grants and loans to public water systems for compliance activities, enhancement of water system capacities, operator training, and development of solutions to source water pollution. It also authorizes $80 million for scientific research on the health effects of cryptosporidium, as well as radon and arsenic, and to develop new methods for its treatment. In addition, H.R. 3604 includes a community right-to-know provision which requires water systems to mail an annual report to every consumer concerning the levels of regulated contaminants.

The safe drinking water amendments is a carefully crafted, bi-partisan bill that deserves support. It provides ample resources and power to local communities to provide safe and clean water to their residents. It provides local control over local issues.

I commend the Commerce Committee for their hard work. I am hopeful that differences between the Senate-passed bill can be worked out quickly to send this important environmental legislation to the President.

Mr. BLILEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LINDER). The question is on the motion offered by the gentleman from Virginia [Mr. BLILEY] that the House suspend the rules and pass the bill, H.R. 3604, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. BLILEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3604, as amended.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise today to express my support for H.R. 3604, the Safe Drinking Water Act amendments. This bill will assure the safety of our drinking water. The American public will no longer have to worry that the water they drink might contain harmful contaminants.

H.R. 3604 will provide State and local water systems with the resources they will need to ensure the safety of our drinking water. The bill creates a $7.6 billion State revolving fund. This fund will provide direct loans and grants that will allow water systems to make the improvements needed to ensure safe drinking water.

Under the provisions of the bill water, systems will have to comply with standards that will ensure that our drinking water is free of the most dangerous contaminants, like cryptosporidium, a microbe that killed over 100 people in Milwaukee in 1993.

Mr. Speaker, H.R. 3604 will ensure that every community in the country has clean and safe drinking water. I encourage my colleagues to support passage of this bill.

Ms. HARMAN. Mr. Speaker, I rise today in strong support of H.R. 3604, the Safe Drinking Water Act Amendments. This bill is supported by environmentalists, industry, State and local governments, and consumer advocates. This bill is proof that Congress can pass strong environmental legislation if it works together on a bipartisan basis.

In my view, keeping our water clean is one of our Nation's most pressing environmental concerns. A strong Clean Water Act is necessary to keep our oceans, lakes, and rivers clean for all to enjoy. Similarly, a strong Safe Drinking Water Act is essential to keep harmful pollutants out of our drinking water, which is literally our lifeblood.

This legislation will do just that. The bill, for the first time, authorizes $7.6 billion for the State drinking water revolving loan fund, which is used by our communities to build and improve drinking water treatment facilities. Equally as important, the legislation guarantees that Americans will be informed of exactly which pollutants are in their drinking water. My State of California already has a successful right-to-know statute—I'm glad that the rest of the Nation has again followed our lead.

This legislation also proves that there is an effective way to balance environmental protection with economic concerns. The bill reforms rigid regulations by providing EPA with more flexibility in setting standards for drinking water contaminants. I'm pleased that the bill will allow EPA to consider costs and benefits in establishing standards for new contaminants.

Mr. Speaker, this bill represents a reasonable, responsible approach to environmental protection. It is evidence of how successful we can be if we put partisanship behind us.

Mr. REED. Mr. Chairman, I rise in support of H.R. 3604, the Safe Drinking Water Act amendments. This bill includes an important provision: H.R. 3280, the Water Quality Right-To-Know Act of 1996, of which I am a cosponsor. I am pleased that the House will pass this bipartisan piece of legislation, which will continue to protect our Nation's drinking water. While I remain concerned about the last-minute inclusion of projects which threaten to diminish the State revolving fund [SRF], overall I believe this is a good bill. It is my hope that this issue will be resolved in the House-Senate conference.

This bill takes many important steps to improve the Safe Drinking Water Act. It authorizes the SRF, which is essential to our communities in providing safe drinking water; it gives the EPA more flexibility in issuing regulations; it requires that standards be set for arsenic and radon; and it requires the EPA to conduct studies on sulfates.

One of the most important provisions would require water systems to public information annually on the status of drinking water and notify consumers of any contaminants. While the United States has one of the safest drinking water supplies in the world, there have, unfortunately, been incidents of contamination. I have heard from many constituents who expressed support for this provision because Americans have a right to know what is in their drinking water. I agree with them, and that is why I am a cosponsor of this provision.

I commend my colleagues who kept negotiations on this bill open and involved all interested parties to produce a sound piece of legislation that will establish good public policy. It is a relief to support a commonsense, bipartisan bill that will ensure that Americans have clean, safe drinking water. This bill will allow our communities to meet the goals of the act cost effectively and responsibly without sacrificing the quality of our drinking water.

Mr. Speaker, again, I urge my colleagues to work in the House-Senate conference to ensure that funding for the SRF is not cut, and I look forward to passage of this important piece of legislation.

## PROVIDING FOR CONSIDERATION OF H.R. 3666, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 456 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H.RES. 456

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3666) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI, clause 7 of rule XXI, or section 302(f) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill (other than sections 204 and 205) for failure to comply with clause 2 or 6 of rule XXI are waived. The amendment printed in section 2 of this resolution shall be considered as adopted in the House and in the Committee of the Whole. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The amendment considered as adopted in the House and in the Committee of the Whole is as follows:

Page 68, line 23, strike "future legislation" and insert in lieu thereof "future appropriations legislation".

□ 1345

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 456 is an open rule providing for the consideration of H.R. 3666, making appropriations for the Departments of Veterans Affairs, Housing and Urban Development and independent agencies for fiscal year 1997.

The rule waives points of order against the bill for failure to comply with clause 2(l)(6) of rule XI and clause 7 of rule XXI, which require the 3-day availability of the printed hearings and committee reports on appropriations bills. However, I'd like to inform Members that the committee report has been available since last Wednesday.

The rule additionally waives clause 2 of rule XXI prohibiting unauthorized appropriations and legislation on an appropriations bill, and clause 6 of rule XXI, prohibiting transfers of unobligated balances, against the bill with the exception of sections 204 and 205. These two sections pertain to housing matters, and have been left unprotected at the request of the chairman

of the authorizing committee, Mr. LEACH.

Section 302(F) of the Budget Act is waived against consideration of the bill, and the rule provides for adoption of the amendment printed in section 2 of this resolution to remedy the Budget Act violation.

The rule allows for 1 hour of general debate, and provides priority in recognition to those amendments that are preprinted in the CONGRESSIONAL RECORD. Under the rule, the Chair may postpone and cluster rollcall votes, and may reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

This rule allows the majority leader or his designee to offer a motion to rise and report the bill after the final lines of the bill have been read.

Finally, the rule allows one motion to recommit, with or without instructions.

Mr. Speaker, once again, Chairman JERRY LEWIS and Ranking Minority Member LOU STOKES have done an outstanding job of addressing the needs of our country's veterans by ensuring adequate funding to provide compensation and pension benefits, educational and vocational training, housing credit assistance, and medical care for over 70 million recipients of veterans benefits. There is a VA medical center located in my district in Johnson City, TN, and I've seen first hand the critical medical needs of our veterans and I'm proud of the excellent medical care provided by all of the VA medical centers across the country.

Mr. Speaker, I'm pleased to see that this bill provides an increase in spending for veterans programs—these funds are desperately needed to ensure that our veterans get the benefits they deserve for their unselfish devotion and sacrifice to their country.

H.R. 3666 also provides funding to meet the housing needs of the poor, the elderly, the disabled, and the homeless. Additionally, the bill funds various independent agencies, including the Environmental Protection Agency, NASA, FEMA, and others.

The Appropriations Committee did a remarkable job at funding all of these important programs at sufficient levels while still contributing toward the ultimate goal of achieving a balanced budget. I applaud their bipartisan spirit and I urge my colleagues to support this open rule and this important appropriations bill.

Mr. Speaker, I include the following material for the RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of June 19, 1996]

| Rule type | 103d Congress | | 104th Congress | |
|---|---|---|---|---|
| | Number of rules | Percent of total | Number of rules | Percent of total |
| Open/Modified-Open[2] | 46 | 44 | 75 | 60 |
| Structured/Modified Closed[3] | 49 | 47 | 33 | 26 |
| Closed[4] | 9 | 9 | 17 | 14 |
| Total | 104 | 100 | 125 | 100 |

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A structured or modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of June 19, 1996]

| H. Res. No. (Date rept.) | Rule type | Bill No. | Subject | Disposition of rule |
|---|---|---|---|---|
| H. Res. 38 (1/18/95) | O | H.R. 5 | Unfunded Mandate Reform | A: 350–71 (1/19/95). |
| H. Res. 44 (1/24/95) | MC | H. Con. Res. 17 | Social Security | A: 255–172 (1/25/95). |
| | | H.J. Res. 1 | Balanced Budget Amdt | |
| H. Res. 51 (1/31/95) | O | H.R. 101 | Land Transfer, Taos Pueblo Indians | A: voice vote (2/1/95). |
| H. Res. 52 (1/31/95) | O | H.R. 400 | Land Exchange, Arctic Nat'l. Park and Preserve | A: voice vote (2/1/95). |
| H. Res. 53 (1/31/95) | O | H.R. 440 | Land Conveyance, Butte County, Calif | A: voice vote (2/1/95). |
| H. Res. 55 (2/1/95) | O | H.R. 2 | Line Item Veto | A: voice vote (2/2/95). |
| H. Res. 60 (2/6/95) | O | H.R. 665 | Victim Restitution | A: voice vote (2/7/95). |
| H. Res. 61 (2/6/95) | O | H.R. 666 | Exclusionary Rule Reform | A: voice vote (2/7/95). |
| H. Res. 63 (2/8/95) | MO | H.R. 667 | Violent Criminal Incarceration | A: voice vote (2/9/95). |
| H. Res. 69 (2/9/95) | O | H.R. 668 | Criminal Alien Deportation | A: voice vote (2/10/95). |
| H. Res. 79 (2/10/95) | MO | H.R. 728 | Law Enforcement Block Grants | A: voice vote (2/13/95). |
| H. Res. 83 (2/13/95) | MO | H.R. 7 | National Security Revitalization | PQ: 229–199; A: 227–197 (2/15/95). |
| H. Res. 88 (2/16/95) | MC | H.R. 831 | Health Insurance Deductibility | PQ: 230–191; A: 229–188 (2/21/95). |
| H. Res. 91 (2/21/95) | O | H.R. 830 | Paperwork Reduction Act | A: voice vote (2/22/95). |
| H. Res. 92 (2/21/95) | MC | H.R. 889 | Defense Supplemental | A: 282–144 (2/22/95). |
| H. Res. 93 (2/22/95) | MO | H.R. 450 | Regulatory Transition Act | A: 252–175 (2/23/95). |
| H. Res. 96 (2/24/95) | MO | H.R. 1022 | Risk Assessment | A: 253–165 (2/27/95). |
| H. Res. 100 (2/27/95) | O | H.R. 926 | Regulatory Reform and Relief Act | A: voice vote (2/28/95). |
| H. Res. 101 (2/28/95) | MO | H.R. 925 | Private Property Protection Act | A: 271–151 (3/2/95). |
| H. Res. 103 (3/3/95) | MO | H.R. 1058 | Securities Litigation Reform | |
| H. Res. 104 (3/3/95) | MO | H.R. 988 | Attorney Accountability Act | A: voice vote (3/6/95). |
| H. Res. 105 (3/6/95) | MO | | | A: 257–155 (3/7/95). |
| H. Res. 108 (3/7/95) | Debate | H.R. 956 | Product Liability Reform | A: voice vote (3/8/95). |
| H. Res. 109 (3/8/95) | MC | | | PQ: 234–191 A: 247–181 (3/9/95). |
| H. Res. 115 (3/14/95) | MO | H.R. 1159 | Making Emergency Supp. Approps | A: 242–190 (3/15/95). |
| H. Res. 116 (3/15/95) | MC | H.J. Res. 73 | Term Limits Const. Amdt | A: voice vote (3/28/95). |
| H. Res. 117 (3/16/95) | Debate | H.R. 4 | Personal Responsibility Act of 1995 | A: voice vote (3/21/95). |
| H. Res. 119 (3/21/95) | MC | | | A: 217–211 (3/22/95). |
| H. Res. 125 (4/3/95) | O | H.R. 1271 | Family Privacy Protection Act | A: 423–1 (4/4/95). |
| H. Res. 126 (4/3/95) | O | H.R. 660 | Older Persons Housing Act | A: voice vote (4/6/95). |
| H. Res. 128 (4/4/95) | MC | H.R. 1215 | Contract With America Tax Relief Act of 1995 | A: 228–204 (4/5/95). |
| H. Res. 130 (4/5/95) | MC | H.R. 483 | Medicare Select Expansion | A: 253–172 (4/6/95). |
| H. Res. 136 (5/1/95) | O | H.R. 655 | Hydrogen Future Act of 1995 | A: voice vote (5/2/95). |
| H. Res. 139 (5/3/95) | O | H.R. 1361 | Coast Guard Auth. FY 1996 | A: voice vote (5/9/95). |
| H. Res. 140 (5/9/95) | O | H.R. 961 | Clean Water Amendments | A: 414–4 (5/10/95). |
| H. Res. 144 (5/11/95) | O | H.R. 535 | Fish Hatchery—Arkansas | A: voice vote (5/15/95). |
| H. Res. 145 (5/11/95) | O | H.R. 584 | Fish Hatchery—Iowa | A: voice vote (5/15/95). |
| H. Res. 146 (5/11/95) | O | H.R. 614 | Fish Hatchery—Minnesota | A: voice vote (5/15/95). |
| H. Res. 149 (5/16/95) | MC | H. Con. Res. 67 | Budget Resolution FY 1996 | PQ: 252–170 A: 255–168 (5/17/95). |
| H. Res. 155 (5/22/95) | MO | H.R. 1561 | American Overseas Interests Act | A: 233–176 (5/23/95). |
| H. Res. 164 (6/8/95) | MC | H.R. 1530 | Nat. Defense Auth. FY 1996 | PQ: 225–191 A: 233–183 (6/13/95). |
| H. Res. 167 (6/15/95) | O | H.R. 1817 | MilCon Appropriations FY 1996 | PQ: 223–180 A: 245–155 (6/16/95). |
| H. Res. 169 (6/19/95) | MC | H.R. 1854 | Leg. Branch Approps. FY 1996 | PQ: 232–196 A: 236–191 (6/20/95). |
| H. Res. 170 (6/20/95) | O | H.R. 1868 | For. Ops. Approps. FY 1996 | PQ: 221–178 A: 217–175 (6/22/95). |
| H. Res. 171 (6/22/95) | O | H.R. 1905 | Energy & Water Approps. FY 1996 | A: voice vote (7/12/95). |
| H. Res. 173 (6/27/95) | C | H.J. Res. 79 | Flag Constitutional Amendment | PQ: 258–170 A: 271–152 (6/28/95). |
| H. Res. 176 (6/28/95) | MC | H.R. 1944 | Emer. Supp. Approps | PQ: 236–194 A: 234–192 (6/29/95). |
| H. Res. 185 (7/11/95) | O | H.R. 1977 | Interior Approps. FY 1996 | PQ: 235–193 D: 192–238 (7/12/95). |

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of June 19, 1996]

| H. Res. No. (Date rept.) | Rule type | Bill No. | Subject | Disposition of rule |
|---|---|---|---|---|
| H. Res. 187 (7/12/95) | O | H.R. 1977 | Interior Approps. FY 1996 #2 | PQ: 230–194 A: 229–195 (7/13/95). |
| H. Res. 188 (7/12/95) | O | H.R. 1976 | Agriculture Approps. FY 1996 | PQ: 242–185 A: voice vote (7/18/95). |
| H. Res. 190 (7/17/95) | O | H.R. 2020 | Treasury/Postal Approps. FY 1996 | PQ: 232–192 A: voice vote (7/18/95). |
| H. Res. 193 (7/19/95) | C | H.J. Res. 96 | Disapproval of MFN to China | A: voice vote (7/20/95). |
| H. Res. 194 (7/19/95) | O | H.R. 2002 | Transportation Approps. FY 1996 | PQ: 217–202 (7/21/95). |
| H. Res. 197 (7/21/95) | O | H.R. 70 | Exports of Alaskan Crude Oil | A: voice vote (7/24/95). |
| H. Res. 198 (7/21/95) | O | H.R. 2076 | Commerce, State Approps. FY 1996 | A: voice vote (7/25/95). |
| H. Res. 201 (7/25/95) | O | H.R. 2099 | VA/HUD Approps. FY 1996 | A: 230–189 (7/25/95). |
| H. Res. 204 (7/28/95) | MC | S. 21 | Terminating U.S. Arms Embargo on Bosnia | A: voice vote (8/1/95). |
| H. Res. 205 (7/28/95) | O | H.R. 2126 | Defense Approps. FY 1996 | A: 409–1 (7/31/95). |
| H. Res. 207 (8/1/95) | MC | H.R. 1555 | Communications Act of 1995 | A: 255–156 (8/2/95). |
| H. Res. 208 (8/1/95) | O | H.R. 2127 | Labor, HHS Approps. FY 1996 | A: 323–104 (8/2/95). |
| H. Res. 215 (9/7/95) | O | H.R. 1594 | Economically Targeted Investments | A: voice vote (9/12/95). |
| H. Res. 216 (9/7/95) | MO | H.R. 1655 | Intelligence Authorization FY 1996 | A: voice vote (9/12/95). |
| H. Res. 218 (9/12/95) | O | H.R. 1162 | Deficit Reduction Lockbox | A: voice vote (9/13/95). |
| H. Res. 219 (9/12/95) | O | H.R. 1670 | Federal Acquisition Reform Act | A: 414–0 (9/13/95). |
| H. Res. 222 (9/18/95) | O | H.R. 1617 | CAREERS Act | A: 388–2 (9/19/95). |
| H. Res. 224 (9/19/95) | O | H.R. 2274 | Natl. Highway System | PQ: 241–173 A: 375–39–1 (9/20/95). |
| H. Res. 225 (9/19/95) | MC | H.R. 927 | Cuban Liberty & Dem. Solidarity | A: 304–118 (9/20/95). |
| H. Res. 226 (9/21/95) | O | H.R. 743 | Team Act | A: 344–66–1 (9/27/95). |
| H. Res. 227 (9/21/95) | O | H.R. 1170 | 3-Judge Court | A: voice vote (9/28/95). |
| H. Res. 228 (9/21/95) | O | H.R. 1601 | Internatl. Space Station | A: voice vote (9/27/95). |
| H. Res. 230 (9/27/95) | C | H.J. Res. 108 | Continuing Resolution FY 1996 | A: voice vote (9/28/95). |
| H. Res. 234 (9/29/95) | O | H.R. 2405 | Omnibus Science Auth | A: voice vote (10/11/95). |
| H. Res. 237 (10/17/95) | MC | H.R. 2259 | Disapprove Sentencing Guidelines | A: voice vote (10/18/95). |
| H. Res. 238 (10/18/95) | MC | H.R. 2425 | Medicare Preservation Act | PQ: 231–194 A: 227–192 (10/19/95). |
| H. Res. 239 (10/19/95) | C | H.R. 2492 | Leg. Branch Approps | PQ: 235–184 A: voice vote (10/31/95). |
| H. Res. 245 (10/25/95) | MC | H. Con. Res. 109 | Social Security Earnings Reform | PQ: 228–191 A: 235–185 (10/26/95). |
| | | H.R. 2491 | Seven-Year Balanced Budget | |
| H. Res. 251 (10/31/95) | C | H.R. 1833 | Partial Birth Abortion Ban | A: 237–190 (11/1/95). |
| H. Res. 252 (10/31/95) | MO | H.R. 2546 | D.C. Approps. | A: 241–181 (11/1/95). |
| H. Res. 257 (11/7/95) | C | H.J. Res. 115 | Cont. Res. FY 1996 | A: 216–210 (11/8/95). |
| H. Res. 258 (11/8/95) | MC | H.R. 2586 | Debt Limit | A: 220–200 (11/10/95). |
| H. Res. 259 (11/9/95) | O | H.R. 2539 | ICC Termination Act | A: voice vote (11/14/95). |
| H. Res. 262 (11/9/95) | C | H.R. 2586 | Increase Debt Limit | A: 220–185 (11/10/95). |
| H. Res. 269 (11/15/95) | O | H.R. 2564 | Lobbying Reform | A: voice vote (11/16/95). |
| H. Res. 270 (11/15/95) | C | H.J. Res. 122 | Further Cont. Resolution | A: 249–176 (11/15/95). |
| H. Res. 273 (11/16/95) | MC | H.R. 2606 | Prohibition on Funds for Bosnia | A: 239–181 (11/17/95). |
| H. Res. 284 (11/29/95) | O | H.R. 1788 | Amtrak Reform | A: voice vote (11/30/95). |
| H. Res. 287 (11/30/95) | O | H.R. 1350 | Maritime Security Act | A: voice vote (12/6/95). |
| H. Res. 293 (12/7/95) | C | H.R. 2621 | Protect Federal Trust Funds | PQ: 223–183 A: 228–184 (12/14/95). |
| H. Res. 303 (12/13/95) | O | H.R. 1745 | Utah Public Lands | PQ: 221–197 A: voice vote (5/15/96). |
| H. Res. 309 (12/18/95) | C | H. Con. Res. 122 | Budget Res. W/President | PQ: 230–188 A: 229–189 (12/19/95). |
| H. Res. 313 (12/19/95) | O | H.R. 558 | Texas Low-Level Radioactive | A: voice vote (12/20/95). |
| H. Res. 323 (12/21/95) | C | H.R. 2677 | Natl. Parks & Wildlife Refuge | Tabled (2/28/96). |
| H. Res. 366 (2/27/96) | MC | H.R. 2854 | Farm Bill | PQ: 228–182 A: 244–168 (2/28/96). |
| H. Res. 368 (2/28/96) | O | H.R. 994 | Small Business Growth | Tabled (4/17/96). |
| H. Res. 371 (3/6/96) | C | H.R. 3021 | Debt Limit Increase | A: voice vote (3/7/96). |
| H. Res. 372 (3/6/96) | MC | H.R. 3019 | Cont. Approps. FY 1996 | PQ: voice vote A: 235–175 (3/7/96). |
| H. Res. 380 (3/12/96) | C | H.R. 2703 | Effective Death Penalty | A: 251–157 (3/13/96). |
| H. Res. 384 (3/14/96) | MC | H.R. 2202 | Immigration | PQ: 233–152 A: voice vote (3/19/96). |
| H. Res. 386 (3/20/96) | C | H.J. Res. 165 | Further Cont. Approps | PQ: 234–187 A: 237–183 (3/21/96). |
| H. Res. 388 (3/21/96) | C | H.R. 125 | Gun Crime Enforcement | A: 244–166 (3/22/96). |
| H. Res. 391 (3/27/96) | C | H.R. 3136 | Contract w/America Advancement | PQ: 232–180 A: 232–177, (3/28/96). |
| H. Res. 392 (3/27/96) | MC | H.R. 3103 | Health Coverage Affordability | PQ: 229–186 A: Voice Vote (3/29/96). |
| H. Res. 395 (3/29/96) | MC | H.J. Res. 159 | Tax Limitation Const. Amdmt. | PQ: 232–168 A: 234–162 (4/15/96). |
| H. Res. 396 (3/29/96) | O | H.R. 842 | Truth in Budgeting Act | A: voice vote (4/17/96). |
| H. Res. 409 (4/23/96) | O | H.R. 2715 | Paperwork Elimination Act | A: voice vote (4/24/96). |
| H. Res. 410 (4/23/96) | O | H.R. 1675 | Natl. Wildlife Refuge | A: voice vote (4/24/96). |
| H. Res. 411 (4/23/96) | C | H.J. Res. 175 | Further Cont. Approps. FY 1996 | A: voice vote (4/24/96). |
| H. Res. 418 (4/30/96) | O | H.R. 2641 | U.S. Marshals Service | PQ: 219–203 A: voice vote (5/1/96). |
| H. Res. 419 (4/30/96) | O | H.R. 2149 | Ocean Shipping Reform | A: 422–0 (5/1/96). |
| H. Res. 421 (5/2/96) | O | H.R. 2974 | Crimes Against Children & Elderly | A: voice vote (5/7/96). |
| H. Res. 422 (5/2/96) | O | H.R. 3120 | Witness & Jury Tampering | A: voice vote (5/7/96). |
| H. Res. 426 (5/7/96) | O | H.R. 2406 | U.S. Housing Act of 1996 | PQ: 218–208 A: voice vote (5/8/96). |
| H. Res. 427 (5/7/96) | O | H.R. 3322 | Omnibus Civilian Science Auth | A: voice vote (5/9/96). |
| H. Res. 428 (5/7/96) | MC | H.R. 3286 | Adoption Promotion & Stability | A: voice vote (5/9/96). |
| H. Res. 430 (5/9/96) | S | H.R. 3230 | DoD Auth. FY 1997 | A: 235–149 (5/10/96). |
| H. Res. 435 (5/15/96) | MC | H. Con. Res. 178 | Con. Res. on the Budget, 1997 | PQ: 227–196 A: voice vote (5/16/96). |
| H. Res. 436 (5/16/96) | C | H.R. 3415 | Repeal 4.3 cent fuel tax | PQ: 221–181 A: voice vote (5/21/96). |
| H. Res. 437 (5/16/96) | MO | H.R. 3259 | Intell. Auth. FY 1997 | A: voice vote (5/21/96). |
| H. Res. 438 (5/16/96) | MC | H.R. 3144 | Defend America Act | |
| H. Res. 440 (5/21/96) | MC | H.R. 3448 | Small Bus. Job Protection | A: 219–211 (5/22/96). |
| | MC | H.R. 1227 | Employee Commuting Flexibility | |
| H. Res. 442 (5/29/96) | O | H.R. 3517 | Mil. Const. Approps. FY 1997 | A: voice vote (5/30/96). |
| H. Res. 445 (5/30/96) | O | H.R. 3540 | For. Ops. Approps. FY 1997 | A: voice vote (6/5/96). |
| H. Res. 446 (6/5/96) | MC | H.R. 3562 | WI Works Waiver Approval | A: 363–59 (6/6/96). |
| H. Res. 448 (6/6/96) | MC | H.R. 2754 | Shipbuilding Trade Agreement | A: voice vote (6/12/96). |
| H. Res. 451 (6/10/96) | O | H.R. 3603 | Agriculture Appropriations, FY 1997 | A: voice vote (6/11/96). |
| H. Res. 453 (6/12/96) | O | H.R. 3610 | Defense Appropriations, FY 1997 | A: voice vote (6/13/96). |
| H. Res. 455 (6/18/96) | O | H.R. 3662 | Interior Approps, FY 1997 | A: voice vote (6/19/96). |
| H. Res. 456 (6/19/96) | O | H.R. 3666 | VA/HUD Approps | |

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; S/C-structured/closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. QUILLEN. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this rule. This is an open rule which will allow for amendment and ample debate on the important issues related to funding for the Veterans' Administration and the Department of Housing and Urban Development. However, many of my colleagues will oppose this rule and during the debate, it is my intention to yield to opponents in order to allow them the opportunity to explain their position.

Mr. Speaker, I also rise in support of H.R. 3666. This bill reflects a spirit of cooperation between the majority and minority to craft an appropriation for these agencies that was not present in the last funding cycle. I commend the subcommittee chairman, Mr. LEWIS, for working closely with his ranking minority member, Mr. STOKES, to create this bill.

Mr. Speaker, the programs funded by this appropriation affect a wide range of essential Government services and projects—everything from low-income housing, to health care for our Nation's veterans, to our space program. Reconciling the funding needs of all these programs within the limits established by the budget resolution is no easy task. While this bill is not perfect and many Members may disagree with the priorities it establishes, this bill does

reflect an honest attempt to fashion a bipartisan agreement.

I would also like to thank the Appropriations Committee for providing the funds necessary to begin construction of a new national veterans cemetery for the Dallas/Fort Worth area. For nearly 10 years I have worked closely with north Texas veterans to establish this cemetery. The Dallas/Fort Worth area is home to one of the most concentrated veterans' populations in the country—more than 1 million people eligible for burial in a veterans cemetery live within 100 miles of the site of this new cometary, yet there are currently no burial facilities for eligible veterans in this area. The Veterans' Administration has cited the North Texas region as one of the top 10 areas in the Nation most in need of additional burial space.

This funding, a total of $16.2 million, will change this situation and will enable this facility to open by the spring of 1999. For the veterans of the north Texas region who have worked so diligently on this project, the inclusion of these funds is the culmination of years of work. I want to thank them for all of their assistance in seeing this project through, from start to finish. I also want to especially thank Chairman LEWIS and Mr. STOKES for ensuring that this project was included in this appropriations bill.

Mr. Speaker, while this bill does not adequately fund many programs that are of vital importance to many Americans, we all understand that funding levels for domestic programs are rapidly shrinking. Given that fact, this bill represents an honest effort to fund the programs encompassed by the VA-HUD appropriations bill, and I urge support of this rule so that the House may move on to the consideration of this appropriation.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the distinguished chairman emeritus, Mr. QUILLEN, for yielding me the time. I rise in support of this open rule. I'd like to commend Chairman LEWIS and ranking member STOKES for demonstrating that, even in this charged partisan environment, Republicans and Democrats can work together for the good of our citizens. The bipartisan cooperation that is evident in this VA-HUD appropriations bill is certainly a welcome breath of fresh air in Washington.

I am pleased to point out that this legislation provides funding for some of this Nation's highest priority commitments—those that we have made to our veterans. For too many years we have seen precious veterans' dollars parceled out to support projects in areas of the country where veterans' populations are declining, while those regions with growing populations of veterans made do on shoestring budgets. I am pleased to note that we have reversed that trend, and this legislation continues the effort to send the dollars where the veterans are. Veterans in southwest Florida know that we spent years seeking the modest funding needed to expand our dreadfully overworked and under-resourced Fort Myers Outpatient Veterans Clinic. This year, as part of the omnibus spending bill we passed a few months ago, we finally got the funding secured and the leasing effort is currently underway—so that in short order we will be able to provide more services to more people in our area. I wish to once again thank Chairman LEWIS and Ranking Member STOKES, as well as Chairman STUMP and Chairman LIVINGSTON for their assistance in making that a promise kept—at long last—to our more than 150,000 southwest Florida veterans.

Mr. Speaker, there is a "Dear Colleague" going around that talks about some turf fight going on with regard to this matter. I would suggest that the rule we have is a good, open rule and will get the job done, and I urge support for this rule from all colleagues.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I rise in opposition to the rule because the rule contains language that would amend the appropriation legislation to make $861 million of Superfund money contingent upon a future appropriation.

Mr. Speaker, basically what happened is about a week ago, many of the Republicans involved in this legislation and some of the projects announced that they were going to provide significant funds for the Superfund program in this appropriations bill. But what we found out is that a significant part of that money, as I said, $861 million, is essentially not real. It was put in with a contingency that the Superfund bill would be reauthorized. Apparently the parliamentarian correctly ruled that that would have to be scored as an allocation under the appropriation which would raise the appropriation to a level that was unacceptable based on the allocations that had been provided by the Republican leadership. And so now in the rule the language is changed to say that this money is contingent upon a future appropriation. Well, when an appropriation is contingent upon a future appropriation, essentially there is no appropriation at all. What that means is that in a sense we are being told that money for the Superfund program will be made available that is not going to be made available. The level of funding for the Superfund program is actually about $50 million less than what the administration proposed.

In addition to that, there is every reason to believe that the idea behind this $860 million is to ultimately give it back to polluters in the forms of rebates, because the Superfund reauthorization bill that has been proposed by the Republican leadership would require the Federal Government to rebate to the polluters for moneys that they have already spent in cleaning up Superfund programs. That is not the way to go. The principle of the Superfund program is that the polluter pays, not the taxpayer. It would be wrong to sneak into this bill this kind of contingency that would suggest that that money would be going back to the polluters.

Mr. Speaker, I am going to have some amendments later with the gentleman from Massachusetts [Mr. MARKEY] and the gentleman from Pennsylvania [Mr. BORSKI] to address these problems, and I would hope that I could get support from my colleagues.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Speaker, I do wish to point out to the gentleman from New Jersey [Mr. PALLONE] that the retroactive liability discount that concerned him also concerned me. That is off the table. That is not part of our proposal. That is history, as it should be.

Mr. Speaker, I do want my colleagues to know that I rise in support of the rule and in support of H.R. 3666. This bill increases the funding for the Environmental Protection Agency over the fiscal year 1996 spending levels. This is a good bill for the environment, and I urge Members to support it.

I would like to commend Chairman LEWIS and Chairman LIVINGSTON for providing $1.339 billion in funding for the current Superfund Program. I appreciate the constraints we face in this era of declining Federal spending. However, the cleanup of uncontrolled hazardous waste sites is very important and it must continue even though the statute that governs those programs is in desperate need of a major overhaul.

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I wish my colleagues on the other side of the aisle, and we could get together and have that meeting for Superfund reform. What our Committee on the Budget and the Committee on Appropriations have done is provide a mechanism that will allow increased funding for Superfund when we get a bill. Let me stress that: when we get a bill that overhauls Superfund in a way that requires additional funding and when the Superfund taxes go back into effect.

In the budget resolution, the gentleman from Ohio, [Mr. KASICH] provided a Superfund reserve account that allows him to increase the allocations of spending authority when new money is brought into the Treasury through

the extension of those business taxes that fund the Superfund Programs. This reserve account will allow Chairman LEWIS and Chairman LIVINGSTON to appropriate $2.2 billion, $861 million more than the current funding level for Superfund, without busting the budget. That is a responsible way to proceed.

What the VA-HUD appropriations bill before us does is make the firm commitment that our Committee on Appropriations will appropriate that additional money after all the conditions are met. We are all committed to fully funding any reforms we make to the Superfund Program, and this bill demonstrates that we are ready, willing, and able to make good on those promises.

Now, the gentleman from New Jersey [Mr. PALLONE] and the gentleman from Pennsylvania [Mr. BORSKI], and I love them dearly, we work so well together, would like to call this promise smoke and mirrors. Well, it is not. The commitment to provide additional funding for a reformed Superfund is right there in black and white in the bill. All we need to do is agree on a Superfund reform package and reauthorize the Superfund taxes. So what are we waiting for? We are waiting for the administration and the leadership of the Democrat Party and the leadership of the Committee on Commerce from the Democrat side and the Democrat leadership of the Committee on Transportation to make good on their promises to work with us to achieve a fair and a responsible and fully funded reform of Superfund.

Last year I was very hopeful that we could achieve a bipartisan agreement. I really felt good about it. As a matter of fact, in July 1995, I issued a proposal to reform Superfund liability by allowing the most complex sites to proceed to clean up directly without waiting for years of litigation and negotiation among hundreds of parties. I wanted to get out of the courts and get in the field and clean up these toxic waste sites. As a matter of fact, the EPA Administrator, Carol Browner, and I would love to call her Madam Secretary because I think that agency should be at Cabinet level, she called this proposal a very attractive proposal. Those are her words, not mine, but I was flattered. I agreed with her, as a matter of fact. She said it was one that the Clinton administration would feel very, very comfortable with, but the Administrator was pulled back by the political types at the White House.

Quite frankly, I think somebody is whispering in the President's ear, shhh, do not do it. Do not do that Superfund reform. If you dare do it, then the Republicans will claim credit because they are in charge and they are the one that proposed it. Do not do it, Mr. President.

Now, I am not one to question motivation, and I am not sure I have the inside track to the inside of the White House, but I think that is probably what happened.

Now, if I were cynical, I would say there is a conscious effort to deny the Republicans, which are trying to go forward with responsible Superfund reform, with an opportunity to claim that we have done something meaningful in this very sensitive area. I would like to see us move ahead with Superfund reform. I think we are, I know we are very serious about it. We have been working very hard, long and hard, people like my good friend from Pennsylvania, Mr. BORSKI, and I, have had hearings on this subject, extensive discussions. I know my friend, the gentleman from Michigan [Mr. DINGELL], who represents the southern part of the downriver area of Detroit is interested. We all are. Why are we not moving ahead with Superfund reform? We should be. Now is the opportunity. Let us do it, but this bill has the money to fund the program if we have the get up and go to do it.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I am sorry my friend, the gentleman from New York [Mr. BOEHLERT], has left the floor, because the remarks I am about to make would have been of some use to him.

This is a wonderful day for scams and shams, and we are seeing them hard at work. I would like to first begin by telling the gentleman that they have the votes on that side. You want a Superfund bill? Report it out. If you want Democratic cooperation on a Superfund bill, talk to us, we will be glad to work with you.

What is at stake now in the committee is that my Republican colleagues want a Superfund bill which pays the polluter. They want to pay the polluter. They do not want to have the polluter pay. Now, this is nothing more or less than conversion of Superfund into a fine polluter entitlement program.

Now, having set the record straight, if the gentleman wants to support that kind of bill, I would urge him to work with Republican members of the Committee on Commerce, who are diligently working towards that end. The simple fact of the matter is that my Republican colleagues on the Committee on Commerce recognize that that stinks so bad that they cannot bring it to the floor. That is the problem.

Now that I have enlightened my good friend, I want to talk about some other matters which are of concern here. We have heard that there are precious few dollars available for Superfund cleanup. Citizens have been waiting for cleanup for a long time, yet my Republican colleagues have spent much of the time of this Congress in crafting what I have already described as a polluter entitlement program and other mechanisms to spend money for paying polluters instead of paying for cleanup.

Mr. Speaker, I recognize that the Superfund is a seriously flawed program, and I will support reasonable changes in it which will make it necessary for industry, which will reduce the enormous volume of litigation which that program contributes. I would remind my colleagues that when I was the chairman of the conference, I did everything I could to prevent that kind of situation obtaining with regard to Superfund. If I would have had more help from the gentleman from New York, and some of the other people that are now complaining about this, perhaps we would be discussing a different kind of Superfund package.

I would like to think that this rule, which includes a self-executing amendment making $861 million available for the Superfund program contingent on the enactment of a subsequent appropriation bill extraordinary. I want to commend my good friend, the gentleman from New York, Closed Rule SOLOMON, the chairman of the Committee on Rules, for the innovation that has gone into that step, that it might provide more money for cleanup. Unfortunately, the rule here is just meaningless from the standpoint of providing any real money for the program.

In short, we have no assurance that this money will ever be available. It is a wonderful paper entry, and what happened is my friends on the Republican side suddenly found that they had spent money which was going to break the budget, so they went then to the Committee on Rules to get that problem cured by converting the whole thing into what, frankly, is nothing more or less than a sham.

In any event, if this money then becomes available under the legislation that the gentleman from New York [Mr. BOEHLERT] was speaking about, I can assume that the money will then be make available not for the cleanup of pollution but rather for paying polluters along the lines of the splendid ideas that my colleagues on the Republican side have been setting forth today.

Last week we read with interest reports that the Committee on Appropriations had approved an additional $861 million for the Superfund program contingent on the enactment of a Superfund reauthorization bill. This now makes the appropriations of this money contingent on the passage of an appropriation bill. But the passage of the appropriation bill is not contingent on the passage of an authorization bill. So in point of fact, what is going to transpire here today is a great deal of nothing and probably a lot of subsequent finger pointing, but certainly nothing significant with regard to cleanup of pollution or Superfund site.

The plan, I would note, which was put together was foiled when appropriators realized that CBO would have to score that money and, in the process, blow the caps off the VA–HUD bill and subject it to a fatal point of order under the budget act. So the Committee on Rules provided this wonderful and I say adroit self-executing amendment making the $861 million contingent on the enactment not of a future authorization bill but on the enactment of a subsequent appropriations bill, something I have never seen before in the few years that I have had the pleasure of serving this body.

In other words, the new money will be appropriated in the future if new money is appropriated in the future. I hope that my colleagues on the Republican side have listened to that, because if there ever was a pea under the walnut shell game, this is it here.

Let us see who is being fooled here. CBO does not have to score these additional funds because they are not being appropriated now. So all the claims we have heard from our chairmen that more money is available to finance their proposed Superfund reform are false. There is no money.

What about the VA–HUD subcommittee's ability to appropriate these funds in the future? They cannot do that without an increased allocation or authorization. Between the budget resolution, the Superfund bill, and the VA–HUD appropriation bills, there is almost $900 million waiting to spill out, blowing an even bigger hole in the fiscal 1997 budget deficit that most of my colleagues have found reason to be distressed about.

Mr. Speaker, I would urge my colleagues to defeat this rule. It is a scam. It is a pea under the walnut shell, and I would urge my colleagues to look around and try and figure out under which walnut shell the pea is. I suspect that they will not be able to find the pea. In the great traditions of the carny showmen and scam artists who engage in that, I am certain that they will find that there is probably no pea at all here. Not a pea which has fallen under the table through a hole in the table, but it is probably in the hands of one of my good Republican colleagues who is even at this minute clutching that pea with a hard grasp.

I would simply urge my colleagues to vote no. This is a scam, this is a sham, this is a game. My Republican colleagues are not approving money for Superfund. They want to complain about the fact that the Democrats do not want to pass a bill on Superfund which will pay the polluter instead of causing the polluters to pay.

Mr. Speaker, I include a communication to the chairmen for the RECORD.

Hon. THOMAS J. BLILEY, Jr.
*Chairman, Committee on Commerce, Washington, DC.*

Hon. BUD SHUSTER,
*Chairman, Committee on Transportation and Infrastructure, Washington, DC.*

Hon. MICHAEL G. OXLEY,
*Chairman, Subcommittee on Commerce, Trade, and Hazardous Materials, Washington, DC.*

Hon. SHERWOOD L. BOEHLERT,
*Chairman, Subcommittee on Water Resources and Environment, Washington, DC.*

DEAR CHAIRMEN BLILEY, SHUSTER, OXLEY, AND BOEHLERT: We are writing concerning the status of Superfund reform legislation. We greatly appreciate your efforts to seek a bipartisan consensus on this issue. Democrats and Republicans alike, as well as President Clinton and Administrator Browner, agree on the need for Superfund reform. Thus, your agreement in February to commence bipartisan negotiations was a welcome departure from last year's divisive and partisan proceedings. Since we commenced negotations in March, your staffs and ours have spent significant time and energy, as has the Administration, reviewing and analyzing scores of issues, proposals, and counterproposals. These activities have yielded a better understanding of each other's positions and a narrowing of our disagreements in certain areas.

Despite out mutual efforts, however, fundamental differences continue to separate us. Perhaps the most obvious example is our conviction that any responsible legislation must conform to the basic "polluter pays" principle underpinning the Superfund law. Upon careful analysis, we have concluded that all of your liability proposals are premised on some notion of "paying the polluter." Your rejection of the fundamental "polluter pays" principle fails to meet our mutual objective of responsible reform.

Regrettably, we view the three "options" that you presented to us in your latest counterproposals as a mere reiteration of positions taken by the Majority before our negotiations began. Prior to our negotiations, Administrator Browner and others testified before House and Senate committees, and otherwise expressed their grave concerns about the site carve-outs contained in H.R. 2500 as introduced, and the wholesale exemptions for generators and transporters of hazardous substances set forth in Mr. Bliley's February 21 draft. Yet, we have been asked to choose among three options based entirely upon these same carve-outs and exemptions.

Our inability to reach an agreement with one another on this fundamental principle is particularly disappointing in light of the amount of time and energy we all have expended in the Superfund reform effort to date. During the 103rd Congress, Democrats and Republicans worked together to produce Superfund legislation that was approved unanimously by the Energy and Commerce Committee and on a voice vote in the Public Works and Transportation Committee. Seeking to build on this bipartisan compromise, the Democratic leadership of the two committees introduced H.R. 228 in January 1995. It was a great disappointment to see our compromise bill languish for ten months without so much as a hint of bipartisship. The contentious Commerce subcommittee markup in November confirmed the wide gulf between our vastly different approaches to cleaning up toxic waste sites and assuring that responsible parties and pay the costs of cleanup. Unfortunately, it wasn't until February 1996, well after the subcommittee vote, that you agreed to commerce bipartisan negotiations.

In the spirit of compromise, our April 1 proposals went significantly beyond H.R. 228 to address the liability of certain classes of parties, all within the framework of Mr. Bliley's February 21 proposal. These proposals were a significant step for us and for the Administration. We sought to address the liability of the same responsible parties that you specifically identified as most in need of relief, such as small businesses, municipalities, and contributors of minimal amounts of waste. Given the great deal of interest which we share in affording relief to these parties, reducing transaction costs, and most importantly expediting site cleanup, we are most disappointed that we have progressed no further toward achieving these mutual goals. We believe our proposal, as summarized below, can be signed by the President and will establish a fairer Superfund liability regime, including the allocation of liability and costs.

Our proposal significantly changes current law to create a fair share allocation system for parties who are not exempt from liability. This proposal essentially eliminates third party contribution lawsuits and was unanimously supported by the Commerce Committee and overwhelming supported by the Public Works and Transportation Committee in the 103rd Congress. However, in a genuine effort to find common ground, our proposal addresses many of your stated concerns and also contains the following additional liability relief provisions:

Our proposal would exempt small businesses with 25 or fewer employees and earning less than $2 million in annual gross revenues that are liable under Superfund as generators or transporters of hazardous substances from liability for activities prior to the date the legislation is enacted. Consistent with Mr. Oxley's stated desired to "get the little guys, the small businesses whose margins are razor-thin to begin with, out of the system," this proposal recognizes the practical reality that these very small companies typically do not have the financial means to contribute meaningfully to the costs of a cleanup.

Our proposal would exempt from liability all businesses with fewer than 100 employees, residential homeowners, and small non-profit organizations that are liable under Superfund as generators and transporters of municipal solid waste. This provision would exempt thousands of parties from liability, including the Girl Scouts and the people who disposed of things like "pizza boxes"—two types of generators frequently cited by Mr. Oxley as examples of those who should be relieved of Superfund liability.

In addition to businesses with fewer than 100 employees, residential homeowners and small non-profit organizations, our proposal also would exempt all other generators and transporters of municipal solid waste from Superfund liability at NPL sites for activities prior to the date of enactment. For activities after the date of enactment, the proposal limits liability at 10% of the total response costs at the site, so long as the generators and transporters participate in a qualified household waste collection program.

Our proposal would cap the liability of municipal owners and operators of landfills that accepted predominantly municipal waste.

Our proposal would double the "de micromis" exemption contained in H.R. 228 to exempt parties that, as generators or transporters, contributed less than 110 gallons of

liquid materials containing hazardous substances or 200 pounds of solid materials containing hazardous substances.

Our proposal provides for expedited *de minimis* settlements for parties at National Priorities List sites who contributed a small volume of waste, presumed to be 1% or less of the total waste at the site, unless EPA determines that site specific conditions indicate that another greater or lesser amount constitutes a small volume.

Altogether, the Administration estimates that our proposal would provide relief from Superfund liability and a shield from contribution litigation for more than 40,000 parties. For the parties who remain liable under Superfund under our proposal, the process would be greatly streamlined, transaction costs would be reduced, and settlements would be expedited. Our proposal improves fairness and takes numerous smaller parties out of the liability net, but still preserves fundamental principles of corporate responsibility, which require as a general rule that companies responsible for hazardous substance contamination pay their fair share of the cleanup costs. This concept was endorsed by a wide range of industry and other stakeholders in the compromise bill in the 103rd Congress.

The principal difference we have identified between our proposals and yours is that your broader liability exemptions (and consequent allowance of fair share funding) will exempt those generators and transporters of significant amounts of hazardous substances that in most cases are driving up the cost of the remedy and the health hazards at Superfund sites, as well as the owners (in your second and third options) who profited from the disposal of hazardous substances. We believe the additional parties you are proposing to exempt from liability generally are able and should be willing to pay their fair share of response costs in order to clean up the contamination for which they are responsible.

We were informed by Commerce Committee Majority staff that Mr. Bliley's February 21 proposal had rejected site carve-outs in favor of retaining liability for the "true polluters," *i.e.*, the owners and operators. Nevertheless, your latest counterproposal contains two options for site carve-outs which would exempt owners and operators. The Administration has informed us that of the approximately 250 codisposal sites, about seventy percent contain predominantly hazardous waste that is contributing significantly to the type of remedy selected or cost of the response action, and that was disposed of by generators or transporters. We believe that neither the Fund, which needs to be preserved for cleaning up abandoned sites, nor the citizen taxpayer, who contributes to the $250 million General Treasury portion of the Superfund budget and who will pay substantially more if the Fund cannot cover the cost of cleanup, should assume the responsibility of those who created the mess.

It is no answer in our view to say that the polluters pay because the Superfund into which they deposit taxes would bear the costs of your proposals. Superfund taxes are imposed on corporate taxpayers regardless of whether they are responsible for contamination at any site, and the greatest source of Superfund revenues, the Environmental Income Tax, is imposed regardless of the type of business in which the corporation is engaged. Revenues from these taxes should be used to support the cleanup program and to fund cleanup of sites where insolvent, defunct, or recalcitrant parties are responsible for the contamination.

Quite apart from these fundamental policy considerations, we are troubled by recent developments in the Appropriations and Rules Committees relating to the Superfund appropriation. At our meeting on April 25, you sought to persuade us that the Appropriations and Budget Committees had signed off on, and would make available, hundreds of millions of new dollars for Superfund cleanups that would fund your liability proposals. Apart from our philosophical differences over whether the Fund should be used to let polluters off the hook, we expressed our skepticism that such funds could in fact be appropriated without offsetting reductions in other important environmental programs and priorities. Although it appeared at first that the Appropriations Committee last week would indeed make an additional $861 million available subject to enactment of a reauthorization bill, it quickly became clear that such a provision ran afoul of the Budget Act, would exceed the VA-HUD-Independent Agencies Subcommittee's allocation, and would be subject to a fatal point of order. The Rules Committee's self-confessed remedy for this Budget Act violation has been to make the $861 million subject instead to passage of a future appropriation. In other words, the additional money is either completely illusory and provides no independent justification for support of your liability proposals—or, the money may be appropriated at some indeterminate future time if the Appropriations Committee can figure out how to blow the top off the Subcommittee's allocation. This does not inspire great confidence.

For all these reasons, we cannot agree to proceed on the basis of any of the three options outlined in your letter. We are, however, willing to consider compromises that work within a basic framework consistent with the "polluter pays" principle. With productive and creative attention to these issues, perhaps a bipartisan compromise on liability remains possible. In this context, we would be willing to discuss additional funding, pursuant to the Administrator's discretionary mixed funding authority, for the purpose of facilitating comprehensive settlements at codisposal facilities that accepted predominantly municipal waste.

Your April 30 letter also presents a number of proposals on other issues that merit our response. Our review of your remedy selection proposals persuades us that they would result in a significant and unacceptable rollback of human health and environmental protection. During Subcommittee hearings on H.R. 2500, Administrator Browner testified that the bill inadequately protects human health and the environment and lacks sufficient emphasis on reliable, long-term protection at a reasonable cost. We support your efforts to make cleanup decisions based upon reasonably anticipated future use of property and to eliminate "relevant and appropriate" (as opposed to legally applicable) state standards. But any new remedy selection provisions must in our view meet the same test the industrial community and other key stakeholders used to favorably judge H.R. 228—the provisions must consider costs and risks "realistically, fairly, and pragmatically."

In particular, we believe that legally applicable state standards should apply to cleanups as they do in current law. Subjecting such standards to an incremental cost-benefit test weakens current law at the expense of human health and the environment. Moreover, preserving legally applicable state standards in remedy selection is an issue of vital importance to the overwhelming majority of states. We also believe, based upon staff discussions, that your groundwater proposals fail to provide adequate protection even for aquifers that may provide drinking water supplies, in part because your proposals maintain the prerequisite for establishing a "substantial probability" that groundwater may be used for drinking water in the future. Further, the proposals do not contain the necessary emphasis on restoration of precious groundwater resources that are of increasing importance to our communities' economic development. And we are finding it increasingly difficult to reconcile your Leadership's professed support for returning power to the states in some areas—for example, Medicaid and welfare reform—with the apparent willingness in so many other areas to override state laws when they are inconvenient for the business community.

Many of your proposals threaten to mire the cleanup process in litigation and delay. Under a process even more cumbersome than initially introduced in H.R. 2500, your proposal allows for reopening records of decision and eliminating the current law's bar on preenforcement review of remedies. This promises more delay and litigation, as past decisions are reconsidered and judges are asked to second-guess cleanup choices that were previously made by EPA or states. We fail to understand how these provisions can be reconciled with the overarching concern about reducing transaction costs that you have expressed in our liability discussions. Under these provisions of your proposal, bulldozers will be idled, health risks will remain unaddressed, and affected communities will have to wait for cleanup, while lawyers and consultants clean up with hundreds of new fee-generating opportunities.

While we could support limiting the preference for treatment in current law to the most contaminated and highly mobile toxic waste (hot spots), we cannot support a complete elimination of the preference for treatment. Rejection of this fundamental tenet of the President's Superfund reform proposal would create more brownfield sites that, for all practical purposes, could never be suitable for redevelopment or other productive future use.

Changing long-standing concepts, such as the definition of environment and minimum health standards (even as modified in your latest proposal), creates ambiguous and ill-defined terms and certainly will result in a litigation bonanza. These changes are, in our view, ill-advised and unnecessary.

While we are willing to consider adding a Governors' concurrence provision for new additions to the NPL, we cannot support the arbitrary constraints, or "caps," contained in your proposals. Both the General Accounting Office and the Association of State and Territorial Solid Waste Management Officials have concluded that many states do not have the funding to address sites within their boundaries that otherwise would be placed on the NPL.

We also are highly concerned about your proposals for natural resource damages, a set of issues that are as important to us as liability and remedy. In our view, your proposals would dramatically limit the ability of federal, state, and tribal natural resource trustees to restore natural resources injured by releases of hazardous substances and allow losses to remain uncompensated. As you proposed, we are pleased to have our staff participate in stakeholder discussions on natural resource damages which commenced this week.

In summary, H.R. 2500—and the proposals you have made based on it—seeks to create a regime that abandons the "polluter pays" principle, rewards egregious and recalcitrant behavior, delays cleanups, drastically minimizes health and environmental standards, jeopardizes restoration of natural resources, encourages litigation (even to the extent of opening up previously settled decisions governing cleanups), and leaves states responsible for enormous financial obligations for cleanup. We cannot support such an approach.

If we are to achieve our shared goal of Superfund reform this year, we urge you to consider an approach that addresses concerns about further liability relief within the bounds of genuinely available fiscal resources and at the same time adheres to the basic "polluter pays" framework that always has been central to Superfund.

If you conclude that a comprehensive Superfund reform bill is not achievable this year, perhaps we can achieve some success yet. With a little futher work, we feel that we can reach agreement on issues relating to federal facilities, clarification of lender liability, grants to local government to assist in redeveloping brownfields, and providing liability relief to bona fide prospective purchasers of property.

The Commerce Committee's recent achievement of a comprehensive safe drinking water reauthorization bill makes clear that we can achieve consensus, even on highly contentious issues surrounding protection of human health and the environment. We look forward to continuing to work with you in that spirit.

Sincerely,

JOHN D. DINGELL,
*Ranking Member, Committee on Commerce.*

THOMAS J. MANTON,
*Ranking Member, Subcommittee on Commerce, Trade, and Hazardous Materials.*

JAMES L. OBERSTAR,
*Ranking Member, Committee on Transportation and Infrastructure.*

ROBERT A. BORSKI,
*Ranking Member, Subcommittee on Water Resources and Environment.*

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U.S. ENVIRONMENTAL PROTECTION AGENCY,
*Washington DC, June 24, 1996.*

Hon. THOMAS J. BLILEY,
*Chairman, Committee on Commerce, Washington, DC.*

DEAR MR. CHAIRMAN: Pursuant to the commitment EPA Assistant Administrator Elliott Laws made in May, I am writing in response to your proposal on liability issues, presented to us in your past letter.

I recognize that much hard work has been devoted to achieving our shared goal of Superfund reform in this Congress. We believe that the past several months of legislative negotiations have been productive in identifying issues where we may achieve a common understanding and clarifying issues where we still remain divided on substantive policy differences.

It is my firm believe that we can achieve responsible Superfund reform only through a genuine commitment to a bipartisan legislative process by you and the House leadership. I had hoped our negotiations would have helped revive the bipartisan dialogue that existed in the House Commerce and House Transportation Committees during the Superfund legislative process in the 103rd Congress.

At the start of the 104th Congress, we expected to build on the consensus developed in the bipartisan bill passed 44–0 by the House Commerce Committee and by near unanimous voice vote by the House Transportation Committee in the prior year. The bill was reintroduced as H.R. 228 with the hope that we could begin a bipartisan dialogue and finish our earlier work in the first session of this Congress.

We were disappointed when Superfund reform legislation was introduced that departed significantly from the bipartisan bill supported by a broad coalition of industry, small business, state and local governments, community groups, and environmental organizations that was crafted in the preceding Congress. H.R. 2500 as introduced did not reflect this consensus nor the Superfund reform principles supported by the Administration. My testimony on H.R. 2500 reflected the Administration's strong opposition to provisions that would compromise the "polluter pays" principle; increase litigation and delay cleanups; compromise cleanup standards at the expense of human health and environmental protection; and devastate the natural resource damage (NRD) programs administered by federal, state, and tribal natural resource trustees.

Unfortunately, the lack of a genuine process of bipartisan negotiation in which to resolve our differences resulted in a highly divisive Commerce subcommittee markup, and a significant delay in progress toward responsible Superfund reform.

Liability. In congressional testimony before both the House Commerce and House Transportation Committees in 1995, I urged that we begin a bipartisan process to pass responsible Superfund reform legislation. Regrettably, it was not until March of 1996 that you initiated bipartisan negotiations on H.R. 2500. You asked us to be open to compromise on all issues, and to base our liability and allocation discussions on a new liability repeal proposal that had not been the subject of a subcommittee hearing or markup. In an effort to further address your stated concerns that the current Superfund liability system generated too much litigation that resulted in large transaction costs, we improved upon the compromise liability proposal that we had all developed in the 103rd Congress, and offered a new liability proposal that would increase fairness and reduce transaction costs.

The Administration liability proposal offered on April 2, 1996, moved significantly beyond the compromise we had developed in the prior Congress. We eliminated parties from the system—such as small businesses—whose actual responsibility for contamination at a site, or whose limited ability to pay cleanup costs, was disproportional to the litigation generated and transaction costs associated with bringing them into the liability scheme. In these cases, the polluter pays principle is best served by eliminating the inefficiency associated with retaining these parties in the liability scheme, while preserving incentives for responsible behavior. We also sought to reduce transaction costs and promote certainty for other parties by capping or eliminating liability for parties whose liability is based on disposal of municipal solid waste (MSW).

Taken together, we estimate that the relief provided by these proposals would remove more than 40,000 parties from Superfund liability and provide transaction cost relief for many more parties that otherwise could be entangled in Superfund litigation. For the parties who remain in the system, the process would be simplified and settlements would be expedited. Our proposals would still preserve the polluter pays principle and maintain the principle of corporate responsibility that those companies responsible for hazardous waste contamination pay their fair share of the cleanup costs.

When we met in April, Chairman Bliley indicated that we could expect a counteroffer that would show "substantial movement toward" our position. Notwithstanding this suggestion, your letter of April 30 effectively rejected our proposal with no discussion as to the policy reasons for the rejection. As Assistant Administrator Elliott Laws outlined in his letter of May 2, the three liability options you proposed were essentially variations on prior liability repeal proposals made by the three Chairmen over the course of the past year. Your decision not to address our proposal of April 2, other than one small addition to your liability options, failed to provide the impetus for moving the discussions forward.

I have given careful and serious consideration to each of these options, evaluating each according to three criteria: fairness; efficiency, and the polluter pays principle in current law and our proposed administrative and legislative reforms. Under these criteria, I believe that all three of your options compare unfavorably to the Administration's liability proposal.

Option 1 consists primarily of a repeal of liability for generators and transporters of hazardous substances. This proposal replaced the fifty percent "retroactive liability discount" adopted at the Commerce subcommittee markup. This approach would exempt many large hazardous waste contributors who can afford to pay for cleanup, while retaining liability for owners and operators of those same sites. This disparate treatment of parties is unjustified, would significantly increase the transaction costs associated with determining the time of disposal; and would violate the polluter pays principle. By repealing liability for so many parties, this proposal would require a massive transfer of cleanup responsibility from private parties to the federal government, resulting in lost efficiencies and cleanup delays as sites are transferred to EPA.

Option 2 proposes a "site carve-out" that would exempt from Superfund liability all parties at certain co-disposal and recycling sites which together account for approximately twenty-five percent of the hazardous waste sites on the National Priorities List. There appears to be no principled basis or coherent policy rationale for eliminating these sites from the liability scheme while retaining others. Any purported reduction in transaction costs will be more than overwhelmed by other budgetary and social costs of the proposal, including the transaction and inefficiency costs of a massive transfer of sites into a government-conducted cleanup program under Superfund.

In addition, an analysis of the sites and parties who would be exempted from liability under this scheme has made clear that this proposal would exempt very contaminated sites, and would exempt from liability many large industrial generators of hazardous waste who should be called upon to pay for the cleanup before resorting to Federal

Trust Fund dollars. Our review of these sites has also found that the recycling sites that would be carved out under your proposal include a number of sites at which serious environmental contamination has resulted from egregiously irresponsible conduct.

Option 3 is essentially similar to Option 2, except that it would append a portion of our liability counterproposal on top of the broad site carve-out in Option 2. While I acknowledge the attempt to accommodate our counterproposal in some small manner, combining Option 2 with our proposal fails to alter in any way the flaws we have identified in Option 2.

I also remain concerned by the lack of any assurance that adequate funding will be available for these proposals without rolling back remedy standards, compromising the pace of cleanup, or cutting funding for other environmental programs that are essential to protecting public health and the environment. Our analysis suggests that the cost of Option 1, for example, will far exceed the increases in funding proposed in your letter. Should any additional funds over and above the current Superfund appropriation be actually appropriated for the Superfund program, they should not be spent on proposals that delay cleanup, reduce protectiveness or violate the polluter pays principle.

Other Issues. You also placed other, non-liability issues on the table in your letter. Unfortunately, many of the proposals are so general in nature that it is difficult to respond in a meaningful manner. However, the proposals appear to remain far short of meeting our fundamental principles that Superfund cleanups remain protective of public health and the environment and that the current pace of cleanup be maintained or increased.

Your proposals still appear to place too much emphasis on cost as opposed to public health and environmental protection in the balancing test used for selecting cleanup remedies. There remains far too many qualifiers on when, if ever, groundwater would be cleaned up as opposed to selecting exposure control remedies. There is no requirement for treatment of the most highly toxic and mobile hazardous waste at Superfund sites. Hundreds of RODs would still be reopened under your proposals, potentially costing years of delay at Superfund sites. The arbitrary cap on listing NPL sites will undoubtedly leave hundreds of hazardous waste sites unaddressed by states that simply do not have the resources to clean them up.

In addition, your proposals to limit the ability of Federal, state and tribal natural resource trustees to restore damaged natural resources is unacceptable public and environmental policy.

Next Steps. I feel I must also respond to the letter sent by Chairmen Bliley and Oxley dated June 17, 1996. I am deeply disappointed that the Commerce Committee Chairs would question my commitment to enacting Superfund reform legislation. EPA has worked for more than three and one half years to secure a Superfund reform bill, while at the same time implementing significant and successful administrative reforms. No one has worked harder than this Administration to make Superfund faster, fairer, and more efficient. In my congressional testimony and private discussions with congressional committee chairs and ranking members, I have steadfastly urged that a bipartisan legislative process be developed so that we can build the consensus necessary to secure passage of a responsible Superfund reform bill. I remain committed to that goal. If you genuinely share that goal, I challenge you to offer responsible Superfund reform proposals that protect public health and the environment and that do not violate the polluter pays principle. Working together, we can enact Superfund reform legislation in this Congress.

Sincerely,

CAROL M. BROWNER.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the House Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the chairman emeritus and would ask the gentleman from Michigan, JOHN DINGELL, if he would stand around just for a minute.

"This is a scam, this is a sham." Now, all of the Democrats voted for this. "This is a scam, this is a sham," and I would just say to my good friend, and he is a very good friend and one of the most respected Members of the body, nobody came to complain. We work in the Committee on Rules 18 hours a day. We were up there the other evening putting this rule out, finally, and nobody complained. As a matter of fact, I think the rule, this open rule, incidentally, passed by a unanimous vote.

I would just say to my good friend, too, he ought to be careful about how he refers to Members because you could have your words taken down. I would never do that to one of my best friends, but we should be accurate. The gentleman, I happen to know, has served under former Democrat chairmen by the name of MOAKLEY and Pepper and Boland and Delaney and Madden and Colmer and Howard Smith of Virginia, and if you want to talk about closed rules, you ought to see them. We have turned that around where now we have mostly open rules, thank goodness.

Mr. Speaker, let me just talk about this thing that seems to be bothering some people. We have done one thing up in the Committee on Rules at the request, I think, of the Congress; it was not the request of any one particular person. But we changed one word. We did not change one word, we simply added a word, and that word was "appropriations." We say "future appropriation legislation," instead of "future legislation." We simply add the word "appropriation."

Why did we do that? We do it because the Congressional Budget Office requires us to do it. We do it because the Committee on the Budget requires it of us. But let me tell you why we really did it. Because JERRY SOLOMON, this Member of Congress, requires it of us, because we are not going to do anything that is going to get us off that glidepath to a balanced budget.

The gentleman from Ohio, JOHN KASICH, the chairman of the Committee on the Budget, is sitting in the back of the room. He has got us on that glidepath for the second consecutive year, and we are going to continue for the next 5 years and we are not going to veer off it, no matter what. The most serious problem facing this Government today is these unconscionable deficits that are turning this Nation into a debtor nation, no better than a third-world debtor nation, and the American people have had it and we have had it.

Let me get back on to the bill itself, because I want everybody to come over here and I want Members to vote for this rule, then I want Members to vote for the bill. The major part of this bill is the funding of the Department of Veterans Affairs, and it is funded at a level that is going to take care of the veterans of this Nation. Why is that necessary? Because we have a contract with them. This is not some kind of welfare program or social program we are dealing with in funding the hospital medical care delivery system under the Veterans' Administration, the Department of Veterans Affairs now. In other words, that is an earned benefit and that is what we are doing here today. As a matter of fact, we are going to have an amendment by a good Democrat, the gentleman from Mississippi, SONNY MONTGOMERY, and a good Republican, the gentleman from New York, JERRY SOLOMON, and the gentleman from Arizona, BOB STUMP, and we are going to increase that a little bit.

We are going to take less than one-half of 1 percent out of all these other bureaus and agencies and offices that are funded under this complex little bill here, and we are going to take that $50 billion plus $15 million and we are going to add it into the Veterans' Administration hospital care delivery system because that is what it is going to take to keep that solvent and keep it going so that we do not loose ground.

So that is really what this entire debate is all about today. Let us not quibble over one word. We are doing it because we cannot afford to violate the Budget Act and then have CBO and all of these other people come down on us. We are going to change that one word, but then we are going to pass this, one of the most important appropriation bills that we have coming before this Congress this year.

□ 1415

Mr. FROST. Mr. Speaker, I yield 30 seconds to the distinguished gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I want to make it clear that no man holds the distinguished chairman of the Committee on Rules in greater esteem than do I or has greater affection for him, but he has just admitted, just admitted that there is no money in that $861 million. It is illusion. It is blue smoke and mirrors.

I want to compliment the gentleman because never before have I seen this so

adroitly done, even in the Committee on Rules, where he reigns supreme and issues closed rules and handles the business of this House up there behind closed doors.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume, and in partial response to my friend, the chairman of the committee, I would like to insert some material in the RECORD.

Mr. Speaker, at the beginning of this Congress the Republican majority claimed that the House was going to consider bills under an open process.

I would like to point out that 60 percent of the legislation this session has been considered under a restrictive process.

Mr. Speaker, additional information for the RECORD follows:

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS

| Bill No. | Title | Resolution No. | Process used for floor consideration | Amendments in order |
|---|---|---|---|---|
| H.R. 1* | Compliance | H. Res. 6 | Closed | None. |
| H. Res. 6 | Opening Day Rules Package | H. Res. 5 | Closed | None. |
| H.R. 5* | Unfunded Mandates | H. Res. 38 | Restrictive | N/A. |
| H.J. Res. 2* | Balanced Budget | H. Res. 44 | Restrictive | 2R; 4D. |
| H. Res. 43 | Committee Hearings Scheduling | H. Res. 43 (OJ) | Restrictive | N/A. |
| H.R. 101 | To transfer a parcel of land to the Taos Pueblo Indians of New Mexico. | H. Res. 51 | Open | N/A. |
| H.R. 400 | To provide for the exchange of lands within Gates of the Arctic National Park Preserve. | H. Res. 52 | Open | N/A. |
| H.R. 440 | To provide for the conveyance of lands to certain individuals in Butte County, California. | H. Res. 53 | Open | N/A. |
| H.R. 2* | Line Item Veto | H. Res. 55 | Open | N/A. |
| H.R. 665* | Victim Restitution Act of 1995 | H. Res. 61 | Open | N/A. |
| H.R. 666* | Exclusionary Rule Reform Act of 1995 | H. Res. 63 | Open | N/A. |
| H.R. 667* | Violent Criminal Incarceration Act of 1995 | H. Res. 63 | Restrictive | N/A. |
| H.R. 668* | The Criminal Alien Deportation Improvement Act | H. Res. 69 | Open | N/A. |
| H.R. 728* | Local Government Law Enforcement Block Grants | H. Res. 79 | Restrictive | N/A. |
| H.R. 7* | National Security Revitalization Act | H. Res. 83 | Restrictive | N/A. |
| H.R. 729* | Death Penalty/Habeas | N/A | Restrictive | N/A. |
| S. 2 | Senate Compliance | N/A | Closed | None. |
| H.R. 831 | To Permanently Extend the Health Insurance Deduction for the Self-Employed. | H. Res. 88 | Restrictive | 1D. |
| H.R. 830* | The Paperwork Reduction Act | H. Res. 91 | Open | N/A. |
| H.R. 889 | Emergency Supplemental/Rescinding Certain Budget Authority | H. Res. 92 | Restrictive | 1D. |
| H.R. 450* | Regulatory Moratorium | H. Res. 93 | Restrictive | N/A. |
| H.R. 1022* | Risk Assessment | H. Res. 96 | Restrictive | N/A. |
| H.R. 926* | Regulatory Flexibility | H. Res. 100 | Open | N/A. |
| H.R. 925* | Private Property Protection Act | H. Res. 101 | Restrictive | 1D. |
| H.R. 1058* | Securities Litigation Reform Act | H. Res. 105 | Restrictive | 1D. |
| H.R. 988* | The Attorney Accountability Act of 1995 | H. Res. 104 | Restrictive | N/A. |
| H.R. 956* | Product Liability and Legal Reform Act | H. Res. 109 | Restrictive | 8D; 7R. |
| H.R. 1158 | Making Emergency Supplemental Appropriations and Rescissions | H. Res. 115 | Restrictive | N/A. |
| H.J. Res. 73* | Term Limits | H. Res. 116 | Restrictive | 1D; 3R |
| H.R. 4* | Welfare Reform | H. Res. 119 | Restrictive | 5D; 26R. |
| H.R. 1271* | Family Privacy Act | H. Res. 125 | Open | N/A. |
| H.R. 660* | Housing for Older Persons Act | H. Res. 126 | Open | N/A. |
| H.R. 1215* | The Contract With America Tax Relief Act of 1995 | H. Res. 129 | Restrictive | 1D. |
| H.R. 483 | Medicare Select Extension | H. Res. 130 | Restrictive | 1D. |
| H.R. 655 | Hydrogen Future Act | H. Res. 136 | Open | N/A. |
| H.R. 1361 | Coast Guard Authorization | H. Res. 139 | Open | N/A. |
| H.R. 961 | Clean Water Act | H. Res. 140 | Open | N/A. |
| H.R. 535 | Corning National Fish Hatchery Conveyance Act | H. Res. 144 | Open | N/A. |
| H.R. 584 | Conveyance of the Fairport National Fish Hatchery to the State of Iowa. | H. Res. 145 | Open | N/A. |
| H.R. 614 | Conveyance of the New London National Fish Hatchery Production Facility. | H. Res. 146 | Open | N/A. |
| H. Con. Res. 67 | Budget Resolution | H. Res. 149 | Restrictive | 3D; 1R. |
| H.R. 1561 | American Overseas Interests Act of 1995 | H. Res. 155 | Restrictive | N/A. |
| H.R. 1530 | National Defense Authorization Act; FY 1996 | H. Res. 164 | Restrictive | 36R; 18D; 2 Bipartisan. |
| H.R. 1817 | Military Construction Appropriations; FY 1996 | H. Res. 167 | Open | N/A. |
| H.R. 1854 | Legislative Branch Appropriations | H. Res. 169 | Restrictive | 5R; 4D; 2 Bipartisan. |
| H.R. 1868 | Foreign Operations Appropriations | H. Res. 170 | Open | N/A. |
| H.R. 1905 | Energy & Water Appropriations | H. Res. 171 | Open | N/A. |
| H.J. Res. 79 | Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag. | H. Res. 173 | Closed | N/A. |
| H.R. 1944 | Recissions Bill | H. Res. 175 | Restrictive | N/A. |
| H.R. 1868 (2nd rule) | Foreign Operations Appropriations | H. Res. 177 | Restrictive | N/A. |
| H.R. 1977 "Rule Defeated" | Interior Appropriations | H. Res. 185 | Open | N/A. |
| H.R. 1977 | Interior Appropriations | H. Res. 187 | Open | N/A. |
| H.R. 1976 | Agriculture Appropriations | H. Res. 188 | Open | N/A. |
| H.R. 1977 (3rd rule) | Interior Appropriations | H. Res. 189 | Restrictive | N/A. |
| H.R. 2020 | Treasury Postal Appropriations | H. Res. 190 | Open | N/A. |
| H.J. Res. 96 | Disapproving MFN for China | H. Res. 193 | Restrictive | N/A. |
| H.R. 2002 | Transportation Appropriations | H. Res. 194 | Open | N/A. |
| H.R. 70 | Exports of Alaskan North Slope Oil | H. Res. 197 | Open | N/A. |
| H.R. 2076 | Commerce, Justice Appropriations | H. Res. 198 | Open | N/A. |
| H.R. 2099 | VA/HUD Appropriations | H. Res. 201 | Open | N/A. |
| S. 21 | Termination of U.S. Arms Embargo on Bosnia | H. Res. 204 | Restrictive | 1D. |
| H.R. 2126 | Defense Appropriations | H. Res. 205 | Open | N/A. |
| H.R. 1555 | Communications Act of 1995 | H. Res. 207 | Restrictive | 2R/3D/3 Bipartisan. |
| H.R. 2127 | Labor/HHS Appropriations Act | H. Res. 208 | Open | N/A. |
| H.R. 1594 | Economically Targeted Investments | H. Res. 215 | Open | N/A. |
| H.R. 1655 | Intelligence Authorization | H. Res. 216 | Restrictive | N/A. |
| H.R. 1162 | Deficit Reduction Lock Box | H. Res. 218 | Open | N/A. |
| H.R. 1670 | Federal Acquisition Reform Act of 1995 | H. Res. 219 | Open | N/A. |
| H.R. 1617 | To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS). | H. Res. 222 | Open | N/A. |
| H.R. 2274 | National Highway System Designation Act of 1995 | H. Res. 224 | Open | N/A. |
| H.R. 927 | Cuban Liberty and Democratic Solidarity Act of 1995 | H. Res. 225 | Restrictive | 2R/2D. |
| H.R. 743 | The Teamwork for Employees and Managers Act of 1995 | H. Res. 226 | Open | N/A. |
| H.R. 1170 | 3-Judge Court for Certain Injunctions | H. Res. 227 | Open | N/A. |
| H.R. 1601 | International Space Station Authorization Act of 1995 | H. Res. 228 | Open | N/A. |
| H.J. Res. 108 | Making Continuing Appropriations for FY 1996 | H. Res. 230 | Closed | |
| H.R. 2405 | Omnibus Civilian Science Authorization Act of 1995 | H. Res. 234 | Open | N/A. |
| H.R. 2259 | To Disapprove Certain Sentencing Guideline Amendments | H. Res. 237 | Restrictive | 1D. |
| H.R. 2425 | Medicare Preservation Act | H. Res. 238 | Restrictive | 1D. |
| H.R. 2492 | Legislative Branch Appropriations Bill | H. Res. 239 | Restrictive | N/A. |
| H.R. 2491 | 7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform. | H. Res. 245 | Restrictive | 1D. |
| H. Con. Res. 109 | | | | |
| H.R. 1833 | Partial Birth Abortion Ban Act of 1995 | H. Res. 251 | Closed | N/A. |
| H.R. 2546 | D.C. Appropriations FY 1996 | H. Res. 252 | Restrictive | N/A. |

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

| Bill No. | Title | Resolution No. | Process used for floor consideration | Amendments in order |
|---|---|---|---|---|
| H.J. Res. 115 | Further Continuing Appropriations for FY 1996 | H. Res. 257 | Closed | N/A. |
| H.R. 2586 | Temporary Increase in the Statutory Debt Limit | H. Res. 258 | Restrictive | 5R. |
| H.R. 2539 | ICC Termination | H. Res. 259 | Open | |
| H.J. Res. 115 | Further Continuing Appropriations for FY 1996 | H. Res. 261 | Closed | N/A. |
| H.R. 2586 | Temporary Increase in the Statutory Limit on the Public Debt | H. Res. 262 | Closed | N/A. |
| H. Res. 250 | House Gift Rule Reform | H. Res. 268 | Closed | 2R. |
| H.R. 2564 | Lobbying Disclosure Act of 1995 | H. Res. 269 | Open | N/A. |
| H.R. 2606 | Prohibition on Funds for Bosnia Deployment | H. Res. 273 | Restrictive | N/A. |
| H.R. 1788 | Amtrak Reform and Privatization Act of 1995 | H. Res. 289 | Open | N/A. |
| H.R. 1350 | Maritime Security Act of 1995 | H. Res. 287 | Open | N/A. |
| H.R. 2621 | To Protect Federal Trust Funds | H. Res. 293 | Closed | N/A. |
| H.R. 1745 | Utah Public Lands Management Act of 1995 | H. Res. 303 | Open | N/A. |
| H. Res. 304 | Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia. | N/A | Closed | 1D; 2R. |
| H. Res. 309 | Revised Budget Resolution | H. Res. 309 | Closed | N/A. |
| H.R. 558 | Texas Low-Level Radioactive Waste Disposal Compact Consent Act | H. Res. 313 | Open | N/A. |
| H.R. 2677 | The National Parks and National Wildlife Refuge Systems Freedom Act of 1995. | H. Res. 323 | Closed | N/A. |
| | | PROCEDURE IN THE 104TH CONGRESS 2D SESSION | | |
| H.R. 1643 | To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria. | H. Res. 334 | Closed | N/A. |
| H.J. Res. 134 H. Con. Res. 131 | Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134. | H. Res. 336 | Closed | N/A. |
| H.R. 1358 | Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts. | H. Res. 338 | Closed | N/A. |
| H.R. 2924 | Social Security Guarantee Act | H. Res. 355 | Closed | N/A. |
| H.R. 2854 | The Agricultural Market Transition Program | H. Res. 366 | Restrictive | 5D; 9R; 2 Bipartisan. |
| H.R. 994 | Regulatory Sunset & Review Act of 1995 | H. Res. 368 | Open rule; Rule tabled | N/A. |
| H.R. 3021 | To Guarantee the Continuing Full Investment of Social Security and Other Federal Funds in Obligations of the United States. | H. Res. 371 | Closed rule | N/A. |
| H.R. 3019 | A Further Downpayment Toward a Balanced Budget | H. Res. 372 | Restrictive | 2D/2R. |
| H.R. 2703 | The Effective Death Penalty and Public Safety Act of 1996 | H. Res. 380 | Restrictive | 6D; 7R; 4 Bipartisan. |
| H.R. 2202 | The Immigration and National Interest Act of 1995 | H. Res. 384 | Restrictive | 12D; 19R; 1 Bipartisan. |
| H.J. Res. 165 | Making further continuing appropriations for FY 1996 | H. Res. 386 | Closed | N/A. |
| H.R. 125 | The Gun Crime Enforcement and Second Amendment Restoration Act of 1996. | H. Res. 388 | Closed | N/A. |
| H.R. 3136 | The Contract With America Advancement Act of 1996 | H. Res. 391 | Closed | N/A. |
| H.R. 3103 | The Health Coverage Availability and Affordability Act of 1996 | H. Res. 392 | Restrictive | N/A. |
| H.J. Res. 159 | Tax Limitation Constitutional Amendment | H. Res. 395 | Restrictive | 1D |
| H.R. 842 | Truth in Budgeting Act | H. Res. 396 | Open | N/A. |
| H.R. 2715 | Paperwork Elimination Act of 1996 | H. Res. 409 | Open | N/A. |
| H.R. 1675 | National Wildlife Refuge Improvement Act of 1995 | H. Res. 410 | Open | N/A. |
| H.J. Res. 175 | Further Continuing Appropriations for FY 1996 | H. Res. 411 | Closed | N/A. |
| H.R. 2641 | United States Marshals Service Improvement Act of 1996 | H. Res. 418 | Open | N/A. |
| H.R. 2149 | The Ocean Shipping Reform Act | H. Res. 419 | Open | N/A. |
| H.R. 2974 | To amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims. | H. Res. 421 | Open | N/A. |
| H.R. 3120 | To amend Title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering. | H. Res. 422 | Open | N/A. |
| H.R. 2406 | The United States Housing Act of 1996 | H. Res. 426 | Open | N/A. |
| H.R. 3322 | Omnibus Civilian Science Authorization Act of 1996 | H. Res. 427 | Open | N/A. |
| H.R. 3286 | The Adoption Promotion and Stability Act of 1996 | H. Res. 428 | Restrictive | 1D; 1R. |
| H.R. 3230 | Defense Authorization Bill FY 1997 | H. Res. 430 | Restrictive | 41 amends; 20D; 17R; 4 bipartisan |
| H.R. 3415 | Repeal of the 4.3-Cent Increase in Transporation Fuel Taxes | H. Res. 436 | Closed | N/A. |
| H.R. 3259 | Intelligence Authorization Act for FY 1997 | H. Res. 437 | Restrictive | N/A. |
| H.R. 3144 | The Defend America Act | H. Res. 438 | Restrictive | 1D. |
| H.R. 3448/H.R. 1227 | The Small Business Job Protection Act of 1996, and The Employee Commuting Flexibility Act of 1996. | H. Res. 440 | Restrictive | 2R. |
| H.R. 3517 | Military Construction Appropriations FY 1997 | H. Res. 442 | Open | N/A. |
| H.R. 3540 | Foreign Operations Appropriations FY 1997 | H. Res. 445 | Open | N/A. |
| H.R. 3562 | The Wisconsin Works Waiver Approval Act | H. Res. 446 | Restrictive | N/A. |
| H.R. 2754 | Shipbuilding Trade Agreement Act | H. Res. 448 | Restrictive | 1R. |
| H.R. 3603 | Agriculture Appropriations FY 1997 | H. Res. 451 | Open | N/A. |
| H.R. 3610 | Defense Appropriations FY 1997 | H. Res. 453 | Open | N/A. |
| H.R. 3662 | Interior Appropriations FY 1997 | H. Res. 455 | Open | N/A. |
| H.R. 3666 | VA/HUD Appropriations | H. Res. 456 | Open | N/A. |

* Contract Bills, 67% restrictive; 33% open. ** All legislation 1st Session, 53% restrictive; 47% open. *** All legislation 2d Session, 60% restrictive; 40% open. **** All legislation 104th Congress, 56% restrictive; 44% open. ***** NR indicates that the legislation being considered by the House for amendment has circumvented standard procedure and was never reported from any House committee. ****** PQ Indicates that previous question was ordered on the resolution. ******* Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, the VA–HUD appropriations bill, as reported to the House, allocates, apparently, $2.2 billion for Superfund, but of that amount $861 million is contingent upon future legislation to make the funds available for obligation. Actually, we are talking about $1.3 billion that is really available for Superfund.

The majority clearly is trying to point to this appropriation of $2.2 billion as evidence of their commitment to Superfund and their commitment to environmental protection, but the Committee on the Budget, Congressional Budget Office, and the Parliamentarian scored the provision as exceeding the budget allocation and subject to a point of order. The Committee on Rules therefore included a self-executing provision in the rule that makes the additional $861 million available only upon a subsequent appropriation.

Now, I view that as a form of doublespeak intended to make Superfund appropriations seem larger than they really are. The appropriations provision does not include any money above $1.3 billion. So what is the status of that $861 million? That money is available only if subsequently appropriated. And what does that mean? There will be no additional money for Superfund unless Congress acts a second time to appropriate it. And then, at that time, the appropriation will be subject to budgetary ceilings. And that further means that at that subsequent time the Committee on Appropriations will have to come back and find $861 million to cut someplace else in these programs. Otherwise, they will run up against the caps. They will have exceeded their cap.

Now, that is not being candid and fair and open and honest about this process. We need real money to clean up hazardous wastesites, we need real

money to protect human health and the environment, and doublespeak is not going to get us there.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. WELLER].

Mr. WELLER. Mr. Speaker, I thank the gentleman for yielding me this time to address the House and rise in support of the rule and in support of this VA–HUD appropriations bill.

I represent probably the most diverse district in the State of Illinois. I represent part of the city of Chicago, the south suburbs in Cook and Will Counties, bedroom communities, farm towns, and a lot of corn fields. When I represent a very diverse district, I always look for things where there is a very common consensus, and in my district there is one item where there is unanimous consensus and that is for redevelopment of the Joliet Arsenal, a former military facility, largest single piece of property in northern Illinois, to redevelop that for peacetime uses.

Frankly, I am very pleased that this effort, which has been a bipartisan effort, continues to move forward. The President signed our legislation in February to accomplish our goal setting aside 19,000 acres for conservation, 3,000 acres for job creation, 985 acres to create the second largest national veterans cemetery. The VA–HUD appropriation bill continues that effort by working to make this veterans cemetery a reality.

The Chicago area is now facing a shortage. We need new places to honor and bury our veterans. This legislation provides $18.4 million in funding for redevelopment and complete construction of this new veterans cemetery. I want to point out that the funding that is in this bill is exactly what the VA says they need in order to have this veterans cemetery in place and honoring our veterans by 1999.

Again, I want to thank the chairman, my friend, the gentleman from California, Congressman LEWIS, for his assistance, and the gentleman from Ohio, Mr. STOKES, the ranking member, for making this project, which has been a bipartisan project, to redevelop the Joliet Arsenal a reality. This legislation funds our veterans cemetery, and again I want to thank the House and urge bipartisan support and passage of this appropriations bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, in last year's appropriations bill the Republicans attacked the EPA and the Superfund Program, and they attempted to slash the Superfund Program by 25 percent.

When President Clinton refused to go along because of our success in highlighting this issue, the President vetoed the bill. The Republicans, because of Superfund and other programs, shut the Government of the United States down twice because they wanted to see programs like Superfund gutted. The truth of the matter is that there were furloughed Superfund Program workers all over the country and delays in the cleanup of toxic waste sites all over our country.

Now, in this bill the Republicans contend they are putting in $2.2 billion for Superfund. Sounds really great, but the truth is that this is really kind of a legislative sneak preview of coming attractions. But, like many Hollywood movie trailers, it is very deceptive, because while they are advertising that their bill is "Rebecca of Sunnybrook Farms," the truth is that their actual bill is more like "Nightmare on Elm Street," because in reality the $862 million which they contend is being put in the bill is not going to be appropriated this year in this bill. They are not putting the money in.

So, here they are today saying, well, we are going to add in an extra $860 million or so, but we are not putting it in this year; we are going to put it in sometime in the future. And by the way, when we put the money in, it is going to be to give rebates to polluters. That is right. Instead of the polluter who messed up a particular neighborhood paying to clean up the site, we, the American taxpayers, we are going to pay the polluter.

Now, what kind of program is this? This is the Ed McMahon Polluters Rebate Sweepstakes program. That is right, the Ed McMahon Polluters Sweepstakes van pulls up in front of your corporate headquarters and announces that you may be a winner. If you have already been accused and accept responsibility for polluting and for cleaning up a hazardous waste site in your community, you may be eligible for million of dollars of taxpayers' money as the taxpayer pays the polluter for having cleaned up a site which they polluted.

Rather than using these hundreds of millions of dollars to clean up orphan sites, to clean up sites that would not be cleaned up otherwise, no, the money in the Republican bill will be used to hand it over to the polluters.

We must vote "no" on this proposal. It, in fact, represents just the opposite of where the American people want our Superfund Program to be headed.

Mr. Speaker, I rise in opposition to the rule.

In last year's appropriations bill for VA–HUD–independent agencies, the Republicans attacked EPA and the Superfund Program. They tried to slash funding for Superfund by almost 25 percent. And, when President Clinton refused to go along with their radical proposals, they shut down the Government twice. They furloughed Superfund workers and delayed the cleanup of toxic waste sites in dozens of communities around the Nation, including several in Massachusetts.

This year, instead of mounting a direct assault on the program's funding, the Gingrich Republicans are claiming to provide Superfund with $2.2 billion in funding, nearly a billion dollars more than they provided last year. But when you look at the bill—and especially when you look at the convoluted rule they have crafted—it is clear this sham increase is really only an advertisement for future money. It's a special legislative sneak preview of coming attractions. Unfortunately, like so many Hollywood movie trailers, the preview is much different than the actual film. In this case, we've been offered previews of a legislative "Rebecca of Sunnybrook Farm" when the actual bill is more like a "Nightmare on Elm Street."

The sad truth is that the Republican Superfund appropriations bill is still mean and still extreme. Instead of trying to slash Superfund funding, however, the GOP is trying to turn the Superfund program on its head by replacing the polluter pays principle with a new program of paying the polluter. The extra $861 million—if it is ever really appropriated—will be set aside in a polluter's slush fund, where it could be used to fund the new polluter's entitlement program contained in H.R. 2500, the Republican's Superfund reform bill which was approved last November by the House Commerce Committee's Subcommittee on Hazardous Materials. That bill replaces the polluter pays principle of the Superfund law with a requirement that taxpayer dollars and trust fund moneys be used to pay polluters rebate checks for cleaning up Superfund sites that they contaminated and may already have agreed to clean up themselves.

Under the Republican proposal, Superfund will be tansformed into the Ed McMahon Polluter's Clearinghouse Sweepstakes. Superfund polluters will be getting letters in the mail announcing the good news:

> Congratulations, polluters, you may have already won millions of dollars in fabulous cash rebates. All you have to do is wait for Congress to pass this Superfund "Reform" bill. Then, our Superfund Sweepstakes prize van will be pulling up to your corporate suite—with a big ol' rebate check in hand to pay you for cleaning up sites that you polluted!

We should oppose such radical and extreme proposals. Those who polluted the environment with hazardous wastes should bear personal responsibility for their actions. During House floor consideration of this bill I will be offering an amendment later in the debate, along with the gentleman from New Jersey [Mr. PALLONE] and the gentleman from Pennsylvania [Mr. BORSKI] that would preserve the current policy of polluter pays and prevent taxpayer dollars and Superfund trust fund moneys from being misused to pay rebate checks to polluters. Those who are liable for contaminating a Superfund site or have entered into a court-approved consent decree to pay the costs of such a cleanup should pay these costs themselves. At the same time, our amendment will not impair mixed funding for cleanups in those circumstances where EPA has reached a consent agreement with a polluter that a portion of the clearnup will be funded from Superfund moneys.

This amendment has the support of the Clinton administration, as well as a broad

range of environmental and public interest groups, including the U.S. Public Interest Research Group, the Natural Resources Defense Council, Friends of the Earth, Taxpayers for Common Sense, and the Environmental Information Center. It will be one of the key environmental votes of the year, and we look forward to the floor debate on this critical issue.

At this time, I urge my colleagues to defeat this rule. We should not be passing rules which transform appropriations bills into advertising promos for future appropriations bills. Let's be honest about how much funding Superfund will receive this year, and let's be honest about how these funds will be spent.

Mr. QUILLEN. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I rise in support of the rule and congratulate the gentleman from California, [Mr. LEWIS], the chairman of the committee, and the chairman and members of the Committee on Rules for putting together a very effective rule.

Let me answer my friend from Massachusetts, who was so concerned about the reform of Superfund becoming the "Nightmare on Elm Street." I would say the "Nightmare on Elm Street" has been running for the last 15 years, and it is called the existing Superfund law that has fostered litigation to the point where we are spending half of the money on lawyers and we have only cleaned up about 5 percent of the sites.

Anybody who knows anything about the Superfund Program knows what a disaster it has been. Whether they are the most green of green environmentalists or whether they are an evil corporate polluter, they know that the Superfund Program as exists today is not working. We are trying to change that program.

Now, the gentleman from Michigan talked about scams. Let me show my colleagues what a scam is. I have a program there that shows how the cleanup of the Superfund sites takes place under today's program. Now, that is probably the lead-in to the "Nightmare on Elm Street," and it may be the cartoon, but look at all the hoops one has to jump through. And meanwhile, meanwhile, the program has cost some $30 billion. That is billion with a "B."

We are here to change the program and make a lousy program work. I am disappointed with my friend from Massachusetts and others who apparently want to stay in a position where they are defending the status quo. I do not think that is defensible.

I see my friend from California, the chairman of the committee, and I would like to ask him a question. If, in fact, we pass a Superfund reform bill, I want to know what is going to happen to the funding of the Superfund Program under the rule that we are debating today.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague yielding. This bill is a bill that funds some 20 Federal programs including the EPA. The Superfund Program is a piece of the EPA. Presently, within this measure is $1.33 billion for the Superfund Program.

If we see a reauthorization bill, and the kind of work that will allow this program to go forward in a positive measure, we would add back the $861 million that is the subject of this discussion.

If the gentleman will continue to yield, I was a bit astonished by the comments of the gentleman from Massachusetts [Mr. MARKEY]. Almost since I have been here in the House, I have sat back in wonderment as the gentleman has been a member of the committee responsible for authorizing Superfund. The Administrator of EPA 1½ years ago told us this program was broken. I have never seen the gentleman's proposed legislation. I do not see fixes coming out of the committee. I do not see fixes coming from the department.

I hope that the authorizing committee will go forward with the bipartisan effort and support necessary for the program to work.

Mr. OXLEY. Mr. Speaker, reclaiming my time, I thank the gentleman and I think that is really the point here. This is a big carrot out for the members to work in a bipartisan way to get a reauthorization of the Superfund Program so that that extra money is available and we can take that money, instead of giving it to the lawyers, and we can put it into cleanup.

That is really what the essence of this is all about. I am just disappointed with my friend from Massachusetts, who will be offering an amendment, as I understand during the title III of this bill, that apparently just says, hey, the status quo is fine. We can just continue on our merry way and pour money down a rat hole instead of really solving the problem. That is why I say I am disappointed with my friend.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I just want to remind my good friend, the gentleman from California, that in fact we passed the bill 44 to nothing out of the Committee on Commerce reforming Superfund in 1994. And just to let the gentleman know, as he remembers, it died there in the waning bitter days of the end of the 1994 Congress. We had reformed Superfund on a bipartisan basis out of our committee on 1994, Democrat and Republican alike, unanimously.

The larger question is where is this $850 million going to come from in subsequent years unless we lift the cap on the VA bill without increasing the deficit in other places?

Mr. OXLEY. Mr. Speaker, reclaiming my time, I yield to the gentleman from California [Mr. LEWIS] because I think this puts it into light in terms of the budget caps and the flexibility therein. The gentleman knows a lot more about it than I do.

Mr. LEWIS of California. Mr. Speaker, let me say that, first, we are about appropriating funds that are available under the lids that dramatically impact all of these agencies, VA, HUD, EPA, et cetera. Within that limitation, we are attempting to produce as much money as possible and can be meaningful insofar as the Superfund is concerned.

I remind the gentleman that the other party controlled the House and both Houses during the last Congress. They controlled this House for 40 years. They controlled the House since the Superfund was created. Everybody has known that the program has not worked almost from the beginning. It seems to me it is long past due that a bill was passed and sent to the President that changed this.

Indeed, they produced a bill last year that supposedly was going to work. For some reason, the director, Ms. Browner, has not chosen to take that bill up and send it up here and said, yes, this is the answer.

There is no doubt this is a complicated process. There has to be a reauthorization, hopefully to make this process make sense. There has to be appropriations. That is our job. There also has to be ways and means work that reexercises the tax in order to provide the fund in the first place. So it is a complex issue. We have to get on with it, indeed, instead of pointing fingers at other Members.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Speaker, I thank my friend for yielding the time, and I rise in opposition to this unique rule. It is a rule which appears to say that about $860 million is appropriated but it is not appropriated. It is not counted.

This is and of itself is sort of strange. Then we have a strange provision in the Budget Act with says this money can be allocated to the Committee on Appropriations if certain things happen.

Mr. Speaker, I think it is just sort of a method of hiding the fact that many of the discretionary limits set by the majority simply were not working, are not workable and they are trying to find a variety of ways to get around the fact that their top dollar numbers simply do not work for discretionary spending. But this money appears to be very unique.

If the committee acts and the Congress acts to reenact some taxes that

relate to the Superfund, it appears that money can be spent twice, once for the chairman of the Committee on the Budget to increase the allocation to the Committee on Appropriations so the money can be spent on the Superfund; but the revenue base was not increased, so these same dollars can be counted as offsets to other tax cuts for pay-as-you-go purposes.

So it would appear under the Budget Act we have these dollars in this bill now which are appropriated but we are going to be told have to be reappropriated again in some future time in a special budget allocation which makes some money available, if a tax increase for Superfund is enacted, but that can be both spent and used to offset other tax cuts.

Mr. Speaker, this is a very unique type of rule, very unique type of budget process that is the ultimate in game playing.

Mr. QUILLEN. Mr. Speaker, I ask the Chair the time remaining on both sides.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Tennessee [Mr. QUILLEN] has 7 minutes remaining, and the gentleman from Texas [Mr. FROST] has 11 minutes remaining.

Mr. QUILLEN. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes and 30 seconds to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, I rise in opposition to the rule allowing for the consideration of H.R. 3666, the VA-HUD-Independent Agencies appropriation for fiscal year 1997.

My problem with this rule should come as no surprise to anyone, because it embodies precisely the shortcomings which are inevitable when supporters try to make a bill be all things to all people. The price of being less than forthright, the cost of refusing to decide what your priorities are, is always a dependency on gimmicks and parliamentary gymnastics, employed in the hopes that our colleagues, first, and our constituents, second, will fail to see through the ruse.

I stand here as one who wants to see the Superfund Program reauthorized. I largely support the majority in their efforts to reform the Superfund Program. I commend Mr. OXLEY and Mr. LEWIS for the work they have done in reforming the Superfund Program. I also stand here as one who believes we must be honest about the cost of those things which we say are a priority and then we must pay for those priorities by finding savings elsewhere.

This rule attempts to have it both ways when it comes to the cost of the Superfund Program. To those who support the $861 million appropriation, the bill says, "Sure, we'll take care of you—here's your money." To those who are concerned about how this additional spending will add to the deficit, the rule says, "Not to worry—you don't have to count this $861 million. We'll take care of that later on in a supplemental appropriation."

Back home we call that being "too cute by half." Not only is it dishonest; it also insults the people who are expected to buy off on a rationale that conflicting goals can be accommodated without sacrifice being made anywhere else.

There were many times during the previous Congresses that I spoke out against rules which abused a sense of democratic fairness. I especially protested the regular waiving of the Budget Act, an act designed to protect the integrity of the legislative process and impose a measure of fiscal discipline. But I have to say we are testing new depths of parliamentary gimmickry in this Congress with this rule. We have now waived the Budget Act over 700 times since its enactment. In addition to making a mockery of the act, this sort of behavior adds to the skepticism and cynicism which continues to undermine the credibility of this institution.

There are simple questions to be answered here: Are we appropriating funds or aren't we? If we are appropriating funds, are they adding to the deficit or have we made cuts elsewhere to support this priority? Are we honoring allocations and appropriation caps or are we attempting to spend nearly a billion dollars outside of the normal budget disciplines?

These are questions that should be easy to answer in a bipartisan way if legislation is being presented in a strightforward way.

Unfortunately, today's rule is anything but straightforward. Vote "no".

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. Mr. Speaker, I rise to speak about two amendments that I have filed which deal with modernizing the FHA single family mortgage program. I rise now because I expect that these amendments would be ruled out of order as legislating an appropriations bill. Therefore, I will not offer these amendments during the consideration of the bill, but let me explain them.

One of the most successful Government programs is the FHA single family loan program. Since its inception, it has provided over 50 million mortgages and has played an important role in increasing home ownership. In fact 40 percent of first-time home buyers use FHA. And it has been successful at no cost to the taxpayer.

Two years ago, the House enacted a housing bill which included important provisions to improve and modernize the FHA program. Unfortunately, these proposals died when the other body failed to act on that bill. With the end of the 104th Congress in sight, it is frustrating that there has been no legislative vehicle in the Committee on Banking and Financial Services to revisit these proposals.

Therefore, the first amendment I filed is an end to the law which prohibits parents from lending money to their children for a down payment on a home financed by FHA. This prohibition is antifamily and anti-home ownership. Why should the Government be telling parents they cannot lend money to their children?

The second amendment is an effort to simplify FHA regulations, reduce costs, reduce bureaucracy, and ultimately lower closing costs for FHA borrowers. It contains two parts: The first is a simplification of the unnecessarily complex two-part down payment calculation, which is a nightmare. This provision would greatly simplify the process, maintaining the same general down payment levels.

The second part allows designated FHA lenders to issue their own mortgage certificates. This change would remove a bureaucratic roadblock to the execution of FHA mortgages ending costly delays faced while waiting for HUD to issue certificates. Since such lenders have already been giving designated underwriting authority, this change will not affect the quality of loans approved. But it will reduce the need for HUD personnel and will eliminate unnecessary delays.

All three of these provisions passed the House 2 years ago with bipartisan support. They are supported by HUD, and they pose no additional risk to the solvency of the FHA reserve fund. They ought to be enacted into law, and we should find a way to do it before we adjourn this year.

Mr. FROST. Mr. Speaker, I yield 1½ minutes to the gentleman from New York [Mr. MANTON].

Mr. MANTON. Mr. Speaker, I rise in opposition to this rule.

Mr. Speaker, the majority's self-proclaimed love affair with an open and fair rules process appears to have soured. They apparently reserve the right to shamelessly use the rule to subvert the legislative process and fool the American people.

In crafting this rule for the VA-HUD appropriations bill, they have elevated legislative deception to a new height. This rule contains self-executing amendments that circumvent the majority's own budget caps and waives points of order against the bill for exceeding spending limits. Why? So the majority can claim they are spending more money on Superfund cleanup when, in fact, the money simply does not exist.

Clearly, the majority wants to improve their image on the environment. They have been severely battered by the public and the press for their aggressive attempts to dismantle environmental legislation and reverse the

real progress that has been made on this front over the last 25 years. This has led to all types of proenvironment shenanigans, including today's attempt to paint themselves green with claims of substantial funding for the Superfund Program, an imaginary $2.2 billion.

But, therein lies the hoax, $861 million of that total is contingent not only on reauthorization of the Superfund Program, but more importantly, it is dependent on an appropriation that would potentially occur at a later date.

Last year, the majority shut down the Government demanding a budget based on honest numbers using CBO projections. But the so-called funding the majority has included in this measure for the Superfund Program is so illusory, CBO wouldn't even score it.

The blue smoke is getting thick. I urge my colleagues to defeat the rule.

Mr. QUILLEN. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], distinguished chairman of the House Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I really am just, I am sort of shocked at what I am hearing here. I am going to tell my colleagues something, they defeat this rule, this bill does not come to the floor, they better look out when it comes back the next time. As a matter of fact, I have a list of cutting amendments over there in the drawer. We might just offer all 75 of them.

I am getting a little fed up with this. We could have brought this rule to the floor and did what the Democrats have done for the last 40 years. That is, just waive the Budget Act, and let the deficits go up. We did not do that, my colleagues. What we did in order to get this bill to the floor, we waived the Budget Act, but then we self-executed the correction of the violation so that, when the bill comes to the floor, there is no violation.

Let us get something straight. President Clinton vetoed the Superfund business taxes that now have expired. If he had not vetoed them, they would now be in effect. So where we stand now is that the Committee on the Budget created a Superfund reserve fund in the fiscal year 1997 budget resolution. I see the chairman standing over there, the former chairman, the ranking member. But this reserve fund allows the gentleman from Ohio, Chairman KASICH, to increase the committee allocations when the Superfund Program is reformed and new money is provided by an extension, and this is the key, by an extension of the Superfund business taxes.

This is neutral and has nothing to do now that we have self-executed this portion out, has nothing to do with unbalancing the budget. That is where we stand.

I want my colleagues to come over here and vote for this rule. It is an open rule. If they have a problem with it, come over here and offer amendments. They are all in order, anything they want to offer that is germane, come over here and do it. Let us have it out, and have an even and fair debate. That is what this is all about, fairness.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise to oppose the rule. This Congress's continued attack on our Nation's environment is unforgivable. If this rule passes, the air we breath and the water we drink will become dirtier.

The American people need to know that more than $800 million included in this bill for cleaning up toxic waste dumps does not exist. How can this be, you ask? Even though this amount of funding is printed in the bill, the congressional majority has attached strings to the legislation that will prevent the money from becoming available.

The rule is bad for two reasons. First, it is budgetary smoke and mirrors. It contains money that doesn't exist. And second, it will prevent a vote on an amendment by Representatives MARKEY, PALLONE, and BORSKI that would make this $800 million for toxic cleanups available at the beginning of the 1997 funding period. The rule for the VA-HUD bill prevents this vote, and that's why I oppose it.

In my congressional district, children and families will continue to be threatened by a toxic waste dump because this trick of the light money for the Federal Superfund Program will not be available at the beginning of next year. For more than 80 years, Raymark Industries sent asbestos, lead, dioxins, and PCB's into the air. Stratford, CT became a dumping ground for Raymark's toxic waste. Children's parks and schools were contaminated.

The Environmental Protection Agency has made great strides in cleaning up the Raymark site. It is on the verge of being a model of success, with development proposed for the site that will create jobs and bring in tax revenue. But this bill both cuts the cleanup program and prevents the expenditure of $800 million.

If any American believes that these cuts will not prevent the cleanup of toxic sites like Raymark, they are being misled. I ask my Republican colleagues to help defeat the budget gimmickry and the antienvironmental extremism this bill represents.

□ 1445

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Speaker, I rise to call attention to the need to provide fair and adequate housing for our Nation's poor and to recognize the importance of support for our veterans and, as well, for us to stay ahead in space exploration. But however we find ourselves with a rule, once again, on appropriation legislation that helps some and hurts many.

A cornerstone of this country's public housing is affordability. The elitist notion that $25 a month is not too much to ask for rent is the same notion that resulted in the underfunding of this Nation's public and affordable housing. I believe it is important that public housing authorities have few requirements in creating a voice for residents of public housing, the decision-making process that affects their homes. It is important that when one is poor, the poor have the opportunity to have good housing.

I would simply like to add as well that we have a rule that has a funny mechanism that allows Republicans to pretend they are providing an additional $861 million for Superfund cleanups when, in fact, the funds cannot be spent until a second appropriation bill is approved.

So we have a rule that in fact disallows us helping some and hurts many. I would like to also add that because of what we face in my community that I will add an amendment to this process to give more flexibility to adding one-for-one replacement where there are waiting lists of 6,000 or more.

We need to confront the issues of this appropriations bill in a fair manner. This rule disallows that, and I ask my colleagues to not support this rule.

Mr. FROST. I have no remaining requests for time, and I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume to say this is an open rule and for the life of me I cannot understand why people would, any Member of this body would, oppose it, and I urge the adoption of the rule and passage of the bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 249, nays 166, not voting 21, as follows:

[Roll No. 269]

YEAS—246

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Clay
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dixon
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fawell
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lucas
Manzullo
Martini
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stokes
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NAYS—166

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bellenson
Bentsen
Berman
Bevill
Blumenauer
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Clayton
Clement
Clyburn
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Frank (MA)
Gejdenson
Gephardt
Geren
Gibbons
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates
Zimmer

NOT VOTING—21

Andrews
Boucher
Browder
Bryant (TX)
Chrysler
Coleman
Cubin
Fields (TX)
Ford
Furse
Houghton
Istook
Lincoln
Longley
McDade
Ney
Peterson (FL)
Roth
Roukema
Schumer
Towns

□ 1509

Mr. MORAN changed his vote from "yea" to "nay."

Mr. JONES of North Carolina changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## DEATH OF THE HONORABLE BILL EMERSON

Mr. CLAY. Mr. Speaker, I offer a privileged resolution (H. Res. 459) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 459

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable Bill Emerson, a Representative from the State of Missouri.

*Resolved*, That a committee on such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore (Mr. DREIER). The gentleman from Missouri [Mr. CLAY], the dean of the delegation, is recognized for 1 hour.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as dean of the Missouri delegation, I rise today to pay tribute to a great man from Missouri, a thoughtful and pragmatic Member of this body, a widely respected colleague, a friend, and a man who truly loved this institution and all the good that it represents.

To know BILL EMERSON was to respect BILL EMERSON. I know of no other more likable Member of this institution. On many political issues, he and I had genuine disagreements. But it is not those differences of opinion that I remember as I recall the life of BILL EMERSON. Rather what I remember is that BILL EMERSON was a man who was not limited by ideology and party label. If a compromise could be reached, BILL would reach for it. If BILL EMERSON thought that political differences could be bridged in the best interest of the people of his district, his home State, or the people of this great Nation, BILL would help erect that bridge.

As we bid farewell to BILL EMERSON, let us be forever mindful of his gallant leadership to eradicate world hunger. As vice-chairman of the Select Committee on Hunger, BILL walked the walk by placing his own personal comfort and safety on the line. He traveled to Somalia in 1992 to gain firsthand knowledge of the horrors of mass starvation going on in that far-off land. Later, when that Select Committee was targeted for elimination, BILL joined our colleague TONY HALL, in his fast to bring attention to that regrettable decision by this institution. And, finally, BILL EMERSON made his own pledge to contribute $10,000 to the hunger caucus formed to fill part of the void left by elimination of the hunger committee.

On behalf of my family and the people of the First Congressional District of Missouri, let me express deepest sympathy to BILL's wife Jo Ann, his daughters, and other members of BILL's family. Thank you for sharing this decent and compassionate human being with our Nation. Rest well, BILL. All of us who serve in this institution that you loved so dearly will miss you.

□ 1515

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise with great sadness to join in the sorrow of this institution at the loss of our dear friend and colleague, BILL EMERSON. As our friend and leader from Missouri stated so aptly, BILL was one of our colleagues who was always there to work in a bipartisan way on the priorities of this country. Whether it would be the problem of hunger in the world or in this country, or agricultural problems that affect so many districts, or whether it be our relations with Germany, where BILL was so instrumental in starting the Bundestag, the congressional effort to strengthen ties, BILL EMERSON was in fact this institution's leader.

However, I knew BILL EMERSON in a different light, Mr. Speaker. In the last session of Congress he was named to be a bipartisan cochair of a task force dealing with disaster issues with our friend and colleague, the gentleman from Illinois [Mr. DURBIN]. Having had the pleasure of serving with both of them, we worked for 6 months on looking at ways that we could improve the response to handle those disasters that affect all of our districts, and in BILL's case the terrible floods that ravaged the people of Missouri and the central part of this great Nation. Again, BILL EMERSON rose to the task and was a leader in this institution and helped us craft a bipartisan bill that now enjoys the support of over 260 of our colleagues.

As a matter of fact, Mr. Speaker, last month BILL EMERSON was recognized by the 1.5 million men and women of this Nation's fire and emergency services as the 1995–1996 legislator of the year. That is because of BILL EMERSON's tireless efforts on behalf of those people who have to face the problems and tragedies associated with disasters in this great Nation.

On behalf of all of those people who have suffered and all of those 1.5 million people who day in and day out respond to disasters, I rise to pay tribute to our friend and colleague. I can think of no more fitting tribute, Mr. Speaker, than if this body would take up the Natural Disaster Protection Partnership Act, BILL EMERSON's bill, in this session to pay tribute and homage to this great American leader.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I had the opportunity and the privilege for some 7 to 8 years to ride to and from McLean, VA to the Capitol with my fellow Missourian, BILL EMERSON. We would start out the day, we would solve all of the problems of the world and, unfortunately, by the time we went back to our houses in the evening together, all of the problems would fall apart. He was a wonderful companion, a wonderful friend.

Memory and friendship are funny things. They go hand-in-hand. I will long remember the discussions we had: Political, legislative, Missouri, Westminster College, where he went to school; families, angels, agriculture, Fort Leonard Wood, the gamut of subjects was nearly covered by our conversations. It was always in a spirit of warmth, joviality, kindness, and yes, vision, that he spoke of things we discussed.

This is a fitting tribute, and I compliment the gentleman from St. Louis, MO, Mr. CLAY for bringing it to the floor, for BILL EMERSON will long be remembered in this body, but he will long be remembered at home where he really cared for the people that he represented.

He talked about them. He told me stories about them. He was proud of them. He liked to talk about the unusual legislation that he had from time to time, the wild horses bill and how the bureaucrats were trying to do them in and how he won that here on the floor. How proud he was of his family, those wonderful four young ladies and his lovely wife, Jo Ann. BILL EMERSON will long be remembered, not just as a legislator, not just as one who was a child of this House, knowing that he started out as a page here, but he will long be remembered by so many of us as a warm and good and decent friend. I am so pleased and honored to have walked along life's pathway with him through those years.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. HANCOCK].

Mr. HANCOCK. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I guess it was about 7½ years ago I was sworn in as a Member of the U.S. Congress. I had known BILL EMERSON for quite some time. He had been up here for about 8 years. BILL and I used to stand back there at the back row and I would ask him for his advice and counsel, but I remember long about February 1989, the first substantive vote that we actually had up here in the Congress, and I do not remember what the vote was, but I was green as a gourd and I did not really understand the process.

I had never held a public office, I had never held a legislative position. I was back there kind of scratching my head and BILL walked up to me and said, he said, what is the matter, MEL? He said, you have a problem? And I said, well, I do not know for sure how to vote on this. He said, well, he said, here in the Congress you have one of two choices. You can either vote politics or you can vote what is right. Sometimes they are the same, sometimes they are not. But he said, I know you, and I know southwest Missouri, and I know the people of the State of Missouri. And he said, MEL, if you will just vote your gut feeling on anything that comes up here in Washington, DC, that we are voting on, he said, you will probably be right about 99 percent of the time.

Following that conversation, I went ahead and voted, and I thought about it regularly when some of these tough decisions come up. The only time, and there has only been once or twice that I did not follow his recommendation, and I went home at night and could not sleep about it. I decided that that was not going to happen.

So for the past roughly 7½ years when the tough decisions come up, I think back to what BILL EMERSON told me right back there at the rail about 6 weeks after I became a Member of the U.S. Congress. With the conversations we had, his loyalty to this organization, the House is going to seriously miss the institutional memory that BILL EMERSON had.

It is with deep regret that I think all of us mourn the passing of BILL EMERSON, but I also think we can be positive because of the way BILL did pass. He stayed here, he did his job, he was concerned right up to the very day that he went to the hospital about maintaining a voting record, and one of the things BILL EMERSON used to say is, the vote I cast here in the Congress does not belong to me, it belongs to the people that I represent. A great American, a great individual.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I wish to join my colleagues today in honoring a person who to me was not just a colleague, but like many others was a friend. It is a day of sadness for us all, and it was a great day of sadness when I heard Sunday of the death of my friend BILL EMERSON.

Mr. Speaker, BILL and I go back. I was here a few years before he came, but when he came in 1981 and began his service on the Committee on Agriculture, and I was a member also of the Committee on Agriculture, we worked together, he for the people of southeast Missouri and I for the people of northeast Missouri.

Our districts border along that same Mississippi River, he in Cape Girardeau and I in Hannibal. We had a lot of similar interests in our districts and then we had some differences. We discussed them not only during meetings of the Committee on Agriculture, but as our colleague, the gentleman from Missouri [Mr. HANCOCK], has said before, back behind the rail many times discussing things, whether sitting on the floor, other times in our offices. Either he would visit me or I would visit him, and we would discuss legislation and what was good for our districts.

Just to give you some examples of things that we worked together on, back in the 1993 flood, it hit the northeast part of Missouri before it hit the southeast, but it hit the southeast just as hard as it did the northeast. We

worked together working with the Corps of Engineers and others to bring about some relief for the flood victims.

One of the things that when I came up with the buyout bill so that people would be able to move out of that floodplain. It was his efforts in the Committee on Public Works, when that bill had to go through the Committee on Public Works, along with others on the committee, but primarily BILL, that he was able to move that bill within a few short weeks out of the House, through the Senate and on to the President's desk.

He not only had a love for the House of Representatives, he had a love for government in general, and he knew government. He believed firmly, strongly, in a government of the people, by the people, and for the people, and I too wish to join in saying to the people of the great State of Missouri and of the United States, we have lost a leader. To his wife, Jo Ann, who has lost a great husband, his four daughters who have lost a great father, I offer sincere condolences, to Jo Ann and the children, and I also wish that all of us would be able to attend the funeral, but I know that is not going to be possible. But I know that all of our hearts are with the family at this time, and to his mother who awaits him now in Cape Girardeau, I send my condolences also.

□ 1530

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Missouri [Ms. DANNER].

Ms. DANNER. Mr. Speaker, a good friend passed away the other day. BILL EMERSON was a friend of the Congress, a friend of the people of Missouri, and a friend of mine.

BILL was the type of individual whom others hope or aspire to become like. His interest was the public interest. His concerns were the public concerns, and his conscience was indeed the public conscience.

One of the many reasons BILL was so beloved by the people of Missouri and the other Members of Congress, both Democrats and Republicans alike, is because of his unique genuineness of character. People know that when they met BILL EMERSON, the candidate or the legislator, that they were first and foremost meeting BILL EMERSON, the man.

He always had a very clear understanding of where campaigning ended and when the business of legislating and serving began. If we had more public servants like BILL EMERSON, I have no question that the cynicism many Americans hold toward their Government would evaporate and be quickly replaced by the hope and optimism that was so evident in BILL EMERSON.

BILL was a man of enormous kindness and thoughtfulness, traits that even the scourge of cancer could not take away.

BILL worked diligently, he worked hard, and he worked faithfully right up until the very end. The very first day I noticed that he was not on the floor and was missing his first vote, I learned it was because one of his daughters was graduating from high school. Until the very, very end, he was on the floor voting for his constituents.

At a time here in the Congress, and in our United States, when the shifting demographics raised serious concerns that the voice of rural America, an area many of us represent, among others, would be reduced to a whisper, BILL stood as a giant for our small towns, farms, and the entire agricultural community.

All the while, he also stood as a bastion of civility, using reason and friendship to accomplish what others had failed to do through bombastic rhetoric and political gamesmanship.

I consider it a very real personal privilege to have worked so closely with BILL in prior weeks on some bipartisan legislation he supported so strongly, one that would provide more food for the hungry in our Nation, an effort that was ever foremost in his mind, that of nutrition and feeding the hungry amongst us.

I will miss BILL'S friendship, BILL'S leadership, BILL'S compassion, as will innumerable others. He departs our world leaving the State of Missouri and the U.S. Congress infinitely better because of his presence.

The career we honor in fitting ceremony today, the people of Missouri will remember in more everyday ways for years to come as their lives have been enriched by BILL EMERSON, an American treasure and one of the best and brightest ever to serve our State of Missouri.

BILL, we will miss you.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

Mr. GEPHARDT. Mr. Speaker, I rise today to pay tribute to a dear friend of mine, and a fellow Missourian, who dies this week after a lifetime of service to his country and to his community. Of course we are talking today about our dear friend, Representative BILL EMERSON.

BILL'S passing is a tremendous loss for me personally and for all of us who came from his State. We worked very closely over the years, and I always knew him as a man of quiet peace and decency to every person that he ever met. He was simply one of the finest human beings to ever pass through these halls. How he did love this institution of the House of Representatives in which he spent most of his life.

But his passing is also a tremendous loss for the entire U.S. Congress. He was someone who could always reach across the aisle and work with both Democrats and Republicans for the sake of his beloved Missouri and the entire country.

He had more accomplishments than we have time today to list, like his dedication at home to improving Highway 32 or fighting for a new bridge across the Mississippi River, or just fighting for his constituents, in so many ways. All of this will serve as monuments to his life and to his work.

We all came to respect BILL'S levelheadedness, even in the most tumultuous debates. His courage in the face of his illness is something that will stay with all of us for our entire lives. He missed only five votes in this Congress. His was a record of constant and consistent achievement.

Mr. Speaker, I ask my colleagues to join all of us in a celebration of the life of BILL EMERSON. His mark on this institution will forever be remembered. Our thoughts and our prayers and our wishes are today with his dear family, his dear friends, and all the loved ones who so much grieve today his passing.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri [Ms. MCCARTHY].

Ms. MCCARTHY. Mr. Speaker, I want to join my colleagues on both sides of the aisle in paying tribute to my fellow Missourian, the gentle man from Missouri, BILL EMERSON, and to thank the gentleman from Missouri [Mr. CLAY] for bringing this resolution before the House.

I joined the Congress a year and a half ago, but I have long admired Mr. EMERSON'S ability to build bridges between this aisle, which oftentimes is very wide. He made friends with his engaging personality and he kept them with his honest and fair approach to lawmaking.

I had the opportunity to serve with him on the Committee on Transportation and Infrastructure where he was a wonderful mentor to me. We worked together to bring Federal assistance to Missouri, to three grossly deteriorated bridges across the State, the Chouteau Bridge in my district and Representative DANNER'S district, the Hannibal Bridge in Representative VOLKMER'S district, and a bridge in Cape Girardeau, which I hope will one day bear his name in tribute to his great efforts in this Congress.

We must never forget Representative EMERSON'S commitment to upholding the integrity of this body, and we must embrace his cooperative spirit, which I hope will guide us through the remainder of this 104th Congress and the challenges that face us.

It has been an honor to have served with him, and he will be missed by all of us. I envy those who served with him far longer than I did. I will treasure those quiet, witty, thoughtful conversations, so rich in history and so full of wisdom.

I send my heartfelt condolences to his family, to the citizens of the 8th

District, and to this great Nation, and I join with my leader in celebration of his goodness.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. RAMSTAD].

Mr. RAMSTAD. I thank the gentleman for yielding me the time.

Mr. Speaker, BILL EMERSON was loved by all of us in this body and he will be missed by all of us.

We all knew BILL EMERSON was a skillful legislator who represented the best in public service. I always knew BILL EMERSON the person. He was one of my closest friends here. I knew the loving, caring, honest guy BILL was. He cared deeply about people, all people, from all walks of life. But his passion, Mr. Speaker, was to reach out to people like me, people recovering from alcoholism. Until his cancer incapacitated him, BILL held meetings in his office every Wednesday noon, always there, for all of us, always there with a listening ear, always there to help others still suffering the ravages of alcoholism and drug addiction, always there setting up interventions for families, always there to talk to spouses of Members who are in trouble with this disease of alcoholism. BILL EMERSON was a true inspiration to all of us who care about this disease of alcoholism. I am not breaching his anonymity because BILL EMERSON has given this talk before, publicly. He was a true profile in courage, a true profile in courage for the way he lived and the way he died.

I talked to BILL EMERSON a week before he passed on. He said, "JIM, if I'm not going to make it, I'm going to go sober." BILL left us sober, and he left us a wonderful, wonderful legacy, those of us recovering and all of us as well as those still suffering from this disease. To Jo Ann and BILL's four wonderful daughters, thank you for sharing this truly wonderful human being with all of us. BILL, we love you.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, that moving speech by the gentleman from Minnesota is certainly one that is not going to be equaled for me to repeat, because I did not know Congressman EMERSON in the same sense that Mr. RAMSTAD did. In this fast and furious pace, Members touch us in different ways. While I am not a member of the Missouri delegation, Mr. EMERSON taught many of us by example a number of things. One was courage.

Mr. EMERSON was wheeled into this body about 2 weeks ago in his wheelchair with his oxygen on and I went over to say hello to him and asked if there was anything I could do. He removed the oxygen from his nose and he started to get up out of his wheelchair, and he said, "TIM, you make sure you go around telling all my colleagues and all my friends that I'm going to beat this thing. This wheelchair only helps me get back and forth from my office to the floor to cast my votes."

This place where BILL EMERSON started as a page was not just the House of Representatives. It was like BILL EMERSON's home. BILL EMERSON taught me the lesson not just of courage in casting votes up until the end, he taught me about civility and about being kind, to Democrats and Republicans, and treating everybody the same here. My heart goes out to Jo Ann and the four daughters and I will thank BILL EMERSON for the lessons that he taught me from farther away.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I join my friends from Missouri and thank them for giving all of our friends in the Congress and the friends of BILL EMERSON a chance to say how much we loved and respected our colleague.

I had the privilege of coming to this Congress with BILL EMERSON in 1980. We sat next to each other on PAT ROBERTS' Agriculture Committee and we reminisced and we talked and we went through so much.

The three things that I think come to mind: It is the courage, it is the basic decency, and it is the commitment to governing. The courage of commitment, the courage of the fight, the courage to be above it all and to be gracious in the most difficult of times.

The basic decency. He was, as few have talked about here, the chairman of the Subcommittee on Nutrition. He was the one who said in the midst of all of this effort to reduce the budget, "Let's not forget our commitment to the hungry and to those on food stamps."

It was his courage, I think, and his partnership with PAT ROBERTS that made sure that as we block-granted these programs, we kept a Federal commitment on the food stamps.

And then the final issue is the basic commitment to governing. No one would ever call BILL EMERSON a revolutionary, because BILL EMERSON believed in this institution and he believed in this Government and he believed in this country. It was his goal to preserve them and to make them work and to make them something that all of us could be proud of.

Ralph Waldo Emerson defined success as to laugh often and much; to win the respect of intelligent people and the affection of children; to earn the appreciation of honest critics and endure the betrayal of false friends; to enjoy beauty; to find the best in others; to leave the world a bit better place, whether by a healthy child, a garden patch, or a redeemed social condition.

□ 1545

To know that even one person has breathed easier because you have lived, is to succeed. Ralph Waldo Emerson did not know it at the time, but he wrote the eulogy for our friend, BILL EMERSON.

Mr. CLAY. Mr. Speaker, I yield 2 minute to the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Missouri [Mr. CLAY] for this resolution and a chance to get up and say something about our friend, BILL EMERSON. He died Saturday night. I had the chance to visit with him Saturday morning at the hospital. It was very heard to see. It was excruciatingly hard to see how sick he really was, but there was peace about him in that room that in a way was a lovely thing to see. My heart goes out to him and his wife and his children, his mother. They loved him deeply. He was a great friend of so many of us, Republicans and Democrats alike. As a matter of fact, if he had any enemies, I would not know who they would be. He loved people and he cared for them deeply, both in his own district and in this country and overseas. He was a great humanitarian, and he had a wealth of knowledge about many subjects.

He was kind of a historian, especially about Lincoln and about the history of this place. As a matter of fact, the last time I had a long talk with him, he was again in his hospital room getting chemotherapy, and I asked him to tell me about Lincoln. An hour and a half later he was still talking about Lincoln. He did not take a breath. It was fascinating, it was exciting to hear about Lincoln and hear things I had never heard before, and that is the kind of person he was. He was enjoyable to be with, fun to be with, and a great man.

He is doing OK now. He is with his Lord. It is us that are really hurting. He was a great friend of all of us.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Speaker, I thank my colleague for yielding me the time and for introducing this resolution commemorating the service and the life and times of our good friend, BILL EMERSON.

We have talked a lot about BILL's beliefs and his enthusiasm, his principles and his character. I speak from the perspective of one who regarded BILL EMERSON not just as a friend and a colleague but as a mentor. From the moment I became involved in running for Congress, all through my service in the Congress, he was always available on a very practical level to help me; and he always did, and you knew you could trust him.

Another great Missourian, Harry Truman, said one time, "If you want a friend in Washington, buy a dog." Well, that was not true with regard to BILL EMERSON. I look around at the people

here on this floor and I know everybody regarded him as a friend and somebody that you could trust and confide in. I walked up to him in the Cloakroom one time. It was my first year here, and I was going through a bout of freshmanitis. I just felt like I was carrying the weight of the world around. I said, BILL, can I talk to you for a minute? He said sure. I said I am just so uptight. It is kind of vague anxiety. He says, "Well, what is it? What is wrong, TALENT?" I said, I just feel like it is hard for me to keep going day after day, there is so much going on that I do not understand. He said, "What do you mean?" He kept drawing me out. I finally said, it is like my neck is all tight. It is like I just cannot seem to move it. He said, "Well, what you need, TALENT, are neck exercises." He started moving his head back and forth, and then he started laughing and I started laughing. By the time we were finished, my depression was gone. He knew exactly what I needed. He looked right down into my soul and he gave me the help that I needed.

He was a big fan, we have mentioned here, of Abe Lincoln. I do not know if anybody before I came talked about what a fan he was of Winston Churchill's. Winston Churchill said one time in a speech about Neville Chamberlain, and I think everybody in public life can relate to it, he said:

> At the end of the day, history is going to judge what we do, and we do not know what it is going to say. But at the end of the day, at the end of a life, the only shield you really have is the rectitude of your conscience.

Mr. Speaker, by that shield, our friend BILL EMERSON will do very well in the reckoning of history. He lived by his principles. He was faithful to his beliefs in his constituents. He fought the good fight. He finished the race. He kept the faith. It was a privilege to have known him.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. MCNULTY].

Mr. MCNULTY. Mr. Speaker, I thank my good friend, the gentleman from Missouri, BILL Clay, for yielding me the time.

BILL EMERSON was one of my best friends, not just this Congress, but in life. When I first met him, it was not on the floor of the House of Representatives. It was not in Washington, DC. It was not even in this country. We were in the Horn of Africa and BILL was working with Mickey Leland and GARY ACKERMAN and others to try to see to it that the tragedy of 1988, when 250,000 people in Sudan died of starvation, did not recur. He was successful, along with Mickey, in that effort.

He came to the House of Representatives as a page, and he loved this institution until the day of his death. He was an outstanding legislator, an expert on agricultural issues, a great family man, a man of deep religious conviction, and he was a great friend to all of his constituents, to all of his colleagues, and especially to the hungry and the homeless of the world and all of those who had special needs.

I extend my deepest condolences to his wife Jo Ann, to his four children, to his lovely mother whom I had the opportunity to meet at the hospital last week, and I join with all of my colleagues in expressing the hope that our good friend BILL will continue to watch over all of us.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I thank the gentleman from Missouri [Mr. CLAY] for yielding me the time.

Mr. Speaker, all of us feel the loss of BILL EMERSON because he was a friend to most of us and our condolences go out not only to his family, for which it is such a loss, but for the members of his constituency who could not have been better represented in this Chamber than he represented them. We all know BILL as a kindly person, a great sense of humor and a fine storyteller. He was a wise person.

He was truly a man of the House. I recall when I joined the committee on which he served, besides Agriculture, then called the Committee on Public Works and Transportation, he took me in hand and showed me a lot of the ropes.

Most of us have seen the photo which is in the Republican Cloakroom of a young page helping to carry Members off the floor who had been shot at and wounded. BILL was a hero as a page. He was a hero to all of us in his legislative craftsmanship, not only in Agriculture, in nutrition, but on our committee, now the Committee on Transportation and Infrastructure.

It was first the Mineta-Emerson Act, and then the Emerson Act—the Natural Disaster Act, H.R. 1856. I hope that in his memory during this session or perhaps the coming session that we can bring that legislation to the floor and pass it in his name because that measure meant so much to him. He had the constituency, as many of us do, that had suffered from a number of major disasters, and he thought the Federal Government could do better.

As has been said many times today, BILL EMERSON believed in governing, and this craftsmanship was certainly a good example of it. So our condolences to all of his family and to all of his constituents. A great man has been taken from us.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I want to thank the gentleman from Missouri [Mr. CLAY] for organizing this resolution so all of us can speak.

I did not know BILL EMERSON as well as most but had the opportunity to work with him on agriculture, and I also had the opportunity to know one of this pet concerns; that is, feeding the hungry. We also worked on a number of issues. BILL EMERSON was a man who cared about people deeply. I disagreed with BILL EMERSON on some issues, but even in his disagreement, he taught us how to disagree with activity.

He taught us how to have an advocacy for a position that differed from others, but yet respect. I was honored along with BILL EMERSON on two different occasions, so we got to be friends about the issue of hunger.

We should celebrate the life of someone who deeply cared about people. We also should share and celebrate the life of someone who had very strong positions that differed with others, but he could be an advocate for those positions with a sense of civility and respect. He will leave us a standard for the rest of us to be good legislators, to be advocates for our position, but also to honor this position.

His life brings honor to this House. If we could emulate that, we would honor the life that he has served.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank my friend for yielding me the time and taking out this time to talk about BILL. STEVE HORN just left and spoke about the picture. I would ask all colleagues who have not seen it to take a look at that picture of BILL EMERSON carrying the stretcher on which resided a Congressman who was shot up in, I believe it was, the 1954 shooting in the House Chamber when several Members were hit.

The picture of BILL EMERSON in that picture, I think, is representative of what we saw in our association with him in the House as a Member of Congress, because there was BILL EMERSON, the lead carrier on that stretcher. He was pointing out the direction in which they should go with that thing. As usual, he was big, he was fearless, he had a lot of courage. Just as he was in his career in Congress, he was right in the middle of things and that represented BILL.

BILL was a real fighter, and when he took on a cause, whether he had two people on his side or a majority, it did not make any difference. He believed in the good fight and yet he was also very forgiving. He was forgiving to us, his colleagues, when we disagreed with him on issues. On a personal basis, he was very forgiving, too.

We were sworn in in 1980, and as the Speaker knows, I was holding my son in my arms, little Dunk. BILL had his daughters on the floor. Incidentally, little Dunk held me in his arms the other day and would not put me down and it upset me. But BILL decided to buy firewood from the Hunter firewood

organization. My boys would go up to the Blue Ridge Mountains with me. We would cut firewood, load it in a horse trailer and find victims, I mean customers, for that firewood in Washington, DC. I see the gentleman from Texas, LARRY COMBEST, back here is one of our victim purchasers.

I asked BILL after I delivered him about three loads of firewood, most of which daddy cut and the boys handled a little bit, but after I delivered that wood to him for several weeks and he had paid my sons, I asked him how it was burning. He said it is wonderful. He said, "If you will just reimburse me for the gasoline I am having to put on it, everything will be fine, HUNTER. But that represented BILL EMERSON, big hearted, forgiving to his friends and all of his colleagues.

The Founding Fathers, in putting together this great structure for a government, for a democracy, needed one important ingredient, and that was to have people in this Chamber who were compassionate, who had courage, and were forgiving and would relentlessly represent the ideas and the philosophies of their constituents. BILL EMERSON was such a man.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Speaker, it is a real sad time for me to have to reflect on the life of BILL EMERSON, but BILL is the kind of person I think that I will never, ever forget. If there has ever been a person who represents what is stated in the 25th chapter of Matthew:

When I was hungry, you gave me meat. When I was thirsty, you gave me drink. When I was naked, you gave me clothing. When I was in prison, you came unto me. When I was sick, you ministered to me.

BILL EMERSON was such a person.

BILL EMERSON was bipartisan. He was a leader. He was my subcommittee chairman on the Subcommittee on Department Operations, Nutrition, and Foreign Agriculture. He gave me the assurances that everything would be all right when we were worried about those people that were hungry and what would happen to them in this Congress.

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He gave me the assurance that it would be OK, and I am happy that BILL EMERSON was there. I am happy that BILL EMERSON was subcommittee chairman, and I am just happy to have been able to call BILL EMERSON my friend and my leader.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MCKEON].

Mr. MCKEON. Mr. Speaker, I want to thank the gentleman from Missouri, Mr. CLAY, for yielding this time to me and also for setting up this effort on behalf of Mr. EMERSON.

It seems like we spend a lot of time on this floor berating each other and talking down the institution of Congress. I think it is wonderful that we are able to spend a little time now remembering some of the good things that happen here, and especially I think it has been interesting to me to sit here and listen to the many good things said about Mr. EMERSON.

He has been a real inspiration to me. I think he has been to many of us, and that is why so many of us are here on the floor today. I kind of thought that I had a special relationship with him, and so many of my colleagues have talked about instances that they had with him. I do not know how he was able to spread himself around so much.

I first saw him when he fought hard against our leadership last year to preserve the task force on hunger. As the gentleman from California [Mr. HUNTER] said, there were times that he fought if he only had two on his side. I think he was alone at that time., and he fought very hard because he believed in helping the underdog, those who needed help.

Later I had the opportunity of serving on the task force on disaster that was set up by the Speaker, and he and the gentleman from Illinois [Mr. DURBIN] headed up that task force. In serving with him on that, I had the opportunity to go to his office, and it is full of memorabilia. If Members have not visited his office, they should go do it. He has the picture there of him and the gentleman from Pennsylvania [Mr. KANJORSKI] when they were helping carry the Congressmen out of here when they served as pages.

He also served here as a staff member and then served as a Member of the House. And he loved the House and he loved each of the Members of the House and he loved all his constituents and his family. He had a great capacity for love.

When we had our kickoff for the 104th Congress, I had the opportunity of setting up some of the day's activities, and the first thing we started with was the prayer service in the morning. I asked him if he would head that up and he did a fantastic job. He did not suffer from ego. He was just here to serve, and it was just a wonderful thing to work with him.

I think the thing that hit me the most about BILL EMERSON was the last few months here when he was fighting this illness, and every time I have talked to him he has been an encouragement to me. He did not talk about his suffering. I know he was going through great pain, but he always had a big smile and always was uplifting. Fantastic. Reminds me of the words of John Donne:

No man is an island. No man stands alone. Each man's joy is joy to me. Each man's grief is my own. We need one another, so I will defend each man as my brother, each man as my friend.

He was a great friend. He epitomized those words. We will miss him greatly, but I will always remember BILL EMERSON.

MR. CLAY. Mr. Speaker, I yield 1 minute to the gentlewoman from Michigan [Miss COLLINS].

Miss COLLINS of Michigan. Mr. Speaker, I thank the gentleman for yielding me this time. BILL EMERSON was a friend of mine with strength, his compassion and his dedication to the ideals of America.

I met BILL on a CODEL to Somalia, where we both flew into a small town to witness the hunger and the lines of women and children to get nourishment. I did not know that BILL EMERSON was a Republican because he was not the kind of person who was Republican or who was Democrat; he was an American.

In spite of all his trials and tribulations, he still found time to give me words of encouragement, and I would like to share those words with my colleagues because, to me, they personify the strength of BILL EMERSON.

He said, "Barbara Rose, you must be strong to persevere and resolute to overcome." And he repeated that to me three times. "You must be strong to persevere and resolute to overcome."

I will never forget those words of encouragement and I think that those words describe BILL EMERSON and his work in the House. A good friend to America.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

Mr. LIVINGSTON. Mr. Speaker, I thank my friend for yielding me this time, and I rise in tribute to a great guy and a good friend, BILL EMERSON, the third of my friends to pass away in the last 2 months, all under 58 years of age.

We would all like to think we can make a difference in this world when we go. BILL EMERSON can certainly say he made a difference, whether as a page with the gentleman from Pennsylvania, PAUL KANJORSKI, when this place was shot up, as memorialized in the photograph that has been mentioned earlier, or as a graduate of Westminster College, where earlier Winston Churchill gave his famous Iron Curtain speech; whether through his efforts to travel to Africa and elsewhere to exhibit his concern for the hungry and the needy, to try to feed those who were most in need; whether through his dedicated and devoted representation of his constituents, or his guidance and oversight of the Mississippi watershed, taking trips to New Orleans with the wonderful people along the Mississippi River, go down there and try to make sure that those who needed flood protection were able to have that protection from the devastation of floods, and at the same time to partake of a little bit of New Orleans jazz and seafood, which he deeply loved and enjoyed with his wife Jo Ann.

In fact, he will be remembered for the love that he bore for his wife Jo Ann and his four daughters. BILL EMERSON, in fact, did make a difference. He was a good man and we will all remember him fondly, and we wish his family well.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas, [Mr. ROBERTS].

Mr. ROBERTS. Mr. Speaker, I thank the gentleman for yielding me this time and for his effort and leadership. As has been indicated many times, there is a picture of BILL EMERSON when he was a page in the Republican cloakroom leading the way in regards to assisting the wounded Members that were shot back in 1955, and he has been leading the way ever since.

We have had a virtual outpouring of affection and love for BILL here on the floor, as was the case a week ago Wednesday when the Jefferson Island Club, made up of many Members on both sides, named BILL their man of the year.

I think the word that really applies to BILL more than anything else is courage. I know the gentleman from California [Mr. HUNTER] and myself were there when he took that very courageous step to go to the Betty Ford Center, and he has been such a leader and has exhibited even more courage in such a manner to those, as expressed by the gentleman from Minnesota [Mr. RAMSTAD].

BILL was a back rail troop, as has been indicated by the gentleman from Missouri, Mr. VOLKMER, and the gentleman from Missouri, Mr. TALENT, and others. He would be back there as of today probably saying this is going on a little too much. In that regard, we had many discussions about Eisenhower and Taft and Lincoln and politics and Kansas and Missouri and family and everything else.

We are family in the House Committee on Agriculture, and we said this as of last Monday, "We suffered a deep loss both professionally and personally at the passing of our dear friend and colleague, BILL EMERSON."

From a personal standpoint, we came to Congress together back in 1981. We have served side-by-side on the Committee on Agriculture ever since. Four farm bills, countless legislative battles, he has been a unique champion for farmers and ranchers.

The gentleman from Texas [Mr. DE LA GARZA] the distinguished chairman emeritus of the Committee on Agriculture, has a statement as well, but I think it is interesting that at 1:30 in the morning when we finally finished the farm bill, BILL did not comment on some of the amendments, he did not comment on the farm bill, but when it came time to pay tribute to Mr. DE LA GARZA, the longest serving chairman of the Committee on Agriculture, BILL got up, and even though he was sick and had lost his voice, he paid tribute to KIKA It was at that time that I turned and said, BILL EMERSON, we love you.

Something has already been said about his motto for living. It was only a week ago Thursday he was sitting right over there looking very much like Winston Churchill, and he was in the process of making all those votes, and he got this quorum call card and he gave it to me, and as has been said before, he wrote on it, "ROBERTS, I want you to be strong to endure and resolute to overcome." How many Members did he say that to? It is what the Prince of Wales said to the troops prior to World War I, and I have kept it. I have kept it ever since and I will keep it.

My colleagues, Helen Steiner Rice said this on such occasions.

When I must leave you for a little while, please go on bravely with a gallant smile. And for my sake and in my name, live on and do all things the same. Spend not your life in empty days, but fill each waking hour in useful ways. Reach out your hand in comfort and in cheer, and I in turn will comfort you and hold you near.

That is BILL EMERSON. God bless you, BILL, and we miss you.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, the last image that we have of BILL is one of courage and strength, an oxygen tube in his mouth, confined to a wheelchair. But the BILL EMERSON that will live on in our minds and our hearts is a gregarious man, just full of energy and goodness and pride that he was part of this institution.

I had the privilege of representing BILL and Jo Ann and their four daughters at their home-away-from-home in McLean, VA. In fact, I had a wonderful day one day when his daughter Tori shadowed me for the full day. And I will never forget when BILL joined us for lunch of seeing the pride in his eyes as he looked at his daughter, so beautiful, so bright, so accomplished, and he knew that this was largely because of his investment of time and caring and love in her and the rest of his family.

He lives on in that family, as he does in this body. He invested so much of himself in making this the kind of legislative organization that is the pride of Western civilization. He spent most of his life here. He loved this body. He loved its Members and we loved him.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time and for introducing this resolution.

I join with my colleagues in sending our condolences and love to Jo Ann and the entire Emerson family. Much has been said here today about the selfless individual that served among us as the Representative from Missouri. There are two things I would just like to remember with my colleagues about him that stand out for me.

Eight months ago, when we were considering whether or not we should continue the Select Committee on Hunger, BILL EMERSON asked me to go to lunch with him and a couple of staff people. He wanted to talk about this, just one-on-one, to talk about the passion he felt for that select committee and the work that it was doing.

I did not have to ask him, "BILL, why are you doing this; what is in it for you?" I knew there was nothing in it for him, but I knew how much he believed in it; that he took the time to meet with Members one by one to talk to them about this.

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The other thing was his service as chairman of the page board. I had the privilege these last 2 years of serving with him on the page board. Like him, I started here as a page, though in the other body. Like him, I loved this institution of Congress. BILL EMERSON loved the institution of Congress that he started serving at such a young age, but he also loved the pages. He loved the young people that worked in that program. He took the time to talk to them. He took the time to understand what the program was about and how important it was.

Just 3 weeks ago when the group of pages that had served us for this last year left, he came to the floor. He wanted so much to lead the tribute to the pages, but he was taking oxygen, he was in a wheelchair. And he said: JIM, would you take this 5-minute special order to do this? He said: I really want to do it, but I just cannot.

But he stayed here on the floor. He listened to what was being said because he really cared about it, and he put his remarks in the RECORD so that they would appear there. BILL ended his life as he lived it, with courage, with love, and with caring. Sometimes we have to have a sad event like this to remind us that this body is not about Republicans or Democrats, conservatives or liberals, urban or rural, northerners, southerners. It is about people, flesh and blood who love and laugh and cry and hope and grieve.

Bill's life demonstrated that, and his leaving reminds us of it.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Speaker, I thank the chairman for yielding me this time.

Mr. Speaker, I join in the sadness of the loss of BILL EMERSON, and I join my colleagues in the joy of celebrating his life and all that he did. As a Member of Congress, as a citizen, as a husband, as a father, as a friend, I had the fortunate opportunity to serve with him in

the committee, to work on many of his endeavors, to share with him the zest for the underprivileged, for the hungry, not only here but around the world.

He dedicated his effort and his life, but for the grace of God, he was not on the plane with Micky Leland. He traveled to all of the corners of the world where most Members do not go. He traveled to where there was hunger, to where there was famine, to where there was a problem. We had a very pleasant relationship because I never could spell, and I do not think that I can spell now Cape Girardeau, so that was a constant thing with us.

As we recalled some of the personal relationships, my wife made me a present of a beautiful tie with continental type drums. The day that I wore it with great pride, he came straight to it and said, that is a beautiful tie, about three times. That evening I told my wife, I said: Do you know who liked your tie? BILL EMERSON. Can we get him one. She said: I got this in New York someplace. It was the last one. I do not know if we can. And I said: Well, if you do not mind, I am going to give it to him. And she said: Well, I think it would be nice.

We already knew that he had this ailment. So the next day I gave him the tie. May you wear it in good health. That afternoon he was on the floor showing me the tie. Those are the things that we will remember.

What we cannot forget is that we cannot say all these things about BILL EMERSON today and forget him tomorrow. We need to dedicate our lives, our service here to that which was his first interest, beyond his family, beyond his country, were those that needed nutrition, the hungry of the world, the hungry of our country.

I hope that we as a House and we as individuals dedicate ourselves and remember BILL EMERSON when we work, not necessarily on the budget or the priorities but that there are people hungry who need to be fed. That is what his purpose in life turned out to be. I hope we honor that.

I thank the gentleman from Missouri [Mr. CLAY] for allowing me the time.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, BILL EMERSON and I came to Congress together in 1980. We were in a great class of Congressmen. We were fast friends over a long period of time. I ran a number of leadership races. He supported me in every one of those, very committed through thick and thin, even those where I did not do so well.

I can remember on projects the hours he would spend actually making those telephone calls personally or rounding up whatever votes either for leadership or for a bill on the floor where necessary. Whenever BILL EMERSON made a commitment, he lived up to those commitments.

I remember a few years ago he made a tough decision that he consulted with me on more than one occasion about whether he should run again for Congress. He thought about retiring. I encouraged him strongly to continue. I knew his love for this institution, and I knew what he gave to his country and what it meant to all of us. He made the right decision to stay. In fact, it was not too many days ago that he reminded me of that and told me so. I was pleased that I was party to helping make that decision.

I also know that he had friends elsewhere. He was involved with the Interparliamentary Group with some of us with the German Parliament, the Bundestag. Just about 10 days ago I was reminded of that by a friend in that group from over in Germany where we spent a week together a year ago who asked me to be remembered to him, and I did that here on the floor of this House. BILL EMERSON was my friend. I wish him well. If there is a heaven, he is there.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I thank the gentleman for yielding me this time.

BILL EMERSON never gave up that he would not whip his cancer. That is the way he was in life. If he had a strong matter he was interested in, he would try and try.

He felt so much love for his wife Jo Ann and his family. Really, he knew that the good Lord would protect him and take BILL home when the Lord was ready for BILL.

At the House prayer breakfast every Thursday morning, we saw him gradually get weaker and weaker. He missed a few times, when he was taking chemo, from the prayer breakfast. he would call one of us the day before: "I will not be at the prayer breakfast today but just think about me." Then we saw him come with a breathing apparatus, but he kept coming. Then soon he was coming in a wheelchair to the prayer breakfast but he kept coming.

As has been said here today, BILL EMERSON was one of the most beloved Members of the Congress. He was such a part of this House.

Now, BILL, you will be buried in the rolling hills of Missouri on Thursday. And as someone said earlier, if there is a haven, there is a heaven and BILL is looking down on us today.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, it is with genuine shock and sadness that I rise to join our colleagues in memorializing the passage of and honoring an outstanding Member of this body, BILL EMERSON of Missouri. We have all been aware for some time that BILL was grievously ill. However, this did not lessen the shock of his passing.

We all recall how he remained courageously active until the very end and, in fact, did not miss any rollcall votes, even though in a wheelchair just until a week before his passing. BILL EMERSON loved this institution from the time he served as a page until the present days. He was beloved back in his home district, the Eight of Missouri, and he served on the Agriculture and Transportation and Infrastructure Committees of the House. His dedication on both of those committees earned him the respect of his colleagues on both sides of the aisle.

In addition, BILL was a productive member of the Joint Committee on the Organization of the Congress and in may ways the reforms adopted by this House are a living memorial to BILL EMERSON. He was a 28-year veteran of the Air Force Reserves and his dedication to the needs of our veterans and our Nation is well known.

BILL leaves behind his widow Jo Ann and their four beautiful children. Hopefully Jo Ann and the children may receive some small solace from the knowledge that many share their loss, both here in the Congress and at home in Missouri.

Mr. Speaker, I shall never forget the efforts BILL EMERSON made to enhance the work of our Select Committee on Hunger a few years ago. As a member of our Hunger Select Committee, he became one of our more energetic, productive, and dedicated members. We shall all miss BILL EMERSON. His shoes will be difficult to fill.

Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. CLAY. Mr. Speaker, may I inquire as to how much time remains?

The SPEAKER pro tempore (Mr. DREIER). The gentleman from Missouri [Mr. CLAY] has 6½ minutes remaining.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I thank our colleague, BILL CLAY for this opportunity to give testimony to our friendship and the admiration that we have for our departed friend, BILL EMERSON.

I came to Congress with BILL EMERSON in the same class, but it was not that alone that drew us together. A few short years later Bob Michel appointed us to the Select Committee on Hunger, I, as the ranking member. and BILL as my strong right arm. And I will tell you, it was not long after that that Micky Leland brought us to Ethiopia at the height of the worst famine in history ravaging the country and it was also war torn and enduring a civil war. I will tell Members, once you go to Ethiopia together, you are bonded in friendship forever. It was an extraordinary character-building experience.

We saw children, women, and men dying in the streets from starvation.

And BILL and I determined then that we would be in a partnership forever to help wherever that help was needed. I must tell you, even this year, when it came to food stamps and the school lunch program, and maintaining the agriculture nutrition standards, we always knew that BILL EMERSON was there. No children would go hungry while BILL EMERSON was on the job.

I must agree with what Mr. DE LA GARZA has stated. We in this Congress must continue that dedication in BILL'S memory. No child should go hungry on our watch.

To his daughters, Liz and Abigail, with whom my daughter Meg went to school back in Ridgewood, NJ, I want to say to Liz and Abigail, cherish the memory of your wonderful father and always remember the hope, the faith, the dedication, and the valor that he brought not only to life but to his death.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding the time to me.

BILL EMERSON, we will miss you and yet your influence will continue to inspire all of us.

BILL EMERSON was a man of commitment, compassion, civility, and courage. What an example he set for us. He was fair-minded, bipartisan and, as Members have attested, he never did complain. The House and Congress was his life, from the time he was a high school student and was a page here, and then as he worked for someone who became my mentor, Senator Mac Mathias, which is when I first met BILL EMERSON many years ago.

BILL then was elected in 1979 to Congress himself. And he then married into a family that are very close to me. His father-in-law is the late Ab Hermann, who became a political sage of mine. His mother-in-law, Sylvia Hermann, continues to be a leader in Montgomery County, MD. He married a beautiful Jo Ann Hermann and has raised four wonderful children who have all been inspired by their mother and indeed by their father.

He is a man who cared very much about the community. We know how he cared about the fact that people needed to be nourished, to be nourished in many ways, spiritually as well as physically nourished, and he was there. He does inspire us.

I am reminded of, as BILL EMERSON leaves, the Tin Man in the Wizard of Oz. The Tin Man was looking for a heart. When he meets the Wizard, he says, "Now I know I have a heart, because it is broken." And the hearts of all of us in this House and in this Chamber are broken.

□ 1630

Mr. CLAY. Mr. Speaker, I yield 1½ minutes to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Speaker, the wound of this loss is so fresh for all of us that it is difficult to place into words the kind of love and respect and admiration that we held for our friend, and truly BILL EMERSON was a personal friend. He was not just a friend, he was a personal friend to all of us.

Mr. Speaker, it is rare that we will find this many Members of Congress from both sides of the aisle that would take the time and feel compelled to come here and say these words, whatever we say, to our friend, BILL, and yet that was the kind of magnetism that this personality, this loving, kind person, held for all of us.

There was always something personal that he would find between himself and another person that bound them together. He and I came here together. He always bragged that he was one day younger than me, born just the next day after I was, and that was his way of forming that friendship. All of my colleagues had some kind of connection in that respect with BILL.

And yet it was much more than that because BILL EMERSON, as has been said here, was a patriot. He loved history, was a great student of history and felt extremely and highly honored that he was serving in this body because it represented, so much, the history of our Nation and his participation in it.

As has been said many times here today, BILL EMERSON loved this House. As my colleagues know, it is fashionable these days, it seems, for many of our Members to be critical of the House, hoping, I guess, to find some sort of sympathy from the public in criticizing this body. But you never heard that from BILL EMERSON. We only heard respect and love for this body.

His greatest achievement in life, outside his family, I think, was presiding there in that chair, and he did it so wonderfully well, none better, and I always picture BILL EMERSON sitting in the Speaker's chair because I think that was the height of his professional life in his own mind.

It has been said that duty makes us do things well, but love makes us do them beautifully, and, BILL EMERSON, you made things so beautiful.

Mr. CLAY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Speaker, I thank the gentleman for yielding this time to me, and I thank him for bringing this resolution today, and I send my condolences to the family of BILL EMERSON.

I came here in a special election, so friendship is very important, and BILL EMERSON showed me that friendship. I came here, and I was invited to the prayer breakfast by BILL EMERSON, and it became a very important part of my existence here in this Capitol. I come here today because I need to express my grief and my loss for this friend, and I say to all of my colleagues.

Let us look at what BILL EMERSON has given to us. He has shown us the way, love of country, love of family, love of each other, and finally he had such a deep love for his God that I know he is in good hands, and we should learn from his lessons.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

Mr. SKELTON. Mr. Speaker, I ask that we continue for 1 hour and that I control the remainder of the time.

The SPEAKER pro tempore (Mr. DREIER). The gentleman from Missouri [Mr. SKELTON] is recognized for 1 hour.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, I was a real admirer of BILL EMERSON, and there was an old former gospel singer I just happened to draw upon memory from, a gospel song writer from Missouri, Albert E. Bromley, who is one of the greatest gospel song writers in the world, and I think this just fits BILL EMERSON, and the words go something like this:

> I'll meet you in the morning with a how do you do, and we'll sit down by the river and with rapture our acquaintance renew, and you're going to know me in the morning by the smile that I wear, when I meet you in the morning in the city that is built four square.

If anybody is going to make it, BILL EMERSON is going to make it. He was one of the finest men that I have met, ever met, in this body, and he, and Bill Natcher, and men of that statute are going to make making it to Heaven worthwhile working for and something to look forward to.

And, BILL EMERSON, we are going to miss you more than you will ever know.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, our hearts and our prayers go to BILL's wife and daughter, certainly to all of his constituents, as well as his good friends.

BILL was my big brother when I came into Congress in 1993, and he just contributed so much time and so many hours in helping me learn how to adjust to Washington and to Congress.

So I wanted to be part of, if my colleagues will, this honor guard, thanking BILL again for all that he has done for many of us, certainly all that he did for me personally. BILL was a friend.

I served with BILL on the Committee on Agriculture. I mean his dedication, his willingness to study and learn and work with both Republicans and Democrats is not only to be admired, it is to be a good lesson for all of us.

BILL EMERSON was a great American.

BILL, we hope you continue to guide us, and our prayers are with you.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Speaker, I thank the gentleman from Missouri [Mr. SKELTON] for yielding time to me.

As a new Member of this body, it is wonderful just to sit here and listen to the more senior Members who have known BILL EMERSON longer than I have come before this body and lift up praises to him for the outstanding, not only the outstanding work that he did while he was in Congress and the outstanding family man that he was, but just the type of person; all those wonderful characteristics that we all look up to, that we all want to emulate, and I can verify from the 18 months that I knew BILL EMERSON that he certainly was that type of person and certainly led by example. I know when I was selected to join the Committee on Agriculture, he was one of the first folks I sought out, and he gave me wonderful advice and counsel throughout the entire time.

I also had the special occasion to go to Missouri with him one time and attend a hearing that he was conducting, and I know for a fact that BILL EMERSON loved his district, he loved it very strongly. He stood very strongly for he was a man of commitment for that district, and I know during the 18 months that I was here he displayed it very strongly. But having the occasion to go to Missouri and visit people there, I know that Missouri loved BILL EMERSON.

BILL was a wonderful congressman, a wonderful man, a wonderful father, a wonderful husband, a wonderful role model to many of us in Congress, and I know that he has gone on to better things, and I know that we are certainly going to miss him, I know that Missouri is certainly going to miss his presence here in Congress, and all we can do at this point is just add our appreciation to his family for what he did and continue to lift up his family in prayer because these are difficult circumstances, and I know all those Members here would agree with me on that, and we will continue to hold his family at this special time of their bereavement.

Mr. SKELTON. Mr. Speaker, I will yield 2 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, it was a young but brave BILL EMERSON who as a page helped move the mortally wounded Members of this body from the floor on a stretcher after a terrorist assassination attempt. Even as a teenager BILL EMERSON saw his duty, and he did it without any thought for his own safety.

BILL EMERSON and I had many things in common, our careers paralleling one another, we both worked here in Washington before returning home at young ages and being elected as Members of this body. BILL's personal office and staff is located next to mine in the Rayburn Building. Our families were neighbors in McLean, VA, and we were neighbors and colleagues on the House Transportation and Infrastructure Committee. Only four doors down from my family in McLean were BILL EMERSON, his wife Jo Ann and his four children. Our children attended school together, were often found in each other's homes, and participated in school and church activities together. BILL was a devoted family member and a devoted church member.

I know that my daughter Suzanne will never forget the times when BILL's daughter, Tori, and later Katherine, who we later called, "Kat," would babysit. They loved having each other over, spending the night together, doing their home work together, baking cookies together.

I recall one instance when we noted in the neighborhood a large truck outside of BILL and Jo Ann's home. It was a huge delivery truck, and they had just unloaded hundreds of cartons in front of BILL's driveway. So we strolled over to see what was going on. Could not imagine what was being delivered to their home.

"These are my books," BILL said very proudly with a sense of excitement.

"Where on earth will you put them all," we asked him.

His wife Jo Ann laughed and said, "That's a good question."

The cartons went inside, and Jo Ann and BILL found a space for quite a library of their beloved history books.

So, BILL was not only a great team player here in this body, he was a great team player in his neighborhood. Theirs was a close-knit family. Their strength, their hopes, their faith over these past months as BILL struggled to "beat this thing," as he put it, never faltered.

BILL, his wife Jo Ann and his four daughters are a source of love and stability for each other throughout this ordeal, but amazingly they took time to reassure and give strength to their neighbors as well, showing their deep and abiding Christian faith at all times.

So as we say goodbye, for a short time anyway, to our friend BILL EMERSON, we say it to a very honored, respected, and beloved friend of all of us, and while he is gone from us for a short time, he will live on through his wife Jo Ann and his four daughters and his mother, but more, he will live on through all of us in this body who had the great good luck and good fortune to have known BILL EMERSON and to have served with him.

MR. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, I rise to pay tribute and honor to the memory of a good man, a special man, Congressman BILL EMERSON. BILL was a good Congressman, a good friend and more than anything else a good human being. He was a man who truly cared about his fellow man, here at home and across the world. BILL EMERSON was a gentle man.

In 1992 I had the great privilege of cochairing a congressional delegation to Somalia with BILL. It was a dangerous trip. Somalia was still filled with gangs of armed warlords and we had to wear flak jackets as we drove through the streets. But BILL EMERSON was committed to the starving people of Somalia. He put their health and their welfare above his own personal security. that was the kind of man BILL EMERSON was.

BILL had a warm, caring and sharing spirit. His sense of humor was able to overcome any situation, to break down any barrier.

I will miss BILL EMERSON. I will miss his wit and his wisdom. I will miss his caring and his compassion. More than anything else I will miss his companionship. BILL EMERSON was my friend and I will miss him, as we all will, greatly.

My condolences and my love go out to BILL's family and friends.

□ 1645

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Speaker, to those watching this debate, whether by television or in the gallery or wherever, think it is obvious that they can see that this is not just an ordinary Member, this is an extraordinary Member that is being remembered here today; not in a flashy, necessarily charismatic sense, but as a solid, stable, and caring legislator who touched so many of us in so many different ways. He was a Member in the finest way, not a Democrat and not a Republican, necessarily, but a solid Member.

He brought me, as he brought so many of you, into a new experience. BILL recruited me to join with him when he was chair of the Congressional Study Group in Germany. He sort of brought me up through the ranks and made sure I was ready to handle the responsibilities. He made me the vice chair and this year, the chair. I got to visit BILL's district. A lot of us are used to visiting Members' districts with Members. I got to see BILL's district without BILL being present, because at the time that the Congressional Study Group on Germany was holding its meeting, and it was holding it in Cape Girardeau, BILL was not able to be there because of his chemo treatment. He hated that. He had arranged the whole trip. He wanted very much to be with the group. He had been with it for many years. It was being held in his district. He could not be there. Yet he carried on, his staff carried on marvelously.

I got to then represent BILL, so I saw firsthand the love and respect and caring that his constituents had. Of course, BILL checked in daily and did a phone conference with us. He wanted to make sure everything was running fine. We hear a lot about Republicans and we hear a lot about Democrats. I understand why BILL always won so handily, because I got to meet another party: Emercrats. These were folks who were voting for BILL, no matter what happened. I got to meet a lot of them, too.

One of the memories that I have most about that several-day visit was that at the end of it there was a function that BILL had arranged for the visiting German parliamentarians in a large hall. It was to be a reception and dinner with a lot of citizens in that area. They knew BILL was not going to be there. BILL had been very open about that. They still came. They came out and packed that hall. They came out for BILL EMERSON, because they knew that is what BILL wanted to do. Of course, every one of them was asking how BILL was doing.

If we could all live our lives as openly as BILL lived his, whether here on the House floor, fighting every day his fight against cancer, not asking for any sympathy, but just being here, and that being a message in itself; the struggles that he has fought openly. His constituents knew him and they loved him. They lived with him, they suffered with him, and they prayed with him.

Mr. Speaker, we all live through our children. As we all seek some balm for BILL's death, the balm that there is that BILL left four wonderful children that he talked about with me, as I know he talked about with you. But to Jo Ann and his four daughters, BILL lives through you, and for that we are all very lucky.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, this is not a happy occasion for me to be standing here before my colleagues and to pay a special tribute to the late Congressman BILL EMERSON from the State of Missouri.

BILL EMERSON, I think, can adequately be described as stubborn as those Missouri mules, as I understand it, but BILL EMERSON also had a heart. He had a heart full of compassion, and one of real appreciation for the needs of America's elderly and the poor and the hungry.

It was my privilege to serve as a member of the Select Committee on Hunger, where BILL EMERSON was also one of the senior members of the committee. The occasions that I have had in having hearings with him and to listen to this man, I certainly have respected him very highly for his opinions about the needs of America's hungry.

It was also my privilege, Mr. Speaker, to attend or to be a member of the delegation that went to Somalia, as it was cochaired by the gentleman from Georgia [Mr. LEWIS]. BILL EMERSON was a member of that delegation. It was not until that trip that I felt the real sense of compassion that this man had for those who are really in need.

As my good friend, the gentleman from Georgia, indicated earlier, we had to wear jackets for our safety because of the dangerous situation that the people of Somalia were confronted with at that time. BILL EMERSON was there because he had compassion. I believe personally that it was because of his strong convictions that he was able and was one of the forces which led President Bush to send the troops that were needed from the resources that America had, that he wanted for humanitarian reasons to help the needs of that nation.

BILL EMERSON was a dear friend because he helped me, and I am sure this was true of so many of my colleagues here. For my elderly people and the disabled in my district, BILL EMERSON was one of the key players who helped me provide the legislation for their needs. I certainly would like to convey my heartfelt condolences to Jo Ann and to the members of his family and to this great gentleman, not because he was a Republican, but because he was a great American.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise as the representative of the 18th Congressional District in Texas, a district that was previously represented by the Honorable Mickey Leland. I know that if Mickey was here, he would have wanted to offer just a word of thanks for the life of BILL EMERSON.

BILL EMERSON and Mickey Leland were very good friends. They were good friends, but as well, they were committed to a singular cause. That cause was to ensure that there was no more hunger in this world and in this Nation, particularly as it relates to children.

As a freshman, let me say to BILL EMERSON's family, Jo Ann and his four daughters, that we can only wish that others would follow in the tradition of the friendship of BILL and Mickey, and that they would also follow the cause, to ensure that all would be able to live free in this world, in this Nation, without hunger and hopelessness.

Let me also say as a freshman, just watching BILL EMERSON on the floor, knowing what he was dealing with physically, all I could see was a genteel and sincere individual, committed to public service, with a love for his country. Just a moment ago I was with Joe Hillings, a constituent who served as a page with BILL EMERSON. He offered his grief and his concern for a man who did nothing more than to give to his fellow man. He was a servant, he was a lover of people, and I do believe if Mickey was here, he would say to his friend, BILL EMERSON, "Well done, good and faithful servant."

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, when I first came here in 1993, I, like most Members of Congress, was somewhat intimidated by everything and everybody, and I needed a friend, just as we all need friends during that period of time, and certainly as we continue our career. BILL EMERSON was one of those guys that I found to be open and friendly to new Members, and always helpful.

I could go to BILL for advice on agriculture. I served on the Committee on Agriculture with him. All those agriculture issues, as we know, are very complicated; understanding the milk program, the peanut program, the wheat program. They are just endless. I do not think anybody knew as much about those programs on the committee, who had the time to sit there and share with you, and so forth. I would go to BILL and I would say, okay, what is going on on this? He would explain the intricate USDA policy on that.

One could also go to BILL and ask him, about the political side, and he could tell us which groups and which committees and which people here, Members of the House, how they stood and what would probably happen. He could predict what was going to be the outcome of legislation many weeks before it ever got on the floor.

If you only knew BILL in that political sense, as a guy who could give advice on agriculture issues and politics, you were missing something entirely more important to him. That was BILL EMERSON, the person. Because as a man, he was one who was philosophical. He could sit there and with a sense of humor sort of say, well, this is where we Republicans are going to line up on this, but those old Democrats, they have a good point here, and here is where I agree with them, and here is where we disagree. He could just rise above the rough edges of this institution and deliver somewhat of a balm, an ointment to the Members, so we could all feel a little bit better, not just about ourselves but about the legislation and about service in Washington. That is the kind of guy BILL EMERSON was.

I, Mr. Speaker, am going to miss BILL EMERSON. He always would stand back there and kind of peer over the banister, and I believe in many respects he will continue to peer down on

us, just as he sat back there. You could always reach him. I think now we can look high up in the heaven and BILL EMERSON is in good company with all of the other angels of the Lord.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I thank the gentleman from Missouri for allowing me this time to speak this morning.

Mr. Speaker, I have seen so many of our classmates that came to orientation back in 1980 with BILL EMERSON, as I was privileged to come to this Congress at the same time. And in thinking about the life of BILL EMERSON which we celebrate today, and of course, his passing, which we mourn today, I think all of us feel a little richer for having been with him and a little poorer for now missing him from this body.

But when we think of his lifespan, starting as a page in this body and ending over the last year with his sitting here and presiding as Speaker of this House and working in this House, I do not think that any man has ever been loved more that served in this House, or any man has loved this House more than BILL EMERSON loved this House. He loved the process and he loved its Members. I think that is something we need to think about more today as we see that things are becoming more tense here on the floor of this House, and as we work through our legislative process.

We often think of Tip O'Neill as being the man of this House. I think we certainly can also refer to BILL EMERSON as being the man of this House from the Republican side, as Tip O'Neill was from the Democrat side. As speakers ahead of me have said, he seemed to have a way to cut through the politics and make things happen. He was very practical in wanting to make good legislation. We have heard about his concern for the hungry, not only of this country, but also of the world. His great heart, that no longer beats, had such compassion for his fellow men, had compassion for the people that he served with.

I remember just a few weeks ago BILL was on the floor and he was standing right over to my left, where we remember seeing him for the last time in a wheelchair. And he was walking. He was still walking over for each vote, carrying a little tube of oxygen with him, and losing his breath. He was concerned about his losing his energy. When he came over here, he had lost his breath.

I mentioned to him that perhaps he ought to think about getting a wheelchair. and he said, my goodness, I do not want to do that. People will look at me and think I am dying. BILL fought right up to the very, very end.

Of course, then he decided that he would save his energy so he cold spend his time in a productive way when he was on the floor, and the last few days of his life here on the floor he would appear here in the wheelchair. What a wonderful man BILL was. We are certainly going to miss him. Our hearts and our feelings go out to his wonderful wife Jo Ann, who is a wonderful friend of my wife Emily, and of course BILL EMERSON, who was a wonderful friend of all of us.

I think it would be a great tribute for each one of us in our hearts and in our daily work to think of BILL EMERSON when we try to get together and pass meaningful legislation; as we go through the last months of this 104th Congress, that we dedicate each day to a greater understanding of each other, in the true memory of BILL EMERSON.

Mr. LAUGHLIN. Mr. Speaker, I am proud to have this opportunity to pay tribute to BILL EMERSON, a great man, a great Congressman, a great Christian, a great friend, and, as we have all heard, a great family man, which is so important, and was so important to BILL.

I had the privilege of serving with BILL on the Committee on Transportation and Infrastructure for 6½ years. When I was on that committee with him, I was a Democrat while he was a Republican, and so I have heard a number of the speakers talk about the bipartisan way that BILL would work with Members.

Having been a Member of both political parties last year, I can vouch firsthand that Bill was such a wonderful individual. He treated each Member, regardless of party or ideology, with great respect and would work with them on finding solutions to problems. Being senior to me on the committee, I respected his advice. There were countless times when he said: "GREG, think about taking this approach; why do we not work at it this way?"

So it is no wonder that so many people have come to the floor today to talk about what a wonderful individual BILL EMERSON was, because we were all proud.

As the gentleman from Missouri, [Mr. SKELTON] would vouch, as I asked for 30 minutes to an hour to talk about BILL EMERSON, every Member of this body could do that. As we would talk about him, we would always want to put the word great in front of friend, great in front of Congressman, great in front of family man, because BILL EMERSON was that kind of individual. So we in this body who count BILL as our friend are blessed to have had BILL EMERSON.

This Nation was blessed to have had Bill Emerson as a citizen and as a Congressman. We know from his love and the way he expressed his love and affection for his family, his family was blessed, as we all were, that BILL EMERSON was a part of their lives as we were in our lives. So America has been blessed, as his family was, by the good Lord that BILL EMERSON was a part of their lives, as ours.

Mr. SKELTON. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. KASICH].

Mr. KASICH. Mr. Speaker, first of all, I would like to thank the gentleman from Missouri, Mr. SKELTON, arguably the best friend that BILL EMERSON had in the House, for yielding me this time.

We have heard a lot today about BILL EMERSON, about his commitment as a public servant, his friendship to Members on this floor on both sides of the aisle. I want to talk just very briefly about something, a little gift that BILL EMERSON passed on to me, and that was BILL EMERSON's faith.

BILL EMERSON was diagnosed with what he must have known was a terminal condition. It was amazing to me how calm BILL EMERSON was in the face of staring death square in the eye. I went to BILL EMERSON, and I said: "BILL, what about this peace? You do not seem to be struggling, you do not seem to be angry. What about this?"

He said: "Well, JOHN, you have to understand, a number of years ago I started working on my faith, my faith in God and my faith in Jesus Christ." And he said: "JOHN, at some point in our lives we have to decide whether it is just a game or whether it is real. I have decided that it is real. My faith is real. I will see my Lord in heaven. And either way it goes, I am going to be a winner. Either I am going to recover and I am going to be able to be a servant of God right here on earth, or I am going to go and meet my Lord and Savior in heaven. So, JOHN, everybody has to decide, for those that go to church, for those that read the Bible, is this just a game that we play with ourselves, or is it something that we accept and believe and practice, and believe as real as my talking to you."

That is why BILL EMERSON had such an incredible struggle with his cancer. That is what BILL EMERSON passed on to me, a giant piece of his personal faith.

Mr. Speaker, we can always tell whether people really practice their faith, really believe wholly in their faith when the chips are down, when their backs are up against the wall. BILL EMERSON never got angry, BILL EMERSON never was frustrated, and he never blinked when he went eyeball to eyeball with death. BILL EMERSON believed in his heart and in his mind that death was nothing more than a transition to a promised land that he has believed in.

Today, I have to tell my colleagues, that face shines bright in my mind. He gave me a piece of it. He made me more peaceful in my heart about the future and what a terrific, tremendous, wonderful gift the faith of BILL EMERSON that he passed on to many of his friends, his family, and his colleagues.

God bless you, BILL. God bless you. We will miss you.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Speaker, I thank my friend for yielding me this time.

Like so many of my colleagues, BILL EMERSON was a personal friend of mine. So many nice things have been said about him on the floor today and rightly so, he deserves all of them. I do have many pleasant memories of BILL EMERSON like my colleagues do.

I remember the last time we were over with Bob Dole over at the Cannon Caucus Room. So many remember Bob Dole took a few minutes to talk about BILL EMERSON in his last speech in the Congress, and I thought that was a wonderful tribute that Bob Dole did.

I noticed every speaker spoke about BILL EMERSON's attitude, and that is the thing that struck me. I do not think I would have had nearly the courage that BILL EMERSON had. I remember the last time I saw him here. I shook hands with him, and I said: "You have a strong handshake." He said: "I am strong, I just cannot get enough oxygen." There was never any doubt that this man just had 100 percent confidence.

The gentleman from West Virginia [Mr. WISE] spoke here on the floor. He said that he was in Cape Girardeau, I was at Cape Girardeau with you and some others, and it is true he was really loved and respected.

When I first came to Congress here, we had a Congressman by the name of Bill Steiger. He died just before we were sworn in. Tip O'Neill was the Speaker. And Tip O'Neill summed up Bill Steiger's life in four words. He said: "This man had respect." And that is what I would say about BILL EMERSON, this man had respect. That is the best I think we can say when a man leaves this Congress, a man or woman leaves this Congress.

We also remember when BILL EMERSON was in the chair. No one did a better job in the chair than BILL EMERSON. Not only was he fair, but he had total command of what was going on on the floor. But BILL EMERSON left a legacy to you and to me, and that legacy was courage. I mean real courage. We saw that courage daily here in his wheelchair; his attitude was always 100 percent.

I think the thing that we can remember about him, when we think things are tough here on the floor, let us remember BILL EMERSON, and things will be made easy.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky [Mr. WHITFIELD].

Mr. WHITFIELD. Mr. Speaker, I want to thank the gentleman from Missouri for yielding me this time.

As it has been said all afternoon BILL EMERSON truly was a remarkable man. I had the opportunity to come to know him just since 1994 when he became involved in my race for the U.S. Congress. My district is right across the river from his. And he came to my district on one occasion to help out my constituents in a matter that they were concerned about.

A couple of weeks ago I was driving through my rural district of western Kentucky. I came across a small church. There was a bulletin board out there and it simply said: You cannot make a success of life without making a gift of it.

Subsequent to that, I thought that that certainly applied to BILL EMERSON. BILL EMERSON was a husband, he was a father, he was a son, he was a politician, and in all of those roles he made a success of those roles because he made a gift of his life.

At this time when there is so much cynicism and apathy around the country about politics, I genuinely wish that people from all across America would have had an opportunity to sit down and talk to BILL EMERSON about government, about a democracy, because he was truly committed to it. He believed in this body, he believed in our democracy and in our process, and all of us will miss him. We will be thinking about his wife Jo Ann and his four children.

I had the opportunity to meet his mother just a couple of days ago, and in looking in her eyes, I saw that twinkling in her eye that all of us saw when we talked and looked into BILL EMERSON's face, and we will all miss him. But he was a gift to us, and I, for one, will always cherish that.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have spoken a great deal about our friend BILL EMERSON this afternoon. I would be remiss if I did not say a word or two about loyalty, loyalty to those about him and those about him were extremely loyal to him.

At this time I would like to say a word of thanks to the D.C. staff and to the district staff of the late BILL EMERSON for the wonderful work that they did for him to help him serve the people of Missouri: Tricia Schade, David LaVallee, Julie Pickett, Pete Jeffries, Glenn Kelly, Lisa Johnson, Julia Kertz, Seaver Sowers, Neil Moseman, Jess Sharp. Those are the ones who composed the staff here in the Rayburn Building.

In the district: Lloyd Smith, Kacky Garner, Pat Pecuat, Greg Branum, Carol Goldsmith, Alan Heath, Mike Chitwood, Iris Bernhardt, and Carlene May.

Each of these staff members served so ably and so well. And on behalf of all of us, we thank them.

Mr. Speaker, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me this time to speak on behalf of the loss of his great friend.

It is so sad to be here today and not have BILL here. He has been in this Chamber, I guess, as much as anybody else over the years. His spirit has always been here and hopefully will always be here.

I got to know BILL a little bit differently than some other people. Back when I was the Governor of Delaware, he came to Delaware to look at some programs we were running involving food stamps and nutrition and delivery of services. He liked these programs, and I liked BILL EMERSON. We were not used to having Congressmen come to Delaware, quite frankly, if they were not from Delaware. He took the time to come up there, and when I came to Congress he was my friend. He was one person I knew, and he was one person who spent time with me.

I did not realize he was the friend of 434 of us here in this Congress. We have heard more fascinating stories in these last 2 hours about this wonderful man and the way he reached out to different individuals, be they neighbors or committee members or classmates or whatever it was. But BILL EMERSON was bigger than that. He was almost bigger than anyone else who ever served in this Congress. He was for all humanity.

He was the one who reached out for those who had problems with hunger around this world. He was the one who reached across the aisle to Democrats as well as to Republicans. He was the one who virtually made a friend of everybody he dealt with. He was the one who was so popular in his district that he just won by overwhelming margins there.

He was the one with a wonderful family. He is the one that we are offering our condolences for here today because he meant so very much to so many people in the United States of America.

There may have been finer Members of Congress, but I do not know if I could name who they were or who they might be. I do not know of anyone who has served his fellow man as well as BILL EMERSON did over all of the years that he represented us in this Congress.

So we will miss you, BILL. We will miss your spirit. We will miss all that you stood for, particularly at the end when you were so brave and so courageous.

Frankly, I did not think it would ever end. It just came as a surprise, even though we all knew that ultimately it had to be fatal. So we will miss you, BILL. God bless you.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. CRANE].

□ 1715

Mr. CRANE. Mr. Speaker, I thank the gentleman from Missouri for yielding me this time.

With regard to all of the comments made about BILL EMERSON, I can only say amen. As a very dear person, a caring person, though, I would like to share an anecdote.

I have my No. 5 daughter suffering from cancer and she has been going through chemotherapy since last October. She was over here visiting on the floor with me and we ran into BILL. He told her that he was going through the same experience. He really lifted her spirits. He told her, "Hang in there, you're going to beat this," and he reassured her. Then he asked me further for her telephone number when she was in the hospital, getting chemo, and when she was home, he called her, just lifting her spirits.

BILL, of course, had that amazing quality for maintaining high spirits even when he knew what the prospects were.

I share this as an anecdote only because it was so personal and meaningful to me. As a father, of course, you anguish over your little ones through that kind of experience, but you cannot help but anguish over those who suffer the loss most, and, that is, his lovely wife Jo Ann and his daughters, his mother.

But remember that the pain and suffering and the anguish of that loss is experienced only by we survivors. BILL is home free and he is looking down smiling upon all of us and he probably feels a little embarrassed at times over some of these revelations of our affections for him.

When my dad passed away last year and we all attended, it was family reunion time, I reassured my brothers, my sister, and the family that, hey, the big reunion time is right up there now, and his parents were waiting for him and all the loved ones that preceded him.

It is time for BILL to enjoy his celebration. He pulled his tour of duty. We can only look forward to the time when we can participate in that joyful experience and recognize that in the interim, though, we are here to try and bolster one another and to carry on the good fight and in the best tradition that BILL did. God bless you, BILL EMERSON.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from Missouri for yielding this time to me as we pay tribute to one of the great men of the U.S. Congress.

BILL EMERSON truly was a man of the House. His participation in this body extends far back beyond when he was first elected to the Congress in 1980. In fact, in our Republican cloakroom, we have a picture of BILL dating back to March 1, 1954. It is a fitting tribute in memory to him. He played a part in the history of this Congress, because on that day some terrorists burst into the Chamber through those doors up there to my left in the gallery and sprayed the entire House Chamber with gunfire.

BILL EMERSON was here because at that time he was the chief page on the Democratic side, because in 1954 that was the last time the Republicans were the majority in the Congress, and he was responsible for the pages on the Democratic side. He was over in that corner. I can remember him as vividly as possible telling me this story, just a couple of years ago, explaining that picture to me, back in that corner, he hit the floor, there are bullet holes in the wall back there for anybody who wishes to examine it, bullet holes here in the desks on the Republican side, and the photograph in the back shows BILL EMERSON carrying out Congressman Alvin Bentley, a Republican of Michigan, one of five Members of the House who was wounded that day. So BILL EMERSON's part in the history of this House extends back virtually all of my lifetime.

I had the honor of serving on the Committee on Agriculture with him for the past 3½ years, and serving on the Department Operations and Nutrition Subcommittee with him. He truly was a caring man who cared a great deal about the people that he was serving in his district, about the people who benefited from the Government programs under his auspices, and the taxpayer whose dollar he always looked after as he represented his constituents very wisely.

BILL EMERSON is truly someone we can all be proud of, someone who represented his district and who represents all of us in the Congress as a legacy in the history of this country.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. I thank the gentleman very much, and I thank the Speaker for this opportunity to honor a very, very special person in my life, BILL EMERSON.

First of all, I want to extend my most sincere sympathy to Jo Ann, the daughters, and the entire family.

Mr. Speaker, I came here 18 months ago, a freshman. BILL EMERSON took me under his wing and was my mentor here. I was very fortunate to have the unique opportunity to serve with BILL not only on the Ag Committee, the full committee, and Transportation and Infrastructure, but each of the four subcommittees that we served on together. I sincerely cherish the time that I had with BILL here.

BILL was always there to answer what had to seem like my endless questions. He was always there with stories about his experiences in Congress, in this body, and with stories about his beloved Missouri. And he was always there as a true friend. My only regret here is that I only had 18 months to be with BILL and to learn from him.

In the past few months, it seems that BILL wanted to teach me as much as possible as quickly as possible, somehow knowing that maybe his time was running short. I will never forget just 2 weeks ago when we were marking up the food stamp bill in the Ag Committee, that I was honored that he asked me to give his statement because he was too weak and it would be very, very difficult for him to do so.

As BILL continued to battle his illness, he continually asked me to pray for him, and I think he asked many of us here to do that. He kept telling us that the prayers were working and that he could feel our prayers.

I will never forget what BILL EMERSON meant to me. Someday I would hope to be half as food in this body as BILL was.

Also, I will never forget his faith in God. When BILL EMERSON came here, he did take me under his wing, and I know today that BILL EMERSON has been taken under God's wing. Knowing that, I can celebrate both his life and his death today.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Speaker, when I came to the House of Representatives, one of the first people I met was BILL EMERSON. BILL was a gentleman in every sense of the word, and I will never forget it. We took a trip several years ago to Israel. He was such a good will ambassador, not only for this country and for his congressional district and for the great State of Missouri, but for the world. I think all of us know of his emphasis and focus on hunger in the world. It truly is a great, great problem. BILL EMERSON was out there on the front lines.

When we were in Israel, Mickey Leland was killed in that terrible airplane crash in Africa. BILL EMERSON dropped everything to try to find out about Congressman Leland and even tried to get to Africa to see if there was any way he could help. That is the kind of person BILL EMERSON WAS.

Life works in strange ways, but you can have a difference of opinion without having a difference of principle. That is what BILL EMERSON was all about. He did not care whether you were a Democrat or a Republican. He cared whether you cared about America. He always attacked the issue. He did not attack the individual. He did not try in any way to destroy the institution. He did everything he could to build the institution and build faith and confidence in this great country. BILL, you are going to be really missed. To your lovely wife Jo Ann and to your wonderful family, we will never forget you.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, I thank the gentleman from Missouri for yielding me this time. I want to extend my sympathies to the Emerson family. When I first came to Congress 14 years ago, BILL EMERSON was my neighbor in the Cannon Office Building. He was also my neighbor across the Mississippi River from Illinois in Missouri. We talked a lot about our similar backgrounds and similar districts. Of course we were of different political parties. I am a Democrat, and he was a Republican. We are very proud of our partisan heritage but it never stood in the way of a good friendship. Over the years I came to know BILL and respect him very, very much. He fought some classic battles, both personal and political. In each one of them he showed a level of class which is rare in this institution. It is really unfortunate but true that from time to time we let politics get too personal in this institution and we forget that we are in fact colleagues and all quite honored to have this opportunity to serve in the U.S. House of Representatives. BILL never forgot it. I think it goes back to his experience as a young man serving as a page in the House and then coming back to be a Member of this institution. He loved the House so much.

There were times when the rhetoric around here and the debate would become so partisan and so personal that BILL would take it on himself to go and meet with the Democrats on the other side of the aisle and say, let's start bringing Members together for informal dinners so that people become friends again and realize that we still have so much more in common.

Then the year before last Speaker Tom Foley appointed BILL EMERSON and myself to serve as co-chairs of a bipartisan task force on Federal disaster assistance. It was a great experience, because I literally sat shoulder to shoulder with BILL EMERSON for months as we went through hearings and came up with a joint report that we both agreed on. We completely trusted one another, we worked together closely on a bipartisan basis, and I think did good work for this Nation and for this House of Representatives.

BILL EMERSON is going to be missed but what he brought to this House of Representatives we will remember for a long, long time. It was a certain level of class which we should all aspire to.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. I thank the gentleman from Missouri [Mr. SKELTON] for yielding me this time.

Mr. Speaker, what BOB CLEMENT said earlier I thought was very apropos; that is, that people can disagree without being disagreeable. BILL EMERSON was truly a man of the House, a man of this institution.

I had the privilege of working with BILL a lot, because part of my district is right across the river from the Missouri boot heel. I can tell Members from personal experience, BILL EMERSON was loved in the Missouri boot heel. We did a lot of work together on the Mississippi River. both of us served as president of the Lower Mississippi Valley Flood Control Association and had a lot of common interests that we were pursuing to help the folks that lived along the river up and down.

My heart goes out to Jo Ann and the family because BILL EMERSON was truly a gentleman. I never heard him say a harsh remark about someone personally on this floor. It happens all too often, as some of the other speakers have said. That is what I mean about being able to disagree in an agreeable way. That is really what this institution ought to be about. BILL EMERSON lived his life in furtherance of that goal.

I just hope his memory, and I think it will, will permeate this place for many years to come. He was a good man and true gentleman and we will miss him greatly.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

□ 1730

Mr. STENHOLM. Mr. Speaker, I would just like to say that the BILL EMERSON that I knew was a very, very special person. BILL loved his God. He loved his country. He loved his family. He loved his district, his State, and he loved this House of Representatives. The last conversation that I had with BILL, he was looking ahead to next year and wanting to be a part of making the constructive changes that he tried all of his life, from, I think, since serving as a page in this institution the first time.

Having sat by BILL every Thursday morning in the House prayer breakfast group, I was blessed many times by having him share his ideas about life and what it meant, and even during these last several weeks when it clearly was becoming more and more of a severe problem for BILL, he never lost his faith.

I would just, too, like to say to Jo Ann and to the family and to all of his many other friends back home, I know everyone will miss him, but so will we. We know now that BILL is in Heaven and I know he is smiling down and appreciating the nice things that many of us have said when perhaps he would say, "You could have done a little better job when we were here, too, Charlie." But BILL, we miss you. God bless you.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I wish to join my colleagues in mourning the passing BILL EMERSON, the gentleman from Missouri, truly the gentleman from Missouri. We all talk about when we first got to know Bill, and I did in his work with Mickey LeLand on the Committee On Hunger. I was not a member. I wanted to be. The two of them were so enthusiastic, and is it not sad that we have lost both of them.

Others have reminisced about when Mickey's plane went down and how BILL reacted to that and redoubled his already boundless efforts to end world hunger. We had a few chuckles over the fact that we were working together on disaster relief when of course everyone knows that we are earthquake prone in California and San Francisco, but when Missouri was identified as a potential site, again with all the gusto in the world, as the gentleman from Illinois [Mr. DURBIN] mentioned he launched into the disaster relief issue.

I want to extend my sympathy to Jo Ann and the Emerson family. I hope it is a comfort to them that BILL is mourned by every single one of his colleagues, that this House that he dearly loved and served so well is diminished by our loss of BILL, and that all who know him pray for the family at this very difficult time.

As has been mentioned, BILL was very concerned about his staff and we all are, too BILL. But I want to say that as has been mentioned, BILL was a person of faith. He was a man of faith. With that faith, he helped all of us here reinforce our own faith and be kinder to each other.

In his work to end world hunger, BILL EMERSON worked on the side of the angels, and now he is with them.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I had spoken yesterday and I was not going to speak again today, but something came up, I wanted to speak. BILL EMERSON and TONY HALL and a few of us are part of a covenant group. We met every Tuesday in the chapel. In fact, as we just broke up, a group of us, the whole meeting was on BILL. Somebody sent flowers that were on the altar today for BILL. Somebody else brought and put on all the chairs a jersey for all of us in the group from BILL.

BILL was a committed Christian. BILL loved Jesus as much as he loved anything else. So I just want people to know, and I can speak personally from having listened to BILL for the last several years, he loved Christ. He knew that when he died, where he was going, that he was going to Heaven to be with the Lord. BILL was somebody whom everyone loved on both sides, and those in our group, TONY HALL and our group, kind of transcend it. In fact, we

had greater loyalty in our group to the individuals in the group than we actually had to our parties. We worked together on many issues, and we are going to miss BILL an awful, awful lot.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, it is a tribute to BILL EMERSON that we are here in going on now 2½ hours eulogizing him and remembering him. He was a Member of my class, the 97th class, even though I caught up with him about 7 months later because I came in a special election in 1981. BILL was one of the first people to come over and extend a hand and help me with this great transition from the State legislature to the Congress.

Recently I had an opportunity to participate in a congressional study group on Germany meeting in BILL's district in Cape Girardeau and, unfortunately, BILL was unable to attend because he was having treatment back here at Georgetown. As a result, some of the Members that were out there listened to BILL call in, and we were there with members of the German Bundestag, and it was so evident what pride BILL took in his district and his constituency. He even gave us a book from Mark Twain that had a specific part of the book marked where Mark Twain talks about Cape Girardeau and that area, and the German members of the Bunderstag were so impressed with BILL's commitment and his strong feeling about German-American relationships and the strong number of German-Americans that were in his district.

He was a person who everybody in this House could look up to and yet feel that they were a friend on an equal basis. We will miss his great honesty, his humor. We wish the very best to his family and Jo Ann, his wife, for someone we will miss greatly, a real leader in this House and one who loved this House of Representatives, BILL EMERSON.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I did not know BILL EMERSON as well as some of my colleagues, but what I did not know of him, when I think of him and remember him, I will think of the words decency, commitment, honesty, collegiality, civility, which is sometimes in this body something that we have lacked.

The last word I ever heard him say was "good". I remember seeing him in his wheelchair and I asked him, BILL, how are you doing? And he said, "I'm good." He was fighting till the end. A class guy, an honorable guy, a guy that when individuals think of this Congress, they see somebody in the best traditions of the men and women that serve here.

Sometimes we speak ill of each other and speak ill of this institution. BILL EMERSON loved this institution. He would be upset at those that reviled it, and I will always remember him as a man with class, a bipartisan person who cared deeply, a person who cared deeply by about this country, about hunger, about foreign policy, about his farming district, about where he came from, and I will always have that very good feeling about BILL EMERSON.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. JOHNSTON].

Mr. JOHNSTON of Florida. Mr. Speaker, I guess the politics of BILL EMERSON and myself were 180 degrees apart. We were diagonally opposite. He is a conservative, I am a liberal. He was for a constitutional amendment against flag burning, I was against that. He was for English only, I was against that. He was pro-life, I am pro-choice. But BILL EMERSON is pro-life in the ultimate sense. Without him, without FRANK, who just spoke, without TONY HALL, a lot of Africans would die this year of starvation. BILL EMERSON interceded, and FRANK WOLF and he went to the leadership and got food aid put back in the budget last year.

He was a close friend, and I personally will miss him.

Mr. SKELTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have witnessed this afternoon tributes to a wonderful American, great Missourian, BILL EMERSON. I have not seen such an outpouring in my time here in the Congress of the United States. Habit is a funny thing. Habits sometimes become a ritual. To and from work, driving from McLean, as we did nearly every day, in the morning when he would come by the House, "Billy," "Mr. Ike," then the conversation was off and we would visit all the way down, trying to solve problems, discussing everything from family to friends to work for the people we represented.

Then at night we would drive back and getting ready to get out, the conversation would be, "What time tomorrow?" "7:20." "7:20." "Good night, Bill. 7:20." We will always fondly remember that wonderful Missourian, BILL EMERSON.

I also wish to thank the gentleman from St. Louis, MO, [Mr. CLAY], for initiating this resolution. It is certainly thoughtful of him to do so and to allow us to participate.

Mr. FRELINGHUYSEN. I am pleased to rise to honor the memory of my friend and colleague, the gentleman from Missouri, the late BILL EMERSON.

For the past 18 months, he has been a friend and periodic advisor. He has generously shared his love of Congress as an institution with me and his deep knowledge and interest in American history, most especially the role of Abraham Lincoln and his family.

BILL EMERSON touched the lives of two generations of Frelinghuysen's in Congress. He was a congressional page in 1954 when my father, Peter H.B. Frelinghuysen was a Member of this body. He was on the floor, as my father was, on the fateful day when Puerto Rican nationalists shot and wounded several Members of Congress from the spectators gallery.

He was a special person and one who had an immediate impact on those he met. Perhaps the greatest indication of his impact on this House and those who work in it is the testament that we've heard today—from Republicans and Democrats, liberals and conservatives, men and women, old friends and new who all respected this honorable man.

At a time when it is fashionable to criticize government and Congress, BILL EMERSON was always unabashed in his defense of this institution. He served as an example to us all that quiet leadership, an open mind, and a strong commitment to constituent service is the best way to earn the public trust and the respect of our colleagues.

We can honor his service by practicing these virtues. And through this effort by each and every one of us, the House of Representatives that BILL EMERSON loved so much will bear his grand imprint for many years to come.

Mr. FRANKS of Connecticut. Mr. Speaker, it is with a great degree of sadness that we, today, mark the passing of a true, distinguished public servant, and a fine human being, Congressman BILL EMERSON of Missouri.

Mr. Speaker, we will always remember BILL for his wonderful sense of institutional history, his championing of the hungry and downtrodden of the world, his tireless work for the agricultural interests of the United States, and his longtime service to his country.

Mr. Speaker, the immense love BILL EMERSON displayed for his family, his friends, his Missouri, his country, and his God should always resonate with us. We were truly blessed to have such a wonderful man serving among us.

To BILL, I say "So long, good friend. You are going to be missed by a lot of people down here. It was an honor to know you."

Mr. SENSENBRENNER. Mr. Speaker, I rise today to pay tribute to the late Representative BILL EMERSON, a distinguished American who served his country with unsurpassed dignity and an inspiring fighting spirit.

Representative EMERSON began his public service as a teenaged House page in 1954. He later served on the staffs of Representative Bob Ellsworth and Senator Charles Mathias.

In 1980, Representative EMERSON sacrificed a lucrative lobbying career to run for Congress. Through his dogged determination and exemplary integrity, BILL EMERSON defeated the Democratic incumbent, becoming the first Republican in 50 years to represent the Cape Girardeau-Bootheel region.

During his 16 years in Congress and throughout his life, BILL EMERSON earned the respect and admiration of his colleagues and the public. He was able to rise above politics and work together with Members on the other side of the aisle to pass legislation benefiting our country. As a compassionate leader on the Agriculture Committee, BILL EMERSON dedicated much of his efforts to food stamps and nutrition programs.

No matter what challenge life threw at him, BILL EMERSON attacked it with every fiber in his body. He fought and defeated alcohol dependency and never gave up his fight against cancer. Since being diagnosed with cancer last November, BILL's spirit and zeal for life never wavered.

This House and our country has lost a great American patriot. I offer my condolences to the family and friends of the Honorable BILL EMERSON.

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise today to join my colleagues in mourning the death of BILL EMERSON.

I was privileged to have worked with BILL on the Agriculture Committee for the 10 years that I have served in the House, including having him as my ranking member on the General Commodities Subcommittee during my time as chairman of that subcommittee. As was the nature of the Agriculture Committee in previous years, we worked on a bipartisan basis to ensure the competitiveness of American agriculture on many occasions.

He was a tireless advocate of those less fortunate in our country, particularly the hungry in this Nation. With the bounty produced by his congressional district, I know it was frustrating for him to think that in this day and age that children still go to bed hungry. We are also aware that this concern spanned the continents as he joined our late colleague Mickey Leland and Congressman HALL in working to stamp out hunger in foreign lands as well.

He served the constituents of his district well on the Public Works and Transportation Committee and on the Agriculture Committee. He, like I, represented a district which has a wide variety of agricultural commodities grown, sometimes with divergent views. He was always an advocate for the farmers in his district above all else and fought relentlessly to ensure that their interests were heard. His work on the Public Works Committee also underscored his understanding of the issues of importance to his district—safe drinking water and adequate transportation systems to allow his rural district to complete on an equal basis with their urban neighbors and enjoy the same quality of life.

Mr. thoughts and prayers are with his family, his staff, and the constituents of the Eighth District of Missouri as they mourn their loss and remember the life and times that they shared with him. His death is a loss for all of us and for this institution that he loved, the U.S. Congress.

Mr. STOKES. Mr Speaker, I want to thank my colleague, the distinguished dean of the Missouri congressional delegation, Congressman BILL CLAY, for allowing us this time to pay tribute to our departed colleague, BILL EMERSON. We join the members of the Missouri congressional delegation and, in particular, the people of the Eighth Congressional District in mourning the recent passing of a distinguished lawmaker, a dedicated politician, and a good friend.

I am proud to have served in this legislative Chamber with BILL EMERSON. He came to Washington, DC, with a sense of dedication and the highest level of commitment to public service. Throughout his career, he worked hard and fought for issues which he believed in. Many of us recall that when the Hunger Caucus was abolished, BILL EMERSON joined my colleague from Ohio, TONY HALL, in fasting to bring attention to the issue. On other issues of importance to the Nation, BILL EMERSON was the voice of reason and compassion. He was a courageous lawmaker and a gentleman at all times.

Mr. Speaker, I saw BILL just a few nights ago when he was coming into this Chamber in his wheelchair. I recall that he was in good spirits, and told me at that time than he was still fighting hard and doing all right. BILL EMERSON was that type of champion. The fact that despite his battle, he was here in this Chamber just a few days ago carrying out his legislative duties, is a reflection of his strength of character and commitment to duty. He did his very best and he served with the highest level of integrity and dignity.

I will miss our colleague, BILL EMERSON. I join my colleagues in extending my sympathy to his wife and members of the Emerson family. We have lost a good friend and America has lost a champion.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from Missouri, Mr. CLAY, for yielding.

Mr. Speaker, this week the people of Missouri, the House of Representatives, and the United States lost a great man—and I lost a friend.

I want to extend my condolences to his daughters and his wife Jo Ann and thank them for sharing BILL with us.

BILL EMERSON's loss will be sorely felt in the Chambers of this House which he so loved.

BILL wrote the book on kindness and decency. He was a warm, gentle, good person—the kind we need more of these days.

He loved this institution, he loved the people who work here, and he loved representing Missouri's Eighth Congressional District.

BILL EMERSON worked hard and he worked well. Thanks to BILL, the 25 million Americans who rely on food stamps for sustenance will continue to get the Federal help they need to make it from day to day. And that's quite a legacy.

As Malcolm Forbes said, "You can easily judge the character of others by how they treat those who can do nothing for them or to them."

BILL EMERSON treated everyone well—from the Speaker of the House to the congressional pages, and everyone in between.

I am honored to have worked with him and I join the thousands of others in mourning his loss today.

Mr. COSTELLO. Mr. Speaker, I want to rise today to praise my colleague and good friend, BILL EMERSON, who died last Saturday after a brave struggle against lung cancer. BILL EMERSON was a true public servant, who cared deeply about his congressional district as well as issues of global concern.

BILL served with me on the House Transportation and Infrastructure Committee, and we worked together on issues of regional concern for both Illinois and Missouri. Many of those problems which affect the boot heel of Missouri are also endemic to southern Illinois; the need for new infrastructure, good jobs and public health which is accessible and affordable for the people who live there. One project in particular which BILL and I recently worked on was Federal funding for the new Cape Girardeau Bridge; I join my colleagues in asking the House to name this bridge in BILL'S honor.

We had the opportunity to serve together for 8 years, and over those years I learned from BILL's way of working in a bipartisan fashion. BILL EMERSON knew that progress is not made with just one side of the coin; it takes balance to keep moving forward. By working with both Republicans and Democrats, BILL EMERSON was able to accomplish things for the people of his congressional district as well as the Nation.

And the world. BILL EMERSON, along with our former colleague Mickey Leland, fought for those people who could not fight for themselves—people in Ethiopia, Somalia, and other countries where citizens starved and were too weak to make their case to those who could help. BILL fought for food and nutrition programs, to provide essential sustenance to keep people alive.

His legacy will not soon be forgotten. But his kind manner, his decency, his bipartisanship, and his commitment to caring for other people will never be forgotten.

Mr. BILIRAKIS. Mr. Speaker, I rise today to say goodbye to a friend. Although many Members of this body have risen and recounted what kind of man, legislator, and public servant Bill Emerson was, I believe it certainly cannot be said enough.

I always thought that one of Bill's most outstanding qualities was that he held passionate beliefs about how to improve the lives of our Nation's citizens, while at the same time possessing the innate quality to debate divisive issues in an honest and straightforward manner. Bill was one of the driving forces behind the formation of the Alliance, a group of Republicans who believe that we must return civility and respect to the debates in the House of Representatives.

Unfortunately, we did not serve on the same committees in Congress, in fact, our congressional districts were in very different parts of this country. I was, however, pleased to have the opportunity to serve as a member of the Alliance with Bill, and to see him working at our weekly meetings. I also was able to work with Bill several years ago as cochairs of the House Task Force on Fair Trade and Open Markets.

There is no question that he served the Eighth District of Missouri and the citizens of our country very well. I know he will be missed by all those who were fortunate to come into contact with him over the years.

We were all heartened at the way Bill remained strong during his last days in this institution which he loved so much. Whenever I walked on the floor and saw him following the debate, even though it was obvious that lesser men would have been unable to do so, I realized just what kind of devotion and commitment he had for his service to his constituents and to his country.

Mr. Speaker, we will all miss Bill Emerson. I know, however, that his work

in this body will serve as a lasting tribute to a man who devoted his life to public service.

The SPEAKER pro tempore (Mr. DREIER). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 459.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1903. An act to designate the bridge, estimated to be completed in the year 2000, that replaces the bridge on Missouri highway 74 spanning from East Cape Girardeau, Illinois, to Cape Girardeau, Missouri, as the "Bill Emerson Memorial Bridge", and for other purposes.

## BILL EMERSON MEMORIAL BRIDGE

Mr. PETRI. Mr. Speaker, I ask unanimous consent to take from the speaker's table the Senate bill (S. 1903) to designate the bridge, estimated to be completed in the year 2000, that replaces the bridge on Missouri Highway 74 spanning from East Cape Girardeau, IL, to Cape Girardeau, MO, as the "Bill Emerson Memorial Bridge", and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. RAHALL. Mr. Speaker, reserving the right to object, I certainly do not mean to object, but I would yield to the gentleman from Wisconsin for the purposes of explaining the bill.

Mr. PETRI. Mr. Speaker, the bill would designate the bridge to be constructed to replace the Cape Girardeau Bridge in Missouri in honor of our late colleague, BILL EMERSON, who passed away last weekend.

BILL truly was a man of the House. He first came to Washington at the age of 15 when he was appointed to serve as a House page. He returned in 1961 and worked on the staff of several Members. After working in the private sector, Bill was elected to the House in 1980 and has won each election since, serving on both the Agriculture and Transportation and Infrastructure Committees.

I had the honor of serving with BILL on the Transportation Committee and always found him to be hardworking, and dedicated to his beliefs and serving his constituents in Missouri. He was never afraid to state his views or take on an issue, and it was one of many traits that we admired about BILL. I remember well his good humor and straightforward manner, even when the committee was considering controversial or difficult matters. But make no mistake, you always knew exactly how he felt about an issue.

In the end, BILL demonstrated extraordinary courage in the face of his illness this year, and he would not, and did not, let it interfere with his daily responsibilities here and in his district.

We extend our condolences to his wife, Jo Ann, to his children, Elizabeth, Abigail, Victoria, and Katharine, and to his staff who worked with him over the years. The Transportation Committee and this House have suffered a great loss and we will truly miss BILL EMERSON.

I urge passage of S. 1903.

Mr. RAHALL. Reclaiming my time, I thank the gentleman for his explanation and I join him in supporting this bill.

It is indeed fitting that the least we can do to honor BILL EMERSON is to name the bridge that is to be constructed in Cape Girardeau in his memory.

Sine 1980, BILL EMERSON served with great distinction on the Public Works and Transportation Committee, now known as the Committee on Transportation and Infrastructure, working on behalf of the people of the Eighth Congressional District of Missouri.

In fact, a particular bridge we are naming in his honor today has been a priority transportation improvement project for him, and funds were earmarked for it in the National Highway System designation bill that I managed in the last Congress when I served as chairman of the Surface Transportation Subcommittee.

As we all know and have heard today, Mr. EMERSON, our dear friend, was a gentleman, a great legislator, a family man and a friend to all of us. His memory will stay with us for many years.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. RAHALL. I yield to the gentleman from Missouri.

□ 1745

Mr. VOLKMER. This is something that BILL EMERSON worked on for about 10 years, and working together, he with a bridge in Cape Girardeau, I with a bridge in Hannibal, both across the Mississippi, and also with the Chouteau Bridge in Kansas City. Bill was instrumental in bringing this all about and this is a very appropriate designation in his honor.

I can remember back when I was out at the Cape with others in April, his mom made me promise that when we got the bridge in Hannibal they would have a bridge in Cape Girardeau, and that is happening. And BILL is going to have the best view of anybody. As his mother said, "Bill will have the best view of this bridge than anybody else." Bill, good luck.

Mr. RAHALL. Continuing my reservation of objection, Mr. Speaker, I yield to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Speaker, I thank the gentleman for yielding, and I am delighted this bridge is going to be built and now named after BILL EMERSON. I did not know BILL EMERSON real well up until last year. We did not serve on the same committees, we were not neighbors and things, but let me just tell my colleagues a little bit. We both got cancer at the same time. Mine was operable and, thank goodness, I am just about cured and doing well. But our friendship developed over this. We compared notes on getting chemotherapy. It is strange.

He used to tell me all the time, "You are going to get better, NORM; you are going to get better." Thank God, he was right. And I kept telling him he was going to get better. He did not get better.

There is something here that I want Members to understand. At one time I made a speech on the floor and started crying that I was very fortunate that I was able to get prescreening, and when they were taking the prescreening out of the Medicare it did not bother me because I could afford to get prescreening. But it is so important to find this dreaded disease early. We put it back in now, the leadership put it back into the budget, which I am very grateful for, and it should have been basically in honor of BILL EMERSON. It is a dread disease.

But I would like to say something else. I know we are not supposed to talk about some of the things that we get in the House, but there is a doctor downstairs, a Dr. Eisold, who came up here every night to check on BILL and I to see how we were doing at the late hours. And BILL and I talked about that and were go grateful just for the caring. They cared, and that was important. And BILL cared.

I used to tell him sometimes at 10 o'clock at night, I said, "BILL, why don't you go home?" He said, "Why don't you go home? I said, "Well, you know, people are paying me." He said, "They are paying me, too, and I am going to stay here. I am going to stay here." And I tell my colleagues he stayed when he could hardly breathe, and it showed courage. I just cannot say what a loss this is.

I give my sympathy to his family, to a very great and courageous person.

Mr. RAHALL. Mr. Speaker, continuing under my reservation of objection, I yield to the gentlewoman from Missouri [Ms. DANNER], a member of our Committee on Transportation and Infrastructure.

Ms. DANNER. Mr. Speaker, it is and has been my privilege to serve on the Committee on Transportation and Infrastructure with our late friend BILL EMERSON. Many of us will remember the song that was so popular some years ago called "Bridge Over Troubled Waters," and figuratively speaking a lot of times troubled waters seem to trickle down this center aisle separating the two sides of this chamber. BILL served as such an effective bridge when that would happen.

By definition bridges are structures that stretch over divided areas that are best linked together. I believe that is an apt metaphor for BILL EMERSON's service to our Nation. He brought Democrats and Republicans together on so many issues where we really never should have been apart.

It was a real pleasure to have the opportunity to work with him in committee on funding and working on these authorization bills for the three bridges, one which serves his district, one which serves my district, and one which serves the district of the gentleman from Missouri, Congressman VOLKMER.

What really more fitting structure to name after BILL EMERSON than a bridge; he, who, as I said earlier, served as a bridge, and a bridge named in his honor over his beloved Mississippi River serving his deeply loved Cape Girardeau.

Mr. RAHALL. Mr. Speaker, continuing under my reservation of objection, I yield to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I thank the gentleman very much for yielding, and I would like to take this moment to stand and give my sympathy to BILL EMERSON'S family.

As the gentlewoman from Missouri, Ms. DANNER, just said, when I think of BILL I can think of a bridge also. A bridge is strong. It can carry people from one part to the other over the turbulent waters. We could not help but watch BILL EMERSON and know that he was a strong man, physically strong and mentally strong. He was strong like a bridge. He could take any weight and he did not complain.

As we sit and watch each other on the floor of the House, we cannot help but look at people and get to know them, and we understand what makes them. I loved to watch BILL EMERSON, because he was a strong man, a determined man, a proud man. BILL EMERSON liked what he was doing. He was proud to be the Representative from Missouri to the Congress of the United States of America. He was proud to represent his constituents and he was proud to do it in a frame that was positive.

How perfect a bridge is for a man like BILL EMERSON. BILL could take that side of the aisle and this side of the aisle and make a complete bridge going back and forth, working with his people on his side, working with Democrats on this side. I think we all know from what has been said this afternoon, BILL EMERSON was a bridge, a bridge that we all would like to be so that this body could work.

I think BILL EMERSON is the kind of man that all of us want to be, men and women; a woman wants to be like that as a woman and man as a man, because he understood this body. He understood what made it work. He understood one had to go to the committee meetings; he understood one had to do the homework; he understood that a bill was brought to the floor of the House and Members argued what they believed in and what they thought was right, and that was how the work got done. BILL EMERSON represents this body in its very finest form.

As a woman who lost her husband just this year, I want to say to Mrs. Emerson and to BILL'S daughters, right now he is still with you. It is too soon. He has really not gone from you, but you will miss him so, so much. And you have no idea how much you will miss him. But let me say to you today, as we all thank you for letting us know BILL EMERSON, letting him be part of us, as he was you, let me say to you that if it was not for people like you, Mrs. Emerson, and if it was not for BILL'S daughters, we could not have Members of Congress like BILL EMERSON.

Because it is only when a family lets somebody go to Congress and lets them do their thing, lets them submerge themselves in this work, because to be a Member of Congress, to work here and to work at home takes incredible hours, hours away from a beloved wife or husband, hours away from children.

So let me say to the Emerson family, we do appreciate what you did. We do appreciate your letting BILL be with us. He did wonderful things for this country, and you were very kind and generous to let him serve in this body as long as he did. He loved this body as he loved you, and it was all one, as he was a magnificent Member of Congress.

Mr. RAHALL. Mr. Speaker, continuing my reservation of objection, I am glad to yield to the gentleman from Florida, [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Mr. Speaker, on Sunday at church I mentioned to some ladies before mass began that a dear colleague in Congress was gravely ill and that it seemed that he would soon leave us. I knew not then that BILL EMERSON had passed away the day before, on Saturday. I told those ladies at church that our colleague was a very special man, a very, very good man, who always uplifted our spirits even if by exchanging just a few passing words on the floor of this House.

Mr. Speaker, what a privilege it was to have been able to work with BILL EMERSON. I know that we all pray for him in the firm belief that he is now in paradise and I am truly thankful for the opportunity to have know him.

Mr. SHUSTER. Mr. Speaker, I rise in strong support of this bill to designate the "Bill Emerson Memorial Bridge" in honor of our colleague who passed away this past, Saturday June 22.

BILL was a valuable member of the Transportation and Infrastructure Committee who understood the critical role of infrastructure in our society today. So it is particularly appropriate that this replacement bridge in Cape Girardeau, MO—which BILL worked to secure funding for—is to be named in his memory.

Over the many years we served together on the Transportation Committee, I came to appreciate BILL'S dedication to our issues. He was a hard worker and a Member you knew you could count on when the chips were down.

BILL always spoke his mind and was not afraid to take a stand on tough issues that he believed in. He remained true to this convictions and yet knew how to compromise in order to achieve his goals.

BILL first came to Washington at the age of 15 when he was appointed a page in the House. After serving as a congressional staffer and in the private sector, he ran for Congress and won the 1980 election. While in the House, he also served on the Agriculture Committee, which was of great importance to his southeastern Missouri district.

The quick action on the part of both the Senate and the House in passing this legislation is a true indication of the respect and admiration we all feel for BILL.

I want to express my sympathies to BILL'S family—his wife, Jo Ann, and his daughters, Elizabeth, Abigail, Victoria, and Katharine.

BILL will be missed here in the House. In recognition of his many years of dedicated service, I urge the House to approve this bill to name the "Bill Emerson Memorial Bridge."

Mr. RAHALL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. McINNIS). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1903

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF BILL EMERSON BRIDGE.**

The bridge, estimated to be completed in the year 2000, that replaces the bridge on highway 74 spanning from East Cape Girardeau, Illinois, to Cape Girardeau, Missouri, shall be known and designated as the "Bill Emerson Memorial Bridge".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the bridge referred to in

section 1 shall be deemed to be a reference to the "Bill Emerson Memorial Bridge".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1903, the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3675, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1997

Ms. GREENE of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 104–633) on the resolution (H. Res. 460) providing for consideration of the bill (H.R. 3675) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## PRIVILEGES OF THE HOUSE—INSTRUCTING COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO IMMEDIATELY TRANSMIT REMAINING CHARGES AGAINST SPEAKER GINGRICH TO OUTSIDE COUNSEL

Mr. JOHNSTON of Florida. Mr. Speaker, pursuant to rule IX, I hereby give notice of my intention to offer a resolution which raises a question of the privileges of the House.

The form of the resolution is as follows:

Whereas the Constitution of the United States places upon the House of Representatives the responsibility to regulate the conduct of its own Members;

Whereas the House has delegated that responsibility, in part, to the Committee on Standards of Official Conduct, which is charged with investigating alleged violations of any law, rule, regulation or other standard of conduct by a Member of the House;

Whereas the Committee on Standards of Official Conduct has failed to discharge that duty with regard to serious allegations of wrongdoing by the Speaker of the House;

Whereas, although an outside counsel has been appointed to investigate the Speaker, the Committee has failed to allow that outside counsel to investigate serious charges concerning the Speaker's political action committee, GOPAC, and its relationship to several tax-exempt organizations;

Whereas a formal complain concerning these charges has been languishing before the Committee for more than six months;

Whereas new evidence of violations of federal tax law—in addition to the information contained in the formal complaint—has also been recently reported by investigative journalists around the country;

Whereas the failure to take action on these matters has raised serious questions about the impartiality of the Committee on Standards of Official Conduct, now, therefore, be it

*Resolved*, That the Committee on Standards of Official Conduct is hereby instructed to immediately transmit the remaining charges against Speaker Gingrich to the outside counsel for his investigation and recommendations.

The SPEAKER pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time or place designated by the Chair in the legislative schedule within 2 legislative days of its being properly noticed. The Chair will announce that designation at a later time. In the meantime, the form of the resolution proffered by the gentleman from Florida will appear in the RECORD at this point.

The Chair is not at this point making a determination a to whether the resolution constitutes a question of privilege. That determination will be made at the time designated by the Chair for consideration of the resolution.

## GENERAL LEAVE

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 3666) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commission, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes, and that I be permitted to include tables, charts, and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1997

The SPEAKER pro tempore. Pursuant to House Resolution 456 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3666.

□ 1759

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3666) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes, with Mr. COMBEST in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES] each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

As we begin this evening's debate relative to the fiscal year 1997 VA–HUD and independent agencies appropriations bill, I ask my colleagues' indulgence for just a moment so I might offer a few thoughts myself regarding our dear friend, BILL EMERSON. It occurred to both the gentleman from Ohio, LOUIS STOKES, my ranking member, and myself, that BILL EMERSON would very much appreciate the work that has been done by this subcommittee and the fashion in which this bill will be discussed in the House this evening.

Above and beyond all things in the House, BILL EMERSON cared about public policy and solving problems with a spirit of nonpartisanship. Indeed, my colleagues, I can say, as we have gone forward with the work of this subcommittee, that spirit has been alive and well and it is the likes of BILL EMERSON who indeed have created an environment that will hopefully extend itself throughout the rest of this legislative year.

As was evident by the remarks of a number of our colleagues this evening, BILL EMERSON certainly was a man who was loved and respected by both sides of the aisle. He loved the Members on both sides and they loved him. That quality is especially rare in this day and age where partisanship almost for the sake of partisanship too often dominates the scene in our Nation's Capital. BILL EMERSON was first and foremost, as has been said by colleague after colleague, a man of the House.

He began his work here, in 1954, as a page. He was on this floor the day bullets rang out on the House floor, a bullet hole remains in one of these drawers to this very day. Any Member who wishes can come and examine one of BILL's experiences.

Through the years, BILL EMERSON helped to shape the history of this place as Members see the House of Representatives as an esteemed body. Most importantly, he never forgot his roots or the people who elected him overwhelmingly to represent them for 8 terms.

Beyond that, BILL was a Member who recognized that partisanship indeed should have its limits. He could be tough as nails, either within the committee or here on the floor, engaging in debate, defending his point of view, but BILL EMERSON recognized that partnership should always stop either at the committee room door or, indeed, when all of us leave this floor.

That is a lesson we can all learn from. I must say that BILL EMERSON has been one of my best and truest friends in the House, in spite of the struggles that he personally has been facing. Through the good times and these most difficult times, BILL has always been there to offer his heartfelt support. Regardless of his problems, he had time for yours.

Over the years, our families have grown to be very close. It was past 2 a.m. Sunday morning that his daughter Abby called Arlene and I to share the news of his passing with us. To say the least, our hearts and prayers go out to Jo Ann and Abby and the rest of their wonderful family.

Mr. Chairman, it is my hope and wish that as we consider this bill today, we will conduct ourselves in a manner that is worthy of the legacy of BILL EMERSON.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I thank my distinguished chairman of the subcommittee for yielding to me.

Mr. Chairman, I would like to associate my remarks at this time with those of my distinguished chairman. BILL EMERSON was truly one of the finest men I have ever been privileged to serve with in this body. In the words of the gentleman from California [Mr. LEWIS] he was truly the epitome of what bipartisanship represented in a body of this sort.

BILL was the type of person who you knew loved this institution, who was devoted to it and to its Members. He had had a very distinguished career here, having served both as a page and then as a very distinguished legislator in this body.

I recall last week that I saw him on about three different occasions. I recall late one night, when we were working, that he came in in a wheelchair and we came in on the first floor level, and took the elevator up together. And I asked him, I said, Bill, how are you doing? He said, "Oh, I am doing OK." And he said he was on a new type of chemotherapy and taking the radiation. He said, "But I am going to be all right."

And I think it was that type of formidable fortitude that BILL represented. He was always in good spirits, always of a positive demeanor and someone who never gave up.

In the same sense that the gentleman from California has mentioned, the way Mr. EMERSON approached his responsibilities here in a bipartisan basis, I think that is the way we think of him. BILL put the institution first and he devoted himself to policies of the institution and to the people who serve here. Whenever one passed by him, or had a chance to talk with him, he was cheerful. He was someone who you grew to not only like but really respect highly and to love and admire and respect.

So not only has this institution lost one of the finest men to ever serve here, the Nation has indeed encountered a great loss. All of us who served with him in this body will certainly remember him.

I appreciate the gentleman giving us the opportunity to share our thoughts about BILL EMERSON.

Mr. LEWIS of California. I thank my colleague, the gentleman from Ohio, LOU STOKES.

Let me say, Mr. Chairman, that indeed my work with LOUIS STOKES this year on this bill has been a return to a spirit that he and I have experienced for a number of years working together. As we all know, there was a very significant change after the last election; some of us were surprised at it. LOU may have been, but I can tell you that I was too in many a way. Having the privilege to serve as chairman of the subcommittee, I was both excited, but also I found it very difficult, and challenging. In many ways it was a painful process.

Indeed with the revolution came a difficult adjustment that caused all of us in our new roles to look at where we had been. To suggest that last year's appropriations process was comfortable for either Mr. STOKES or myself would be to suggest some kind of fantasy land. It was a painful process, especially for me.

I want Members to know that this year we have been operating in a different environment. LOU STOKES and I have long been very, very close friends and are most pleased to say that we have produced a product that very much reflects the bipartisan spirit that was a part of the life of our colleague who we have all shared thoughts about today.

So, Mr. Chairman, I am very pleased to present H.R. 3666, the VA-HUD independent agencies appropriations bill for the fiscal year 1997. I do not intend to speak very long today because this bill, as it did in the subcommittee and the full committee markup, should draw wide bipartisan support on the floor.

As most of my colleagues know, this is a departure, as I have suggested, from last year's process. But in a different spirit, we bring this bill to you tonight. As it stands, the bill provides $64.3 billion, that is billion dollars, in discretionary budgetary authority and is $3.2 billion less than the administration's request for the 20 agencies that fall within the subcommittee's jurisdiction. It is a fair and equitable bill.

This legislation reaffirms our commitment to serving our veterans as they have served us, to protecting the environment, to caring for the poorest of the poor, to ensuring America's future leadership in space. Most importantly, it keeps the appropriations process on track for meeting the objective clearly stated by both the Congress and the administration of balancing the budget by the year 2002.

This is a bill that the President can and should sign. Like last year, we begin the process this year by reviewing every program and every budget from the bottom up. We examine what works and what has not worked in every agency under our responsibility. We asked NASA to begin prioritizing its programs, for example. We began to scrutinize the manner in which the VA is delivering care and services to our veterans. We did all of this and more and have succeeded in identifying many areas where we could make reductions in the rate of growth of spending, a key ingredient towards balancing the budget shortly after the turn of the century.

Through this long and sometimes difficult process, this subcommittee alone has identified some $14.8 billion, $14.8 billion of taxpayers' savings since we began looking at these agencies and the responsibilities and their spending levels stemming back to the year 1995.

It has been well advertised in the press that this subcommittee received a large increase in our 602(b) allocation relative to last year. What has not been well advertised is the fact that our prior year outlays over which we have virtually no control have also been increased some $1.8 billion between 1996 and 1997. In addition, the Congressional Budget Office has rescored a number of major accounts, particularly VA and EPA, which has resulted in large outlay increases even though budget authority has remained relatively constant.

All of this is to say that we have looked at each program as carefully as possible and are attempting to make slight but meaningful reductions where appropriate while providing as close to the 1996 or budget request levels wherever possible.

With the indulgence of our colleagues, I would like to take just a moment to detail the highlights of this bill. We have provided the full budget request of over $17 billion for VA medical care. This represents an increase of $444 million over the 1996 level and is the only substantial increase over the 1996 level in the entire bill. One of our amendments will make some adjustment in that.

We have also provided the budget request of 1996 levels for elderly and disabled housing, housing for people with

AIDS, drug elimination grants, public operating subsidies, severely distressed public housing, and virtually every other major program at HUD.

In addition, I will be offering shortly an amendment to restore $300 million to the Community Development Block Grant Program, bringing CDBG funding to the full budget request level. We have provided $19 million over the 1996 level for EPA's programs, including increases for science and technology, their programs and management and Superfund. The clean water State revolving fund and the environmental grant programs available to the States and tribal governments are also fully funded.

The space station and the shuttle program under NASA are fully funded. In addition, we are providing $1.2 billion for the Mission to Planet Earth Program.

Mr. Chairman, this subcommittee has made a concerted effort to refrain from including controversial legislative provisions in spending bills this year. I am sure the chairman will be pleased to hear that.

In this vein, all of my colleagues know of the struggle we went through regarding language in last year's bill. And they, too, will be pleased to know that there are no environmental legislative provisions which will draw controversy to this bill.

In spite of a number of difficult challenges in putting this measure together, our final product represents a balance of common interests as well as tough choices. Let me repeat for the record: On its merits, this is a bill the President can and should sign.

In closing, I want to commend my ranking member, Mr. STOKES, for his willingness to work closely with me in crafting a bill that we can both support. I want further to thank and commend his very capable staff, particularly Leslie Atkinson and Del Davis, for their work. I also want to recognize my own staff, Frank Cushing, Paul Thompson, Tim Peterson, Valerie Baldwin, Doug Disrud, Jeff Shockey, Alex Heslop, and Dave LesStrang, for their many hours of work in putting this package together.

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Together, the gentleman from Ohio [Mr. STOKES] and I have worked to prepare a balanced bill in the name of comity and in the truest sense of bipartisanship. I must say that our colleagues will find before we are through with this process that we believe, and I am sure our colleagues will agree, that the work of this subcommittee does indeed reflect the best of the spirit of our friend and colleague, BILL EMERSON.

Mr. Chairman, I reserve the balance of my time.

Mr. STOKES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 3666, the fiscal year 1997 appropriations bill for the Departments of VA-HUD-independent agencies. The bill being considered in the House today is a far cry from the bill considered last year for the fiscal year 1996. At the outset, I want to express my appreciation to the gentleman from California. [Mr. LEWIS], my friend, the distinguished chairman of the subcommittee, for the good faith efforts and bipartisan spirit in which he approached this year's deliberations. This was central to our ability to work together to produce a bill which each of us can point to and find a basis to support.

One of the major concerns I had with last year's process was the fact that the traditional bipartisan approach to fashioning appropriations bills in the Committee or Appropriations was basically nonexistent. I am pleased to state to the House that at least on this subcommittee, we have brought this bill to the floor as a cooperative bipartisan measure. I also want to express my appreciation to the subcommittee staff, Frank Cushing, Paul Thomson, Tim Peterson, Valerie Baldwin, Bud Dezrine, and Jeff Shockey, for the cooperation they have accorded me and my staff. I also want to express my appreciation to Del Davis and Leslie Atkinson, my staff, for their outstanding work.

Mr. Speaker, as the chairman noted, this is not an easy bill to bring to the floor. It never is. It is a tough bill. There are several areas of this bill which are troublesome, and these are the areas in which the chairman and I are not in agreement. However, the chairman and I are committed to continuing to work together as this bill moves through the entire legislative process.

Now, let me speak to a few of the areas in this bill that I believe are important to highlight. As it relates to veterans, the bill provides the President's request for medical care, and medical and prosthetic research. Additional funds have been granted for the construction of State extended care facilities, and the National Cemetery System receives necessary funds for its operations.

As my colleagues are well aware, over the years no area has caused me greater concern in this bill than that of housing. I feel very strongly about our commitment to these programs, and I considered some areas to be deficient after markup. Among those areas lacking sufficient funding was the Community Development Block Grant Program, and, as the gentleman has already mentioned, we will consider the chairman's amendment which addresses our mutual concern in this area.

Another issue for which I have expressed my concern is the proposal to restructure section 8 contract renewals that are oversubsidized and whose contracts expire in fiscal year 1997. There is no doubt that this issue will be key to how much funding HUD programs receive overall in the future, not to mention all other programs in this bill. After numerous meetings, discussions with the Department and outside groups, and debate at markup, the chairman has decided to withdraw the proposed legislative provision on this issue. We will discuss this action during the debate on amendments.

With regard to housing, there are also the issues of no new section 8 incremental vouchers, and reduced funding for section 202 elderly and section 811 disabled housing.

One main difference in this year's bill is the absence of antienvironmental riders that created contentiousness and, later, floor motions and ultimately a veto of last year's bill. The Environmental Protection Agency [EPA] is funded at 93 percent of the budget request, compared with 67 percent of the request recommended last year.

There are, however, some concerns over the reductions to important administration priorities, like the toxic release inventory, the environmental technological initiative, and climate programs. These troublesome areas hopefully will be changed as the bill moves forward.

Other areas in this bill that are problematic and that the administration deems objectionable are the reductions To the President's request for the Community Development Financial Institutions Program, NASA's Mission to Plant Earth, and the Corporation for National and Community Service. There is also the elimination of the Office of Consumer Affairs. These are all areas I hope to see improved.

I want to again thank the gentleman from California [Mr. LEWIS] for his leadership on this bill. It is my intention to support the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY], the majority whip.

Mr. DeLAY. Mr. Chairman, I thank the gentleman from California [Mr. LEWIS] for yielding this time to me, and I appreciate all the work that he has done and the ranking member has done in bringing this bipartisan bill to the floor. So, I rise in support of the fiscal year 1997 VA-HUD appropriations bill. As is the case each year, the diversity of programs in this bill requires many difficult funding choices, from veterans' medical care, to housing for the elderly, to Superfund, and the exploration of space.

Once again, the chairman and ranking member of this subcommittee have done yeoman's work in crafting a bill that addresses many of the priorities of the American people and of the members of this House.

One of those very important priorities is NASA. NASA is one of the few

agencies in this bill where our taxpayer dollars are invested in the future of this country. So, I am very pleased that the space station and the shuttle programs are fully funded. The shuttle program is in the process of transitioning to the private sector under a prime contract structure to the United Space Alliance and eventually to privatization.

The space station is now at a very exciting point; it is just 16 months away from launch of the first element. Undoubtedly, however, we will continue to see misguided attempts to kill or wound this program later as we consider some of the amendments to this bill, but I am confident that these attempts will fail by the same large margins demonstrated by the House on the authorization bill just a few weeks ago because the American people are solidly behind this critical program.

So, Mr. Chairman, this is a good bill, and it deserves the support of the members of this House. I urge my colleagues to join me in approving its passage.

Mr. STOKES. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas [Mr. GONZALES], the ranking minority member of the Committee on Banking and Financial Services.

Mr. GONZALEZ. Mr. Chairman, I rise in qualified support for H.R. 3666 which makes the appropriations for the fiscal year 1997 for VA, HUD, and independent agencies. I offer qualified support because I continue to be deeply troubled by the severe budgetary limitations on domestic discretionary spending, particularly for the most vulnerable and working families in favor of providing tax cuts for the wealthy. These rigid and mean-spirited limitations sadly find me and many of my colleagues cheering when the housing programs in H.R. 3666 simply hold their own and do not face any deeper cuts than they faced last year.

That is the situation. Thankfully, the circumstances surrounding consideration of the bill today are vastly different from those last year. In a strange twist, I actually commend this bill to my colleagues. It takes a very bad hand dealt from a shorted deck to the Committee on Appropriations and turns it into a winning hand so far. I hope that as the legislative process continues that this bill will improve. I say this because funding for critical housing and community development programs remains level or slightly increased from last year. That includes public housing operating subsidies, severely distressed public housing so that public housing eyesores can be demolished and public housing and neighborhoods revitalized; drug elimination grants, the modernization program, the HOME program, and the CDBG program. However, I must note that modernization, HOME, and CDBG funds have to cover programs that previously had their own line items.

It also provides section 8 assistance to cover families displaced from public and assisted housing and for replacement housing. The bill also provides funding to renew section 8 tenant-based assistance contracts, although for just 1-year terms.

H.R. 3666 is devoid of authorizing language that should be developed by the Banking Committee. Indeed, the chairman of the HUD–VA Appropriations Subcommittee has graciously agreed to strike some 17 pages of legislation that had been reported by the committee on the very complicated issue of section 8 portfolio restructuring because he knows that only the authorizing committee can do this important legislation justice. Only the Banking Committee can balance all the disparate interests of the tenants, the owners, the communities, and the Federal Government in preserving as much affordable housing as possible, reducing the costs to the Federal Government, reasonably protecting the financial investments of the owners, and protecting the tenants from unnecessary displacement.

That having been said, there are, however, I must say, two glaring deficiencies in this bill. For the second year in a row there is absolutely no new money for incremental section 8 housing assistance, even in the face of continued evidence that greater numbers of very low income families and the working poor are finding it ever more difficult to find affordable housing. Some 5.3 million Americans have "worst case" housing needs, so I find this unconscionable.

The bill also fails to provide sufficient funding for homeless assistance programs. Requests for emergency shelter beds rises each year, but families are turned away because of a lack of resources. Of course, the real answer is providing sufficient funding for affordable housing, permanent housing as well as transitional and supportive housing, which of course this Republican Congress is unwilling to fund.

On balance, however, this bill is about as good as we can get it under our severe and unnecessary budget constraints, and I urge my colleagues to support H.R. 3666.

Mr. LEWIS of California. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. KNOLLENBERG], a member of the committee.

Mr. KNOLLENBERG. Mr. Chairman, I rise in strong support of the bill. I also thank the gentleman from California [Mr. LEWIS] for yielding, and I want to begin by commending the gentleman from California for all of his hard work. Shepherding an appropriations bill through this legislative process is not easy, and yet he has done it with diligence and impartiality. I would also like to thank my good friend, the gentleman from Ohio [Mr. STOKES], and his subcommittee staff for all the extraordinary work that they have done on behalf of getting this bill on the floor.

Mr. Chairman, the VA–HUD bill is by its very nature a difficult piece of legislation to move. It is the catchall bill that contains many diverse and competing priorities within its jurisdiction. Its provisions lend themselves more to rumbling acceptance than to enthusiastic support. Some Members will think this bill spends too much, others too little. But I believe that this bill is right on target and was forged in a bipartisan fashion. The bill reflects fiscal realities, but it also leaves room for necessary expansion.

In discretionary spending the bill provides $64.4 billion in budget authority and $78.8 billion in outlays.

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Those who would succumb to complaining about what is not in the bill should think about what is in the bill. For the most part, the bill fully funds the President's request in the areas of health, housing, and education. In fact, roughly $38.8 billion will go to the Department of Veterans Affairs. We can all agree that taking care of our Nation's veterans and their dependents should be our No. 1 priority, and this budget demonstrates our commitment to this end.

During the process of forging the bill, housing has prompted a great deal of heated debate. But I believe that the chairman, the gentleman from California [Mr. LEWIS], again has done his level best to resolve this matter within the ever present fiscal constraints that face the entire subcommittee and Congress as a whole.

While we all have strong opinions about a number of programs, let us not let a heated discussion about this or that program keep us from the business at hand. Instead, let us all agree to maintain the civility that has marked the shaping of this bill, and vote on a good and fair bill.

Mr. STOKES. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from California [Mr. BROWN], the ranking member of the Committee on Science.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for yielding me this time.

I wanted to take just a minute or two, Mr. Chairman, to make a few comments about the impact of this bill on our Nation's investment in research and development. As we all know, the funding for NASA, NSF, and EPA research within this bill represents a third or more of all the civilian R&D that this Government funds. In general, I want to say that I am satisfied with the balance this bill has struck for the competing priorities which the appropriators have had to deal with. Overall for NASA, NSF, and EPA research, the bill provides $17.4 billion,

about $300 million below the request level, which in these times I would consider to be reasonable.

Although the continuing decline in Federal support for R&D is a matter of great concern to me, as it should be to all Members, I am very cognizant that this subcommittee had to deal with a very restrictive allocation. I hope that in the coming year, both sides of the aisle and the White House can come to grips with how we can reverse the spiraling decline in our Nation's R&D development and better use our Federal dollars to stimulate economic growth and productivity in the future.

In fact, there is in my opinion an inadequate understanding in the House, which I have been unable to change, as to the importance of these investments in the future ability of our country to compete in world markets. I think most of us can agree as to the value of research and development in the abstract, but we must actually find a way to accomplish this in the budget process. There are several specific areas that I would like to call attention to in the bill and in the report. First, this bill provides, for the first time, much needed funding for the U.S.-Mexico Foundation.

This is a program authorized some years ago, yet it is only now receiving the funding which was intended. There are many other notable provisions of this bill that certainly deserve recognition.

Despite my overall satisfaction with the bill, I am disturbed over the major reduction to NASA's Mission to Planet Earth Program and the elimination of EPA's environmental technology initiative. I am hopeful that the conference version of this bill will treat these programs more favorably.

Finally, I want to restate my opposition to the practice of unauthorized academic earmarking which I believe subverts the peer review process and erodes the buying power of our science agencies. Unfortunately, we are seeing a resurgence in this practice this session of Congress. I plan on offering an amendment at the conclusion of consideration of this bill which will eliminate one such earmark in NASA for the Museum of Natural History in New York.

I bear no hostility towards this fine institution nor the concept of providing Federal dollars to science educational initiatives. Indeed I am reintroducing legislation that would make this a fair and equitable process and allow it to operate within the guidelines of the Federal procurement process. In this case, however, this project was not requested, it was not authorized, it has not been peer reviewed, it will not go through the competitive award process, and it bears no relationship to the NASA mission. It is also a sizeable sum which I believe can be better used for other more legitimate purposes. I hope my amendment receives the support of my colleagues.

Once again, I want to commend the chairman, the ranking member, and the members of the Subcommittee for their work on this bill.

Mr. LEWIS of California. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN], a very diligent and loyal member of our subcommittee.

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman for yielding time to me, and I rise in support of the bill.

Mr. Chairman, I want to thank the gentleman from California [Mr. LEWIS], the chairman of the committee, the ranking member, the gentleman from Ohio [Mr. STOKES], and the subcommittee staff for their leadership and guidance. Our bill contains funding for many vital programs for our Nation's veterans to protect and preserve our environment, to help house the needy and disabled, and for scientific research and discovery. It has been a difficult task balancing all the national priorities contained in this bill. However, I believe we have achieved this goal, and I am proud to support the final agreement.

In total, our bill provides over $848 billion for the Department of Veterans Affairs, Housing and Urban Development, and 17 independent agencies and offices. Specifically, the bill provides funding for two very important programs that I am very pleased to support and that I have actively worked on throughout the hearing process: first, the Superfund Program; and second, the program dealing with housing for people with disabilities.

This bill dedicates $1.3 billion for the Superfund Program. All of us know, especially those of us from New Jersey, how important this program is. For the second time in the 104th Congress, this committee has earmarked the most money ever for remediation, over $900 million. This money will go a long way towards our commitment to clean up these priority sites, and should be adequate funding to move the sites through to completion. The time has come to reauthorize this program and move the process forward. This bill allows this to happen.

In addition, Mr. Chairman, this bill recognizes the importance of providing housing for people with disabilities. The committee has, for the first time, earmarked $50 million for tenant-based rental assistance to ensure that there is decent, safe, and affordable housing in the community for low-income people with disabilities. Access to housing in the community is the cornerstone for independence, integration, and productivity for people with disabilities, the three hallmarks of the philosophy of the disability community. This bill strongly supports these principles, and I believe these extra dollars will empower the community and help them achieve their goal of living with dignity and independence.

Mr. chairman, I am proud, as a member of this committee, of the work of this committee and I am pleased with the final product. I urge all my colleagues to support it.

Mr. STOKES. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas [Mr. EDWARDS], the ranking member of the Subcommittee on Hospitals and Health Care of the Committee on Veterans' Affairs.

Mr. EDWARDS. Mr. Chairman, I would first like to commend the chairman of the committee, the gentleman from California, Mr. LEWIS, and the ranking member, the gentleman from Ohio, Mr. STOKES, for carrying on the spirit of decency and civility from the life and spirit of BILL EMERSON, whom we honored just a few moments ago on the floor of this House.

Mr. Chairman, I rise in support of this bipartisan legislation, and I also want to pay special note to my support of the Hefner amendment, which will be discussed in a few moments, dealing with the Office of the Secretary of Veterans Affairs. A number of major veterans service organizations have endorsed this amendment, and that is one reason why I hope it will pass on a bipartisan basis. Without this amendment, this bill, in my opinion, would micromanage the Office of the Secretary of Veterans Affairs.

This amendment, the Hefner amendment, simply lets the VA Secretary manage his own office in a responsible manner within his given budget. I believe Secretary Jesse Brown has earned that right. He is a combat-wounded veteran, a marine who has served his Nation with honor and dignity. In time of war he put his life on the line for his country. In time of peace he has served our Nation's veterans.

I understand that some Members of Congress, and I respect this, feel that Secretary Brown has sometimes been too strong or perhaps too partisan in his advocacy for veterans. Personally, I believe Secretary Brown has been an outstanding leader and voice on behalf of veterans, but I believe the Secretary would be the first to say that he fought in combat to defend our right to debate his service. Mr. Speaker, I believe that debate should occur in the Presidential campaign of 1996 and not in the management of the VA Secretary's office, and in a way that, intentionally or not, could hurt our Nation's veterans.

I would like to include for the RECORD letters from a number of the veterans service organizations supporting the Hefner amendment, including letters from the VFW, the Disabled American Veterans, letters from the Paralyzed Veterans of America, and the Vietnam Veterans of America.

The material referred to is as follows:

VETERANS OF FOREIGN WARS,
THE EXECUTIVE DIRECTOR,
*Washington Office, June 24, 1996.*

Hon. BILL HEFNER,
*U.S. House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN HEFNER: On behalf of the more than two million members of the Veterans of Foreign Wars of the United States, I wish to thank you for offering an

amendment to the Department of Veterans Affairs' FY '97 Appropriations, which will bring the funding level for the "Office of the Secretary" to that of the Administration's request.

The language to the FY '97 appropriations bill limits salary and travel costs for the Office of the Secretary—at the FY '96 restricted levels of $50,000 for travel and $3.026 million for personal compensation. These restrictions have placed an unprecedented burden on the Secretary's office. The personnel ceiling does not permit the Centers for Women Veterans and Minority Veterans to fill critical vacant positions. Reducing the travel budget by two-thirds would undermine the Secretary's ability to manage and lead the second largest department in the government.

Also, as an advocate for veterans, the Secretary would be unable to attend activities and events associated with medical centers, regional offices, and veterans service organizations, which ultimately impacts on employees, veterans and their families. In addition, the Deputy Secretary, VA's Chief Operations Officer, is also affected by these travel cuts limiting his ability to carry out his oversight responsibilities. Six mandated advisory committee meetings totaling $158,000 in travel funds cannot be scheduled under this restriction.

Again, the VFW thanks you for offering this crucial amendment.

Sincerely,

JAMES R. CURRIEO,
*Executive Director.*

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DISABLED AMERICAN VETERANS,
*Washington, DC, June 24, 1996.*

Hon. W.G. (BILL) HEFNER,
*House of Representatives*
*Washington, DC.*

DEAR CONGRESSMAN HEFNER: The Disabled American Veterans strongly supports your efforts to amend the fiscal year 1997 appropriations bill for VA, HUD and Independent Agencies to strike out travel restrictions the bill would impose on the Secretary of Veterans Affairs.

Presumably, these travel restrictions were placed on Secretary Brown because of his outspoken opposition to the Republican balanced budget plan which he characterized as devastating for the VA health care system. More recently, Secretary Brown likewise characterized the Administration's balanced budget proposal as devastating for VA's health care system. Obviously, Secretary Brown's singular purpose is that of advocacy for our Nation's veterans, and such advocacy is bipartisan in nature.

These travel restrictions severely hamper Secretary Brown's ability to execute his duty to oversee VA's nationwide operations. In addition to the Secretary's inability to attend many veterans' service organizations' National Conventions, because of these cuts, activities of the Center for Minority Affairs and the Center for Women Veterans have also been significantly curtailed.

Naturally, this Nation's veterans are very concerned when members of Congress attempt to squelch the voice of those who speak for veterans' interests.

The DAV has prepared a draft letter to be sent to the Republican leadership in the House and Senate expressing objections to this ill-advised action. This letter has been provided to the other Congressionally chartered veterans' organizations along with a request that they join the DAV as signatories.

The DAV sincerely appreciates your efforts to correct this injustice against Secretary Brown and America's veterans. Please feel free to share this letter with your colleagues.

Sincerely,

THOMAS A. MCMASTERS III,
*National Commander.*

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PARALYZED VETERANS OF AMERICA,
*Washington, DC, June 24, 1996.*

Hon. W. G. (BILL) HEFNER,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE HEFNER: On behalf of the members of the Paralyzed Veterans of America (PVA), I strongly support your amendment to H.R. 3666, the Fiscal Year 1997 VA, HUD, Independent Agencies Appropriations bill which will provide that the Secretary of Veterans Affairs expend travel funds beyond the arbitrary limit, $50,000, established for fiscal year 1996.

It is essential that the VA Secretary have the ability to travel throughout the VA system, beyond an imposed cap but within the limits of appropriated funds, if the Secretary is to ensure that the VA is addressing the needs of veterans. Regardless of the rationale for the current cap, *it is incumbent that the head of a system comprised of 171 hospitals, hundreds of outpatient clinics, a nation-wide system of benefits offices and cemeteries, and over 220,000 employees is not restricted from personal contact and oversight of operations.*

Again, on behalf of the members of PVA and all veterans, I commend your efforts to amended H.R. 3666 and encourage all members of the House of Representatives to support your actions to afford the Secretary of Veterans Affairs adequate access to funding for travel to ensure that the operations of the VA and the needs of veterans are adequately addressed.

Sincerely,

GORDON H. MANSFIELD,
*Executive Director.*

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VIETNAM VETERANS OF AMERICA, INC.,
*Washington, DC, June 24, 1996.*

Hon. BILL HEFNER,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE HEFNER: On behalf of Vietnam Veterans of America, I commend you for your initiative in proposing an amendment to the FY 1997 VA, HUD and Independent Agencies Appropriation bill to eliminate the limit on the Secretary of Veterans Affairs' travel. VVA shares your concern for the programmatic effects this restriction poses.

As the primary advocate for the establishment of the VA Center for Minority Veterans and the Center for Women Veterans, VVA has serious concerns about the restriction of the Secretary of Veterans Affairs Affairs' travel. Travel activities for these Centers falls under the Secretary of Veterans travel account. The current bill/report language will have the unfortunate effect of debilitating these programmatic activities. Both offices aim to direct policy and outreach efforts to their respective unique, under served veterans communities. VVA is very concerned that the hard-fought efforts to create these offices will be fruitless if there is insufficient funding.

Additionally, the VA Advisory Committees on Minority Veterans and Women Veterans also require funds from the Secretary's travel accounts in order to meet and do business. These consumer panels were established by Congress to advise the Department on policy matters. Unless the language restricting the Secretary of Veterans Affairs' travel is stricken, these committees will likely be unable to meet their statutory reporting obligations.

VVA supports your amendment, Representative Hefner, and would further advocate that additional funds be allocated to the VA General Operating Expense (GOE) accounts. Without additional funding, the Secretary of Veterans Affairs will continue to face these travel restrictions—not by law, but by lack of funding. Eliminating the restrictive language will provide additional flexibility, but may force the Secretary to make difficult choices, such as cutting funding for the aforementioned programs or cutting Veterans Benefits Administration (VBA) staffing which would result in an increase in the already unconscionable claims backlog.

Thank you again for your efforts to improve services to our nation's 27 million veterans.

Sincerely,

KELLI WILLARD WEST,
*Director of Government Relations.*

In conclusion, Mr. Chairman, I hope this amendment will be supported on a bipartisan basis. I want to thank the chairman of the committee for his leadership on this legislation, for his support for veterans, and for his consideration of the Hefner amendment.

Mr. STOKES. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Massachusetts [Mr. KENNEDY], the distinguished ranking member of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services, one of the leading voices and leaders in the field of housing.

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all let me thank my good friend, the gentleman from Ohio [Mr. STOKES], for his kind words. I also want to pay tribute to my friend, the gentleman from California [Mr. LEWIS], the chairman of the committee, for their attempts to try to fashion a compromise on this very, very tough piece of legislation.

I also want to take a brief moment to acknowledge the tremendous contributions, as the gentleman from Georgia, Mr. LEWIS, did to BILL EMERSON, who was an individual I, as well as many other people in this Chamber, thought the world of. He obviously told me, and even in his most recent days, talked about the fact that some of the care he got came from some of the doctors that took care of members of my family, and he shared that with me and other members of our family. He was just one of the finest and most caring individuals that I think we have all had the pleasure of serving with, and we will all very, very much miss him. I wish the best to his wife and to all of his family.

I think BILL would also understand the fact that there are still going to be differences and divisions, and as a fighter, BILL EMERSON was second to none. We have to continue the fights that are going to be taking place in this country, particularly I think as a result of some of the things that go on in this bill.

I do commend both the chairman of the committee, the gentleman from California [Mr. LEWIS], and the ranking member, the gentleman from Ohio [Mr. STOKES], for their efforts to deal with a very, very bad situation. The situation is very clear. In this legislation we see the HUD budget cut by over $2 billion, the VA budget cut by over $40 million, the EPA cut by $500 million, the science portion by $72 million , and the CDFI Community Development Financial Institutions, by over $80 million.

The long and short of it is that both sides of the aisle have done a good job at trying to deal with an impossible situation. The truty is that if we look at what this bill does to housing, it debastates housing. It devastates a budget that was cut by over $8 billion last year cut an additional $2 billion this year. We essentially are saying to the poor, whose numbers are growing, by every single major study that has been done, whose housing needs are critical, we no longer are providing shelters to csome of the most volunerable people in this society. The number of homeless people are rising. Yet this bill cuts the funding for homeless programs.

This is a crazy situation. We cannot sit here and pump $13 billion more into the defense bill than the Joint Chiefs even request and then come to the chairman of the committee and the gentleman from Ohio and ask them to deal with a budget that just simply does not have enough mony in it.

People say, well, you are against the space station or against FEMA, because they are the only funds left to take any money out of to support housing programs. I am not against the space station. I am not against FEMA, and I am sure the two gentleman are not, either, but the truth of the matter is that there is just simply not enought money to get the job done to look after the housing needs of the most vulnerable Americans.

Mr. STOKES. Mr. Chairman, I am pleased to yield 1 minute to my distinguished colleague, the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Chairman, I rise to thank Chairman LEWIS and the ranking member, the gentleman from Ohio, Mr. STOKES, and the gentlewoman from Ohio, MARCY KAPTUR, on the Committee on Appropriations, and most importantly, the 600,000 veterans and their families in northeastern Ohio for their support for a new veterans cemetery in Guilford Township, Medina County, OH.

Ohio has only one national cemetery. It is located in Dayton, in southwestern Ohio, over 200 miles from the 600,000 veterans who live in northern Ohio. The Dayton cemetery is expected to reach its 35,000 gravesite capacity in less than 2 years. Once filled, Ohio will be without an active national cemetary. These veterans and their families will be faced with a choice of cemeteries in Pennsylvania, Indiana, or Michigan, all places too far to visit the gravesites of loved ones.

The veterans of northeastern Ohio who braved fire on the beaches of Normandy and the jungles of Vietnam risked everything so our children and grandchildren could live free. By providing the necessary funds to begin the work on this cemetery, we can offer a small down payment on the tremendous debt we owe these people.

Again, special thanks to the chairman of the committee, the gentleman from California [Mr. LEWIS], and the ranking member, the gentleman from Ohio [Mr. STOKES], for their support of this cemetery.

Mr. STOKES. Mr. Chairman, I am pleased to yield 3 minutes to the distinguished gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I thank the ranking member, the gentleman from Ohio [Mr. STOKES], for yielding time to me.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Ohio [Mr. LEWIS], chairman of the committee. First of all, I want to thank both the chairman and the ranking member, the gentleman from Ohio, for including language in the committee report highlighting the situation that exists in my district in the D.J. Jacobetti home for veterans located in Marquette, MI.

As Members know, I testified before the chairman's subcommittee last month on a serious situation at the Jacobetti Center due to the antiquated and undependable boiler and heating systems. Over the past few winters veterans residing at the Jacobetti home have had to be moved from their rooms because the temperature in their rooms would often drop to as low as 40 degrees. It is almost ironic that the same veterans who nearly froze during World War II will now be virtually frozen out of their rooms at a veterans' home. This is no way to treat our country's veterans. With outside temperatures in my district which can drop as low as 30 degrees to 40 degrees below zero during winter in the Upper Peninsula in Michigan, and snow levels at times exceeding 300 inches of snow in a season, I thank our colleagues and I thank them for understanding the need to make these badly needed repairs at the Jacobetti State Veterans Home a priority project.

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Clearly, such situations occurring year after year present a serious problem when it comes to the health and safety of veterans who reside at this home.

I am pleased that funding for this fiscal year 1997 calls on the Department of Veterans Affairs to place projects involving health and safety concerns on a higher priority. This change in priority is the right thing to do for countless numbers of veterans.

I am also pleased with the level of funding being provided, over $47 million, which is equal to the funding provided in fiscal year 1996 for State extended home care construction.

I would say to the gentleman from California [Mr. LEWIS] that I seek the support of his panel in working with Secretary Jesse Brown and the authorizing committee in assuring that the VA's review of State extended medical care facilities follow through on the mandate contained in this funding measure.

I am asking for or the support of the chairman of the subcommittee, the gentleman from California [Mr. LEWIS], and the gentleman from Ohio [Mr. STOKES], the ranking member, in working with Secretary Brown and the authorizing committee to assure that the VA's follow through on this.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, first, let me say to the gentleman that I very much appreciate his concern as well as his support for the work that we are trying to do in this committee. I will certainly be glad to work with the gentleman regarding this matter.

I appreciate the gentleman's commitment. I want the gentleman to know that I also want to extend my thanks beyond his effort to his colleagues, the gentleman from Ohio [Mr. STOKES], of course, and the gentleman from Michigan [Mr. KNOLLENBERG], for their assistance on this important matter for veterans in the State of Michigan. We appreciate the participation and help of the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I thank the gentleman from California [Mr. LEWIS].

Mr. STOKES. Mr. Chairman, I am pleased to yield 3 minutes to the gentlewoman from Ohio [Ms. KAPTUR], the very distinguished and hard-working member of the Subcommittee on VA, HUD and Independent Agencies.

Ms. KAPTUR. Mr. Chairman, I wish to thank the dean of the Ohio delegation and the ranking member on the subcommittee for yielding me this time. I want to acknowledge his diligence and wise counsel during consideration of the entire measure, and I would also like to commend the distinguished chairman of our committee, the gentleman from California [Mr. LEWIS], for being so very easy to work with during the last several weeks on this bill.

I ask unanimous consent that my entire set of remarks be placed in the RECORD.

Mr. Chairman, I want to commend this distinguished chairman of our committee, the

gentleman from California [Mr. LEWIS], for his cordial handling of this very complicated bill. I also want to acknowledge the diligence and wise counsel of the ranking member, the gentleman from Ohio [Mr. STOKES], on this bill.

INTRODUCTION

The programs under our committee's jurisdiction provide assistance and benefits that help millions of Americans achieve a better life. Included are programs for medical care and benefits for our Nation's veterans, affordable and decent housing for families and individuals of all incomes and circumstances, a safe and clean environment, and investments in technology and science. In addition, this bill also continues to fund one very big-ticket item, the space station, at the expense of other programs under the committee's jurisdiction, including ones designed to assist the poorest, the neediest, and the most vulnerable among us.

For the second year in a row, two programs, which I strongly support and will vigorously work to ensure the task for which they were intended, are carried out by the corresponding agency have not been funded in this bill: the John Heinz Neighborhood Development Program and the Health Professional Scholarship Program.

JOHN HEINZ NEIGHBORHOOD DEVELOPMENT PROGRAM

The John Heinz Neighborhood Development Program was authorized in the Housing & Community Development Act of 1992. It awarded Federal matching funds to nonprofit community-based organizations involved in neighborhood revitalization and economic development activities.

The program spurred local initiatives by hundreds of community-based development organizations in concert with the private sector and empowered local communities to address specific needs of their neighborhoods. Typically, 90 percent of the financing needed by the nonprofit neighborhood organizations is raised within the community itself by creating a partnership between the nonprofit neighborhood organizations and the business community. And most importantly, it built the technical capacity for small nonprofit neighborhood organizations to assist in the revitalization of their community. There are no narrowly delineated directives from the Federal Government about what specific projects qualify for the matching funds.

National competition assured that Federal help was based on merit. For every grant received there were four applications submitted. The maximum grant awarded is $75,000. Currently under HUD, there is no one program designed to perform the task of the JHNDP—to assist small nonprofit neighborhood organizations revitalize their own communities. In this age of empowering our communities to make decisions at the local level, this program does exactly that. It devolves responsibility in the hands of those who can make the differences. The JHNDP allows nonprofit neighborhood organizations the flexibility to tell us in Washington what is important to them, not vice versa.

HEALTH PROFESSIONAL SCHOLARSHIP PROGRAM

Last year, I was grateful for the chairman's willingness to work with me to fund the Health Professional Scholarship Program. This program assisted in assuring an adequate supply of trained health care personnel for the VA and the Nation. To date, the program has awarded more than 4,000 scholarships to students in nursing, occupation therapy, physical therapy, respiratory therapy, and nurse anesthesia. It was successful in providing a continuous stream of academically prepared health care professionals for VA employment. Upon graduation, students are required to complete 2 years of service in the VA health system, and the retention rate of scholarship recipients in VA medical centers is greater than 50 percent.

The flexibility to provide scholarships for the education of a variety of health professionals made this program particularly useful as changes have occurred in the delivery of health care services. As the program identified shortages in particular categories of health professionals, the numbers and types of scholarship awards have been shifted accordingly.

The restoration of this program is vital to the recruitment and retention of scarce health professionals in the VA, and it is necessary to be responsive to the health care needs of veterans who have courageously defended this Nation. The men and women who have served in our Armed Forces deserve nothing less. Unfortunately, once again this vital program has been eliminated. I am hopeful that I can work with the VA to maintain the concept of this vital program.

OHIO VA CEMETERY

I am pleased to note that the bill funds the completion of the design phase of the VA cemetery in Guilford Township, OH, for the over 600,000 veterans and their family members, who are eligible for burial in a national veterans cemetery, who live in northeastern Ohio. Many of these individuals are World War II and Korean war veterans. The closest veterans cemetery is located near Dayton approximately 2 hours south of Cleveland. With this cemetery nearing capacity, many veterans groups believe that with the construction of a new cemetery, that Ohio veterans and their families will better be served by our Nation.

DRUG ELIMINATION GRANTS

I am pleased this year the subcommittee was able to fully fund the drug elimination grants for public housing. Drug elimination grants, which were pioneered by Jack Kemp while he was HUD Secretary, are provided to public housing agencies and Indian housing authorities to promote safe housing communities by ridding them of drugs and drug-related crime. In my own district, the Toledo, OH, Police Department saw a dramatic decrease in drug activity in areas with public housing as a result of these grants.

CONCLUSION

I also want to point out the excellent job that some of our smaller independent agencies are doing like Neighborhood Reinvestment Corporation and American Battle Monuments Commission.

I would merely say here that there is no question that the jurisdiction of this committee provides assistance and benefits that help millions of Americans achieve a better way of life, whether it is veterans, whether it is affordable housing, whether it is a clean environment; also investments in new technology and science, including space science.

I want to thank the chairman also and the ranking member for including the drug elimination grants which we fought so very hard for, making sure that those were incorporated in this year's measure, certainly for the veterans cemetery in Ohio, and I do wish to express concern about the Health Professional Scholarship Program and its importance.

I would like to engage the chairman in a colloquy regarding the importance of the activities that had been funded under the John Heinz Neighborhood Development Program. This program, which has not been authorized, spurred local initiatives by hundreds of community-based development organizations in concert with our private sector, as well as provided technical assistance for small nonprofit neighborhood organizations to assist in the revitalization of their community. Though the administration has not requested funds for this program, nor has it requested authorization for this program, nevertheless, in this age of empowering our communities and their people to make decisions at the local level, this program devolved responsibility into the hands of those who can really make a difference.

The John Heinz Neighborhood Development Program allowed nonprofit neighborhood organizations the flexibility to tell us in Washington what is important to them, not vice versa, and I know that the chairman agrees with this philosophy and would like to encourage it.

Mr. LEWIS of California. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, let me say that I very much appreciate the gentlewoman's expression of concern about the items that are part of this bill, but particularly the commitment and direction she is attempting to have us all give to the John Heinz Program.

The gentlewoman is correct about my own view regarding that work as we have seen it demonstrated so far. I know that this program has done a very credible job in empowering local communities to address the specific needs of their neighborhoods. I believe it is very important to move in precisely that direction.

The CHAIRMAN. the time of the gentlewoman from Ohio has expired.

Mr. LEWIS of California. Mr. Chairman, I yield myself such time as I may consume.

The HOME Program and the Neighborhood Reinvestment Corporation are two programs that cater to nonprofits and Community Development Corporations that have successfully changed neighborhoods in tangible, real ways.

The CDC's that utilize the John Heinz Program are eligible to apply for these funds.

Additionally, the CDC's are eligible also for funding from CDBG, a program that we will be replenishing further later in our discussions this evening.

Despite its popularity and flexibility, however, the CDBG program should be more aggressive bout encouraging these very types of partnerships and monitoring whether CDBG funds are spent on eligible activities and assist low and moderate income families.

I pledge to the gentlewoman that I intend to address this concern as this legislation moves through the appropriations process. I want to thank her very much for brining this matter to our attention.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I thank the chairman and look forward to working with him to find a solution to assist nonprofit entrepreneurial neighborhood organizations and the revitalization of their communities across our country.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, before the gentlewoman leaves the podium let me say that beyond just the John Heinz Program, in which we both see a good deal of promise, I want my colleagues to know that the gentlewoman has been a very helpful member of our subcommittee and has made considerable contribution to our work. We appreciate that same spirit of which we have felt a reflection this evening. It is pleasure to work with the gentlewoman.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman, and I thank the ranking member for yielding me time.

Mr. STOKES. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Minnesota [Mr. VENTO], the distinguished ranking member of the Subcommittee on Financial Institutions and Consumer Credit.

Mr. VENTO. Mr. Chairman, I thank the ranking member for yielding me this time.

Mr. Chairman, I rise in support of H.R. 3666, the VA, HUD, and independent agencies appropriations bill. This fiscal year 1997 bill is an improved bill in comparison to the radical bill passed by the majority party of the House last year. The measure carries forward the long sought compromise that extended debate midway into this 1996 fiscal year. I remain concerned, however, that it remains wholly out of step with people, priorities and shared sacrifice which should characterize reductions in spending necessary to achieve sound fiscal balance. I do pragmatically understand, however sadly, that the votes in this Congress simply do not reflect American public opinion and values much less the need.

On the whole, the bill basically maintains the status quo with 1996 levels of spending; that is levels established after serious cuts of between 20 and 30 percent were made to housing and homeless programs in 1995–96. I am pleased at the continued funding for the drug elimination grant program for public and assisted housing. EPA funding is below the administration's request by nearly half a billion dollars. A strong and cost effective community program, AmeriCorp, is not eliminated but is severely underfunded by this appropriations bill. Perhaps the only "safe" programs are those within the Department of Veterans Affairs which has available most $39 billion. Even in this instance, we must acknowledge the greater needs for veterans and these programs. Despite funding less than administration requested, positive increases in VA medical care and major construction of VA facilities are achieved.

As a senior member of the authorizing committee for housing programs, I have grave concerns about a bill that maintains about $4 billion worth of cuts from fiscal year 1995 levels and undercuts the administration's request by $2.3 billion while at the same time continuing to provide $5.3 billion to NASA for human space flight, the space station, in its 10th reincarnation. Like so many before it, this appropriations bill continues to place deficit reduction on the backs of the most vulnerable Americans—the poor, the homeless, and even our elderly.

Later, I will join my colleague, Mr. JOSEPH KENNEDY, the ranking member of the Housing Subcommittee, in offering two amendments: one to restore funds to the McKinney homeless assistance programs at HUD to the pre-rescission 1995 level, and the other to restore a long-time policy to have incremental—or new—section 8 assistance in place to serve new housing and shelter needs. Each amendment is a good faith attempt to put a dent in the number of households that have worst case housing needs. HUD reports to us that some 5.3 million people who do not receive housing assistance are underhoused or are paying much too much of their income to be housed. By treading water, this bill's allocation for HUD espouses a policy of inadequate and limited help for people in need of housing assistance. The Kennedy/Vento amendments should be supported if we are to reverse course for homeless and housing assistance spending.

Although total spending for the Environmental Protection Agency is slightly higher than last year's level, the proposed sum is nearly half a billion dollars under than the President's request. In addition, funding is cut by $1.5 million for the key Community Right to Know Program, which makes information about toxic pollutants available to the public. I will certainly support the Durbin amendment to restore that funding and give the American people access to information about pollution affecting their communities.

As this bill is written, $861 million appropriated for Superfund money can be used only if the Superfund Program is reauthorized. Reauthorization looks unlikely at this time, so I will also support efforts to ensure that all the funds designated for Superfund toxic waste clean ups are available without conditions. We must continue the clean up now, not delay it. The American people want clean air and pure water, and EPA Superfund funding is the one of the most important means by which we achieve those goals.

I do want to note my strong support for the $50 million of funding for the Neighborhood Reinvestment Corporation and for the continued funding, albeit limited, of the Community Development Financial Institutions Program. Both of these represent good public private partnerships that would be penny wise and pound foolish to further cut or deny. I also note that the FEMA Emergency Food and Shelter Program has been level funded at $100 million for fiscal year 1997. Here again is an essential program that is a very successful partnership that should be pursued as vigorously as possible.

Mr. Chairman, while this bill is a better bill, a less contentious bill, than last year's initial House-passed measure, I am concerned that this bill could have far reaching effects as cuts are masqueraded as level funding amounts. The trick is seeing the reality of those cuts compared to a 1995 baseline. What I see is a continued reality of human deficits and environmental tragedies that will not be assuaged or fooled by the funding in this bill.

The infamous series of dozens of riders, environmental mostly, has not reappeared for the most part. Apparently the majority has backed off for now. We should completely scrub this final measure of such policy changes. Although I do not support every aspect of the bill and have grave misgivings about some of the programs funded, I will support the bill based on where we have been and the realization that further changes will be made in the House, Senate and in the final form that is presented to the President.

Mr. LEWIS of California. Mr. Chairman. I yield 3 minutes to the gentleman from Maryland [Mr. GILCHREST] for the purpose of a colloquy.

Mr. GILCHREST. I thank the chairman for yielding me time.

Mr. Chairman, I rise to engage in a colloquy with the gentleman from California [Mr. LEWIS]. As the chairman knows, my concern is for the construction funding for Perry Point VA Medical Center in Maryland. It has been quite exemplary in treating some of our tragic victims of war. Many of them, as a result of the conflicts they have experienced, have come down with very serious psychiatric problems.

The facility was made up of buildings that were designed and constructed during the 1930's and 1940's. Many of these buildings have received little renovation since then. This much-needed construction will address concerns of appearance, quality and efficiency, while meeting serious handicap accessibility standards, patient privacy

standards, and replacing these aging utilities.

More importantly, there are current fire and safety deficiencies that will be corrected as a result of this project. Unfortunately, funds for this project are not included in the bill before us, despite its being a longstanding priority. These funds are needed for renovation of psychiatric wards that care for some of the most vulnerable veterans in our society, some who suffer from dementia-related illnesses.

It is my understanding that the omission of Perry Point as a major construction project has nothing to do with the merit of the project, and it would be my hope that the chairman might give this project further consideration now and before the conference.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from California.

Mr. LEWIS of California. The gentleman is correct. The Perry Point VA Medical Center was a priority in fiscal year 1996. However, it never received any funding. The administration did not include Perry Point VA in its fiscal year 1997 budget. I recognize the gentleman's concern and I can assure the gentleman that I will work with him to seek funds for this project as we continue in the process.

Mr. GILCHREST. I thank the gentleman.

Mr. BARR of Georgia. Mr. Chairman, I rise in strong support of the amendment of the distinguished chairman of the subcommittee on Veterans, Housing and Urban Development, Mr. LEWIS, to increase total funding for the Community Development Block Grant Program [CDBG] in the fiscal year 1997 VA–HUD appropriation to $4.6 billion. Raising the overall appropriation to $4.6 billion is consistent with the commitment to the CDBG Program undertaken in the last session when it was spared from difficult budget cuts.

Last year during consideration of the fiscal year 1995 rescissions appropriations bill, working with Chairman LEWIS, I agreed to withdraw amendments designed to restore funding to the CDBG Program with the understanding the funding would be restored in the conference committee with the Senate. Chairman LEWIS was instrumental in seeing to it that commitment was met. Similarly, during negotiations on the fiscal year 1996 appropriation, and graciously accepting input from me and others supportive of the $4.6 billion funding level for the CDBG Program, Chairman LEWIS ensured that the fiscal year 1996 program was approved without cuts.

I am proud today to support Chairman LEWIS again in our joint efforts to maintain funding for this important program. For 22 years the Community Development Block Grant Program has been recognized as a model for success. It has been one of a precious few, Federal programs, that has successfully moved people from dependency to productivity and independence.

The CDBG Program has provided a flexible mechanism for channeling Federal funds for local investments in community development and revitalization activities. The point is local officials are making their own decisions about local priorities, and achieving far greater success than had those decisions been mandated by Washington bureaucrats.

In my own district, the CDBG Program has been instrumental in the provision of many much-needed projects such as senior citizens centers, public health facilities, mental health centers, shelters for abused children, day care centers, job training and housing improvement activities. Without CDBG, most of these critically important facilities and services would simply not be available today.

The people of Georgia and local officials have made great use of the CDBG Program over the years, and they will continue to do so. It is among the most successful of all block grant programs and perfectly in keeping with our efforts to take power and money from the Washington bureaucrats and return both to local officials, who know the needs of their communities and who are directly accountable to the people they serve.

In closing, let me once again thank the distinguished Chairman for his leadership on this issue and for hearing the support of people of Georgia's Seventh District in offering this amendment. I urge my colleagues to support the chairman and pass this amendment. CDBG funding makes it possible for people back home to break cycles of dependency and to provide for themselves and their families.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise today to remind the Republican majority of the people who will be forgotten in this appropriation measure.

The 15,000 homeless families and the 20,000 families on the waiting list for public housing for the city of Houston need more than this legislation offers. The 23,641 students taught, and the 49,632 youth helped through violence prevention programs run by thousands of AmeriCorps workers is a testament to the vital role they play in our communities around the country. Breathable air and safe clean drinking water are our Nation's greatest undervalued resources. The important scientific and technological resource that NASA represents for our future is underfunded.

On the streets of our Nation's cities reside thousands of homeless people, but this legislation would expand housing certificate programs with no guarantee of recipients finding an affordable place to live. With the documented reality of housing discrimination and red lining, this appropriation bill does not provide sufficient funding for programs to educate the general public on identifying housing discrimination and the penalties for violating these laws or enough funding for enforcement of this Nation's fair housing laws.

According to the Coalition for the Homeless of Houston (and) Harris County, women and children comprise 49 percent of the 1996 emergency shelter population in the city of Houston. The coalition also reported that the number of emergency shelter beds increased by 0.4 percent from 2,338 in 1995 to 2,438 in 1996. A study on homelessness conducted by the McKinsey & Company, revealed that on any given night about 10,000 people in Houston and Harris County are literally homeless. In Harris County alone, the McKinsey Report further asserted that there are 150,000 individuals who are marginally homeless who depend on family friends to keep them from falling into hopelessness. However this legislation forces programs like the Space Station to be pitted on Homeless Funds. We simply need more funding for the homeless without cutting space station jobs. It can be done.

AmeriCorp is another issue that concerns me. It is the one and only chance for many of its participants to obtain a college education. It has been under attack from the early days of the 104th Congress for being inefficient. The truth is that among the numerous independent studies this year, including the one by the conservative Chicago School economists sponsored by three private foundations confirmed that investments in national service programs are sound, yielding from $1.54 to $3.90 for every dollar invested. In fact, a 1995 GAO report concluded that AmeriCorps almost tripled the amount $31 million that Congress directed them to raise by raising $91 million.

We must also carefully review this bill because there are Members of this body who have had photo-ops painting themselves green by planting trees, using recycled paper, adopting a highway, or visiting zoos when their true environmental legislative color are closer to a rusk colored brown, evidenced by the treatment of Environment Protection Agency [EPA] funding.

The record of the 104th Congress, the first Republican-controlled Congress in 40 years, has proposed reduced funding for water improvement grants and elimination of funding for environmental technology initiative [ETI]. This type of legislative approach to the environment would decimate our Nation's need to stay ahead of the threats to clean, safe drinking water.

The ETI was announced by President Clinton in his first State of the Union address on February 17, 1993. The ETI is an intergovernmental effort led by the Environmental Protection Agency with a mission of improving the levels of health and environmental protection by accelerating the development and use of innovative environmental technologies.

Elimination of this program means that this Government will not be active in the development of environmental technologies. According to the Environmental Business International [EBI], a private industry analyst, there was an estimated $134 billion generated domestically in 1992. The global market will grow from a 1992 sum of nearly, $300 billion, to as much as $500 billion by the year 2000.

This industry could mean billions for our economy if this body had the backbone to say "no" to political convenience.

Exports of environmental technology create high-wage jobs. Research shows that for every $1 billion worth of exports, 15,000 U.S. jobs are created; with a 5 percent increase in U.S. environmental technology exports, and estimated 362,000 new jobs would be created.

Clean, safe drinking water is one of the most precious commodities this country can own. With the passage of the EPA appropriation bill, as it is written, that sad refrain "water, water everywhere but not a drop to drink," could become one step closer to reality for too many residents of our Nation. Further two

areas in my district, Kennedy Heights and Pleasantville, need Super Fund help and EPA monitoring of toxic contamination in their neighborhoods.

Lastly, NASA allowed our Nation to see the future and say that it was ours. It is the program that made national heroes out of America's engineers and scientists. NASA gave us the will to follow our own creative zeal which resulted in special projects that have lead to technological innovation in food preservation, medical research, and the environmental sciences.

I would like to say that I am not opposed to a reasoned well-planned appropriations process where the benefits and costs are weighted carefully before legislation is brought to the floor for action. The taxpayers of this Nation deserve no less than our best efforts.

I urge my colleagues to carefully consider their vote on this bill.

Mr. BEREUTER. Mr. Chairman, this Member rises to express his thanks to the distinguished subcommittee chairman, Mr. LEWIS, and the distinguished ranking Member, Mr. STOKES, For their efforts in bringing this bill before us today.

This Member is particularly pleased that H.R. 3666 includes $3 million in funding for the Indian Housing Loan Guarantee program at HUD. This very modest sum will guarantee the private financing of nearly $37 million in housing loans for Indian families. As you know, Mr. Chairman, there is a severe lack of decent, affordable housing in Indian country, due in large part to the lack of private financing in Indian country. This program provides a substantial means of bringing much needed private financing to Indian country. This very limited Federal funding is money well spent, and this Member commends the appropriators for including it in this measure.

The appropriators also should be commended for increasing an inadequate initial allocation for VA and HUD programs. However, this Member is still seriously concerned with a number of provisions in the HUD portion of this bill, specifically first, the restructuring of the section 8 project-based housing program which is also know as mark-to-market, which should be subject to hearings and legislation in the appropriate authorizing Committee second, the dramatically reduced funding levels for the section 202 and section 811 housing programs, and third, the reduction in Community Development Block Grant [CDBG] funding levels. This Member is pleased to learn that Chairman LEWIS is planning on striking the mark-to-market provisions during consideration of the bill. This will allow the authorizing committee adequate opportunity to investigate the issues.

Mr. Chairman, this Member is supportive of the amendment to be offered by Chairman LEWIS to raise the funding for CDBG to the fiscal year 1996 enacted level. CDBG is a Federal program which provides grant funds directly to large cities or indirectly to other communities through a State agency, for community development projects. The House Committee on Banking and Financial Services, on which I serve, has the oversight and authorization responsibilities for all HUD programs, including CDBG; therefore, I am interested to see these funds used effectively for eligible purposes.

Additionally, this Member would like to express his support for the amendments to be offered by Representative LAZIO increasing funding to the section 202 and section 811 programs. Although inadequate levels were requested by the administration for these programs, Congress must ensure sufficient funding to protect America's seniors and disabled.

Mr. Chairman, this Member is pleased that the legislation includes $12.5 million for rural water training and technical assistance. This is clearly a most cost-effective and beneficial Federal program aimed at assisting small and rural water systems to comply with Federal regulations and improve public health. In every State, on-site technical assistance is the backbone of small system compliance. Small systems have limited funds to operate and to comply with the Safe Drinking Water Act [SDWA]. Through technical assistance, small communities work together to conduct a statewide, peer-oriented, grassroots assistance program. In addition, through rural community assistance programs, multistate regional technical assistance providers provide assistance to small communities across the country on drinking water and waste water compliance issues.

Small communities simply do not have the engineers, the laboratories, and the other necessary technical and financial resources of large cities that are needed to meet Federal requirements. Such technical assistance allows America's small communities to help each other outside of the regulatory bureaucracy. This results in a growing number of small systems moving into SDWA compliance. This leads to steady improvement in water quality and a long-term solution to public health problems.

Mr. OLVER. Mr. Chairman, I rise in support of the Lewis amendment to restore $300 million to community development block grants [CDBG] which would bring this account back up to last year's funding level and the level of President Clinton's request for fiscal year 1997.

CDBG funds are very important to the larger communities in my district. My district is mostly rural. The largest city, Pittsfield, has a population under 50,000. CDBG money is critical for my [CDBG] entitlement communities of Fitchburg, Holyoke, Leominster, Pittsfield and Westfield.

But Massachusetts has also created a great new system for funding called [CDBG] mini-entitlements.

Under this plan, 16 additional communities will be able to count on CDBG funds for 2 years. These communities do not automatically receive annual funds under the Federal block grant. But they have received competitive CDBG money through the State for at least 3 out of the last 5 years.

Under this new plan, the communities of Gardner, Greenfield, North Adams and West Springfield, in my district, will receive up to $600,000 each to carry out projects that make or create jobs, improve infrastructure or provide better housing or social services to the community. These projects could be, for example, water and sewer upgrades, handicapped accessibility, development of downtown areas, housing rehabilitation, revolving loan funds for business development, or the creation of child care facilities.

These communities hope to have a 2-year CDBG commitment to carry out their improvement plans. But that commitment depends on the Federal level of CDBG funding.

I urge my colleagues to support this amendment and to support sound community development.

Mr. EWING. Mr. Chairman, I rise in strong support of language included in the committee report on H.R. 3666, the fiscal year 1997 VA–HUD appropriations bill, concerning activities within the U.S. Department of Housing and Urban Development to move toward Federal regulation of the property insurance industry. I strongly oppose any effort to weaken or delete this report language and urge the Appropriations Committee to keep this language during negotiations with the Senate.

HUD has undertaken several activities to involve the Federal Government in the so-called issue of redlining, including investigations of insurance companies and providing funds to liberal special interest groups to prepare studies, which I believe are highly questionable, concerning redlining. HUD has no statutory authority to be involved in this area, and under the McCarran/Ferguson Act regulation of insurance is the responsibility of the States. Furthermore, the Fair Housing Act never mentions discrimination in property insurance and does not give HUD the authority to get involved in this area. The States are exercising the authority they were given under McCarran-Ferguson to address redlining problems where they exist, and Illinois in particular has been vigilant in this matter. There is no reason for HUD to get involved in this State matter.

I strongly support the committee's report language concerning HUD's involvement in redlining issues and thank Chairman LEWIS and Rep. JOE KNOLLENBERG for their continued work on this matter.

Mrs. VUCANOVICH. Mr. Chairman, I rise today in strong support of H.R. 3666, the VA-HUD-independent agencies appropriations bill for fiscal year 1997. Preparation of this bill took a lot of sweat and tears and I thank the chairman and his tireless staff for putting this bill together.

Why is this a good bill? It's a good bill because it provides $84.3 billion in new budget authority, but keeps us on track toward reaching a balanced budget.

It's a good bill because it increases funding by $444 million for medical care for veterans. The bill also fully funds veterans compensation and pensions, readjustment benefits, insurance and several other veteran programs.

H.R. 3666 also ensures funding for housing of our Nation's elderly and disabled. It maintains funding for severely distressed public housing, homeless assistance grants, and drug elimination grants.

In addition, the bill makes a commitment to our communities, providing $1.4 billion for the clean water State revolving fund and $450 million for safe drinking water grants.

Last, this bill maintains our Nation's commitment to exploration in space. Like the Sun coming up every day, we tend to take space exploration for granted. Yet, NASA continues to make great strides, including a liftoff last week of the space shuttle *Columbia* where experiments are being conducted to study changes in the human body in weightlessness.

Mr. Speaker, this bill is not perfect—but then again—nothing is. The chairman and the subcommittee are committed to continue working to see improved funding levels for the community development block grant program which is important to localities. I offer my assistance to the chairman in this effort.

This year was a challenging year, but one which brought forth good results. H.R. 3666 is one of these results, and I urge my colleagues to support this bill.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise to again voice strong objections over rampant Republican extremism manifested in proposed cuts and decreased spending levels for the Departments of Veterans Affairs and Housing Urban Development.

There is little doubt that most of us want a more streamlined and efficient Government. We want to make sure that our Government spends taxpayers' resources responsibly and frugally, but some of my colleagues on the other side of the aisle are being remiss in their duty as legislators as they continue their efforts to force the restructuring the Government services—Republican style—by making destructive, irrational and ineffectual cuts in spending.

While I fully understand the overwhelming constraints facing the House during this year's appropriations process, I also understand the critical needs of my constituents of the Seventh Congressional District.

H.R. 3666, the Republican's VA–HUD, and Independent Agencies appropriations for fiscal year 1997, has a total of $84.3 billion in fiscal year 1997—2 percent more than the fiscal year 1996 funding level, but $3.2 billion, or 4 percent less than requested by the administration—for programs and activities of the Veterans Affairs and Housing and Urban Development Departments, and for independent agencies including the Environmental Protection Agency, National Aeronautics and Space Administration, National Science Foundation, and Federal Emergency Management Agency.

We must make certain that the agencies charged with administering certain vital services, are able to responsibly and effectively carry out their mission. Falling short of this goal will certainly prove detrimental to the safety and well being of our citizens.

My constituents call daily to say they oppose decreased funding for the Community Development Block Grant by 10 percent in fiscal year 1997. In fact, Chicago's Mayor Daley recently contacted me to pass along his thoughts about the Republican cuts.

The Community Development Block Grant program is exactly the kind of program this Congress should be holding up—and preserving—as a model for how partnerships between the Federal, State, and local governments should operate.

John H. Stroger, Jr., President, Cook County Board of Commissioners, also predicted that the reduction of $1,579,100 under H.R. 3666, would translate to many of our low income constituents not receiving needed assistance for housing rehabilitation, senior citizen facilities and services, and neighborhood improvements. Definitely unacceptable cuts indeed!

Mr. Speaker, cuts in veterans benefits also impacts my district. The bill before us today has a total of $38.8 billion in fiscal year 1997 for programs and benefits provided by the Veterans Affairs Department.

By the year 2010, the majority of our veterans will be over the age of 62, while the fastest growing veteran population today is over 80 years of age. It is estimated that about 2.9 million patients will receive VA medical treatment in fiscal year 1997. This is a matter of grave concern to me, because many veterans in my district depend on veterans compensation as a sole source of income. But equally important, these veterans also need their eligibility for access to adequate health care.

Mr. STOKES. Mr. Chairman, I yield back the balance of my time.

Mr. LEWIS of California. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendment printed in section 2 of House Resolution 456 is adopted.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman for the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

After the reading of the final lines of the bill, a motion that the Committee of the Whole rise and report the bill to the House with such amendments as may have been adopted shall, if offered by the majority leader or a designee, have precedence over a motion to amend.

The clerk will read.

The Clerk read as follows:

H.R. 3666

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes, namely:

TITLE I

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198); $18,497,854,000, to remain available until expended: *Provided*, That not to exceed $26,417,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: *Provided further*, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized by the Veterans' Benefits Act of 1992 (38 U.S.C. chapter 55).

□ 1900

Mr. STOKES. Mr. Chairman, I move to strike the last word.

Would the distinguished chairman of the subcommittee be willing to respond to a few questions regarding the language in the committee's report discussing the Fair Housing Act?

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, I would be pleased to join in a colloquy with my colleague from Ohio. Mr. STOKES.

Mr. STOKES. I thank my chairman.

The committee conference report contains language expressing the committee's concern that HUD not duplicate the State's regulation of property insurance. However, it is the view of many members of the committee, that HUD does not regulate insurance. The Department does not now and will not approve rate filings or underwriting guidelines, set licensing procedures, address financial matters related to solvency issues, or perform any of the standard functions now performed by State regulators.

As the Fair Housing Act requires, HUD presently investigates complaints of unlawful discrimination that violate the act in the provision of property insurance, enforces the act as it applies to insurance, and has promulgated regulations that apply the act's prohibitions against discrimination to property insurance.

Nor do the actions of HUD duplicate laws and regulations of the States that address unfair discrimination in property insurance, as asserted. The fact is that while most State insurance codes address issues pertaining to unfair discrimination, these State insurance

laws generally lack the scope of protection of the Fair Housing Act: For example, the private right of action in the Federal courts; a HUD investigation to determine if there is reasonable cause to believe a violation has occurred; or a right to damages and representation by the Federal Government in an administrative hearing or in a Federal court.

Although 17 States list various protected groups under the State law, each excludes one or some of the groups protected under the Fair Housing Act.

Mr. LEWIS of California. Mr. Chairman, I understand that there is disagreement among the members of the committee on the issue that the gentleman from Ohio [Mr. STOKES] raises.

Mr. STOKES. Mr. Chairman, is the gentleman from California [Mr. LEWIS aware that members of the committee disagree on two assertions in the committee report? First, the Fair Housing Act makes no mention of discrimination in property insurance, and, second, neither the act nor its legislative history suggests that Congress intended it to apply to the provision of property insurance.

The fact is that both Republican and Democratic administrations, beginning with a HUD general counsel opinion in 1978, have determined that the Fair Housing Act prohibits insurance redlining and discrimination in the terms, conditions, costs, or other aspects of coverage.

Following enactments of the fair housing amendments of 1988, President Bush issued regulations in 1989 explicitly applying the Fair Housing Act to discrimination in insurance. Since then, two Federal courts of appeal have determined that the act's provisions defining discrimination apply to property insurance. In both situations, the Supreme Court has denied a petition to consider the matter, in one case as recently as this year.

While it is true that in the course of considering amendments to the act, Congress has rejected provisions that would explicitly cover property insurance discrimination, the Department testified in hearings that the explicit mention of insurance was not necessary because insurers were already covered by the act as were others, such as landlords, apartment managers, title insurance companies, contractors, housing developers, group home operators, employers who provide financing, and State and local governments.

Mr. LEWIS of California. Mr. Chairman, I am aware that the committee has substantial differences on this issue as well.

Mr. STOKES. May I also assume that my distinguished chairman is aware that some Members disagree with the assertion that the Fair Housing Act prohibition of discrimination in property insurance is barred by the McCarran-Ferguson Act of 1945? The fact is that McCarran-Ferguson states that a Federal law that does not specifically relate to insurance shall be construed so as not to invalidate, impair or supersede any State law regulating the business of insurance.

Circuit court decisions have clearly established the applicability of the Fair Housing Act to discriminatory insurance practices and have not found them to be barred by McCarran-Ferguson. In the most recent appellate decisions on the issue, the Sixth Circuit followed the Seventh Circuit, joining a long line of courts that have upheld HUD's jurisdiction. On May 1, 1995, the court found that "HUD's interpretation of the Fair Housing Act is consistent with the goals of the Fair Housing Act and a reasonable interpretation of the statute. We hold that the McCarran-Ferguson Act does not preclude HUD's interpretation of the Fair Housing Act." The Supreme Court has declined to review these cases.

Mr. LEWIS of California. Mr. Chairman, I do not want to leave the wrong impression for the gentleman from Ohio [Mr. STOKES], for our work has led to a great deal of agreement across the board with a variety and mix of difficult issues, but, yes, I am aware that on this issue there is also substantial disagreement among the Members.

Mr. STOKES. Mr. Chairman, may I also ask, is my colleague aware that, despite the absence of any language in the appropriation measure before us that would restrict HUD's authority to fund activities on furtherance of the Fair Housing Act in its use of FHIP funds, report language that is not supported by many members of the committee could be read to seek to restrict the Department?

The CHAIRMAN. The time of the gentleman from Ohio [Mr. STOKES] has expired.

(By unanimous consent, Mr. STOKES was allowed to proceed for 2 additional minutes.)

Mr. STOKES. Mr. Chairman, it is the intention of this Member and others that the Department have the authority to address all forms of discrimination under the Fair Housing Act, sometimes referred to as title VIII of the 1968 Civil Rights Act, as the Act has been interpreted by the Federal courts.

Mr. LEWIS of California. I am aware, Mr. Chairman, that there is disagreement here, too.

Mr. STOKES. I am concerned that these issues have been addressed in report language without the opportunity for hearings on the matters involved and involving matters upon which there is substantial disagreement between Members. They are an attempt to revise the history of this body to deal with an important substantive issue involving civil rights that are critical to all of our citizens. These issues involve matters which have traditionally been outside the purview of this committee and more properly dealt with in legislation other than appropriation legislation. They deserve the careful debate and consideration that this body has provided to such issues in the past.

I thank my distinguished chairman for participating in this colloquy with me.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to clarify the committee report language regarding HUD's application of the Fair Housing Act to property insurance and to engage the distinguished chairman, if I might, in a colloquy.

First, I think it is important to emphasize that nothing in the committee report either states or suggests that Congress is not fully committed to the eradication of unlawful discrimination in whatever form it may appear. In particular, the report does not suggest that there should be any tolerance of unfair discrimination in insurance. Rather, it specifically emphasizes the importance of the laws and regulations prohibiting unfair insurance discrimination that are maintained by every State and the District of Columbia. The issue dealt with in the report is not whether unfair discrimination by insurers be prosecuted and punished but, rather, who should undertake such prosecution: HUD or the insurance commissioners of the 50 States and the District of Columbia.

As I am sure the gentleman is aware, the Fair Housing Act does not, by its very terms, apply to property insurance. The statute expressly prohibits discrimination in the sale or rental of housing. It also specifically prohibits discrimination in mortgage lending and the services that mortgage brokers provide. It does not, however, mention property insurance at all. There is ample indication in the legislative history of this statute that Congress was intentional in omitting any such reference. First, when the Fair Housing Act was enacted in 1968, it was expressly the view of this House floor that property insurance was excluded from its scope. Second, in the same legislative session, Congress specifically addressed the issue of property insurance availability through a separate law, the Urban Property Protection and Reinsurance Act, choosing that measure, rather than the Fair Housing Act, as the appropriate way to deal with the issue.

Third, while there have been several attempts since 1968 to include property insurance under the umbrella of the Fair Housing Act, each of them failed at some stage of the legislative process. Finally, last year the House voted 266–157 against funding HUD activities involving the application of the Fair Housing Act to property insurance.

Am I correct in assuming the gentleman agrees that the legislative history of this issue suggests Congress never intended the Fair Housing Act apply to the business of insurance?

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield.

Mr. KNOLLENBERG. I yield to the gentleman from California.

Mr. LEWIS of California. The gentleman's assumption is correct. The legislative history of the Fair Housing Act demonstrates that Congress has on many occasions decided not to apply the act to insurance.

Mr. KNOLLENBERG. I thank the gentleman.

Mr. Chairman, while the legislative history is quite clear, the situation in the courts is less so. Recently, two circuit courts reached the conclusion that the Fair Housing Act applies to the business of insurance. Those courts strictly followed the doctrine of judicial deference to agency decision-making. They apparently felt constrained by the fact that HUD, the agency that was charged with implementing the Fair Housing Act, had declared that the law should be applied to insurance. Rather than contradict HUD, the courts determined that they should follow HUD's rule at least until Congress expressly makes clear that HUD's interpretation is wrong.

Before HUD issued its 1989 rule stating that the Fair Housing Act applies to insurance, the prevailing view in the Federal circuit courts was that the act does not apply to insurance. It was only after HUD's rule was promulgated that the courts decided otherwise. HUD, therefore, was essentially responsible for triggering the court decisions finding that the Fair Housing Act applies to insurance.

Am I correct again, Mr. Chairman, in assuming that the gentleman agrees that the courts have sent mixed signals on this issue?

Mr. LEWIS of California. The gentleman is correct. I have reviewed the information provided to me. The 6th and 7th Circuits found—after the implementation of HUD's rule—that the Fair Housing Act applies to property insurance, while the 4th Circuit found—before the rule—that it does not. I would also say to the gentleman that it is my hope that the Supreme Court will weigh in on this issue so that the uncertainty can be dispelled.

Mr. KNOLLENBERG. I again thank the gentleman.

Mr. Chairman, by its terms the McCarran-Ferguson Act renders any Federal statute inapplicable to the activities of insurance companies, if, one, the Federal statute does not specifically relate to insurance; two, the challenged activity constitutes the business of insurance; and, three, the Federal statute would invalidate, impair or supersede State insurance law. An examination of these factors suggests that the application of the Fair Housing Act to property insurance practices is barred by the McCarran-Ferguson Act. As I previously stated, the Fair Housing Act makes no mention of property insurance. Secondly, the pricing, underwriting and marketing of property insurance policies clearly constitutes the business of insurance.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. KNOLLENBERG] has expired.

(By unanimous consent, Mr. KNOLLENBERG was allowed to proceed for 2 additional minutes.)

Mr. KNOLLENBERG. Finally, Mr. Chairman, the courts have held that a Federal statute will be deemed to invalidate, impair, or supersede State law whenever the State has regulated the same general subject within the business of insurance. Currently, all States specifically forbid unfair discrimination in the issuance or termination of property insurance. Thus, it appears that HUD's activities pursuant to the Fair Housing Act constitute a dual Federal-State system of regulating insurance discrimination, contrary to the letter and spirit of the McCarran-Ferguson act.

Does the gentleman again concur that HUD's application of the Fair Housing Act to insurance is fundamentally at odds with McCarran-Ferguson?

Mr. LEWIS of California. If the gentleman will yield further, I would say to the gentleman, his contention that application of the Fair Housing Act to property insurance runs counter to Congress's intent embodied in the McCarran-Ferguson Act is reasonably founded.

Mr. KNOLLENBERG. Mr. Chairman, I thank the distinguished gentleman for engaging me in this colloquy.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, $1,227,000,000, to remain available until expended: *Provided*, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $38,970,000, to remain available until expended.

GUARANTY AND INDEMNITY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $105,226,000, which may be transferred to and merged with the appropriation for "General operating expenses".

LOAN GUARANTY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $33,810,000, which may be transferred to and merged with the appropriation for "General operating expenses".

DIRECT LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That during 1997, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct loan program, $80,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $195,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $49,000, as authorized by 38 U.S.C. chapter 31, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $1,964,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $377,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $205,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the Department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; and not to exceed $8,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5); $17,008,447,000, plus reimbursements: *Provided*, That of the funds made available under this heading, $570,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 1997, and shall remain available until September 30, 1998.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 1998, $257,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of planning, design, project management, architectural, engineering, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs, including site acquisition; engineering and architectural activities not charged to project cost; and research and development in building construction technology; $59,207,000, plus reimbursements.

TRANSITIONAL HOUSING LOAN PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $7,000, as authorized by Public Law 102–54, section 8, which shall be transferred from the "General post fund": *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $70,000.

In addition, for administrative expenses to carry out the direct loan program, $54,000, which shall be transferred from the "General post fund", as authorized by Public Law 102–54, section 8.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; $823,584,000: *Provided*, That of the amount appropriated, and any other funds made available from any other source for activities funded under this heading, not to exceed $3,206,000 for personnel compensation and benefits and $50,000 for travel shall be available in the Office of the Secretary: *Provided further*, That during fiscal year 1997, notwithstanding any other provision of law, the number of individuals employed by the Department of Veterans Affairs (1) in other than "career appointee" positions in the Senior Executive Service shall not exceed 6, and (2) in schedule C positions shall not exceed 11: *Provided further*, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act.

□ 1915

AMENDMENT OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HEFNER: Page 10, line 10, strike "; *Provided*, That" and all that follows through "Secretary" on line 15.

Mr. HEFNER. Mr. Chairman, I hope this amendment will not take that long.

This restriction was placed in the fiscal year 1996 omnibus bill and it has caused problems. It harms the veterans and when our Secretary would like to visit different areas of the country. I will place in the RECORD a letter listing the people that are supporting this: The American Legion, the Paralyzed Veterans, the VFW, Vietnam Veterans, and the DAV. I would hope that the committee would see fit to accept this amendment, which I think helps the bill tremendously.

The letter referred to is as follows:

THE AMERICAN LEGION,
WASHINGTON OFFICE,
*Washington, DC, June 25, 1996.*

Hon. W. G. BILL HEFNER,
*U.S. House of Representatives,*
*2470 Rayburn House Office Building,*
*Washington, DC.*

DEAR REPRESENTATIVE HEFNER: The American Legion fully supports your proposed amendment to the FY 1997 VA, HUD and Independent Agencies appropriations bill, which would strike the restrictions on limitations to the Secretary of Veterans Affairs travel budget.

The VA's FY 1997 appropriations bill limits the travel budget for the Secretary of Veterans Affairs to $50,000. The American Legion believes that limiting the Secretary's travel budget would have an adverse impact on his ability to ensure the Veterans Administration provides quality services to America's veterans. Personally visiting with veterans, their families and VA employees allows the Secretary of Veterans Affairs to better address and properly correct their concerns.

The proposed limits on the travel budget will also force the Secretary to significantly alter his managerial and leadership styles and ultimately penalize VA career employees. VA employees do their jobs, day-in and day-out, without regard to partisan politics and most have served under several administrations. Their common goal is service to America's veterans and their families.

Thank you for taking the views of The American Legion under serious consideration as you consider the FY 1997 VA budget.

Sincerely,

STEVE A. ROBERTSON, *Director,*
*National Legislative Commission.*

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from California.

Mr. LEWIS of California. As the gentleman knows, there were Members of the body who were greatly concerned with the way some of these responsibilities were being exercised by the Secretary. We have communicated in some depth over the last year or so. I believe and hope that we are making progress in that connection, so both in the spirit of comity between both sides of the House but also an effort to improve communication between the administration and myself, I am inclined to accept the amendment and I believe my colleague is of the same view.

Mr. MONTGOMERY. Mr. Chairman, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Chairman, I commend the gentleman on his amendment. I thank the chairman for accepting this amendment and also the ranking minority member.

Mr. LEWIS of California. We accept the amendment.

Mr. HEFNER. Reclaiming my time, Mr. Chairman, I appreciate the gentleman's hard work that he has done on this particular bill, and the ranking minority member here. But this is something that I think strengthens the bill. I think it does a service to the veterans and certainly we do not argue about trying to get different secretaries' attention over the years, because we have had people that have had a tendency to get involved in politics probably when they should not have been getting involved in politics. But this is something that is special for our veterans. Secretary Brown is much decorated; he is a veteran. He also is a handicapped veteran, and I think he has done a tremendous job for the veterans.

I again want to thank the chairman of the committee for accepting this amendment and for the ranking minority member, who I suppose is going to go along with accepting this amendment. I thank the gentleman for what I think is an effort to strengthen the bill to make it more palatable.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. HEFNER. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I am very pleased and want to commend the

gentleman for his amendment. I also want to express my appreciation to the chairman for accepting it. We also accept it.

Mr. HEFNER. Mr. Chairman, I thank the gentleman.

Mr. LEWIS of California. If the gentleman will yield further, I appreciate very much the gentleman's contribution as well. Indeed, he is assisting us in this effort to one more time deal with veterans' matters as well as the rest of the work of this committee in a highly bipartisan as well as nonpartisan fashion.

Mr. HEFNER. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. HEFNER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL CEMETERY SYSTEM

For necessary expenses for the maintenance and operation of the National Cemetery System, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of two passenger motor vehicles for use in cemeterial operations; and hire of passenger motor vehicles, $76,864,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $30,900,000.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $3,000,000 or more or where funds for a project were made available in a previous major project appropriation, $245,358,000, to remain available until expended: *Provided*, That except for advance planning of projects funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: *Provided further*, That funds provided in this appropriation for fiscal year 1997, for each approved project shall be obligated (1) by the awarding of a construction documents contract by September 30, 1997, and (2) by the awarding of a construction contract by September 30, 1998: *Provided further*, That the Secretary shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93-344): *Provided further*, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, where the estimated cost of a project is less than $3,000,000; $160,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $3,000,000: *Provided*, That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, $12,300,000, together with income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131-8137, $47,397,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by 38 U.S.C. 2408, $1,000,000, to remain available until expended.

FRANCHISE FUND

(INCLUDING TRANSFER OF FUNDS)

There is hereby established in the Treasury a franchise fund pilot, as authorized by section 403 of Public Law 103-356, to be available as provided in such section for expenses and equipment necessary for the maintenance and operation of such administrative services as the Secretary determines may be performed more advantageously as central services: *Provided*, That any inventories, equipment and other assets pertaining to the services to be provided by the franchise fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made hereafter for the purpose of providing capital, shall be used to capitalize the franchise fund: *Provided further*, That the franchise fund may be paid in advance from funds available to the Department and other Federal agencies for which such centralized services are performed, at rates which will return in full all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of automated data processing (ADP) software and systems (either acquired or donated), and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That the franchise fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed four percent of the total annual income to such fund may be retained in the fund for fiscal year 1997 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment and for the improvement and implementation of Departmental financial management, ADP, and other support systems: *Provided further*, That no later than thirty days after the end of each fiscal year amounts in excess of this reserve limitation shall be transferred to the Treasury: *Provided further*, That such franchise fund pilot shall terminate pursuant to section 403(f) of Public Law 103-356.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for 1997 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for 1997 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901-7904 or 42 U.S.C. 5141-5204), unless reimbursement of cost is made to the "Medical care" account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 1997 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 1996.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 1997 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100-86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".

SEC. 107. Notwithstanding any other provision of law, during fiscal year 1997, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United

States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the "General operating expenses" account for the cost of administration of the insurance programs financed through those accounts: *Provided*, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 1997, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: *Provided further*, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: *Provided further*, That the Secretary shall determine the cost of administration for fiscal year 1997, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(INCLUDING RESCISSION)

For assistance under the United States Housing Act of 1937, as amended (the "Act" herein) (42 U.S.C. 1437), not otherwise provided for, $5,372,000,000, to remain available until expended: *Provided*, That of the total amount provided under this head, $4,572,000,000 shall be for assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) for use in connection with expiring or terminating section 8 subsidy contracts of which $975,000,000 shall be available on September 15, 1997: *Provided further*, That the Secretary may determine not to apply section 8(o)(6)(B) of the Act to housing vouchers during fiscal year 1997: *Provided further*, That of the total amount provided under this head, $800,000,000 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended: *Provided further*, That 50 per centum of the amounts of budget authority, or in lieu thereof 50 per centum of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100-628, 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section.

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of California: On page 19, line 9, strike "$5,372,000,000" and insert in lieu thereof "$5,272,000,000". On page 19, line 11, strike "$4,572,000,000" and insert in lieu thereof "$4,472,000,000". On page 19, line 15, strike "$975,000,000" and insert in lieu thereof "$875,000,000".

On page 28, line 20, strike "$4,300,000,000" and insert in lieu thereof "$4,600,000,000". On page 28, line 21, after "1999," and insert "of which $300,000,000 shall become available for obligation on September 30, 1997, and".

On page 74, line 5, strike "$1,320,000,000" and insert in lieu thereof "$1,120,000,000".

Mr. LEWIS of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of California. Mr. Chairman, this amendment restores funding for a very effective and broadly supported program known as the Community Development Block Grant Program. This amendment adds $300 million to CDBG. The budget authority offsets are taken from two accounts; $100 million is from the annual contributions account, and $200 million from the FEMA disaster relief account.

As most of my colleagues know, the CDBG program is one of the most popular at HUD, for a variety of reasons, including the fact that it is the most flexible program.

I have received any number of requests to restore funding to the $4.6 billion level which is the 1996 appropriations level as well as the President's request for fy 1997.

In addition, I promised the ranking member of this subcommittee, as well as members of the full committee in our discussion there, including the gentleman from Illinois [Mr. DURBIN], that I would continue to work to find offsets to fully fund CDBG. I am pleased to say that we are able to accomplish this at this time rather than waiting until conference.

This amendment being responsive to the work of my colleagues, especially the gentleman from Illinois [Mr. DURBIN], I am happy to be able to say that we are keeping the first among a number of commitments to the members of the full committee.

Fulfilling this promise, however, has come at some cost. I was extremely reluctant to reduce the annual contributions account from the President's request of $5,597,000,000 because of the staggering commitment that account will have to bear next year as more section 8 contracts begin to expire. Failing to renew these contracts will mean the potential of widespread displacement of very poor families with children, as well as elderly and disabled persons. This is the first point at which we will discuss that problem as ongoing and a serious growth problem with HUD programming. The renewal contracts under section 8 are about to put pressure on HUD programs that, over time, could indeed squeeze out many, maybe most, maybe even all of those programs, if we do not find a solution.

Beyond the section 8 question, Mr. Chairman, we are reducing the FEMA disaster account, which means reducing the level of commitments to areas hit by disasters last year. As most of my colleagues know, we found ourselves in a circumstance at the big budget conference where FEMA funding was used as a set-aside in that entire package, putting pressure on the FEMA accounts that is very severe.

We have to be very cautious as we move down this pathway. FEMA eventually has to pay the piper, too. So this is a very delicate and difficult amendment trying to meet both the requests as well as the challenges of the House insofar as CDBG is concerned.

Mr. STOKES. Mr. Chairman, I rise in strong support of the chairman's amendment to increase the funding for the Community Development Block Grant Program by $300 million, and restore funding the fiscal year 1996 level. I am pleased that this amendment takes significant positive step to improve this bill. In fact, this issue is one of the most critical areas that I have advocated my support of since the subcommittee markup.

CDBG funds are necessary to maintain the infrastructure of cities throughout the Nation. Cuts to this program would have greatly hampered the maintenance and improvement of communities across the country. In my own district in Cleveland, OH, the city relies on these important moneys for revitalization activities. Without the full benefit of these dollars, the renaissance occurring there would be severely diminished.

Mr. Chairman, money from CDBG leverages even greater resources from State, local, and private sources, and has far-reaching effects upon the quality of life for residents in hundreds of cities and towns. I am pleased to support this amendment.

Mr. DURBIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to acknowledge as well that the gentleman from California offers an excellent amendment. In fact, it looks very similar to an amendment I was considering, and now I will not have to offer that amendment and give a very good speech in support of it, which I am sure would have won the gentleman from California over.

But I can tell Members that this effort to restore the $300 million in CDBG funds is one that is bipartisan and it is one that is supported, obviously, at the Federal level by the President and by the administration, but I think of equal force, Governors and mayors across the country feel very strongly about the CDBG program.

Mr. Chairman, I received a letter from the mayor of the city of Chicago, Mayor Daley, recently elected head of the Mayors' Conference nationwide, and he made it clear how important these funds are for the city of Chicago.

This block grant program will allow Chicago to fund programs as diverse as daycare, senior services, economic development, and housing.

I salute the gentleman from California for this amendment. I happily support it, and I am glad that we have come together.

Mr. STOKES. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Ohio.

Mr. STOKES. Mr. Chairman, I want to take just a moment to commend the gentleman from Illinois for his leadership in this area. The gentleman, at the full committee level, had an amendment relative to this matter and had planned to offer one here on the floor. It is your strong leadership that has helped both the chairman and I to be able to work together toward this amendment sponsored by the chairman here on the floor. So I salute the gentleman for his hard work in this endeavor.

Mr. DURBIN. Mr. Chairman, reclaiming my time, I thank my colleague from Ohio, and I am happy this has become a bipartisan effort. It is a bipartisan program, it should remain that.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, we are happy to receive assistance from whatever corner of the Capitol we can find it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. LEWIS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Massachusetts: In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—HOUSING PROGRAMS—ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING", after "$5,372,000,000" insert "(increased by $174,000,000)".

In the item relating to "INDEPENDENT AGENCIES—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT", after "$5,362,900,000" insert "(decreased by $174,000,000)".

□ 1930

Mr. KENNEDY of Massachusetts. Mr. Chairman, this amendment I will try to explain very briefly. This amendment moves $174 million out of the space station account and into the housing certificate fund at HUD. I would like to make clear that my intention for this money, if this amendment passes, should be used to fund 30,000 new section 8 rental certificates or vouchers.

Mr. Chairman, last year, for the first time in 20 years, this Congress turned its back on a 20-year bipartisan commitment to providing section 8 voucher assistance to millions of people suffering from severe housing needs. A recent HUD study shows that as of 1993, 5.3 million households live in extremely rundown housing or pay more than half of their incomes in rent, an all-time high.

These families are one illness, one bout of unemployment, or one unforeseen circumstance away from homelessness. Over 40 percent of those households are families with children and 75 percent are very poor. While this number has been growing, the stock of affordable housing has been dropping. In 8 years, from 1985 to 1993, the affordable housing stock fell by 425,000 units.

If it is true, Mr. Chairman, that an ounce of prevention is worth a pound of cure, then this modest increase in the incremental assistance will pay us back many times over as we stabilize families and prevent the horrible dislocation and destruction that homelessness causes.

Additional section 8 assistance will go to many important uses that nearly everyone in the body can support. These rental certificates will be used to help get disabled people out of elderly public housing, and more quickly, and without the concerns that we will be throwing them on to the street.

Housing certificates have played an essential role in the health care of people with AIDS, people who are homeless and have AIDS, with a life expectancy of just 6 months, yet many of these same people could live productively for years if they had a stable home that this housing assistance could provide.

HUD has proposed a new initiative called Welfare To Work. This involves coordinated efforts among State welfare agencies, public housing authorities, and counseling organizations to help transition welfare recipients off of welfare and into work. Section 8 is a key component of this because housing is not often affordable to many of the people who are seeking these low-wage jobs.

Rental assistance, particularly mobile, tenant-based assistance, that enables a welfare recipient to move closer to a job and educational opportunities can help make this transition possible. For example, a majority of section 8 rental housing vouchers and certificate holders live in low poverty areas, where the poverty rate is less than 25 percent. This means that better schools and more jobs are available. It likely means that less crime will take place and there will be more stable neighborhoods. Everyone knows this is a better situation in which to raise children.

The Section 8 Program creates an environment for stability and for family. With a housing certificate, a family that is today paying more than half their income in rent can avoid the type of rent stress that leaves them in constant danger of falling behind or moving to avoid an eviction. Think about what happens to the children in these cases. Schooling is disrupted, friends are lost, everything that we take for granted for ourselves and our children and our grandchildren are out of the reach of millions of Americans.

Mr. Chairman, I understand how the space station has become sacrosanct, and I said in my remarks during the general debate that this entire bill is underfunded, but we cannot meet the most basic test of calling ourselves a civilized society if we cannot provide for our children, our disabled, and our poor with basic decent shelter. This amendment would help meet that goal in a small but significant way, and I urge the passage of this amendment.

Mr. LEWIS of California. Mr. Chairman, I rise to oppose the amendment.

Mr. Chairman, as we discussed in our general debate, this is an extremely difficult bill that involves a combination of veterans medical care concerns and public housing concerns which are critical to the service we are providing many of the poorest of the poor. There are also a number of major issues that involve our scientific community, the National Science Foundation, NASA's work as well and the work of EPA.

When we have limited dollars, we tug and pull and attempt to balance between those accounts. In this case, and in a rather straightforward manner, my colleague from Massachusetts is suggesting that housing programs of a special form are of high enough priority that there is money available in our bill for NASA funding that he prefer to set aside and put into those housing accounts. I understand that relative priority.

HUD requested $290 million for new incremental voucher assistance. Of that amount $116 million was requested for assistance to families that became displaced due to changes in the project's status. The remaining $174 million was requested in two new programs: $145 million for a new initiative called Welfare To Work and $29 million for a new initiative to provide rental assistance for welfare mothers with children.

The committee's recommendation reflects the position that HUD does not have the capacity to administer new programs. In fact, both the HUD Inspector General and the General Accounting Office has stated that HUD is an agency in serious disrepair. It was the committee's considered opinion that funding new programs was extremely unwise given HUD's poor past performance.

Furthermore, neither of these programs have been authorized by the housing subcommittee. In fact, the

funding requested for incremental units to fund these new programs, in effect, creates two new Federal preferences, a policy which this Congress eliminated last year with the repeal of Federal preferences. Both housing bills sponsored in the House and the Senate specifically eliminate Federal preferences in favor of locally decided preferences.

This amendment should be opposed on the grounds that it is bad policy and it will result in appropriating an unauthorized program. Beyond that, we have given priority relative to human space flight within the NASA portion of this account. To essentially take that on head-on-head against housing programs not only does not reflect the priorities of the subcommittee, it frankly is dealing with NASA programs, from my perspective, in a relatively unfair manner. So I would oppose the amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the gentleman yielding.

I want to point out what we have seen happen in this appropriations bill over the course of the last year and a half. Last year we saw a quarter of the Nation's Federal housing project cut without a single hearing, without a single taking of any testimony by the authorizing committee. We then have seen this year an additional $2 billion cut out of the Federal housing program.

I understand that the gentleman is under a great deal of pressure and these accounts are in vital need of new funds, but the truth of the matter is that given the structure that we have, where we have to offset either the space station or FEMA or the veterans in order to get the money for housing, it seems to me that we are sort of put between a rock and a hard place.

Of course people do not want to put the money into public housing. The only other major housing program we have is the voucher program, and that is why we have asked for funds to go into this voucher program.

I know the gentleman from California is sympathetic and knows a great deal about this issue, and the truth of the matter is that I believe the space station can take a $200 million cut if the ultimate cut on Federal housing dollars is over $10 billion over the course of the last year and a half.

Mr. LEWIS of California. Reclaiming my time, Mr. Chairman, let me say to my colleague, I know very well how sincerely he is involved in and concerned with these programs. Let me say that in the time that I have had the chance to chair this committee, it has been frustrating for me to see that we find ourselves appropriating some 250 housing accounts, billions of dollars flowing, and in many cases we wonder whether those monies are really getting to the people we purport to serve in the first place.

We are in the process of attempting to reexamine many of those appropriations. Indeed, we are looking forward to leadership and guidance from the authorizing committee when they finally get all of that together. In the meantime, we are asked to appropriate. It seems to me we should be very careful about examining existing programs that work versus those that are not working well before we move on to funding new programs.

Mr. Chairman, I urge a no vote on the gentleman's amendment, even though well intentioned.

Mr. VENTO. Mr. Chairman, I move to strike that last word.

Mr. Chairman, this amendment is a good one and I'm pleased to join Representative JOE KENNEDY of Massachusetts in offering it. It will shift funds from the space station to about 30,000 in new section 8 housing assistance. Such a switch would be a better use of public dollars for the public good.

A couple of years ago, I had the privilege of chairing a task force on homelessness. So much of what we looked at was how people became homeless. We found that in order to really be successful in ending homelessness we needed to get upstream of the waterfall; to do real homeless prevention with housing and other utility assistance. Without new section 8 assistance, we are not addressing the stream at all. The section 8 units would result in assisted private sector housing vouchers that otherwise would not be available for housing low income families.

Some 5.3 million Americans are in "worst case" housing situations in our country. Those are people on the precipice of becoming homeless. In the Twin Cities of St. Paul Minneapolis, 43,700 people are "worst case" in terms of their needs. For the predominant majority of them, affordability is the problem: meaning excessive rend burden. Section 8 assistance is about bridging the gap between affordability and worst case housing—or sometimes worst worst case—homelessness.

Mr. Chairman, reducing the space station from $5,362,000,000 by 3.2 percent and instead providing 30,000 tangible units of tenant-based assisted housing to the needy in our Nation is a common sense and balanced approach. Certainly, I'm no fan of the space station because I believe that a project of this nature ought to be rooted in the reasonable application of science not merely the space spectacular genre that has come to dominate NASA for the past three decades. The space station has symbolic value but the practical applications are a real stretch with little positive return for the public purpose and the common good.

It is clear that the enthusiasts for such projects have long ago lost touch with down to earth common sense. They are in outer space for certain when it comes to our Federal budget priorities. The least we can do is to adequately house the low-income people in this Nation and while section 8 assisted housing is not a perfect program, it's the only program with a chance of helping. This Congress will have no new units for section 8 absent this very modest Kennedy-Vento amendment.

I urge my colleagues in their zeal to conquer space not to use the homeless as rocket fuel. The space program and especially this 10th version of the space station may yet get into orbit, but let's not forget the folks upon whose shoulders you are standing—the taxpayers. The cost being paid and scarce dollars allocated for this space station program are not solely about research and new knowledge but rather development, training, and operating costs which are being borne by the Federal Government, not the market place. In many respects this program represents just another type of subsidy, another type of dependency. One I would suggest that flows to the few and the power elite in this Nation. Our constituents have little direct benefit—the jobs produced are few and far between and when the project is all done, its likely to be more in competition for attention and bragging rights with Steven Speilberg than the real research and science that advances the welfare of people

I argue that we should the market place work for the space station. We as a Nation and Federal Government have real limits and must make tough choices. These choices must be rooted in real need, not the development and expenditures based on space toys but the boys and girls, the children, the poor and the homeless that perceive the indifferences and the careless priorities.

Today, the Federal Government can not do it all. Our responsibilities and wish lists are out of balance and out of order. Clearly Federal tax dollars and expenditures for housing of homeless persons or any low-income persons must be dealt with a priori—far ahead of the capricious curiosity inspired together by the self-interested and self absorbed.

□ 1945

Mr FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am grateful to my colleagues from Massachusetts and Minnesota for offering this amendment because it gives us a chance to make a point that must be made again and again. The debate that is now taking place in this Congress is not over whether or not to reduce the deficit

and get to a balanced budget. The debate is over how we do that, what choices do we make.

What is being proposed in this overall budget is a continuation of the assault on the notion that the Federal Government should help people in economic distress with housing. What this amendment would do would be to make a fairly small reduction in the space station so that we can provide desperately needed assistance to working families to lower-income wage earners and their children, particularly those who live in parts of the country where housing is a very expensive cost.

We know that there are in this country millions of people who work very hard every day at difficult jobs. They clean. They manufacture. They serve, and they work at low wages. What this amendment tries to do is to reach out to tens of thousands of families, not nearly enough but at least something, and say to them that we will make it a little easier for them to live.

What is the alternative? It is the space station. Now, having people living in outer space serves some useful psychological and scientific purposes. But the choice is precisely whether we will spend billions of dollars so a few people can live in outer space in relative comfort or if we will use some of that money, a small percentage of it, for hard-working people so hard-working people and their children can live here in minimal comfort at home.

Let us be very clear. Members can decide this is a bad idea, that sending this money into space is more important. But let us be clear what the opportunity cost of that is, in economist terms, what do we do by keeping that money in the space station. This is beyond dispute. Will we say to tens of thousands of Americans, you will continue to live in great deprivation and poverty, because that is the option. We can increase the number of people who receive housing assistance or we can say, no, not that important, sorry about that.

Remember, we are talking here about units that are available for families. We are talking about poor children. We are talking about all of the values that get a lot of support in principle from Members in this House, but tragically little in practice. That is what is served here.

We are not even talking about building new units. We are not talking about putting Government back into the business of constructing public housing. We can talk about that at other times. This is the privatized program. The section 8 program is one whereby this is for tenant-based, as we call it. This would give to individual families the ability to go out into the private rental market and pay no more than 30 percent; I think it is still 30 percent. I do not know. Did we raise that percentage lately? We have this tendency to raise the rent percentage. The last I looked it was still 30 percent. It may be going up.

But for these poor people, even if we get it up to 35 percent or whatever the latest ploy will be, it is still very, very important. So that is the choice.

This has nothing to do with balancing the budget. This has nothing to do with reducing the deficit. Those issues are neutral here. The question is this: Do you maximize the speed by which we have a few people living in outer space when that means that tens of thousands of working poor people, people who labor hard, who do everything you tell them they are supposed to do, but find because of circumstances beyond their control that they are not able financially to live as they should?

Do we condemn their children to substandard and unsafe housing conditions or do we take a small percentage away from the space station? Maybe it takes them a couple of months longer to get there, and instead make a very real difference in the lives of the working poor?

I do not think we will have in this budget season many more graphic choices between people whose values are somewhere out beyond the limits of the atmosphere and those of us who are concerned that working Americans here ought to have some compassion and some concern.

Mr. LAZIO of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to speak to this amendment because it is something of great importance in terms of our housing policy not just this year but in the years ahead. We have had a great debate on the floor of this House about the tools that should be made available to local communities in order to react to their own local problems, in order to craft local solutions for local problems and give them the flexibility that they need to move ahead.

We have talked about bringing hulks of buildings down. The only way you can bring hulks of buildings down when there is residents inside is if you give them the ability to move out. The only way to do that, to bring meaning to people's lives, is by extending incremental assistance.

I would like, if I can, to enter into a colloquy with the gentleman from Massachusetts with respect to this matter. If I could ask the gentleman, is it his intention in moving money to this account that it be targeted to incremental assistance which is also known as vouchers and certificates to most of us?

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, that is absolutely the purpose of this amendment. I want to thank the chairman of the Subcommittee on Housing and Community Development for speaking in favor of this amendment.

I do think that it is very, very important and the point the gentleman makes is excellent, that we have spent far too much time talking about and condemning public housing when the solutions that the gentleman so articulately made on the House floor a month ago, when we discussed the authorizing bill, came down to the fact that we need, if we are going to shut down that housing, we are going to need to move people into assisted housing.

This is the assisted. This is not public housing, this is the assisted housing account which will allow people the flexibility that has been called for by so many of the, even the most innovative right wing think tanks of this country have called for this kind of housing policy.

I appreciate the gentleman, my friend from New York's endorsement of this amendment.

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, I thank the gentleman. I also would note that the House has expressed its will on incremental assistance in a vote of 315 to 105 or 107 overwhelmingly supporting 2406 which has authorized incremental assistance moving forward.

For that reason, because the House has expressed its will and because of the need for this incremental assistance to give meaning to people's lives, to provide for hope not just for individuals but for communities, I support this amendment.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this amendment indicates the difficulties that someone such as myself is placed in with regard to trying to balance the budget within the context of one particular appropriation bill. Everything that the last four speakers have said, the gentleman from Massachusetts, Mr. KENNEDY, the gentleman from Minnesota, Mr. VENTO, the gentleman from Massachusetts, Mr. FRANK, and our distinguished colleague on the Republican side, Mr. LAZIO of New York, I agree with. We need these additional funds to provide the kind of assistance to the needy and the homeless of this country that we, as a great country, ought to be providing.

For me the problem is that I have spent the last 30 years trying to protect the scientific base of this country including the programs in space, which were the brainchild of a great President by the name of Kennedy. This amendment tears me apart because it seeks to meet a need I agree with by taking money from other programs I believe to be vital to our future.

We cannot balance the budget and provide for all of the social programs and the housing programs, the veterans programs, that are needed if we only look at this one bill. I must oppose this amendment because I think that it is impossible to achieve its objective within the narrow scope of this one appropriation bill.

To begin with, the amendment proposed, a modest $174 million, which is reported to be a small fraction of the cost of the space station, is actually about a 10 percent cut in the 1997 budget of the space station, which is about $1.8 billion. This is a very substantial fraction of its budget. It is not a small fraction.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, my understanding is that, first of all, obviously the space station over a period of years is a 50-plus-billion-dollar program; is that not correct?

Mr. BROWN of California. Mr. Chairman, it depends on who one's accounting adviser is.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I will use the gentleman.

Mr. BROWN of California. Mr. Chairman, the cost of the construction of the space station is nowhere near that amount, but to build it and to operate it for *X* number of years could reach that amount, depending on the number of years of operation we want to count and what programs we include in the operation.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman.

Mr. BROWN of California. The gentleman's amendment is not actually directed at just the space station. It is directed at the entire human space flight agenda, which is over $5 billion. And that means the space shuttle as well.

If we take proportionately from each one, we endanger both programs. We endanger the ability to complete the space station, even though the cut is relatively minor. We endanger the safety and the success of our space transportation system, which is a matter of great importance to all of us. It is already operating at the margin and all of its reserves are being stretched thin.

If Members want a really good comparison, let me suggest that they compare the amount the gentleman is proposing, $174 million, with the additional amount that is in the defense budget above the President's request. That amount is about $12 billion, and the $174 million cut in NASA would amount to about 1.5 percent of the increase in the defense budget above the President's request.

In my opinion, if we were rational, we would make a small cut in the DOD's $12 billion increase above the President's budget request, and use that amount to provide for these important programs for poor and the needy. I would look at it that way. I would support an amendment which was designed to do that.

Unfortunately, we cannot address that kind of an amendment in connection with the bill that is before us here. This is why I have to express my admiration for the balancing act which has been done by the distinguished chairman of this committee with the help of the ranking member.

But it would be to me extremely inappropriate to endanger an enterprise such as the space program, which has evolved over many years, by cutting it to the level where it's successful completion is threatened.

I could recite what this failure to complete the project would do to the United States as a world power. But in the interest of time, I will revise and extend my remarks.

□ 2000

Mrs. MALONEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by my distinguished ranking committee colleagues, the gentleman from Massachusetts [Mr. KENNEDY] and the gentleman from Minnesota [Mr. VENTO], to provide $174 million for new section 8 rental assistance contracts. There is so much talk in this Congress from both sides of the aisle about moving people from welfare to work, but if we deny people the tools to make the transition, we decrease their chances of making the move successfully.

We all know that in real dollars housing costs have skyrocketed in the last two generations. That makes it tougher for people who are trying to work their way up the ladder. There are 5.3 million Americans; many of these people are working poor who are paying more than 50 percent of their income in rent or are forced to live in substandard housing for lack of any alternatives. Many of those Americans are young children who are at a greater risk for a host of health and emotional problems, and with these harrowing problems right at our doorstep, only 28 percent of families eligible for section 8 actually receive it, and the average time on a waiting list is 40 months. In New York City it is years.

Decent housing is not a luxury, it is a necessity.

So, Mr. Chairman, this is not the time to back away from a 20-year bipartisan commitment to provide new section 8 rental assistance contracts, and I am pleased that the chair of the subcommittee, the gentleman from New York [Mr. LAZIO] has joined us in support of this amendment in a bipartisan spirit. I urge my colleagues to join in this effort to continue it.

Mr. Chairman, I would just like to end by saying that we are spending multibillions for space station, a motel in the heavens, and we do not have money here on Earth for affordable housing, so I certainly support wholeheartedly this shifting of funds from a motel in space to needed housing here on Earth.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY], my colleague and sponsor of this amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the gentlewoman from New York [Mrs. MALONEY] yielding.

First of all, I want to again thank the ranking member of the committee, the gentleman from Ohio [Mr. STOKES], for the efforts that he makes in trying to make sure that we do end up with some money going to the housing programs of this country, and he has been a great leader on those issues for so many years, and all of us on the authorizing committee appreciate the help and assistance he and his staff give us on these issues.

But the truth is, on this issue it is black and white; it is just so clear what the issues are. The issues are whether or not we are going to balance the budget by gutting the homeless by gutting the housing policies of this country, or whether we are going to stand up and say that the biggest institutions, those that receive all the defense money in this particular case, and I know my friend, the gentleman from California [Mr. BROWN], does well in trying to defend this as a science program, but the truth of the matter is that we have got to have some sense of compassion towards the poor.

Mr. Chairman, this budget has cut $10 billion out of the budget for assisting those poor and vulnerable people in this country with their housing needs. We have done it without any sense of what we are going to do when these people become homeless and they exist on out streets. Where are they going to live? Who is going to pick them up?

Housing is not being built for poor people. We are not providing programs to incentivize private landlords to build the housing, we are not giving the money to public housing, we are gutting homeless programs, and now we are gutting the assistance programs. That is it. There is nothing left.

We can talk about 270 programs being in the budget, but all those programs come down to specific programs in three different areas: public housing, assisted housing, and this particular kind of housing that serves the homelessness.

Now, if my colleagues ask me, it is important that this country maintain some kind of basic social compact. This budget, this minor proposal, is a step in the right direction. The chairman of the authorizing committee supports it; I as a ranking member on the

authorizing committee support it. We have cut too far, too deep in the areas of assisted housing, and I plead with the Members of this body to please make sure that we do not abandon the housing needs of our country.

I understand it is a tough vote with regard to standing up to the space station, but my gosh, let us not find ourselves in this choice between the devil and the deep blue sea. Let us stand up for the housing needs of the people of America.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The amendment was rejected.

Mr. LEWIS of California. Mr. Chairman, shifting gears here just a moment, I ask unanimous consent that the gentleman from Massachusetts [Mr. KENNEDY] be permitted to offer amendment No. 27, notwithstanding that that paragraph of the bill is not yet considered as read and without prejudice to further amendments to those paragraphs not read in title II of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Massachusetts: In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—COMMUNITY PLANNING AND DEVELOPMENT—HOMELESS ASSISTANCE FUNDS", after "$823,000,000" insert "(increased by $297,000,000)".

In the item relating to "INDEPENDENT AGENCIES—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION—HUMAN SPACE FLIGHT", after "$5,362,900,000" insert "(decreased by $297,000,000)".

Mr. KENNEDY of Massachusetts. Mr. Chairman, this amendment restores $297 million to the homeless budget, making it fully funded. These homeless programs, known as the McKinney programs after a former Republican Member of the House, were cut by 27% in the 1995 rescissions bill.

The amendment will make over 10,000 additional transition housing units available; over 10,000 additional units of permanent and supportive housing available; and assist about 80,000 more homeless people at any one point in time.

Mr. Chairman, there is something a little strange going on here. Last year, we cut 25 percent out of the housing budget without so much as a single hearing. This included funds to run, rebuild and revitalize public housing. it included funds for new rental assistance contracts. It included funds for elderly housing and the disabled.

At a time when every study shows that the need for affordable housing is getting more acute, this Congress cut the programs to create that housing to shreds.

Then, when we have pulled the rug out from under poor Americans by cutting public and assisted housing, including working poor families, we now go and cut the homeless budget by 27 percent.

And the need for the McKinney programs is getting more serious. Between 1985 and 1990, up to 7 million Americans experienced homelessness, while about 600,000 people lack permanent shelter on any given night.

In 1995, demand for emergency shelter has increased by over 10 percent according to the annual survey of the Conference of Mayors, yet 20 percent of these requests must go unmet due to lack of resources.

When services are available, in 64 percent of the cities surveyed families have to be broken up to be served. That is not family values.

Yet, we know what works. The McKinney programs provide a vast array of services to the homeless, including emergency shelter, transitional shelter, permanent housing, job training and education, substance abuse treatment, and whatever else is needed to move people off the streets and into stable, permanent housing with the jobs necessary to pay the rent.

I would bet that any Member in this Chamber can go back into your communities and find your own success stories. In Boston, we have a program called IMPACT, funded in part by McKinney, which just placed its 500th homeless person in a job since 1994. The homeless have an 80 percent job retention rate and the average wage is $8 per hour.

In the past 3 years, the McKinney programs have delivered more housing and homeless service more cost effectively than at any time in the past. Local governments and non-profit providers served 14 times the number of people in 1995 with these programs than were served in 1992, but at only 2 times the cost.

Two reports evaluating McKinney programs show that they help the severely mentally ill achieve stable lives in supportive housing 83 percent of the time. This cuts their inpatient hospital use by 50 percent.

When we cut homeless funding, we are condemning tens of thousands of families with children to lives of desperation and hopelessness.

Homeless children suffer from worse health; being homeless means a child is twice as likely to suffer from upper-respiratory infections, gastrointestinal disorders, and other health problems.

Homeless children suffer from inadequate medical care even before they are born. A study of New York City pregnant homeless women showed that 33 percent received no prenatal care. Infant mortality is more than double the city's average.

Homelessness means a child is much more likely to suffer from hunger: 43 percent of 1- and 2-years-olds living in New York City shelters suffer from iron deficiency or anemia.

HUD has made homelessness a top priority. They have streamlined and improved the delivery of homeless assistance by urging local governments and non-profit providers to coordinate their efforts to provide a "continuum of care" that addresses all the needs of the homeless to get off the streets and become self-sufficient.

We know what works. All we need is the will to provide the funding. Support this amendment. Help fight homelessness.

Mr. LEWIS of California. Mr. Chairman, I rise with great reluctance to oppose the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

Mr. Chairman, during the time I served on this subcommittee, one of the most frustrating experiences of this Member has been to watch us go forward in a variety and mix of programs under the jurisdiction of this bill that deal with housing problems in the country. Indeed, within that mix we have progressively delivered a great deal of money to a problem that has been mushrooming in communities across the country that we give the title and handle "the homeless of America." In the last decade, we have committed over $10 billion to solving this problem, and it is presumed by many that the problem has to do with bricks and mortar alone.

Indeed, Mr. Chairman, the homeless problem is a major challenge to our society and a difficulty that we need to get to the heart of by many an avenue, not just by way of building facilities or finding locations for people we choose to define as homeless.

The committee, in this bill, has recommended funding for the homeless account for fiscal year 1997 at the 1996 enacted level of $823 million. Last year the committee followed the request of HUD to consolidate the four separate homeless accounts into one account. This consolidated account makes it possible for HUD to operate more efficiently, hopefully.

Additionallly, consolidating the programs enables the nonprofits that supply homeless assistance to do so with greater efficiently.

Certainly it is almost impossible to argue against increased funding for the homeless when we see people sleeping on grates in our parks and cities around the country. At the same time, all of us ofttimes lightly talk about the fact we just cannot throw money at problems. Indeed we have very few answers here. We have delivered a good deal of money and found little or no solution to this growing difficulty.

I would suggest that this is a part of our need to review this complex problem. The committee continues with its financial commitment. There is funding here that is of part of the delicate balance that the gentlemen from Ohio [Mr. STOKES] and I had attempted to put together. To suggest that anyone in this body who has looked on either side of the aisle could care less would be indeed more than a mistake. We do care, and indeed, working together, I think we can find solutions.

But we need to do a lot better than we have with the money we have spent so far, so I urge the gentleman from Massachusetts [Mr. KENNEDY] to be patient with us as we go forward.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the gentleman's words, and I would never suggest that the gentleman from California [Mr. LEWIS] would be callous towards the homeless, and I know that the gentleman has tried hard to meet the need. But, I say to the gentleman from California [Mr. LEWIS], let me point out that there are solutions to homelessness. Homelessness is a problem that we have largely created as a result of Federal policies. If my colleague looks, in the last years of the Carter administration prior to the time when there was the kind of homeless population that we see living on our city grates and the like, he will find that this country under—I mean if the gentleman was here at the time—providing over 300,000 units of affordable housing each year for poor people.

We have not built that housing, and if we look at the total number of housing units that we have not built in this country over the course of the last 15 years, it coincidentally happens to add up almost exactly to the estimates of the number of homeless families.

□ 2015

Yet, despite that, given the resources that the gentleman has allowed to go into these issues, we have now seen a much more sophisticated antihomelessness effort created across this country that has done remarkably well at getting people out of homelessness and into jobs and becoming productive citizens. This is a problem where solutions do work, if we are willing to pay for them.

Mr. LEWIS of California. Reclaiming my time, Mr. Chairman, let me say to my colleague that I believe that there are public policies that have begun to have an impact on these subject areas, but I also believe very strongly that a portion of the problem stems from public policies that have gone awry.

I must confess that I was a part of an effort in California some years ago in the legislature to deal with a social problem that we saw as very real. There was a propensity to institutionalize people in California and other States who had difficulties, emotional difficulties, some alcoholism and otherwise. There was a pattern of institutionalizing people.

The goal of the legislature was to make it difficult to institutionalize, let people go back to their communities and their families, to build clinics to solve their problems. We deinstitutionalized in California but we failed to follow through on medication and clinics, et cetera. States across the country have followed our suit and suddenly, homelessness became an even greater problem.

Mr. VENTO. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would just follow on with the gentleman. I appreciate it. It was the right decision, incidentally, to deinstitutionalize. I as a State legislator had to face the same programs with the SLICK programs and others that have been put in place, which have not been adequately funded through the various programs. Yet, again, this Congress is not facing up to that funding issue.

I would suggest to the gentleman, Mr. Chairman, having worked with the gentleman from Massachusetts, Mr. KENNEDY, and others on this problem for many years, having actually named this program after my colleague from Connecticut, the McKinney Act, and the good work that was done by one of the gentleman's predecessors, Eddie Boland, and the gentleman from Ohio, LOU STOKES, in terms of the FEMA moneys, very often it is pretty hard to tell whether someone is mentally ill and on the street for that reason or mentally ill because they are on the street.

I remember very prophetic testimony concerning a sociologist, Louisa Stark from Arizona, commenting on the phenomenon in terms of what it means to be placed on the street without even shelter over your head, and the stripping of the dignity of people in our society. This problem is one that cannot stand.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate very much what the gentleman is saying. I remember, however, many pictures on television in the winter in California, where we sent out moving vans to pick up people from the cold who were homeless. They ran away from the vans because they were worried about being placed in an institution.

There are many complications here. The answer here is, one more time, more money taken away from NASA programs that my colleague, the gentleman from California [Mr. BROWN], spoke so articulately about earlier. It is not a fair tradeoff. We are trying to achieve balance here. Indeed, I think we have met a balance. But the solutions are a way off. I would urge that we work together.

Mr. VENTO. Reclaiming my time, Mr. Chairman, I would just suggest to my colleague that this, indeed, is a fight between David and Goliath. I crossed that out and said no, it is a fight between the ordinary Joe and the NASA labyrinth. It is not a blame game in terms of whose fault it is, it is a phenomenon of the social and economic casualties that are occurring in our society. This problem did not exist in the early 1970's, and it does exist today. We need to address it.

They may have run away and they may not care about themselves, but I think as a society and as the values that we hold as a people, we care very deeply about people who are in such a state of despair, who are ill and have these problems. We really cannot accept that. I cannot accept that as a person, as a policymaker representing my district, and I am sure it is the case for many of us. This particular measure we are talking about here helps the poorest of the poor. If we do not have the money, I think the proper priorities really do fall in this direction. I am no fan of the space station.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will continue to yield, I certainly do look forward to working with the gentleman and the other members of the authorizing committee as they go forward with their work. Indeed, we need action by the authorizing committees to help us better get a handle on the policy directions we ought to be taking if we are spending this money. But the gentleman's point is appreciated.

Mr. VENTO. I appreciate the chairman's response to my support for this. I would just suggest, we have done a lot of work on this. This is a bottom-up program. This is built on the nonprofits and local governments that are providing it. It is leveraged money. It is those particular agencies, I would just tell my colleague and others that are listening, that in fact, they are operating on overload today. For this century and the past they have been able to afford some shelter to those who have been without shelter, but they are operating on overload today. They are working very hard.

These dollars are leveraged. They are essential moneys that are trying to meet the very basic human needs in our society. While we can find imperfections in many programs in terms of housing, the last amendment which was considered would have been upstream. Clearly, if we can keep people off the street, we can deal with it.

One of the problems with housing, quite frankly, is the convergence of myriad problems that are coming to

HUD dealing with health care, dealing with education, dealing with social disorder and crime, and all of these mental health problems, these income problems that are occurring. But once those persons are on the street, the problems are compounded many, many times over. That is why we need to work to prevent homelessness where we can, to restructure our programs, to take those scarce dollars.

We are at a point, and these are tough choices that have to be made. These are tough choices. But I feel we just made the wrong choices in terms of these priorities, quite frankly. I think we need to challenge the space programs and the development of projects specifically in terms of marketplace terms of application when we have these types of choices. If our economy is not growing at the rate we should, then we are facing that we cannot do everything for everyone. We cannot do the type of subsidies and types of issues. Yes, we can do science and basic research but we have to have a new policy.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(By unanimous consent, Mr. VENTO was allowed to proceed for 2 additional minutes.)

Mr. VENTO. Mr. Chairman, we have a new predicate in terms of how we move in dealing with this issue, but not on the backs of the homeless. This particular amendment would help 100,000 people that are homeless. It is an enormously important amendment to try and provide the funding, the leverage, for the private sector, to empower those people towards self-sufficiency and out of a dependency.

We do not accept the predicate that somehow these people are homeless by choice. What a choice. Some choice. To leave people in despair of that nature I think is simply not akin to our values. When we look at space station development and other programs related to man in space, and look at $5.3 billion, the homeless program is only 20 percent of that amount. Where are our priorities? If we have to make tough choices, let us not make them and take them from the poorest of the poor.

I think if we look at the other subsidies, the tax breaks the private sector and others receive in terms of these types of subsidies, we have to reorganize this. We do not have enough to do it all, and we are not meeting the very basic needs of people in our society, and therefore I think we have a right and a responsibility to expect others that are engaged in this type of development of science to do it.

I am a science teacher. I very much advocate the position in terms of science, but I also understand that fundamental to that is that we do not stand on the shoulders of the scientists that come before us, we are standing on the taxpayers' shoulders. We are standing on the shoulders of those who are homeless, that do not have a job, that need the type of help that is being pro-offered by the Kennedy amendment in this issue. We have to get that done.

I know the gentleman has made tough choices, but fundamentally I must raise this particular question as a core value, a core value of the American people, who will not accept the type of problems that we have with people on the streets of this United States and this Nation in 1996.

Mr. Chairman, this amendment is a little like David versus Goliath or should I say an ordinary Joe versus the N.A.S.A Labrynth—the homeless versus the space station. It will simply restore McKinney homeless assistance dollar levels to the pre-rescissions, fiscal year 1995 level. Help for the poorest of the poor, those without a roof over their heads.

Most of our nonprofit groups in our communities are operating on overload, and yet so many policies, actions, and events continue to shift more responsibilities and costs to them. Unless the Federal Government steps up to the plate and does the very best that we can, State and local governments, and other entities struggling with shelter needs will be overwhelmed.

HUD, despite all the criticism and congressional failure to restructure the McKinney programs, has served as a lifeline and a leader with regards to responding to homelessness. What they have done within their limits is encourage comprehensive homeless assistance plans in local communities and a streamlining of the programs themselves. Last year, for the 1996 appropriation we were told it wasn't a cut because of money in the pipeline, now the amount remains unchanged, with different excuses and a dry empty pipeline.

If passed, the Kennedy-Vento amendment will make over 10,000 additional units in transitional housing available; over 10,000 additional units of permanent supportive housing; and, about 80,000 more homeless people at any one point in time that will be assisted. In other words, help 100,000 homeless Americans.

It is a sad commentary that homelessness persists, but the McKinney programs have been a good use of scarce Federal funding, leveraging meaningful local matching resources and private sector nonprofit funds. The homeless programs work and are vitally needed by people in this Nation who land outside the bounds of our social safety net of limited Federal-State resources. As a grass roots program, McKinney funds represent a cooperative Federal approach building on nonprofit and local government initiatives and programs, in some cases with personnel in place. These empower those in need toward self-sufficiency and free them from dependency.

The opposition to this amendment will lament that while these homeless programs are worthy, that indeed, the appropriators had hard choices to make and no doubt commitments to keep, and that in the process of balancing the budget and priorities, the space station must have a bare bones minimum of $5,362,900,000 and the homeless, a whopping $823,000,000.

Mr. Chairman, we are all likely fans of science and discovery. Certainly as a science educator I share that interest. Many of us want the Federal Government to play an active role in support of cutting edge science research. But this amendment would only bring the homeless programs to about 20 percent of the space station which will still be funded at over $5 billion. The question really is how much more do we need to support the private entrepreneurs in space in funding dollars, in generous tax breaks, in tangential benefits from significant military and commerce spending and in SBA programs for the smaller scale. Beyond this, there is the issue of foreign investment and, of course, the private sector.

I suggest that its far more likely that private funds will be attracted to the space station than to housing the homeless, indeed the economic and social casualties in our society represent the greatest challenge to our Nation. The frontiers of space are hardly wrapped up with the space station but the values and conscience of this Nation are surely tested by the least among us, the homeless. The vote I ask you to cast today is for the dispirited people who are too important to abandon. Our responsibilities and priorities should be clear. Vote "aye" on Kennedy-Vento amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I thought there was to be a speaker on the other side. I misread his body language and I apologize.

Mr. Chairman, I very much support this amendment. I understand the frustration that the gentleman from California talked about. He is trying hard, it is true. There is nothing logical that says we will take the Department of Veterans Affairs, the Environmental Protection Agency, NASA, and HUD and throw them together. That is not rational and we should try to change it. But I have to be intellectually honest and say that if I had the whole budget to choose from, I would still look to the space station, particularly the manned space part.

Sending human beings into space is a reasonable thing to do, it is something in which we can take pride. I have never heard any argument that it was close to a necessity. We are not talking about continued exploration of space, but whether or not we have the manned space operation.

On the other hand, we have what I would hope this society would think is a necessity: alleviating the suffering of small and innocent and helpless children. The homeless are not always the most attractive people. When we think about the homeless, people think of some whose behavior is unfortunate. It is true, there is nothing about adversity that guarantees that you will not be obnoxious. But a significant percentage of the people who would benefit from this amendment made one mistake in life: they were born in the wrong circumstances, and they are children. They are children condemned to a terrible existence. This amendment would alleviate it somewhat.

Mr. Chairman, I want to address some of the reasons that have been given, not by the gentleman from California, because even when I disagree with him I find him fair and thoughtful, but here are arguments that say, you know, these programs, they have not been run well, so let us not give them money. As opposed to the space program? If we were to do comparative disasters, problems, misspending, I think the manned space program would be right up there with the homeless program.

We have this interesting intellectual divide in our public policy. If you are trying to help the poor and you make a mistake in the program, the answer is to give that program less money. But is you are building a space station, or a weapon, or if you are part of the intelligence agency and you screw up badly, then the answer is to give you more money. We are told, gee, money is not always the answer. Well, money is the answer, apparently, for the Defense Department, for NASA, for the politically favored departments.

The notion that because we have not spent some of this money as wisely in the past as we should have, we will therefore make it right by denying funds that can go to alleviate the misery of 10- and 12- and 5- and 4-year-olds, totally escapes me.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I want to say to my friend that while these are very difficult areas, I think the gentleman will agree and acknowledge that the administration very strongly supports NASA's work as well. NASA has been a leader in reinventing and reforming Government. Since 1993 NASA has reduced its budget requirements through the fiscal year 2000 by $43 billion. So the charge by some that NASA has not contributed to balancing the budget does not reflect what they have tried to do. The tradeoffs are tough, but that is what this bill is all about. We have tried to do a decent job.

Mr. FRANK of Massachusetts. Mr. Chairman, let me say to the gentleman, do not take it personally. He is a good fellow. He has done a decent job. But that is not enough. I think where we have poor children going without desperately needed services, our egos have to bend a little.

As far as the administration is concerned, I am sure the administration may have somewhat different priorities. I don not accept them in this case. As far as NASA giving up $43 billion, do Members know what you have to have before you can give up $43 billion? A lot more than $43 billion. I wish the homeless could have given up $43 billion, but they never got that much to give up. The poor people never make budget sacrifices like that because their budget never gets so stratospheric.

The fact is that we have a choice: Do we put human beings in space at the current schedule, as attractive as that is for the national psychology and the national morale, and as helpful as it will be for science, or do we put the first priority an alleviating the poverty here at home?

I want to add another argument that was made. One argument was these programs were not well run so let us take the money away. Another is that private charity will do it. People argue that private charity can do it.

I want to quote here from the National Conference of Catholic Bishops in that wonderful pamphlet they put out about this year's election issues. This year I do not agree with all of them. There was one point that I thought was essential to be made.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired

(By unanimous consent, Mr. FRANK was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. Mr. Chairman, they noted that the Catholic Church is, by far, the largest provider of private charity in the United States. Based on that experience, and out of the compassion and concern for social justice that motivates them to do that, they repudiate the notion that there is no need for Government assistance.

Let us be very clear. We may not comfort ourselves when we think of the small children who will be denied services if this amendment is defeated by the notion that somehow private compassion and charity will take it up. Yes, we should be doing everything we can to encourage that. But, as the Catholic bishops pointed out, as the largest provider of private charity in this country, there is simply no way we can expect the gap to be repaired if the Government backs out to this.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Minnesota.

□ 2030

Mr. VENTO. I appreciate the gentleman yielding, because if we went on a current services budget since 1981 when housing was cut, it was at $30 billion a year at the time, we would have a $2 trillion cut in housing. Now, was all of that cutting wrong? No, but it is $2 trillion.

Mr. FRANK of Massachusetts. I would correct the gentleman on one thing. Remember, when we take programs for the poor and we do not keep them up with inflation, that is not a cut, that is an increase. It is only a cut when we fail to give an inflationary increase for the military and for science and for agriculture.

So the gentleman should be clear. When the poor people fail to get enough money to keep up with inflation, they should be grateful for the little we gave them in the first place. It is only when the military or science or those other favored programs do not get inflation that an increase is a cut.

Mr. VENTO. Mr. Chairman, if the gentleman would continue to yield, I would just point out that the bill is $19 billion in 1997; we were spending $30 billion in actual dollars. So even on those terms, however we want to add it up, if we do not want to do it on current services, it still is a significant reduction.

Mr. FRANK of Massachusetts. Mr. Chairman, I would agree.

Let me just say in closing that this amendment, if it is defeated, is one more sign that compassion, that concern for helpless, innocent children has simply gone politically out of fashion. We will be inflicting, if we defeat this amendment, misery and deprivation on children who deserve far better of us.

Mr. BROWN of California. Mr. Chairman, I rise to strike the requisite number of words.

Mr. Chairman, may I say to my good friend, the gentleman from Massachusetts [Mr. FRANK], that I do not want him to take any of what I say personally just because I am opposed to his position, or the gentleman from Massachusetts [Mr. KENNEDY] or the gentleman from Minnesota [Mr. VENTO] or any of the others.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. I am not a homeless child, so I do not take it personally.

Mr. BROWN of California. I thank the gentleman.

Mr. Chairman, as I look around, I do not see anybody on this floor who has spent more time over more years than I have fighting for the rights of the poor and the homeless, the deprived, those who are discriminated against. I have supported every program since 1963, and there are a half dozen who have been here longer, but I do not see any of them on the floor.

I do not think that my credentials in support of all of these programs can be questioned. I think I am also free to say that most of them have not achieved their goals, unfortunately. I think that what is being proposed here tonight is an effort to see another great program aimed at showing that this country is a world leader in a number of fields of science. I think that we are going to see this program fail if this amendment succeeds. It is only a 15-percent cut, as the gentleman said, in the space program or the space station, if you apply it to the space station.

I can assure the gentleman that he would be far better off, and I am going

to urge my colleagues to all support the amendment coming up to just cancel the space station. Most of my colleagues have admitted that they do not think much of it anyway, so why not cancel it. We will save $1.8 billion in the 1997 budget, plus or minus. With that $1.8 billion we can fund the housing program and we can plus up the other social programs that we are interested in.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would say to the gentleman that I certainly do support the space station. What I am saying to the gentleman, however, is that when we put it in the context of having to judge between the space station and homeless programs, it is a very different equation. If I can choose between the space station and putting $13 or $11 or $12 or $13 billion more into the defense bill, then the choice it seems to me is very easy: Let us pay for the space station.

However, that is not what we have before us. What we have is a choice between whether or not we are going to fund $200 million more into the space station, or whether we are going to take $297 million and put it into making sure that very poor kids are going to have a shelter over their heads. That is the unconscionable choice that is before us, but it is before us and we have to make that decision.

Mr. BROWN of California. Mr. Chairman, I hate to tell my colleague from Massachusetts, Mr. KENNEDY, this, but the path he is pursuing is not going to achieve his ends. If he were to succeed, then the space station fails, our partnership agreements with the rest of the world, that includes the Japanese, the Europeans, and the Russians, would all collapse. They would begin their own independent programs to achieve what we have been trying to achieve as partners with them in space. They would never again trust us as a reliable partner on any major activity. We could begin to see the decline of the United States as a world power, and we would not achieve the goal of providing for the homeless that we want because that depends upon our economic leadership in the world, our ability to compete, and we would have lost it.

Now, I am concerned about more than just the space program. I see the next 5 years for all of federally supported R&D going down in real terms by 25 percent, and I think the entire industrial base of this country is likely to suffer as a result of that.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the gentleman yielding, and I have very strong concerns about the R&D budget of this country. But to suggest that by putting $297 million into the homeless budget that we are somehow going to lose our preeminent position of economic leadership throughout the world is utter hogwash. We give these cuts to the Japanese and everybody else on trade agreements all the time.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Texas.

Mr. DELAY. I appreciate the gentleman yielding, and he is taking a very statesmanlike position on this issue, understanding what is happening here. No gentleman more than the gentleman from California [Mr. BROWN] understands the delicate balance between all of these programs, particularly in the sense of the space program.

That is taking that $297 million out of the space program, that I might say in answer to the gentleman from Massachusetts [Mr. FRANK], moneys have been taken from NASA because of some of their actions in wasting money.

The CHAIRMAN. The time of the gentleman from California [Mr. BROWN] has expired.

(On request of Mr. DELAY, and by unanimous consent, Mr. BROWN of California was allowed to proceed for 2 additional minutes.)

Mr. BROWN of California. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding.

The gentleman from Massachusetts [Mr. FRANK] suggested that the science program, the defense program is so wasteful and we still pump money into it. Not in the case of NASA. We have ratcheted down NASA to the point that they are lean and doing an incredible job on much less money. But, if you cut them any more, if you take this almost $300 million out of a program that is barely working and working well, I might say, the shuttle program would result in reduction of the flag rate, reductions in personnel, and would adversely affect and possibly eliminate some of our science commercial and education customers as the gentleman has pointed out. So I just compliment the gentleman on his stand in support of his position.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I certainly am proud of the record of the gentleman from California [Mr. BROWN] in terms of support of social programs. I know what a painful choice this is, but this is a point that is being superimposed by virtue of the budget.

I would disagree with my colleague in terms of the effectiveness of many of the social programs we have. I think all too often we look at the problems and not really the success. But the problem is we keep getting people out of the programs that are getting educated, but then there are more coming into the program.

The fundamental concern that I see here between a Mr. KENNEDY and a Mr. BROWN, who are both friends of mine, is we have to make choices; and unfortunately they are being superimposed because they do not have the courage to go out and raise the money that they need to sustain the programs in this Congress.

If we are going to take apart the Federal Government, then we are not going to be able to preserve programs that deal with fundamental, core American values like the homeless and like NASA and space programs that I agree that we need. But I am sort of an unreconstructed federalist, as the gentleman in the well is. The fact is, we have to make these tough choices. We have to make them today and we have to make them on this basis. I very much regret it, but I understand it. I think that we have a chance here to go to the private sector and get some money. The homeless do not have that choice.

The CHAIRMAN. The time of the gentleman from California [Mr. BROWN] has again expired.

(By unanimous consent, Mr. BROWN of California was allowed to proceed for 3 additional minutes.)

Mr. BROWN of California. Mr. Chairman, I understand the predicament that we are all placed in here. As I have said earlier, it tears me up as much as anybody. But the fundamental problem that I see is rather deeper than what we have said.

The American economic system has really failed in terms of supporting the kind of economy that provides good jobs, the hopes of a career, the opportunity for advancement and progress that we would like to have to provide. It is my very honest conviction that until we can establish the basis for a growing productive, peacetime economy, we are going to continue to suffer and see the deterioration of our cities, the failure to provide to the poor, a decreasing ability to provide good education to the people of this country.

It boils down to whether we can provide that kind of a society, that kind of an economy, and that we can build the strong communities and the strong families that we need.

Government cannot build strong communities and strong families. It can help to provide the incentives to build the economic infrastructure and provide the opportunity for individual initiatives that will do that, but we have not succeeded.

Now, the scapegoat is being made against R&D. Well, I have the feeling, I would say to the gentleman from Massachusetts [Mr. KENNEDY], that we are saying that the priorities are such that

we cannot continue to fund the R&D programs.

Now, the NASA program is about half or a third of all of our civilian R&D. His amendment would kill NASA's reason for existence, basically, and I do not like to consider that possibility. But if his sense of priorities is such that he wants to do that, let us meet it head on. And when the gentleman from Indiana [Mr. ROEMER] offers his amendments, let us cancel the space program.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, let us deal with the truth of the matter, which is, as has been pointed out, my colleague is a stalwart supporter of programs that look out after the poor. No one in this Chamber can stand up to his record, and I certainly do not mean to try.

What I would point out is that I think that we are playing right into the hands of those that would provide tens of billions of dollars' worth of tax breaks that go to the wealthiest people in this country at a time when we are talking about cutting the homeless budget by 27 percent. That is what this is all about.

For one of the leaders of the Republican Party to stand up here and try to suggest that he is really looking out after the homeless is utter hogwash. What is going on here is we have set up a devil's choice. We have said we are going to have to cut the space station or the NASA programs or we are going to have to cut the homeless. What we are really doing is providing a tremendous tax cut to the wealthiest people in the country. That is what this is all about.

The CHAIRMAN. The time of the gentleman from California [Mr. BROWN] has again expired.

(By unanimous consent, Mr. BROWN was allowed to proceed for 1 additional minute.)

Mr. BROWN of California. Mr. Chairman, as much as I respect the gentleman from Massachusetts [Mr. KENNEDY], I think he is deviating a little bit from the central issue before us right here. I think the gentleman stretches what is happening a little more than we need to. We do need to make choices, and I respect those who feel that our priorities are somewhat distorted.

Generally speaking, I agree with those who feel that way. But I do not think we are going to correct those priority problems on this bill.

As I indicated earlier, it is my personal view, and I do not think the majority agree with me, that a 1-percent cut in the Defense Department is a much more reasonable way to set our priorities straight and will also allow us to continue to develop the momentum that will produce that best economic system on Earth here, and the best paid workers and the best cared for children and families. And it is that that I am looking for here.

I may be hitting my head against a brick wall, but I am not opposing any of the programs my colleague wants. I am saying we have to look for more effective ways of funding them.

The CHAIRMAN. The time of the gentleman from California [Mr. BROWN] has again expired.

(On request of Mr. LEWIS of California, and by unanimous consent, Mr. BROWN of California was allowed to proceed for 1 additional minute.)

Mr. BROWN of California. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman and my colleagues, I really asked the gentleman from California [Mr. BROWN,] for this time because I want to express my deep appreciation for the sensitivity that he brings to this issue. All of us are concerned about the homeless problem, and we are providing as much money over time as we conceivably can use effectively. In the meantime, Mr. BROWN and his Committee on Science have spent years developing America's capability in all of those technical fields that are critical to our economic future. Indeed, his leadership has been very important. Nobody but nobody can say they care more about these social problems than Mr. BROWN has expressed by action as well as votes over the years.

At the same time, the gentleman expresses here this evening good sense. America has many a challenge and to make this kind of exchange does not reflect the real world that we have to deal with in this bill.

Mr. FRANK of Massachusetts. Will the gentleman yield? Will the gentleman yield me 30 seconds?

Mr. BROWN of California. Not if the gentleman is just going to stand there and praise me for my long and distinguished service.

Mr. FRANK of Massachusetts. I am a Democrat. My colleague only gets praised by Republicans tonight.

Mr. BROWN of California. I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I am sorry to interrupt this praise, but I have to differ with my friend. Tell me that we need the money for the space station and therefore cannot afford to put it here, and I will disagree. But it seems to me that is within the realm of factual accuracy. But I do not think that it is fair to say that we are giving these programs as much as they can use.

We should not comfort ourselves with the notion that, if we did not give them extra money, they could not use it well. That simply is not true. Say that we have a tough choice to make and I agree, but do not say that they could not use it if we gave it to them.

□ 2045

Ms. ROYBAL-ALLARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Kennedy-Vento amendment. To many Americans, the homeless are faceless individuals we pass on the streets as they move through the hidden recesses of alleys or abandoned buildings searching for food or shelter. More often than not, we turn our heads and forget.

Occasionally, there is a more direct one-on-one encounter when we are approached for a handout. At that moment, we are forced to recognize their existence and decide whether to help or to ignore them and move on.

For many of us, this is the closest we ever come to what can only be characterized as one of our Nation's greatest tragedies, the homeless. For the reality is that there is a story of hardship and misfortune associated with every homeless person. The homeless population is comprised of elderly persons, families with children desperately seeking to break out of the cycle of poverty, and men and women with mental illnesses or addictions who have been forgotten by our society.

The reductions in homeless assistance programs contained in this bill cannot be justified because over the past year alone, the demand for emergency shelter by homeless families has risen by 15 percent. On any given night in America, more than 700,000 men, women, and children are forced to live on the streets. In Los Angeles County, there are anywhere between 17,000 to 42,000 homeless individuals, 3,800 of whom are children.

The homeless families of this country need our help. HUD's homeless assistance programs must be restored to the levels requested by President Clinton. These funds will provide 10,000 additional units of transitional housing, 10,000 units of permanent supportive housing, as well as a continuum of supportive services to help the homeless move into transitional or permanent housing and toward self-sufficiency, providing hope and opportunity to needy American families.

The passage of this amendment is critical to our efforts to fight hopelessness and restore dignity to the poorest of the poor. I urge my colleagues to vote for the Kennedy-Vento amendment.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in favor of the amendment offered by the gentleman from Massachusetts. Around here we never have perfect choices. Everybody likes to stand up in the well and say, I prefer this offset to this offset and this perfect choice to this budget cut. The fact of the matter is we all know that we do not live in a perfect world. That

is why we have so many homeless people in America today.

All of our Members know about *Apollo 13* and Tom Hanks. We like to go see those fun movies. We all know about the excitement, about going to see a space launch down in Florida, and we feel pride about that; we feel pride in our space program.

How many of us go into the homeless centers? How many of us see the growing need in our homeless centers, in our cities, to take care of some of these people for a temporary time period to get them back on their feet and get them back to their families?

I have been in our homeless center in South Bend, IN, and there are more children, there are more families, there is more need for the homeless people in our society today than there was 2 years ago, or 3 years ago. I beg my colleagues, I implore my colleagues, I urge my colleagues, do not just go see Tom Hanks and the *Apollo 13* movie, go see what is happening in America today with some of our families.

We all talk about how close we are and how many families are one paycheck away from a homeless center while many of those families are in homeless centers today, with their children.

I am concerned about the NASA budget, too. I am very concerned about space shuttle safety. I am concerned about some of the programs, the faster, better, cheaper programs that we are putting together. But we have to make tough choices as Members of Congress, first, to get to a balanced budget, and, second, to be fair with our resources.

This space station does not deserve $297 million. It is $80 billion over budget from when it was first designed in 1984. It has gone from eight scientific missions to one scientific mission, and we are cutting our homeless centers by 25 percent since 1995. Now that is not justice and that is not fair choices. That is the easy way out.

So I would encourage my colleagues here, one, if they are interested in balancing the budget, you do yourself a favor by getting rid of the space station in the NASA account and, second, if you are interested in fairness and if you are interested in children and homelessness in this society, vote for the Kennedy amendment. It is just, it is fair, it is not a perfect choice, but I think it moves this country in a more just situation and a fairer allocation of resources than what we currently have with this space station.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KENNEDY of Massachusetts. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 138, noes 277, not voting 18, as follows:

[Roll No. 270]

AYES—138

Ackerman
Barcia
Barrett (WI)
Becerra
Bilbray
Blumenauer
Bonior
Borski
Boucher
Brown (FL)
Brown (OH)
Camp
Campbell
Chrysler
Clay
Clayton
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
Danner
DeFazio
DeLauro
Dellums
Dingell
Duncan
Durbin
Engel
Ensign
Evans
Fattah
Fields (LA)
Filner
Flake
Foglietta
Fox
Frank (MA)
Franks (CT)
Furse
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gutierrez
Hamilton
Hefner
Heineman
Hilleary
Hilliard
Hinchey
Holden
Jackson (IL)
Jacobs
Johnson (SD)
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kleczka
Klink
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
LoBiondo
Lowey
Luther
Maloney
Markey
Martini
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Molinari
Nadler
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pomeroy
Poshard
Rahall
Ramstad
Rangel
Reed
Rivers
Roemer
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Scott
Serrano
Shays
Skaggs
Smith (NJ)
Stark
Stokes
Studds
Stupak
Velazquez
Vento
Visclosky
Wamp
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wynn
Yates
Zimmer

NOES—277

Abercrombie
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
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Bonilla
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Brown (CA)
Brownback
Bryant (TN)
Bryant (TX)
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Buyer
Callahan
Calvert
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Cardin
Castle
Chabot
Chambliss
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Clyburn
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Collins (GA)
Combest
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Cooley
Cox
Cramer
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Cunningham
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
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Edwards
Ehlers
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Everett
Ewing
Farr
Fawell
Fazio
Flanagan
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gekas
Geren
Gibbons
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
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Harman
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Hastings (FL)
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Hefley
Herger
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lofgren
Longley
Lucas
Manton
Manzullo
Martinez
Mascara
McCollum
McCrery
McInnis
McIntosh
McKeon
Meek
Metcalf
Meyers
Mica
Miller (FL)
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
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Norwood
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Oxley
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Paxon
Peterson (MN)
Petri
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Pombo
Porter
Portman
Pryce
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Regula
Richardson
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Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
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Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—18

Berman
Browder
Coleman
Cubin
Fields (TX)
Ford
Hayes
Houghton
Lincoln
McDade
Peterson (FL)
Rose
Schiff
Schumer
Sisisky
Torricelli
Towns
Wilson

□ 2110

The Clerk announced the following pair:

On this vote:

Mr. Towns for, with Mrs. Cubin against.

Mr. DE LA GARZA changed his vote from "aye" to "no."

Messrs. ZIMMER, GILCHREST, SCOTT, and WAMP and Ms. MILLENDER-McDONALD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, for the benefit of all Members, I would like to announce the schedule for the rest of the evening.

It is our intention to finish title II tonight; that is, finishing the housing portion of this bill. There will be no more rollcall votes tonight, and any demands for rollcall votes will stacked tomorrow. Members with amendments

to title II or who wish to speak to such amendments should plan to stay for a while.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, for the benefit of Members, I want to make clear that it is the intention of the committee to proceed no further than the end of title II tonight.

Mr. LEWIS of California. It is our intention to proceed no further once we finish title II tonight.

Mr. OBEY. All Members with amendments to title II should be aware of the need to stay here tonight if their rights are to be protected to offer those amendments.

Mr. LEWIS of California. The gentleman is correct. Members who have problems with title III or interest in it will not be so pressed.

□ 2115

AMENDMENT OFFERED BY MR. LAZIO OF NEW YORK

Mr. LAZIO of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LAZIO of New York: Page 19, line 9, after "$5,372,000,000" insert "(reduced by $140,000,000)".

Page 19, line 19, after "$800,000,000" insert "(reduced by $140,000,000)".

Page 20, line 18, after "$595,000,000" insert "(increased by $100,000,000)".

Page 20, line 24, after the dollar amount insert "(increased by $40,000,000)".

Mr. LAZIO of New York. Mr. Chairman, I am here today to talk about an issue as chairman of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services for this Congress that I feel very strongly about. These are issues I felt very strongly about in the first session, and I feel equally strongly about them in this session.

For a year and a half I have worked with colleagues on both sides of the aisle, with local, State, and national leaders, with community activists and people deeply committed to ensure that our country has housing policies that provide adequate opportunity for all American families and protection for the most vulnerable of American families.

I rise today to offer an amendment not because I have tremendous disagreement with the gentleman from California [Mr. LEWIS] or because I believe he has done a poor job. In fact, I think my good friend from California has produced a solid bill. I know that my friend from California has a difficult job, but this evening we are talking about people who do not have the ability to transition back into the marketplace, to take another job, to go to work, to afford their own unit. We are talking about helping the disabled and the elderly.

This bill before us. Mr. Chairman, I think is basically solid, but it has one or two misplaced priorities affecting those very citizens that we should be doing our utmost to protect. The amendment I am offering will mean more housing for American families who truly need it. Based on the per-unit cost, this amendment will mean 2,000 new units of elderly housing and housing for the disabled.

These are the last programs, Mr. Chairman, that we have that will develop new housing. Over the life of these buildings, that means that tens of thousands of our Nation's seniors and our Nation's disabled will have housing opportunities they otherwise would not have. Thousands of people will benefit from this.

Mr. Chairman, as we have witnessed over the last 10 years, as States have made decisions leading to the deinstitutionalization of people who are mentally challenged, we see the increase of homelessness. People who are thinking deeply about these issues are increasingly talking about providing shelter for people that gives them the maximum ability to ahve meaningful lives. There is a movement toward community homes.

Mr. Chairman, the only way that we take people off the streets, the very people in our own neighborhoods who, unfortunately, are affected with mental and physical disabilities, is to give them the means to have these types of community homes, to give them the homes they need to live in, to give them the opportunity to have meaningful lives. The only way we can do that is through proper funding of the section 811 program, which is the last remaining new production that will allow for new units to be developed to provide housing, affordable housing, for the disabled.

Mr. Chairman, at the same time, we are trying to struggle to meet the needs, the almost overwhelming needs of our Nation's elderly population. Year after year the needs outstrip our ability to provide more units. In just about every community in the Nation there are needs that are unmet for both the senior and the disabled population.

As we begin to struggle with the policies to house Americans, and in particular the most vulnerable Americans, our first priority has got to be the people who cannot take care of themselves because of age and because of disability. If we cannot meet those needs, we should not be attending to the other priorities in the bill before us.

Some will argue, Mr. Chairman, that the cut in housing for the elderly and the disabled is justified because it meets the President's request. There is not a person in this Chamber that votes consistently in support simply because the President proposes a reduction in spending. In this case it is a 32-percent reduction in spending for the disabled.

Some would suggest that we cannot spend any more. Well, that also is false, Mr. Chairman. Every year what is called a NOFA is sent out, Notices of Funding Availability, and last year that was subscribed, and to the extent that we are able to have the resources in place that we once had, we will also be able to meet that need.

My last statement, Mr. Chairman, is that we now need to step forward to help those people who cannot help themselves. They are relying on our intervention, the disabled and the senior population.

Mr. CASTLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of Chairman LAZIO's amendment to restore senior and disabled housing funding to their 1996 levels.

I have been a strong supporter of efforts to put us on track to a balanced budget, and I do not question the need to reduce Federal spending. However, in this year's VA, HUD, and Independent Agencies appropriations bill, Housing for our Nation's elderly and disabled has been unfairly targeted.

Our Nation's vulnerable population depends on public housing programs. The section 202 and 811 programs are two of HUD's most effective, well-run programs. They have served the elderly and disabled well—providing them with housing that otherwise would have been unattainable.

There are some Government programs that are wasteful or only benefit a select few, and those are the programs we should target. However, important programs like sections 202 and 811 must be maintained. Housing for the elderly and disabled provide invaluable assistance to millions of people across our Nation. If we allow these funds to be cut, many of those who depend on public housing will be denied shelter or forced into unsafe or unsanitary conditions.

Those who have been disabled or are elderly deserve the peace of mind of knowing safe, affordable housing is available to them. I do not think we should turn away the disabled or the elderly when they come to us for assistance. But this is what housing authorities across the Nation will be forced to do if we do not restore section 202 and 811 funds to last year's levels.

I strongly support fulfilling our commitment to the elderly and disabled of this Nation by standing in support of Chairman LAZIO'S amendments.

Mr. QUINN. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from New York.

Mr. QUINN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I also want to go on record as supporting the amendment of the gentleman from New York [Mr. LAZIO], here this evening, and I do it knowing full well that this whole discussion, the VA–HUD and Independent

Agencies appropriations bill is probably one of the most difficult for all of us to talk about of all the bills we work with.

The gentleman from California, Chairman LEWIS, has worked tirelessly with all groups in this Congress on both sides of the aisle, from all sections of the country. He has heard our pleas, he has listened to us in private meetings and in public meetings, and I thank him and applaud him for the work that he has done on a difficult, difficult bill. But for those of us who come from local government and have seen section 811 and section 202 work in our towns and villages and counties across the country, disabled and elderly people must have us stand up for them at this time.

Mr. Chairman, I want to join those who support the Lazio amendment this evening.

Mr. LEWIS of California. Mr. Chairman, I rise reluctantly but very strongly to oppose this well-intentioned amendment.

Mr. Chairman, by way of this amendment offered by my friend, the gentleman from New York [Mr. LAZIO], the chairman of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services, he is suggesting that we decrease assistance for section 8 multifamily housing by an amount of some $140 million total. He takes $100 million and transfers it to elderly and $40 million and transfers it to disabled housing.

It is important for the Members to know that this bill and the entire housing effort in the House faces a very, very serious challenge because of that which is occurring within the very accounts that the chairman has chosen to tap. The committee has recommended funding the section 202 housing for elderly programs at the level requested by the President. This amount is, as has been suggested, below the level appropriated in 1996, but the administration request is based on the fact that this level of funding represents the amount of activity the Department actually can undertake during this fiscal year.

In the past, a significant portion of the money appropriated for this account has been carried over from year to year when the funding has not been obligated. On the other hand, the funding level for the annual contributions account, some $5,272,000,000, is necessary to protect low-income families that are already dependent upon certificates, vouchers or project-based assistance. Decreasing these accounts could result in the Department being unable to meet its already very difficult obligations. If this account is reduced significantly, families could be displaced.

Now, the point is that section 8 multifamily housing programs need serious reform. Already because we now tend to go put off that reform, the requirements for the 1997 and 1998 bills are escalating very, very rapidly. I would suggest unless we have money banked to meet those challenges, we are literally going to be forced, regardless, we are going to be forced to displace families already receiving services no later than 1998.

The committee has recommended creating an account of $875 million that may be used by HUD as of September 15, 1997. The recommendation to create the savings account was decided upon knowing that next year the President will have to request $10,793,000,000-plus in 1998 to renew existing certificates, vouchers and project-based rental contracts or face cutting off assistance to low-income families, which is an unacceptable eventuality for this chairman, and I believe unacceptable to the authorizing chairman as well.

The problem we face is that reform is absolutely needed now, and yet there is little doubt that a housing bill dealing with these reforms will not move through the process very likely until the next session of Congress. We will probably be dealing with the 1998 year. That is going to assure displacements of families; that is, families losing their housing, unless we build some kind of a bank account.

To tap these accounts now is essentially saying we are concerned about people this week instead of recognizing the real crises here, which I think is very shortsighted.

The President will have to request almost $11 billion to reset this need in 1988. The committee's recommendation was following the reforms in section 8 tenant-based or project-based programs. These adjustments are extremely unlikely, as I have suggested, because of what is happening on the authorizing side.

I compliment the chairman of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Service for his willingness to address this measure, but frankly the time is now and the crisis is urgent.

□ 2130

We cannot afford to wait until 1997. In fact, if we, by eliminating the reforms that this committee recommended for section 8 project-based programs, in section 204 and 205, really at the request of Mr. LAZIO, we have increased the budget authority needs for certificates, vouchers and project-based assistance by $136 million.

The CHAIRMAN. The time of the gentleman from California [Mr. LEWIS] has expired.

(By unanimous consent, Mr. LEWIS of California was allowed to proceed for 2 additional minutes.)

Mr. LEWIS of California. Mr. Chairman, with that kind of automatic increase, therefore, it is even more important that we plan for the future. The section 8 certificate, voucher and project-based programs serve some 2,750,000 households. Of these families, 40 percent are elderly and disabled. If the assistance for these families is decreased or is unavailable, the impact is undeniable. The families lose their assistance immediately. The 202 program is a grant program for nonprofits to renovate or build new apartment buildings for elderly residents. Because of the nature of the program, it takes at least 18 months before the money is obligated and sometimes more than 24 or 36 months before the elderly households are actually assisted under the program.

It is absolutely imperative that the Members recognize that we are facing a crisis here and that crisis is going to fall on the heads and the backs of those families already desperately in need and who are receiving assistance currently.

This problem is not going to go away by some short-term fix that meets very short-term needs that may not be able to be spent by the administration in terms of their present availability of workload as well as opportunity.

I strongly urge a no vote on this very well-intentioned but, I think, misguided amendment.

Mrs. ROUKEMA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of Chairman LAZIO'S amendments to raise the level a modest increase by any standards of funding for Section 202 Elderly Housing and Section 811 Disabled Housing Programs.

This amendment will mean 2,000 new units of housing for the elderly and the disabled.

The Section 202 Supportive Housing for the Elderly Program was reduced by $422 million in the fiscal year 95 recission bill from $1,279 million to $857 million, and was further reduced in the 1996 omnibus appropriations bill to $830 million. The Appropriations Committee now proposes to reduce funding in 1997 to $595 million—less than half the pre-rescission amount. Seniors are one of the fastest growing segments of our communities. Sharp reductions such as those experienced by the Section 202 Program in the last 2 years will only mean even greater political and social difficulties in the years to come. Americans did not mean by their call to balance the budget that we should deprive the elderly and the disabled of basic housing. This is unconscionable.

The Section 202 is a successful program that helps to meet an acute housing need for a very frail, very low-income, very vulnerable population. Deep cuts in the Section 202 Program will hurt the very people that so desperately need our help. Not only will these cuts seriously jeopardize our

ability to provide suitable and affordable housing for our nation's elderly, but it is counterproductive to our long-term care strategies.

Let's get our priorities straight. Support the Lazio amendment.

Mr. HAYWORTH. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I thank the gentlewoman from New Jersey for yielding to me.

I also rise in strong support of the Lazio amendment, not out of disrespect for my good friend from California but because I believe, precisely as the gentlewoman says, the senior population is growing at an incredible rate.

This is a question of where we place priorities. Given the fact that the senior population continues to rise in a burgeoning fashion, given the fact that we do need to supply housing for the disabled, I believe that this amendment is well thought out, well reasoned and, therefore, I support it.

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman from Arizona, and I yield to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I just wanted to make some points in reflection with respect to the comments of the gentleman from California, my friend, Mr. LEWIS. It is in fact true that it takes some time to develop these projects. As Mr. LEWIS said, it takes 18 months, sometimes as long as 36 months to spend. That time is very long, as much as 10 percent of the spending in any one year. This is a bricks and mortar provision.

Also with respect to the area that we are taking this out of, it is not contract renewals, it is an amendment provision where we will still leave enough money in this area that it is over the 1996 appropriated level.

I also would like to note within this contract renewal portion, last year HUD received $4.4 billion. In the end, they rescinded, because it was unspent, $477 million, meaning that their guess was off by over 10 percent. We are asking for $140 million to help our most vulnerable citizens, our seniors, the elderly and the disabled. It seems entirely appropriate, given the fact that these numbers have been off by this extent, that this modest amendment is supported.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, the gentlemen who are the chairman and ranking member, the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES], have a difficult time with this balancing of appropriation matters. There is no doubt about it. I am almost always in agreement with them. This time I am not in agreement with their priorities. I speak as vice chairman of the authorizing subcommittee. I would like to mention a few things about the recent funding pattern.

Let us take a look at the housing for the seniors, which is one of the two components of the Lazio amendment. In fiscal year 1995, the funding was $1,279,000,000. Rescission took it down to $857 million. Then, in fact, the administration came forward for fiscal year 1997 at a suggested $595 million which is, I think, consistent with what the subcommittee has in the legislation.

That is less than half of the prerescission amount of fiscal year 1995, a dramatic reduction. The same sort of general trend is apparent in the housing for disabled persons. It was $387 million in fiscal year 1995, reduced by rescission to $259 million. Now the administration is requesting $174 million, a figure that is included in the recommendations found in this legislation. Again, that is less than half of the prerescission amount of 1985.

Mr. LEWIS and the staff have said that the cut in housing for elderly is justified and they point to the President's budget justifications. According to the President, we should cut funding for senior and disabled housing because HUD last year did not spend all of the money it was allocated. I think that is unacceptable. I refuse to let the administration punish the elderly and the disabled families simply because HUD bureaucrats cannot do their job quickly enough. If you take a look at the notices for funding availability, that was the problem. The nonprofits are out there available to spend the funds, as I understand it.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I asked the gentleman to yield because I very much appreciate the point that he is making. There is not any question that one of our great frustrations is that there are lines waiting for elderly housing. Yet there is no doubt that the administration and this department have not been able to obligate these moneys over time. In the meantime, because you serve on the authorizing committee, you know full well it takes time to deliver those programs, but the section 8 crisis is not waiting. It is catching up with us, and sooner or later, we have to pay the piper. That crisis is going to put real pressure on seniors who are receiving services.

Mr. BEREUTER. Mr. Chairman, I agree with half of what the gentleman said, the problem with respect to the elderly and disabled programs. But, of course, the gentleman from New York is proposing that the offset come from the annual contributions for assisted housing. That is the very important program that funds section 8 contract renewals and section 8 amendments. But the expenditure patterns for that program are also among the most unclear.

For all practical purposes, the President's budget in this area is nothing but a guess. Last year, for example, here it parallels the disabled and senior housing situation, HUD received 4.4 billion for contract renewals. They rescinded 477 million. Why did they do that? Well, they were off 10 percent from the total amount, and they rescinded it because they were not spending in this program either. So maybe there is just the same kind of inefficiency in the section 8 related programs as well.

This year the committee is proposing more money which means there is even a greater level of uncertainty. If they had to rescind it 477 million over one-tenth of what they appropriated last year for this program where Mr. LAZIO is taking the money, I suggest to Members, they are no more likely to use the funds in section 8 programs than they did last year.

For these and other reasons, I reject the administration's recommendations that we downsize so dramatically over a 2-year period of time the funds that are available for disabled housing and for senior citizen housing. I urge my colleagues to support the Lazio amendment.

Mr. BLUTE. Mr.Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Massachusetts.

Mr. BLUTE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of the amendment offered by my good friend from New York which would increase elderly housing assistance by $140 million. My support is not intended to in any way diminish the excellent job Chairman LEWIS has done in developing this bill but simply to give more priority to our senior citizens.

These additional funds will reverse some of the reductions that have been proposed for senior citizens at the same time their population is increasing at a double-digit pace.

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. BEREUTER] has expired.

(By unanimous consent, Mr. BEREUTER was allowed to proceed for 1 additional minute.)

Mr. BEREUTER. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Chairman, the amendment will mean that an additional 2,000 units of elderly housing will be built which translates into tens of thousands helped over the life of the buildings and will give more of our parents and grandparents the ability to live with peace of mind.

This Congress, under the leadership of Chairman LAZIO, has taken strong actions to protect seniors and others in senior housing. This Congress has ended the unwise policy of mixing seniors with drug and alcohol abusers. Senior housing is becoming safer and seniors are returning in large numbers.

At this time, we need more housing opportunities for seniors, not less. I urge my colleagues to approve the Lazio amendment. We cannot afford to shortchange our senior citizens at a time of increasing need.

Mr. BEREUTER. Mr. Chairman, I thank the distinguished gentleman for his comments.

Mr. STOKES. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wonder if I could ask the chairman of the authorizing committee, Mr. LAZIO, if he would have a colloquy with me.

I have looked at your amendment very closely and very carefully. I think I understand what the gentleman is trying to do and, in fact, I am in sympathy with what he is trying to do.

At the same time, I have some very mixed feelings about us taking money out of one housing account and moving it over to another housing account. That is, removing it from an account that helps the poorest of the poor, and moving it over to another program for the poor and the elderly. Obviously, that really is no real decision for any of us. It creates an atmosphere opposite of the bipartisan approach between the chairman of the committee and myself, and the spirit in which we are trying to move. At the same time, it creates a problem for me to see the authorizing committee and the appropriations committee chairmen at loggerheads, when I know that both of you are really concerned about the same issues and the same type of people, and wanting to help them.

I am just wondering, in the spirit of comity and the spirit of bipartisanship that we are trying to establish here, if this is not the type of amendment that you might want to consider withdrawing. Chairman LEWIS and I, in conference and working along with you, can then see if we can work out this problem rather than create the kind of divisiveness that is going to occur over a vote.

I can already see this amendment lining up for many good Members in this House, who do not want to be on either side in a case like this. It really is no decision for us. I am just wondering if that is something we could ask the gentleman to consider.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I greatly respect and appreciate and am gratified for the level of comity that you have not just with the chairman of the subcommittee but also with all of us.

If this were a matter of something personal in nature, I would be very glad to give it up in order to further that comity. But there is something deep inside, when we talk about the disabled, people who are mentally disabled, people that are physically challenged, people that are quadriplegic, people that were formerly in institutions that we now have the ability to give permanent housing solutions for, that we must meet.

□ 2145

If we do nothing else, we ought to be doing this. If I thought it was politically expedient, that we can take from some of the other accounts, and we just saw the last amendment go down, I would not have selected from this housing account. But of the choices that I thought were politically feasible in order for us to honor what I consider my personal obligation as a public official to the very people that I come to this body to serve, the people who do not have the ability to speak for themselves, the elderly, the people who struggle, the disabled, I feel it is my duty to try and press for this so that we meet our obligation.

Now, I am not asking for more money, I would say to my distinguished colleagues. I am asking just to go back to our 1996 levels, and not even fully there; only 50 percent of our 1996 levels, which I think is an incredibly moderate view in terms of restoring a very small amount of funds for the most vulnerable people in our population.

Mr. STOKES. Mr. Chairman, I thank the gentleman from New York [Mr. LAZIO] for his reply, and I appreciate very much the personal perspective from which he is coming.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate very much my colleague from Ohio [Mr. STOKES], yielding. The point that was made in the appeal is very much to the heart of our frustration here. There is no doubt our purpose is to try to flexibility provide adequate housing for a cross-section of people who are the poorest of the poor in our society, and at the same time we have great difficulty with a growing aging population and the like. The item that is very difficult to get across, for these are complex areas, is that in that section of our housing programs known as section 8 multifamily housing, in the past we have set up a process that almost leads those who are trying to serve for a fall. We originally encouraged people to build these facilities on 40-year contracts, on 40-year mortgages, and yet in the meantime people signed up with 40-year contracts in order to delay the foundation for paying those mortgages. Those contracts are coming due, and as a result of that there is a huge escalation of cost in those programs, and, as those costs increase, it puts pressure on HUD's ability to meet their contracts and their obligations with housing authorities, et cetera, et cetera. And unless they are able to meet those obligations, they could very well push the people who are currently living, currently served, in those——

The CHAIRMAN. The time of the gentleman from Ohio [Mr. STOKES] has expired.

(On request of Mr. LEWIS of California, and by unanimous consent, Mr. STOKES was allowed to proceed for 2 additional minutes.)

Mr. STOKES. Mr. Chairman, I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, we could push those people out on the street, and remember that 40 percent of those very people living in those facilities, beyond being among the poorest of the poor, are also elderly and disabled, and we cannot find ourselves in that position.

But earlier I discussed with the chairman the feasibility of our trying to make changes in the difficulties with section 8, and he asked us to let the authorizing committees have a short, and frankly we are going to have an amendment here that takes out any language that relates to that to respond to that. But there is little doubt that next year we will be here at this time talking about the 1998 bill, and the costs will have escalated because it takes time to get that kind of work through the authorizing process.

So it is the elderly and the disabled who are going to be hurt either way, and frankly the people who are currently being served are the ones at greatest risk, and it concerns me that we must protect that population being served first.

Mr. STOKES. Reclaiming my time, Mr. Chairman, let me just say that I think we all knew that one day the chickens were going to come home to roost in terms of this section 8 assisted housing account. I knew it when I was chairman and was utilizing that account to help some parts of the budget, and the gentleman has had to do the same thing. Of course, I know that the gentleman from New York [Mr. LAZIO] realizes that when he goes back into the same account. In 1998, when we have to find $10 billion and to try to help poor people find housing, we are all going to be confronted with a real problem.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I just wanted to point out once

again that what we are talking about is not contract renewal account. We are targeting the offset to the amendments area, which is a distinct area within the contract renewal. There is no effect on our ability to fund contract renewals going forward, and of course I understand this dramatic problem within the context of our market-to-market issue.

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a visionary amendment. This represents two of the most sensitive populations that we in Congress have to be understanding for and represent, and that would be the seniors and disabled. There is not a Republican or Democratic issue. It is a people's issue. We need to work together. The Lazio amendment will mean more housing for American families who need it: 2000 new units of elderly housing and housing for disabled.

Our senior population, as my colleagues have heard previously, is growing at an enormous rate, already in double digits and getting higher every year. Accordingly, we need to increase senior housing opportunities. We only have to look to the American Association for Homes and Services for the Aging and find that in their discussion to Congress about this legislation they support strongly the Lazio bill because it will restore $235 million to the section 202 program.

Then look into the Consortium for Citizens with Disabilities. They say we need to have the $84 million in the section 811 for the disabled. It is significant to note that the continuing depletion of our Nation's low-income housing stock and the growing need for tenant-based rental assistance nationwide shows that there must be a Federal priority to help low-income Americans obtain decent safe affordable and accessible housing.

People with disabilities face even more desperate housing situation and stand to face a chronic problem of inadequate housing and increased homelessness for the foreseeable future without greater priority being placed on housing assistance. People with disabilities want the opportunity to live and work in their communities, and housing is the cornerstone for that independence. If a person has access to decent, safe and affordable housing, then he or she can concentrate on education, job training, and thereby empower themselves to become working and taxpaying citizens and thus more integrated into lives of the communities.

So I think for the reasons of the seniors and for disabled, the Lazio amendment is one that we should all support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LAZIO].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. LAZIO of New York. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 456, further proceedings on the amendment offered by the gentleman from New York [Mr. LAZIO] will be postponed.

The point of no quorum is considered withdrawn.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the gentleman. Mr. Chairman, I will only take about 1½ to 2 minutes.

I would ask my colleagues on the other side, how many of them when they were children themselves or when they raised their own children bought these little vinyl venetian blinds. Remember looking through the windows and popping them down and looking through, and even at times our own kids would sit there and chewed on these things as they were looking out the window?

Well, we all know that lead is poisonous to children, and a new study by the Consumer Product Safety Commission and the Window Covering Safety Council determined that when these vinyl blinds deteriorate that there is lead poisoning that affects children, and we did not expect it. It is going to take some money to replace them, and apparently almost every set of these inexpensive vinyl miniblinds in America today deteriorates into dust which contains lead.

Lead dust is poisonous to young children, and Americans have installed over a hundred million sets of these particular blinds. The CPSC recommends that these blinds be removed in homes with children of age under 6.

Today, as we consider this appropriation through the leadership of the gentleman from California [Mr. LEWIS], these appropriations help make housing and home ownership affordable and available for Americans. The VA subsidizes home mortgages, and I have been through that program myself, and HUD helps low- and middle-income Americans buy homes through FHA loans and rent housing through section 8.

Mr. Chairman, this Congress should urge CPSC and work together with HUD–VA mortgage and combat the potential hazard that lead and vinyl miniblinds may have to many young children. We should direct particular attention to low-income housing.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. Mr. Chairman, I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, first let me say I very much appreciate the interest of the gentleman from California [Mr. CUNNINGHAM] in this very important subject area. I appreciate also or as well his commitment to America's children.

I agree that our Federal agencies should cooperate with one another and with State and local governments to continue fighting lead contamination in homes with children. We all know about lead-based paint, and we have taken action against it through public information campaigns and the HUD office of lead-based paint. Furthermore, all consumers have a responsibility to take informed and appropriate action against this new lead hazard of vinyl miniblinds, and in many cases these miniblinds can be replaced for about $10 per window. In the interests of our children's health, I agree that the CPSC should work to keep the Nation's housing agencies informed about this issue, to stay in close cooperation with them and to help end lead poisoning among America's children.

The CHAIRMAN. Are there further amendments to this paragraph?

If not, the Clerk will read.

The Clerk read as follows:

HOUSING FOR SPECIAL POPULATIONS: ELDERLY AND DISABLED

For capital advances, including amendments to capital advance contracts, and for project rental assistance and amendments thereto, for Supportive Housing for the Elderly under section 202 of the Housing Act of 1959, as amended, $595,000,000, to remain available until expended.

For capital advances, including amendments to capital advance contracts, and for project rental assistance and amendments thereto, for Supportive Housing for Persons with Disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act, $174,000,000, to remain available until expended, of which 25 percent shall be used for tenant-based rental assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437(o)), in addition to any other amounts available for section 8(o).

The Secretary may waive any provision of section 202 of the Housing Act of 1959 and section 811 of the Cranston-Gonzalez National Affordable Housing Act (including the provisions governing the terms and conditions of project rental assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

FLEXIBLE SUBSIDY FUND

(INCLUDING TRANSFER OF FUNDS)

From the fund established by section 236(g) of the National Housing Act, as amended, all uncommitted balances of excess rental charges as of September 30, 1996, and any collection during fiscal year 1997, shall be transferred, as authorized under such section, to the fund authorized under section 201(j) of the Housing and Community Development Amendments of 1978, as amended.

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in

any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z–1) is reduced in fiscal year 1997 by not more than $2,000,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts.

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

For tenant-based assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), as amended, $166,000,000, to remain available until expended: *Provided*, That of the total amount provided under this head, $50,000,000 shall be for nonelderly disabled families relocating pursuant to designation of a public housing development under section 7 of such Act: *Provided further*, That the remainder of the amount provided under this head shall be used only for housing assistance for relocating residents of properties (i) that are eligible for assistance under the Low Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA) or the Emergency Low-Income Housing Preservation Act of 1987 (ELIHPA) in accordance with the terms and conditions of the tenth and eleventh provisos of the second undesignated paragraph under the head "Annual Contributions for Assisted Housing" in Public Law 104–134; (ii) that are owned by the Secretary and being disposed of; (iii) for which section 8 assistance is allocated under subsection (f) of section 204 of this Act (relating to portfolio reengineering); or (iv) subject to special workout assistance team intervention compliance actions: *Provided further*, That notwithstanding any other provision of law, a public housing agency administering certificate or voucher assistance provided under subsection (b) or (o) of section 8 of the United States Housing Act of 1937, as amended, shall delay for 3 months, the use of any amounts of such assistance (or the certificate or voucher representing assistance amounts) made available by the termination during fiscal year 1997 of such assistance on behalf of any family for any reason, but not later than October 1, 1997, with the exception of any certificates assigned or committed to project-based assistance as permitted otherwise by the Act, accomplished prior to the effective date of this Act: *Provided further*, That section 8(c)(2)(A) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437f(c)(2)(A)) is further amended—

(1) in the third sentence by inserting "and fiscal year 1997" after "1995"; and

(2) in the last sentence by inserting "and fiscal year 1997" after "1995".

PUBLIC HOUSING OPERATING FUND

For payments to public housing agencies and Indian housing authorities for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,850,000,000.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFERS OF FUNDS)

For the Public Housing Capital Fund program under the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $2,700,000,000, to remain available until expended, of which $2,415,000,000 shall be for modernization of existing public housing projects; $200,000,000 for Indian Housing Development; $50,000,000 for grants to public housing agencies (including Indian housing authorities), nonprofit corporations, and other appropriate entities for a supportive services program to assist residents of public and assisted housing, former residents of such housing receiving tenant-based assistance under section 8 of such Act, and other low-income families and individuals, principally for the benefit of public housing residents, to become self-sufficient; $20,000,000 for technical assistance for the inspection of public housing units, contract expertise, and training and technical assistance directly or indirectly, under grants, contracts, or cooperative agreements, to assist in the oversight and management of public and Indian housing (whether or not the housing is being modernized with assistance under this proviso) or tenant-based assistance, including, but not limited to, an annual resident survey, data collection and analysis, training and technical assistance by or to officials and employees of the department and of public housing agencies and to residents in connection with the public and Indian housing program or for carrying out activities under section 6(j) of the Act; $10,000,000 for the Tenant Opportunity Program; and $5,000,000 for the Jobs-Plus Demonstration for Public Housing families: *Provided*, That all obligated and unobligated balances as of the end of fiscal year 1996 heretofore provided for the development or acquisition costs of public housing (including public housing for Indian families), for modernization of existing public housing projects (including such projects for Indian families), for public and Indian housing amendments, for modernization and development technical assistance, for lease adjustments for the section 23 program, and for the Family Investment Centers program shall be transferred to amounts made available under this heading.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VII)

For grants to public housing agencies for assisting in the demolition of obsolete public housing projects or portions thereof, the revitalization (where appropriate) of sites (including remaining public housing units) on which such projects are located, replacement housing which will avoid or lessen concentrations of very low-income families, and tenant-based assistance in accordance with section 8 of the United States Housing Act of 1937; and for providing replacement housing and assisting tenants to be displaced by the demolition, $550,000,000, to remain available until expended, of which the Secretary may use up to $2,500,000 for technical assistance, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the Department and of public housing agencies and to residents: *Provided*, That, notwithstanding any other provision of law, the funds made available to the Housing Authority of New Orleans under HOPE VI for purposes of Desire Homes, shall not be obligated or expended for on-site construction until an independent third party has determined whether the site is appropriate.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

(INCLUDING TRANSFER OF FUNDS)

For grants to public and Indian housing agencies for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $290,000,000, to remain available until expended, $10,000,000 of which shall be for grants, technical assistance, contracts and other assistance training, program assessment, and execution for or on behalf of public housing agencies and resident organizations (including the cost of necessary travel for participants in such training), $5,000,000 of which shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home program administered by the Inspector General of the Department of Housing and Urban Development, and $5,000,000 of which shall be transferred to the Office of Inspector General for Operation Safe Home: *Provided*, That the term "drug-related crime", as defined in 42 U.S.C. 11905(2), shall also include other types of crime as determined by the Secretary.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), $3,000,000: *Provided*, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $36,900,000.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT BLOCK GRANTS FUND

(INCLUDING TRANSFER OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, to carry out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (the "Act" herein) (42 U.S.C. 5301), $4,300,000,000, to remain available until September 30, 1999, of which $61,400,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of the Act: *Provided*, That $2,100,000 shall be available as a grant to the Housing Assistance Council, $1,000,000 shall be available as a grant to the National American Indian Housing Council, and $49,000,000 shall be available for grants pursuant to section 107 of such Act, including up to $14,000,000 for the development and operation of a management information system: *Provided further*, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available under the preceding proviso to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974, as amended) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department: *Provided further*, That for fiscal year 1997 and thereafter, section 105(a)(25) of such Act, shall continue to be effective and the termination and conforming provisions of section 907(b)(2) of the Cranston-Gonzalez National Affordable Housing Act shall not be effective: *Provided further*, That section 916(f) of the Cranston-Gonzalez National Affordable Housing Act is repealed.

Of the amount made available under this heading, notwithstanding any other provision of law, $20,000,000 shall be available for youthbuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading.

Of the amount made available under this heading, notwithstanding any other provision of law, $60,000,000 shall be available for

the lead-based paint hazard reduction program as authorized under sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992.

Of the amount made available under this heading, $40,000,000 shall be available for Economic Development Initiative grants as authorized by section 232 of the Multifamily Housing Property Disposition Reform Act of 1994, Public Law 103–233, including $11,000,000 of the foregoing amount shall, notwithstanding any other provision of law, be used for Economic Development Grants in accordance with the terms and conditions specified for such grants in the Report accompanying this Act.

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LEWIS of California: "On page 30, strike lines 9 through 17 in their entirety."

Mr. LEWIS of California. Mr. Chairman, this amendment eliminates the set-aside within CDBG'S account for the Secretary's economic development initiative known as EDI. Taking this action does not reduce the CDBG account, but rather it will eliminate the set-aside for this particular program, making more funds available on a more flexible basis for CDBG.

I have decided to take this action knowing that several Members intend to amend the committee's recommendations to identify specific EDI grants. Let me explain the recommendations of the committee.

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Mr. Chairman, the economic development initiatives program allows the Secretary of HUD to choose awardees based on the following competitive criteria: The extent of the need for the assistance, the level of distress in the community, the quality of the plan, and the capacity of the applicant to carry out the plan. Each of the programs selected by the committee for special EDI grants meet these criteria.

Furthermore, activities planned in special EDI grants meet the objectives of the EDI program, including the creation of jobs, the revitalization of neighborhoods, leveraging private investment from partners at local levels, and providing opportunities for low-income youth and families. The only substantive difference between the special EDI grants identified in the committee report and the regular EDI grants is who chooses the recipient, the Secretary or the Congress.

Therefore, if the choices of the Congress are considered pork, clearly it is only fair that the Secretary's choices must be pork as well, and the entire set-aside should be eliminated. Eliminating the EDI set-aside within CDBG accounts will have the effect of making $40 million more available for the CDBG program rather than the special awardees chosen by the Congress or the Secretary.

Mr. Chairman, what I am attempting to avoid here is that there are a number of Members who are looking at individual projects that are selected by the Congress and the committees and suggesting that they are pork. Frankly, we have evaluated them, they meet the criteria, and so on, but I can understand where Members are coming from.

So it is our choice, then, instead to go back and say, let us put all of this into the CDBG pool, take the whole $40 million, and not have it be part of that account. And incidentally, that sets aside the need for 5 or 7 or 8 or 10 amendments here on the floor, both in the interests of time, but also putting it back into the CDBG pool with some flexibility seems to me to meet at least the intention of those Members who are concerned about the question of pork.

Mr. MINGE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I first would like to begin by stating that I and several other Members who have been active in looking for earmarks that might violate some of the principles we have used in this body would like to applaud the chairman of the committee, the gentleman from California [Mr. LEWIS] for his action. We respect his decision, and will not offer, obviously, any of the amendments that we had anticipated offering.

Mr. Chairman, I would like to briefly engage the chairman in a colloquy with respect to his action. It is my understanding, I would say to the gentleman from California [Mr. LEWIS], that as a result of his amendment, which I expect will be adopted, that the projects identified in the report language, which the gentleman has indicated meet the criteria in the statute, will compete with projects from other States across the Nation and other communities across the Nation, so that it would truly be a level playing field at that point in time with respect to all projects being proposed by communities for this particular type of funding.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. MINGE. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would say to the gentleman that if any of those projects were proposed within the CDBG pool, they would have to meet the criteria and be a competitor in that mix. But, frankly, we are attempting to avoid the controversy here of pulling out individual projects and suggesting they might be bad, and if a vote went against them, then they not only would not fare well in that competition, they might very well be set aside entirely.

Mr. MINGE. So the fact that these eight projects are listed in the report language does not, as to the gentleman's understanding of the situation, after the amendment is adopted, provide these eight projects with some type of special status?

Mr. LEWIS of California. We are striking all that language. They will not be a part of this report or this bill as it goes forward.

Mr. MINGE. So even that portion of the report language——

Mr. LEWIS of California. The report does not change, this is the legislative language.

Mr. MINGE. It is the bill language that is being deleted?

Mr. LEWIS of California. That is correct.

Mr. MINGE. Mr. Chairman, going back to my question, the effect of deleting these lines in the bill would mean that these projects identified in the report language would at that point compete with projects from other districts, other States throughout the country, on a level playing field or equal basis, is that correct?

Mr. LEWIS of California. Mr. Chairman, If the gentleman will yield further, I would say, in theory, yes. I must say that with our history around here relative to departments and report language, they might even be a bit disadvantaged.

Mr. MINGE. Or they might be advantaged.

Mr. LEWIS of California. Possibly. But, frankly, I have a feeling that under this scenario, if it is put back in this pool and they do meet the criteria, and we believe that they do, then they would be on a level playing field.

Mr. MINGE. I thank the gentleman very much. I would like to thank the gentleman for his statesmanship in taking this action.

Mr. LEWIS of California. I certainly appreciate the gentleman's expression, and I hope that he will be supporting this amendment.

Mr. MINGE. I shall.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. LEWIS].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For the cost of guaranteed loans, $31,750,000, as authorized by section 108 of the Housing and Community Development Act of 1974: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,500,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974. In addition, for administrative expenses to carry out the guaranteed loan program, $675,000 which shall be transferred to and merged with the appropriation for salaries and expenses.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the

Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $1,400,000,000, to remain available until expended: *Provided*, That $21,000,000 shall be available for grants to Indian Tribes: *Provided further*, That up to 0.5 percent, but not less than $7,000,000, shall be available for the development and operation of a management information system: *Provided further*, That $15,000,000 shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968.

HOMELESS ASSISTANCE FUNDS

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77), as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), $823,000,000, to remain available until expended.

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), $171,000,000, to remain available until expended: *Provided*, That any amounts previously appropriated for such program, and any related assets and liabilities, in the "Annual contributions for assisted housing" account, shall be transferred to and merged with amounts in this account.

AMENDMENT OFFERED BY MR. SHAYS

Mr. SHAYS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment number 46 offered by Mr. SHAYS: In the item relating to "DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS", after the dollar amount, insert the following: "(increased by $15,000,000)".

In the item relating to "NATIONAL AERONAUTICS AND SPACE ADMINISTRATION-MISSION SUPPORT", after the last dollar amount, insert the following: "(reduced by $15,000,000)".

Mr. SHAYS. Mr. Chairman, my staff sent me here a number of hours ago in anticipation of this amendment, and I realized I was here a little earlier than I needed to be, but it was a hard place to leave. There is some tranquility here that I have not seen in quite some time. It was enjoyable, frankly, to listen to the competence of the chairman in this committee and to hear the debate and dialogue that took place among a number of Members, and the competence, I might say, of the now ranking member.

Mr. Chairman, this amendment was introduced by myself and my colleagues: my neighbor, the gentlewoman from New York, Mrs. LOWEY; the gentlemen from New York, Mr. LAZIO and Mr. SCHUMER; the gentleman from Wisconsin, Mr. GUNDERSON; the gentlewoman from Connecticut, Mrs. KENNELLY; the gentleman from California, Mr. HORN; the gentleman from Massachusetts, Mr. STUDDS; the gentlewoman from California, Ms. PELOSI; the gentlemen from New York, Mr. BOEHLERT and Mr. NADLER; and the gentleman from Illinois, Mr. FLANAGAN.

What this amendment does is it increases the housing for people with AIDS from $171 million to $186 million, which was the pre-rescission amount that we had in our budget in 1995. To pay for the increase, the $15 million increase, and I just would hasten to point out, it is a very modest amendment, one that almost would make me feel that the chairman of the subcommittee might want to endorse it; but it is $15 million taken from the mission support account of NASA, which will go from $2,562,000,000 to $2,547,000,000. The account for this mission support is $113 million more that the House had in the fiscal year 1997 authorization levels, so the authorization level is $113 million less than what is in this budget.

Our concern, Mr. Chairman, is for housing for people with AIDS. The number of people who are HIV-positive with AIDS is growing. We have 10 additional jurisdictions, and as some may know, we fund 90 percent of the HOPWA money by providing funds based on 115 cases per 500,000 people.

As more people are HIV or have AIDS, the number of demands on this limited money is resulting in those that have had money in the past are actually experiencing cuts. So while we are freezing this at $171 million, by the chairman's attempt, there will be cuts unless we add $15 million, and we are hoping that the full House will act favorably on this. We think it is a modest amendment. We hasten to point out that the daily cost for persons with AIDS in acute care facilities is $1,085, and that the daily cost of community housing under the HOPWA grant ranges from about $40 to $100 a day.

Mr. Chairman, one-third to one-half of all people with AIDS are either homeless or in imminent danger of losing their homes. It is estimated that 15 percent of all homeless people are in fact HIV-positive. I just cannot emphasize enough, we are fairly modest in our approach to helping people with AIDS. We obviously are doing research. We have services. But what we spend to give people who are HIV-positive or have AIDS a place to live, I just cannot emphasize the extraordinary need to do this.

There is a McKinney home that is run by the Whitman-Walker organization that has six families. If Members can just visualize those six families, those six families tend to be a mother and her children. Her children in most cases do not have AIDS, are not HIV-positive, but the mother is. The mother knows that she is going to die. She knows she is going to die. With her in the home is the new mother for her children. This is the kind of expenditure that the HOPWA funds go, to help that mother live in an environment for the rest of her very short life to usher in and help her children grow and meet their new mother, and it is a beautiful program. There are a number of programs throughout the country where we have people really dedicated to helping extend a loving hand to those who simply need a place to stay, a place to call home.

Mrs. LOWEY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, we are offering this amendment today to add badly needed funding to the Housing Opportunities for Persons with AIDS program.

Our amendment will increase funding for HOPWA to the pre-rescission fiscal year 1995 level, only a $15 million increase over what is currently in the bill. This increase will provide housing opportunities to over 4,000 individuals and families living with AIDS around the country. More than 4,000 people who would otherwise be put out onto the streets.

And make no mistake, the cost to society of throwing these people out onto the streets is far greater than the cost of providing them with housing. It should come as no surprise that individuals without housing will turn to hospitals and American taxpayers will foot the bill. The average cost of hospital care for people with AIDS is between 10 and 20 times the cost of home care. The HOPWA program saves $47,000 per person per year in emergency health care costs.

Mr. Chairman, the HOPWA program has been funded at the same level since fiscal year 1995, but more than 20 communities have become eligible for these funds since that time. That translates into a 23 percent decrease in funds available for communities that received HOPWA grants before fiscal year 1995.

Up to 60 percent of Americans living with AIDS are either homeless or in imminent danger of losing their homes. It is estimated that while someone can live for 10 years with AIDS, the life expectancy for a person with AIDS who is homeless is 6 months. The HOPWA program will save money, keep families together, and extend lives.

AIDS is a public health emergency, and we should treat it that way. The HOPWA program is cost-effective and humane. I urge my colleagues to support this reasonable amendment.

Mr. LEWIS of California. Mr. Chairman, I rise with very, very great reluctance to oppose this amendment, and I want to take a moment to explain to my colleagues my involvement with issues such as this over a number of years.

I am not sure that many of the Members realize this. Some may recall. But I was a new and greenhorn Member in the House in 1980 when I carried a resolution around the House seeking signatures from Members on both sides of the aisle. It had to do with promoting fundamental research on a new problem that society was just beginning to recognize, a thing called AIDS. Virtually every one of my friends and colleagues on both sides of the aisle said, you want to do what? Because nobody knew what the problem was in those days. That was the first resolution on this issue.

As a new member of this subcommittee, I was the member who put the first dollars, and it was only $200,000 then, in for AIDS research in this subcommittee. I have a grave concern with where we have been and where we need to go in this whole subject area. Indeed, housing for people who are impacted by this incredible problem, as well as challenge to our society, deserve and need our support.

But one more time, we are talking about very difficult funding levels and balancing programs that are very important. How do you balance? These programs spend out at about 3 percent to 4 percent a year. The money we are talking about shifting here impacts, in real terms, very little in terms of next year or even the year after that for people who are currently dealing with the problem of AIDS. Indeed, we do need balance between these accounts. I cannot recommend that we take x dollars from an elderly account and give to AIDS, or HOPWA, if you will. We have tried to provide funding that we could adequately use in a timely fashion and be as responsive as possible.

□ 2215

The funding for the HOPWA programs is at the President's request, and indeed, we did a lot of analysis of that, attempting to see if we were being as responsive as possible.

I urge the Members to recognize that we are moving forward in a fashion that is an attempt to be both responsive and responsible, and because of that, I urge the Members to vote no on the amendment.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise tonight in strong support of the amendment offered by Representatives Shays and Lowey.

Mr. Chairman, I represent Marin and Sonoma Counties in California, an area which has one of the highest rates of HIV for a rural/suburban area in the Nation.

To respond to this number, Mr. Chairman, both Marin and Sonoma Counties have mounted an aggressive and compassionate response to the AIDS epidemic—a response that is truly a model for the Nation. By building a network among friends; schools; community organizations; and health care providers, the people and local government of Sonoma and Marin are doing their best to provide quality care to people with HIV and AIDS and for their families.

But the community can't do it alone. They need Federal resources to help them meet the growing demands due to this terrible disease, they especially, need help for one of the most basic of necessities—shelter.

At any given time, because of discrimination; lost wages or medical expenses, up to 60 percent of persons with HIV and AIDS are either homeless or in imminent danger of losing their homes.

That's where the Housing Opportunities for People With AIDS program, or HOPWA, steps in.

By providing housing, HOPWA improves the quality of life for people with AIDS and reduces unnecessary hospitalizations and expensive emergency health care services.

In my district, 94 households including 9 with children, have benefited from this program, but there are many more who need help.

That's why it is crucial that this body approve this modest increase of $15 million for HOPWA. While not nearly enough to meet the growing demand for housing, this amendment will at least provide housing and services to an additional 4,000 individuals and their families.

Last year, when my district received a HOPWA grant, the local director of the HOPWA program said that he would be really happy if someone came up with a cure for AIDS and they got rid of his job tomorrow.

How we all share those same feelings. How we all wish we could find a vaccine or cure for this terrible disease.

Unfortunately, we are not there yet—the number of AIDS cases has increased by almost one-third since 1995, and the cities and States qualifying for HOPWA funds have increased by 23 percent.

Clearly, the need for housing assistance for people with AIDS is growing. The need is crucial.

Just ask a man (with HIV) in my district; a man who is counting on HOPWA funds so he can concentrate on his health instead of worrying about his rent; ask the family of five in Marin County who used HOPWA funds to move from their tiny one bedroom apartment to a larger one; sadly you can't ask my best friend's son who died from AIDS last year at the age of 33. But, his family and friends will tell you that he lived a longer and fuller life because of the high quality of care and housing he had.

In memory of him and for the thousands of Americans who are living with this disease let's show this Nation that we at least have enough compassion to provide one of the most vulnerable groups in our Nation—people with HIV and AIDS—with the most basic of necessities—a home!

I strongly urge my colleagues to vote for the Shays-Lowey amendment, and to support this modest increase in funding for housing for persons with HIV and AIDS.

Mr. HORN. Mr. Chairman, I move to strike the requisite number of words.

I am sorry to disagree with my good friend, the floor manager of this bill, who I regard as probably one of the ablest leaders in this Chamber.

Mr. Chairman, I rise in strong support of this deficit-neutral amendment for additional funding for housing opportunities for people with aids. HOPWA—as it is called—is one of the Housing and Urban Development [HUD] programs that work. This amendment would provide for a modest increase to HOPWA funding, restoring the program's appropriation to the prerescission fiscal year 1995 level. Such an increase is more than justified. HOPWA is an excellent example of what good the Federal Government can do when it combines compassion with common sense.

But this amendment is not only justified, it is absolutely necessary. Because of the continued rise of the AIDS epidemic, more than 10 additional jurisdictions will become eligible for HOPWA assistance in the next fiscal year. If we do not restore HOPWA funding to the 1995 prerescission level, the HOPWA grants for 34 States will be cut in the next fiscal year. The Los Angeles-Long Beach area, one of the metropolitan areas hardest hit by the AIDS crisis, has already seen sharp reductions in HOPWA funding. This year's grant for the Los Angeles-Long Beach area totaled nearly $8 million, and that represented a cut of nearly $1 million from the 1995 postrescission level. That cut came after the 8-percent across-the-board cut the program took in the 1995 rescissions. Further cuts next year will severely strain the already-overburdened Los Angeles-Long Beach area health care system while sapping the strength of one of our best weapons in the fight against AIDS.

This program combines fiscal prudence with effective compassion. Stable housing is a key to the survival of a person with AIDS. Without a good, stable place to live, AIDS patients are more likely to die prematurely because it becomes extremely difficult to give them the care and treatment they need. But up to 60 percent of all people with AIDS in the United States are either already homeless or in imminent danger of becoming homeless. HOPWA provides a cost-savings way to care for such people. Without the funding provided for in this amendment, people with AIDS will become homeless or will be admitted to emergency rooms.

It costs $1,085 per day to care for a person with AIDS in an emergency care facility. It costs between $40 and $100 per day to provide housing and services in a HOPWA-funded residential facility. HOPWA is a cost-effective alternative to hospitalization. Also, HOPWA is administered at the local level, so that the fight against AIDS is led by the people who know it best, not by Washington bureaucrats. This amendment will save money and reduce the cost of health care. I urge all my colleagues to support it.

Mr. Chairman, I urge very much that this deficit-neutral amendment be passed by my colleagues, and I hope that the chairman, in conference with the Senate, will make sure that this $15 million is added to the HOPWA budget. It is the least we can do to make up for inflation and also for what we did in 1995.

Mrs. KENNELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Shays-Lowey amendment, of which I am a cosponsor. This amendment will restore funding for the HOPWA Program, which is the only Federal housing program designed to address the housing crisis of the AIDS epidemic. This increase of $15 million will return HOPWA to its pre-fiscal year 1995 rescission level. Those added dollars will provide housing services for an additional 4,035 individuals and families living with AIDS, allowing them to improve the quality of their lives and gain access to life-extending care.

Although funding for this program has been level since fiscal year 1995, there has been a 23-percent increase in metropolitan areas and States qualifying for HOPWA funding. This increase has forced jurisdictions to compete for fewer and fewer dollars. Cities like my hometown of Hartford are receiving less HOPWA funding while their needs are increasing. In fact, in my home State of Connecticut, we lost over $100,000 in HOPWA funding in the last fiscal year, even though a new jurisdiction in the State became eligible for the formula grant program.

Connecituct is a leader in AIDS housing, at one time boasting the only Statewide AIDS residence coalition in the Nation. But even in a State that runs an effective AIDS housing program, the need for funding is great. In 1995, fewer than 150 out of 1,500 requests for housing were filled. The alternative for many of those denied housing is homelessness, something none of us should feel comfortable with.

Finally, let me talk about the cost of AIDS housing. The average cost of an acute care hospital bed for an AIDS patient is $1,085 per day. In Connecticut, the cost of scattered site AIDS housing is on average $35 per day, far cheaper than the cost of acute care in a hospital.

The AIDS epidemic continues to grow. In Connecticut, the State budget for AIDS housing has grown from $150,000 in fiscal year 1988 to $1.3 million in the last fiscal year. HOPWA dollars supplement these State funds and pay for 35 to 40 percent of the costs associated with AIDS housing. The continued erosion of HOPWA dollars would therefore have a tremendous impact on the capacity to serve these needy people.

The Shays-Lowey amendment is deficit neutral. We would provide extra funding for HOPWA by shifting funds from NASA mission support. This bill provides mission support with $2.6 billion, even though the science bill this body passed last month authorized only $2.4 billion. In fact, this bill's appropriation for mission support is $60 million over the current fiscal year.

Our amendment preserves 75 percent of the funding increase from fiscal year 1996. It leaves mission support $100 million above the authorization level, and represents only a one half of one percent reduction in total mission support funding.

Like many of our colleagues, we support the work that mission support does in our space program. However, a multiagency appropriations bill like this one requires us to compare priorities and make tough choices. Our choice today is providing housing services for an additional 4,000 individuals and families immediately—or providing a small amount of extra money to an account that is already well above the authorization level.

I urge my colleagues to support the Shays-Lowey amendment, and to provide AIDS housing to those in need.

Mr. COBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was somewhat hesitant to come down and talk on this subject, but I find myself as a physician who has cared for AIDS patients, who knows AIDS patients, that we are, through this amendment, perpetuating a mistake, a very major mistake in this country, and that is that we are focusing again dollars on AIDS, and we are missing the concept of AIDS prevention.

The fact is that we are going to spend $171 million on housing for AIDS patients this year. The fact is that this Government is going to spend $7.41 billion in 1996 on AIDS.

□ 2230

The reason we have the AIDS epidemic that we do today, the reason we have the increased numbers requiring AIDS housing is because we focused on the wrong thing. That is, HIV prevention. Until we refocus our efforts, until we redirect our dollars to preventing the infection in the first place, we are giving poor solace to those who will come after those that have been so unfortunately infected with this disease that we will see increasing numbers and we will have to have more numbers.

Prevention is the key to HIV. Prevention is the compassionate way to spend our Federal dollars so that we do not have another 4,000, 5,00, 50,000, 100,000, 200,00 people yearly coming down with AIDS as a complex and serious life-ending disease.

The reason it also is wrong is because today if we identify somebody who has just now become HIV positive, we have the drugs in our armamentarium to prevent them from becoming AIDS patients. We can now identify, if we choose to do so, people who are infected with HIV, and we can start treatments, that now the studies, the multiple drug treatments will tell us, that we will not have AIDS coming about.

We continue to perpetuate a wrong strategy as far as the HIV and AIDS epidemic. We need to start talking about HIV prevention; $171 million, that is never going to be enough to care for those people who have AIDS; $271 million is not going to be enough to care for those people who have AIDS. I think we should have more money for those people who have AIDS and need our assistance.

But we are perpetuating a decision-making process that is not going to help solve this problem. Until we recognize it, and unless we recognize it, then we will do a disservice, not to just those people who presently have AIDS but to those who eventually will have AIDS.

So I think it is very important that we look again at what we are spending and how we are spending it, and if we are going to increase funding in terms of the AIDS epidemic, any increase in funding ought to go toward HIV prevention and not additional AIDS housing.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from California.

Mr. LEWIS of California. I appreciate, first of all, my colleague yielding, but more importantly his very sensitive and also thoughtful comments. The gentleman's professional background causes him to be especially aware of the challenges that we face out there relative to this difficulty in our society. It is not going to go away unless we deal with questions of prevention.

But let me, if you will, impose upon your time for a moment, and we will grant additional time so that you can round out your remarks, but the other side of this involves taking the money from the NASA accounts. It is awfully easy for some to put a program like HOPWA against NASA and presume it is not going to have any real effect on those programs.

The reality is that of all the agencies under my committee, one of those agencies that has worked the hardest and has done the best job of attempting to go about reinventing themselves, as we try to reinvent Government and have it work better, is NASA.

Within that effort, NASA has already reduced its full-time civil service work force from 24,000 to 21,000. They have a schedule that is a very serious schedule in terms of reducing personnel. But in the meantime, this funding would dramatically impact the personnel available in vital programs that relate to our space mission such as human space flight programs. At the core of this program is a series of contracts to construct communications satellites. A cut in this account could eliminate the cost savings associated with current fixed-price contracts.

The reality is that work is going on. It is very important work. It looks like an easy hit for some, but we have already trimmed them to such an extent that they are pushed against the wall. It is awfully important that we recognize that we are doing all that we can to balance these accounts, especially in programs like the NOPWA Program. Indeed, when one recognizes how much of that money is spent out per year, the $171 million of additional spending this year meets the challenge that the Department can handle.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. COBURN] has expired.

(On request of Mr. LEWIS of California, and by unanimous consent, Mr. COBURN was allowed to proceed for 2 additional minutes.)

Mr. COBURN. I take with some advice the gentleman's words and would agree with them to a great extent. But my main purpose for opposing this is to make us think about what we are doing. HIV-AIDS, except in very rare circumstances today, is an absolutely preventable disease. Absolutely preventable. As long as we fail to recognize that, as long as we ignore that, we will never solve this epidemic, no matter how much money we put at it, no matter how much money we put into drug research, into compassionate care in the latter stages of AIDS, we are not ever going to do enough.

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentlewoman from California.

Ms. PELOSI. I thank the gentleman for yielding, and I appreciate his very sensitive remarks about his caring for people with AIDS and HIV.

I strongly support his statement about prevention being very, very important, because, of course, of what it means in the lives of individuals and from a practical standpoint here in what it means in terms of dollars saved not having to provide funding for care. But I do not want the gentleman to give the impression to our viewers when he said that there are some medications, some drugs that are available now that would prevent AIDS. I am sure the gentleman was referring to those protocols which would prolong life and improve the quality of life for people with AIDS-HIV. But, sad to say, our prayers have not been answered as far as a vaccine to prevent AIDS or HIV.

Mr. COBURN. Reclaiming my time, I was not referring to a vaccine at all. There is very substantive research in front of us today that says that we will be able to prolong significantly the occurrence from HIV to AIDS infection with some of the very, very new and miltidrug trials. The latest studies coming out say that that is so. Therefore, it is eminently important that people who have HIV be identified now.

The CHAIRMAN. The time of the gentleman from Oklahoma [Mr. COBURN] has again expired.

(On request of Ms. PELOSI, and my unanimous consent, Mr. COBURN was allowed to proceed for 1 additional minute.)

Mr. COBURN. Mr. Chairman, I think it is important to recognize the difference is, it is not just important, it is the only thing that will solve the AIDS epidemic, is treating HIV prevention.

I yield to the gentlewoman from California.

Ms. PELOSI. I thank the gentleman for yielding. I am encouraged in some respects, although I disagree in terms of his position against the increase in the HOPWA funds, but I do find some common ground with him. I hope that the gentleman's remarks are an indication that he will support the ADAP Program which calls for increased funding so that these new protocols and new drugs will be more widely available to people with HIV and AIDS to improve the quality of their life, to prolong life until there is a cure, because these protocols in many cases cost twice as much as the drugs available now and I do not think that the benefit of the research that the American people have spent billions of dollars on should be confined to only those wealthy enough to afford those drugs but would be more widely available to prolong life.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Shays-Lowey amendment to increase funding for housing opportunities for persons with AIDS by $15 million.

AIDS is a critical public health threat that continues to grow, with approximately 40,000 new HIV infections recorded in the United States each year. AIDS is the second-leading cause of death among young men in the United States, and the sixth most common cause for young women.

AIDS has hit my own community particularly hard. Almost 20,000 people have contracted the HIV virus throughout Connecticut, and in 1995 Connecticut ranked sixth in per capita AIDS cases. AIDS is the leading cause of death for women in the city of New Haven.

As a nation, we must remain committed to searching for a medical cure and a vaccine for AIDS, as well as treating those already afflicted with the disease. Although we are facing tough economic times, we cannot afford to decrease funding for AIDS research and prevention programs.

Until we find a cure for AIDS, however, we must provide the most basic care for the men, women, and children that have been devastated by this terrible epidemic.

I have fought hard to fund AIDS research, and I will fight equally hard to ensure that victims of this disease have a clean, safe place to sleep so that they can live healthier, longer lives. The Shays-Lowey amendment will help state and local government provide the basic necessity of housing to more than 4,000 additional families and individuals that need HIV-AIDS housing assistance in 1997.

This amendment will also maintain the flexibility State and local governments need to establish short-term supportive housing and rental assistance, create community residences, and provide home-care services. The overwhelming cost of caring for victims of HIV-AIDS necessitates an increase in funding to the 50 metropolitan areas that currently benefit from funding for the Housing Opportunities for People With AIDS Program.

Many people with AIDS are forced to spend their life savings on health care, and many are just a paycheck away from losing their homes. People with AIDS, from children to adults, should have a right to refuge, a right to basic care, and a right to a life with dignity. The Shays-Lowey amendment will help make this happen.

I want to congratulate my Connecticut colleague, Mr. SHAYS, for the compassion and kindness and commitment to caring for our neighbors, which is what this amendment represents. And thanks also to my friend from New York, Mrs. LOWEY for her leadership on this issue.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join with our colleagues in commending the gentleman from Connecticut [Mr. SHAYS], the gentlewoman from New York [Mrs. LOWEY], and other authors and sponsors of this amendment in bringing this to the floor. I commend them, because this important amendment is to increase by $15 million the funding for the critically important Housing Opportunities for People With AIDS Program.

As one of the original authors along with the gentleman from Washington

[Mr. McDERMOTT] and the gentleman from New York [Mr. SCHUMER] of the legislation establishing the HOPWA Program, I am pleased to note the broad base of support which the program now has on both sides of the aisle. This supports the fact that HOPWA funds are working successfully in communities across the country helping to address the serious unmet housing needs of people with HIV-AIDS. I commend Chairman LEWIS for including $171 million for HOPWA in this bill. I believe that we should provide additional funding for HOPWA and I am pleased with the leadership of our colleague from Ohio, Mr. STOKES, and his assistance on this issue, because this program makes a positive difference in the lives of people with HIV-AIDS and for the communities which are struggling to address the AIDS epidemic.

The additional $15 million in this amendment is a relatively small amount which will have a large effect. This funding will return HOPWA to the prerescission fiscal year 1996 funding level. I have some more facts and figures which I will place in the RECORD.

In our community in San Francisco, these funds are desperately needed. In fact, Peter Claver House, which was a hospice which took care of people with HIV-AIDS who were homeless or in danger of becoming homeless, was a model for this program. In our city of San Francisco alone there are 3,000 low-income people with HIV disease who are on a waiting list for assistance under this program. Imagine, 3,000 people on a waiting list. Nationwide at any given time one-third to one-half of all Americans with AIDS are either homeless or in imminent danger of becoming homeless.

Mr. Chairman, when you have HIV-AIDS, the last thing you need is stress to attack your immune system, and homelessness or the threat of homelessness is indeed a very stressful situation. Sixty percent of all people living with AIDS-HIV will face a housing crisis at some point during their illness due to an inability to work and associated loss of income, medical expenses, or illegal discrimination. Homelessness or the threat thereof places extreme stress on the healthiest of individuals.

As I mentioned if you have HIV-AIDS, the stress can be life-threatening. I will place the rest of my statement in the RECORD, but I did want to say to our distinguished chairman of the committee, Mr. LEWIS, for whom I have a great deal of respect, that the $15 million that is taken out of NASA as he knows comes out of a $60 million supplement to that bill which places it $60 million over the fiscal year 1996 funding. So I think that it will not be as missed in the NASA Program as it will be needed in the HOPWA Program.

□ 2245

In that spirit, I once again commend the gentleman from Connecticut [Mr. SHAYS] and the gentlewoman from New York [Mrs. LOWEY] for their great leadership on this, and would like to recognize the relentless advocacy of Lucy McKinney on behalf of people with HIV-AIDS and their housing needs.

Mr. FLANAGAN. Mr. Chairman, I rise in strong support of this bipartisan amendment designed to restore funding for HOPWA to the fiscal year 1995 pre-rescission level of $186 million.

The HOPWA Program is an essential tool in the fight against HIV/AIDS. By increasing its funding by a mere $15 million, over 4,000 people living with AIDS will be taken off the streets and will receive desperately needed housing. They will also have a better chance of a longer, more full life.

The HOPWA Program is a flexible, locally controlled program that provides short-term supportive housing and rental assistance to community residences and coordinated home health care services. Failure to restore HOPWA funding, especially as the number of AIDS cases continues to grow each year, will leave thousands of people with HIV/AIDS and their families homeless or without adequate housing—all at an enormous cost to their health and to our communities.

Now, Mr. Chairman and colleagues, when I say our communities, I am not just talking about large urban areas like Chicago, New York, or Los Angeles. I am also talking about smaller suburban and rural areas where HOPWA funding is also utilized and is certainly just as important to those citizens living there, where a wide range of alternatives does not exist.

Mr. Chairman, during fiscal year 1996 alone, the HOPWA Program has so far provided $153.9 million for formula grants to 76 recipients. These grants include: $3.4 million to the city of Chicago, $2 million to Houston, and over $1.7 million to San Diego, CA.

But, again, Mr. Chairman, urbanites are not the only ones who benefit under HOPWA. Nonurban areas also get a piece of the HOPWA pie. For instance, in this fiscal year alone, North Carolina has received $1½ million for AIDS housing. Alabama has received $825,000; Kentucky, $413,000; Mississippi, $544,000; Nevada, $468,000; Oklahoma, $583,000; and South Carolina, $1¼ million. The State of Washington, not including Seattle, has received $439,000 in fiscal year 1996 alone.

Better yet, Mr. Chairman, the additional $15 million we are seeking today will go to new jurisdictions which have yet to receive HOPWA money. In other words, if you're a Member of Congress who thinks that your district won't benefit from this additional $15 million, think again. AIDS is in every town and community in this Nation, and HOPWA should be there too, helping those who*COM003* need it most.

It is a tragic fact that about 30 percent of those infected with HIV are in acute hospital care due to the fact that no community-based housing alternative is available for them. For the most part, urban areas have these low-cost housing alternatives. It's the smaller, more rural areas that do not, and that is why this amendment is so important. The average cost of an acute care hospital bed for an AIDS patient is $1,085 per day. The average cost of a HOPWA bed is a tenth of that amount—and that's probably a conservative estimate.

The $15 million increase for HOPWA will provide housing and services for an additional 4,035 individuals living with AIDS. Let me repeat, Mr. Chairman, 4,035 individuals, as well as their families, from all over America who desperately need this assistance in order to survive. This additional $15 million will also help communities throughout this country cope with the high costs of acute hospital care.

Again, Mr. Chairman, I urge my colleagues to support this amendment.

The amendment will raise funding from $171 million to the pre fiscal year 1995 rescission level of $186 million. Funding has remained at $171 million since fiscal year 1995, while 20–22 new jurisdictions have become eligible for HOPWA formula grants since that time. This is actually a 23-percent cut in funds for existing jurisdictions. An increase of $15 million in funding will result in housing and services for an additional 4,035 individuals and families living with HIV/AIDS.

The average cost of an acute care hospital bed for an AIDS patient is $1,085 per day. The cost of HOPWA funded housing is between one-tenth and one-twentieth of that amount. HOPWA dollars reduce the cost of emergency health care services by an estimated $47,000 per person per year. The alternative to HOPWA funded housing for many individuals living with AIDS is the street or a homeless shelter. One-third to one half of all Americans with AIDS are either homeless or in imminent danger of losing their homes. 60 percent of all people living with HIV/AIDS will face a housing crisis at some point during their illness.

The amendment cuts $15 million from the Gravity Probe-B, which is funded in the NASA Space Aeronautics and Technology account. Gravity Probe-B is intended to verify or disprove Einstein's theory of general activity. The VA–HUD subcommittee provided no funding for Gravity Probe B in FY 1996. Funding was restored at the full committee level to $51.5 million. This year both the subcommittee and full committee funded the program at $59.6 million a 15 percent increase—$8.1 million.

As late as 1992, NASA was saying that the total cost of the project would be approximately $320 million, that a prototype would be launched by 1995, and the real probe in 1998. Today, the project cost is $561.5 million through 2000 and launch is not scheduled until 2000.

This amendment does not represent a retreat in basic science. In fact, it is not even a retreat from the Gravity Probe-B Program, since it is still funded at $45 million in fiscal year 1997. The $15 million cut represents a 0.2 percent cut in the Science, Aeronautics and Technology account at NASA, and only a one-tenth of one percent cut in NASA's appropriation.

While verifying Einstein's theory is worthy science, the appropriations process requires Congress to make tough choices—testing the theory of relativity, a multiyear endeavor, versus housing for 4,000 more people.

FY 1996 HOPWA FORMULA ALLOCATIONS

The FY 1996 appropriation of $171 million provided $153.9 million for formula allocations to 76 grants, including 49 Eligible Metropolitan Statistical Areas (EMSAs) and 27 States. The eleven first-time recipients are noted by *, the service area of six prior State grantees is reduced due to these new EMSAs. The applicant is the State or, for the EMSA, the most populous city in the area, which is the first jurisdiction named in the EMSA title (except as noted). The allocations are part of the area's consolidated plan.

| *1966 Formula Grantee* | *Allocation (In 000s)* |
|---|---|
| New England Region: | |
| Connecticut (outside of the Hartford and New Haven EMSAs) | 620 |
| Hartford CT MSA | 535 |
| New Haven-Meriden CT PMSA* | 403 |
| Massachusetts (outside the Boston EMSA) | 898 |
| Boston MA–NH PMSA | 1,613 |
| New York, New Jersey Region: | |
| New Jersey (outside of 6 EMSAs) | 617 |
| Patterson for Bergen-Passaic NJ PMSA | 1,044 |
| Jersey City NJ PMSA | 2,378 |
| Woodbridge for the Middlesex-Somerset-Hunterdon NJ PMSA | 556 |
| Dover Township for the Monmouth-Ossen NJ PMSA* | 473 |
| Newark NJ PMSA | 4,718 |
| New York State (outside New York City and Nassau PMSAs) | 1,979 |
| Islip for the Nassau-Suffolk NY PMSA | 1,045 |
| New York NY PMSA | 35,840 |
| Mid-Atlantic Region: | |
| Pennsylvania (outside the Philadelphia and Pittsburgh EMSAs) | 793 |
| Philadelphia PA–NJ PMSA | 282 |
| Pittsburgh PA MSA* | 400 |
| Virginia (outside of DC and Norfolk EMSAs) | 697 |
| Virginia Beach for the Norfolk-Virginia Beach-Newport News VA–NC MSA* | 416 |
| Baltimore MD PMSA | 4,582 |
| Washington DC–MD–VA WV PMSA | 5,026 |
| Southeast Region: | |
| Alabama | 825 |
| Florida (outside of 6 EMSAs) | 2,397 |
| Fort Lauderdale FL PMSA | 4,036 |
| Jacksonville FL MSA | 797 |
| Miami FL PMSA | 8,359 |
| Orlando FL MSA | 1,043 |
| Tampa-St. Peterburg-Clearwater FL PMSA | 1,314 |
| West Palm Beach-Boca Raton FL PMSA | 2,080 |
| Georgia (outside the Atlanta EMSA) | 931 |
| Atlanta GA MSA | 2,817 |
| Kentucky* | 413 |
| Mississippi | 544 |
| North Carolina (outside the Norfolk EMSA) | 1,467 |
| Puerto Rico (outside the San Juan MSA) | 1,382 |
| San Juan-Bayamon PR PMSA | 3,754 |
| South Carolina | 1,224 |
| Tennessee | 1,061 |
| Midwest Region: | |
| Illinois (outside of Chicago and St. Louis EMSAs)* | 391 |
| Chicago IL PMSA | 3,394 |
| Indiana (outside the Indianapolis MSA) | 452 |
| Indianapolis IN MSA | 432 |
| Michigan (outside the Detroit EMSA) | 506 |
| Detroit MI PMSA | 1,180 |
| Minneapolis-St. Paul MN–WI MSA | 558 |
| Ohio (outside the Cleveland EMSA) | 1,262 |
| Cleveland-Lorain-Elvyria OH PMSA | 532 |
| Wisconsin (outside the Minneapolis EMSA) | 585 |
| Southwest Region: | |
| Arkansas* | 434 |
| Louisiana (outside the New Orleans EMSA) | 748 |
| New Orleans LA MSA | 1,295 |
| Oklahoma | 583 |
| Texas (outside of EMSAs) | 1,431 |
| Dallas TX PMSA | 2,038 |
| Ft. Worth-Arlington TX PMSA | 537 |
| Houston TX PMSA | 3,014 |
| Austin-San Marcos TX MSA | 625 |
| San Antonio TX MSA | 605 |
| Great Plains Region: | |
| Kansas City MO–KS MSA | 700 |
| St. Louis MO–IL MSA | 737 |
| Rocky Mountain Region: | |
| Denver CO PMSA | 1,009 |
| Pacific/Hawaii Region: | |
| Phoenix-Mesa AZ MSA | 727 |
| Hawaii* | 419 |
| Las Vegas NV–AZ MSA* | 468 |
| California (outside of 8 EMSAs) | 1,933 |
| Oakland CA PMSA | 1,611 |
| Sacramento CA PMSA | 548 |
| San Francisco PMSA | 8,828 |
| San Jose CA PMSA | 547 |
| Los Angeles-Long Beach CA PMSA | 7,979 |
| Santa Ana for the Orange County CA PMSA | 960 |
| Riverside-San Bernardino CA PMSA | 1,078 |
| San Diego CA MSA | 1,721 |
| Northwest/Alaska Region: | |
| Portland-Vancouver OR–WA PMSA | 667 |
| Washington State (outside of the Seattle and Portland PMSAs) | 439 |
| Seattle-Bellevue-Everett WA PMSA | 1,188 |
| 1996 Formulas Total | 153,220 |

The CHAIRMAN. The question is on the amendment offered by the gentleman from the Connecticut [Mr. SHAYS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SHAYS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 456, further proceedings on the amendment offered by the gentleman from Connecticut [Mr. SHAYS] will be postponed.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 1997, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $110,000,000,000: *Provided*, That during fiscal year 1997, the Secretary shall sell assigned mortgage notes having an unpaid principal balance of up to $2,000,000,000, which notes were originally insured under section 203(b) of the National Housing Act: *Provided further*, That the Secretary may use the amount of any negative subsidy resulting from the sale of such assigned mortgage notes during fiscal year 1997 for the purposes included under this heading.

During fiscal year 1997, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $200,000,000: *Provided*, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under section 203 of such Act.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $341,595,000, to be derived from the FHA-mutual mortgage insurance guaranteed loans receipt account, of which not to exceed $334,483,000 shall be transferred to the appropriation for departmental salaries and expenses; and of which not to exceed $7,112,000 shall be transferred to the appropriation for the Office of Inspector General.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended) $85,000,0000, to remain available until expended: *Provided*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $17,400,000,000: *Provided further*, That during fiscal year 1997, the Secretary shall sell assigned notes having an unpaid principal balance of up to $2,500,000,000, which notes are held by the Secretary under the General Insurance and Special Risk Insurance funds: *Provided further*, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238(a), and 519(a) of the National Housing Act, shall not exceed $120,000,000; of which not to exceed $100,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $202,470,000, of which $198,299,000 shall be transferred to the appropriation for salaries and expenses; and of which $4,171,000 shall be transferred to the appropriation for the Office of Inspector General.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN

GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 1997, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $110,000,000,000.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,101,000, to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,101,000 shall be transferred to the appropriation for salaries and expenses.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z-1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $34,000,000, to remain available until September 30, 1998.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and for contracts with qualified fair housing enforcement organizations, as authorized by section 561 of the Housing and Community Development Act of 1987, as amended, $30,000,000, to remain available until September 30, 1998, of which $15,000,000 shall be to carry out activities pursuant to section 561.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $962,558,000, of which $532,782,000 shall be provided from the various funds of the Federal Housing Administration, $9,101,000 shall be provided from funds of the Government National Mortgage Association, and $675,000 shall be provided from the Community Development Grants Program account.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS: Page 37, line 13, after the first dollar amount, insert the following: "(reduced by $1,411,000)".

Page 64, line 9 , after the dollar amount, insert the following: "(increased by $1,411,000)".

Mr. SANDERS. Mr. Chairman, this is a very straightforward and modest amendment. In fact, it calls for far less money than many of the other amendments we have been discussing this evening.

It simply transfers $1.4 million from the HUD Secretary's office account for salaries and expenses to the Court of Veterans Appeals. In a colloquy on the House floor last year, the gentleman from California, Mr. LEWIS, and I discussed this issue and he indicated a willingness to fight to restore $429,000 trimmed from the fiscal year 1996 appropriation requested by the Court of Veterans Appeals.

On the basis of that commitment last year, I did not offer an amendment to restore that cut. Unfortunately, for whatever reason, not only was that money not restored ultimately, but when all was said and done, after the budget showdown earlier this year, the appropriation for the Court of Veterans Appeals totaled $9 million, an 8.5-percent cut below the court's fiscal year 1996 request and a 4½-percent cut below the prior year' fiscal appropriation.

If my amendment is approved, it will cut just $1.4 million from the $962 million account available to the HUD Secretary for next year for salaries and expenses to make up for the shortfall in requested fiscal year 1996 funding and flatline the fiscal year 1997 funding for the court at the same level. It would also include $634,000 for the pro bono representation program as well.

Mr. Chairman, what we are talking about is a small appropriation, but it is an appropriation that would mean a lot to the veterans of America and especially low-income veterans. I would point out that my amendment is supported by the American Legion and by the Disabled American Veterans. Mr. Chairman, as you know, when a veteran is denied a claim from the VA, that veteran has the right to appeal and that appeal is heard before the Court of Veterans Appeals. Unfortunately, as a result of lack of funding, the Court of Veterans Appeals is unable to do all the things that it should be doing to protect the interest of low-income veterans. One of the very important functions of that court is to make sure that there are pro bono lawyers available to provide assistance for low-income veterans who do not have the funds to get their own lawyers so that they can make the strongest case that they can make. Now, it seems to me that while we all recognize serious financial problems that we have, we should not be cutting back programs for low-income veterans who might not have the right to appeal a claim which was adjudicated in a wrong way. I do not think those are the folks that we should be balancing the budget upon. Low-income veterans should have the right to make their case as strongly as they can.

This is once again a modest request. It is all of $1.4 million but it would mean a great deal to low-income veterans. It comes out of the HUD Secretary's account for salaries and expenses, and I would hope very much that the Members of the House would support this amendment.

Mr. LEWIS of California. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, reluctantly I rise in opposition to the amendment offered by the gentleman from Vermont. He and I, as he has indicated, have talked about this program before, and last year we were talking about working together in terms of increasing some of this funding and there was no additional money added on the Senate side, so that as we discussed was not feasible in the conference.

Nonetheless, the amendment before us would add $1,411,000 to the $9,229,000 currently in the bill for the veterans of court appeals. The amendment would offset the increase by decreasing the amount for HUD salaries and expenses by that same amount. I am not really sure what the gentleman is trying to accomplish here, so maybe he will be able to help me. The court does not need a 15-percent increase above the amount recommended in the bill. The 1997 budget request for operations of the court is $8,795,000. The bill includes $9,229,000 for the account, an increase of $434,000 above the administrator's request. The recommended amount includes the 1996 level of $8,595,000 for operations of the court and $634,000 for the pro bono account. The administration did not request any funding for the pro bono account representation program but the committee recommended funding it at the 1996 level.

I am sure the gentleman appreciates the addition as I know he is a strong supporter of the pro bono program. The subcommittee's budget hearings did not reveal the need for funding above the amount on the 1997 budget request, with the exception of the pro bono program, and the amendment does not increase funds for the pro bono program. As the offset, HUD salaries and expenses accounts have already been reduced by $25 million below the 1997 request to the 1996 level.

Mr. Chairman, the point is we should not be reducing an account where funds are needed to increase an account where funds do not appear to be needed, and I ask the gentleman if he would consider withdrawing his amendment.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Vermont.

Mr. SANDERS. If I might, Mr. Chairman, let me read briefly from a letter that I received from Steve Robertson, who is director of the National Legislative Commission for the American Legion. They say and I quote:

We have been and will continue to be strong supporters of the veterans' pro bono representation program which will receive a substantial portion of the proposed transfer. Without adequate funding, this essential program will be unable to meet the needs of those veterans who depend on it as their

only means of representation before the court.

Let me also read, if I might, from Thomas McMasters, who is the national commander of the Disabled American Veterans. He says, and I quote:

As you know, the DAV has been an active participant in the veterans' pro bono legal program and supports what this program has been able to do for those veterans unable to obtain legal representation for their claims before the United States Court of Veterans Appeals. Accordingly, we support your amendment which will allow the Court to fully fund the pro bono legal program without reducing activities of the Court.

Mr. Chairman, what these gentlemen are saying, because they know something of the issue, because they represent veterans, they are saying we have a lot of low-income veterans who cannot make a trip to Washington, by the way, to make their claim. If they are low-income by definition, they cannot leave their communities, and I think that is a disgrace unto itself.

We are talking about $1.4 million. Given the amounts of money that we are talking about in this appropriations bill, this is a tiny sum of money and I really do think we should respect low-income veterans who may have gotten a raw deal from the VA and have a right to hear their appeals before the court.

Mr. LEWIS of California. Reclaiming my time, I must say that I understand the gentleman's point, but we attempted to deal with the pro bono program here. We have provided additional amounts that are here.

As I read the gentleman's amendment, he does not really make any change in the improvements we have already made in the pro bono funding, so I am scratching my head a little. But nonetheless, I believe I understand a portion of your point anyway.

Mr. STOKES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I, too, must reluctantly rise to oppose the gentleman's amendment. I do so reluctantly because I know that he is sincere in trying to remedy what he feels is a real problem as it relates to the veterans. This is a subcommittee on which I have sat for many years, and I, too, am totally sympathetic towards the veterans who have to process their claims through the Court of Appeals. I have worked over the years to try and be sure that those veterans get the type of funding that they need in order to process those claims.

My reluctance here is based upon the fact that the House Appropriations Committee level-funded the Department's S&E request at the fiscal year 1996 amount, which is $25 million below the request. So they have already been nicked by $25 million in that account. Any additional reduction is certainly going to hurt the HUD salaries and expense account and prohibit them from being able to proceed in some of their assigned responsibilities.

But more than that, the Court of Appeals is now $229,000 over the 1996 appropriation and $434,000 over the 1997 request. So from that perspective, it would seem to me that the gentleman's amendment ought to be opposed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 456, further proceedings on the amendment offered by the gentleman from Vermont [Mr. SANDERS], will be postponed.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. Hefley: Page 37, after "962,558,000" insert ("reduced by $42,000,000)"

Page 69, line 8, after "46,500,000" insert "(increased by $20,000,000)".

Mr. HEFLEY. Mr. Chairman, I come to the House floor today to offer an amendment that is not designed to bash HUD, but instead to offer a common sense reduction and transfer of funds. When the House passed H.R. 2406 on May 9, it was with a promise of consolidating and streamlining HUD's bureaucracy. However, the proposed fiscal year 1997 funding for management and administration is exactly the same as it was before we overwhelmingly passed overall housing reform.

With the savings we can get from a modest 10 percent reduction in HUD's M&A account we can put $20 million into solid environmental protection, something I think members on both sides of the aisle would support. Since the leaking underground storage tank, or LUST, trust fund was mandated by the Congress in 1986, it has collected a petroleum product excise tax. The current balance is over $1 billion which is designated for environmentally damaging project cleanup. Let me be clear, this money is not for further regulation or inspection. It is for environmental cleanup only.

The funding level proposed for this year is over 30 percent less than was allocated in 1995. The irony of the whole thing is that this fund is financed through a tax on industry then the Congress turns around and tells industry how much of their own money can be used for cleanup. But the really amazing thing is the interest accumulated on the overall fund last year, is greater than the amount appropriated this year.

□ 2300

The money we put back into the LUST Program will bring funding back up to the 1995 level and bring it almost in line with the administration's request for this year.

Mr. Chairman, this amendment will do three things that I think every Member of this body will want to support: We take money and bureaucracy out of Washington. In other words, we take $42 million out of an almost billion dollar administrative account. We reduce the deficit, which many Members have expressed concern about, by the amount of $22 million of those $42 million. And we provide increased funding for environmental cleanup of these leaking underground tanks in the amount of $20 million.

Reduce the bureaucracy, reduce the deficit, and provide environmental cleanup: I think it makes a great deal of sense, Mr. Chairman, and I urge each of the 335 Members who supported H.R. 2406, and also those who believe they are environmentally conscious, to please support this amendment.

Mr. SCHAEFER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, first of all, I would like to say what a lot of other people have said about the gentleman from California and the ranking member on taking a difficult job and putting a real tough bill together, but I really also rise in very strong support of the Hefley amendment. I think that he is certainly on the right track as far as trying to get into some of this heavy bureaucratic money that we have and really push an environmental issue that we have out there, particularly in rural America, and that is trying to get after these underground storage tanks that are leaking all over the place; that are threatening groundwater that we have out there, and particularly in rural America.

That is really where it is at, because in rural America these people cannot afford to dig up these tanks that are leaking and it is getting into the groundwater. They are not getting the funds with which to do it, and I think this additional $20 million is certainly going to help.

This is a bill that has come out of my committee. The gentleman from Michigan [Mr. STUPAK] and I have already introduced legislation, separate legislation which is moving forward, but it is moving forward of course without the appropriate funds of which we need.

I think this carefully crafted amendment by my colleague from Colorado [Mr. HEFLEY] is really hitting it right on the nose. He has taken it from a spot and he is doing two things with it, taking it from a spot clearly, clearly, that it can be taken from, and using a portion of that $22 million in which to go toward deficit reduction; and, more importantly, to attack an environmental issue out there that is very, very crucial to this country.

In particular, every person in this Congress from rural America ought to support this amendment by my good friend from Colorado.

Mr. STOKES. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, as I stated on the amendment that was offered by the gentleman from Vermont when I opposed it, I would also oppose this one. But, I oppose it even more strongly than I opposed the amendment by the gentleman from Vermont.

The Hefley amendment reduces this particular account by $42 million, a sum which would severely compromise HUD's efforts to operate almost 420 billion in program activity; it would undermine the reinvention of HUD as a streamlined department that is smaller, more efficient, more responsive to community and customer needs; and, we have to remember, this account is already $25 million below the request.

One of the concerns of our subcommittee has been that HUD needs to be reinvented. And of course Secretary Cisneros has presented an ambitious plan that would reinvent the Department, to make it a more streamlined customer service oriented agency. A further reduction in the S&E funds would impede the Department's ability to achieve the stated objectives of this vision by, one, preventing personnel from being relocated from headquarters and former regional offices to the local field offices closer to the communities.

Second, it would force HUD to reduce staff immediately instead of in a planned systematic fashion over 4 years. And, third, it would prevent purchase of needed technology to help HUD do more with less people.

Lastly, the reduced level would not allow the Department to move forward with its plan to relocate up to 500 headquarter employees to the field, which is an essential part of the Secretary's strategy for the department to become streamlined, more responsive to community needs.

A reduction would absolutely prohibit HUD's ability to carry out its responsibilities with an additional reduction of $42 million over and above the $25 million for which the Department has already been nicked. So I would urge the membership to oppose the amendment.

Mr. LEWIS of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to reluctantly join my colleague in resisting this carefully thought out amendment but an amendment that, unfortunately, does damage to other programs that are disconcerting to me, for I have great appreciation for his concern.

The Leaking Underground Storage Tank Program, known as LUST, and I must say that, as I noted in our "Dear Colleague," we have a headline something like "Stop Hefley's LUST" or something. We have to change that before we put those out tomorrow. But in the meantime this was created to assist the States and tribes with the cost of cleaning up underground storage tank spills where responsible parties cannot be found to pay the bill directly.

The LUST trust fund is a source of funds for this activity, although like Superfund the amount of money we appropriate from the fund is treated exactly like funding from general revenues, it scores against us in VA and outlays.

The trust fund, which holds nearly a billion dollars, was funded through a gasoline tax of one-tenth of 1 percent per gallon. That tax expired at the same time as the Superfund tax in December of 1995. Mr. HEFLEY's amendment essentially puts the program back to the budget request level of $67 million plus. This represents what EPA believes the States will use if it is available to them. Our proposal of $46,500,000 is slightly over the 1996 level and our mark signals our desire to level fund as many of the EPA programs as possible.

While the States would probably use the additional funds available under the Hefley amendment, it is also fair to say that they do not, quote, we use the term "need" the additional funds to keep the program running. Neither EPA or the States have complained or criticized us for our 1996 and 1997 funding levels. Our reduction from the budget request was, as much as anything, a reflection of reduced overall dollars in an attempt to make reductions which result in the least program disruptions.

In addition to our programs, that additional LUST fund is just not a burning priority. It is of greater concern that the amendment reduces salaries and expenses at HUD, as my colleague, the gentleman from Ohio [Mr. STOKES], has indicated, some $42 million. The bill already funds S&E at the 1996 level, a decrease, a decrease of $25 million below the budget request. A further reduction of this magnitude would seriously undermine HUD's reinvention plans.

Mr. Chairman, I must say that the Secretary has really attempted to work with the committee as he goes forward attempting that difficult task of reorganizing HUD, so I reluctantly oppose the amendment.

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Colorado.

Mr. HEFLEY. Mr. Chairman, I would say to the gentleman, after he referred to the Hefley LUST Program, he should yield.

Mr. Chairman, let me just point out that in 1995 there were 11 States that had more claims than they had balance, and in 1996 there were 19 more States, so that is going the wrong direction for us.

And, Mr. Chairman, we are not talking about simply having States keep the program going, we are talking about solving a rather vast and extensive problem that lies out there, and particularly across rural America.

To the gentleman from Ohio [Mr. STOKES], who expressed great and sincere concern about us taking away this amount of money from the HUD management account because they would not be able to complete their job, I might point out, Mr. STOKES, that we are talking about $42 million, which of course is a sizable amount of money, but it is not a sizable amount of money out of a budget of $1 billion, which is essentially what this account has.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I very much appreciate my colleague's position, and, unfortunately, we have to say for the record and clearly have the Members understand that we think that $42 million is very significant in terms of this account that has already taken a pretty significant hit, so we ask for a "no" vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 456, further proceedings on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] will be postponed.

The Clerk will read.

The Clerk read as follows:

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $52,850,000, of which $11,283,000 shall be provided from the various funds of the Federal Housing Administration and $5,000,000 shall be provided from the amount earmarked for Operation Safe Home in the Drug elimination grants for low income housing account.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, $14,895,000, to remain available until expended, from the Federal Housing Enterprise Oversight Fund: *Provided*, That such amounts shall be collected by the Director as authorized by section 1316(a) and (b) of such Act, and deposited in the Fund under section 1316(f) of such Act.

ADMINISTRATIVE PROVISIONS

SEC. 201. MINIMUM RENTS.—Notwithstanding section 3(a) and 8(o)(2) of the United States Housing Act of 1937, as amended, for fiscal year 1997—

(1) public housing agencies shall require each family who is assisted under the certificate or moderate rehabilitation program

under section 8 of such Act to pay a minimum monthly rent of up to $25;

(2) public housing agencies shall reduce the monthly assistance payment on behalf of each family who is assisted under the voucher program under section 8 of such Act so that the family pays a minimum monthly rent of up to $25;

(3) with respect to housing assisted under other programs for rental assistance under section 8 of such Act, the Secretary shall require each family who is assisted under such program to pay a minimum monthly rent of up to $25; and

(4) public housing agencies shall require each family who is assisted under the public housing program (including public housing for Indian families) to pay a minimum monthly rent of up to $25.

SEC. 202. ADMINISTRATIVE FEES.—Notwithstanding section 8(q) of the United States Housing Act of 1937, as amended—

(a) The Secretary shall establish fees for the cost of administering the certificate, voucher and moderate rehabilitation programs.

(1)(A) For fiscal year 1997, the fee for each month for which a dwelling unit is covered by an assistance contract shall be 7.5 percent of the base amount, adjusted as provided herein, in the case of an agency that, on an annual basis, is administering a program of no more than 600 units, and 7 percent of the base amount, adjusted as provided herein, for each additional unit above 600.

(B) The base amount shall be the higher of—

(i) the fair market rental for fiscal year 1993 for a 2-bedroom existing rental dwelling unit in the market area of the agency; and

(ii) such fair market rental for fiscal year 1994, but not more than 103.5 percent of the amount determined under clause (i).

(C) The base amount shall be adjusted to reflect changes in the wage data or other objectively measurable data that reflect the costs of administering the program during fiscal year 1996; except that the Secretary may require that the base amount be not less than a minimum amount and not more than a maximum amount.

(2) For subsequent fiscal years, the Secretary shall publish a notice in the Federal Register, for each geographic area, establishing the amount of the fee that would apply for the agencies administering the program, based on changes in wage data or other objectively measurable data that reflect the cost of administering the program, as determined by the Secretary.

(3) The Secretary may increase the fee if necessary to reflect higher costs of administering small programs and programs operating over large geographic areas.

(4) The Secretary may decrease the fee for PHA-owned units.

(b) Beginning in fiscal year 1997 and thereafter, the Secretary shall also establish reasonable fees (as determined by the Secretary) for—

(1) the costs of preliminary expenses, in the amount of $500, for a public housing agency, but only in the first year it administers a tenant-based assistance program under the United States Housing Act of 1937 and only if, immediately before the effective date of this Act, it was not administering a tenant-based assistance program under the 1937 Act (as in effect immediately before the effective date of this Act), in connection with its initial increment of assistance received;

(2) the costs incurred in assisting families who experience difficulty (as determined by the Secretary) in obtaining appropriate housing under the program; and

(3) extraordinary costs approved by the Secretary.

SEC. 203. SINGLE FAMILY ASSIGNMENT PROGRAM.—Section 407(c) of the Balanced Budget Downpayment Act, I (12 U.S.C. 1710 note), is amended by striking "October 1, 1996" and inserting "October 1, 1997".

SEC. 204. PORTFOLIO REENGINEERING.—(a) FINDINGS.—The Congress finds that—

(1) approximately 8,500 multifamily projects with mortgages insured by the Secretary of Housing and Urban Development under the National Housing Act are also receiving rental subsidies under contracts entered into pursuant to section 8 of the United States Housing Act of 1937;

(2) of the units with contracts that expire in 1997, approximately 83,000 units have section 8 contracts at rent levels that exceed market rate;

(3) the majority of such projects are receiving rental assistance under such section 8 in amounts exceeding the rents paid for comparable unsubsidized units in the same or comparable market areas, thereby creating an unreasonable burden on Federal taxpayers;

(4) most of these projects have substantial amounts of deferred maintenance and other capital needs, despite receiving such assistance;

(5) in the absence of the renewal of the rental assistance contracts for the projects at rents above market rent, many of the projects would default on their insured mortgages, resulting in massive claims under the multifamily mortgage insurance program of the Secretary;

(6) it is in the interests of the taxpayers, the tenants, owners, and operators of the projects, the mortgagees and investors in the projects, and the communities in which the projects are located to reduce the Federal rental assistance to market rates, to address the capital needs of the projects, and consistent with existing contractual rights, to eliminate the economic risk of Federal mortgage insurance claims on projects that are dependent on Federal rent subsidies;

(7) the Department of Housing and Urban Development does not have the capacity to carry out a program to restructure the portfolio of loans for such projects and, therefore, should enter into agreements with partners that will be delegated the authority to take actions as may be necessary to achieve the goals in subsection (b) through the transition of the projects to (i) market rate rents, and (ii) financing not dependent on Federal mortgage insurance;

(8) such projects provide housing for many low-income families, a significant proportion of which are elderly or disabled families, and their particular housing needs should be recognized in carrying out the program under this section;

(9) many responsible owners of such properties have managed the properties in a competent and efficient manner, consistent with the purposes of the Federal mortgage insurance and rental assistance programs, by maintaining the properties as safe, decent, and affordable housing and acting as good partners of the Federal Government to provide housing for low-income families needing housing; and

(10) the program under this section should be carried out in a manner that recognizes the capabilities, performance, and legal rights of such responsible owners.

(b) GOALS.—The Secretary of Housing and Urban Development shall carry out the program under this section in a manner that will—

(1) protect the financial interests of the Federal Government through debt restructuring and subsidy reduction;

(2) protect the rights of owners of properties under the program, by providing a mechanism to restructure mortgages that would otherwise default; and

(3) in the most effective manner, address the goals of—

(A) maintaining existing housing stock in an affordable, decent, safe, and sanitary condition;

(B) minimizing involuntary displacement and other adverse impacts on tenants;

(C) treating responsible owners as valued partners in the ongoing operations regarding a property;

(D) being cognizant of adverse income tax consequences to owners;

(E) taking into account local housing market conditions;

(F) supporting fair housing strategies;

(G) encouraging responsible ownership and management of property;

(H) minimizing adverse impacts on residential neighborhoods; and

(I) promoting the economic self-sufficiency of tenants.

(c) COMMUNITY AND TENANT INPUT.—In carrying out this section, the Secretary shall develop procedures to provide appropriate and timely notice to officials of the unit of general local government affected, the community in which the project is located, and the tenants of the project.

(d) APPLICABILITY.—

(1) IN GENERAL.—This section applies to any—

(A) multifamily housing project with a mortgage insured by the Secretary under the National Housing Act, and

(B) mortgage debt on a multifamily housing project that is subject to such an insured mortgage,

but only if the multifamily housing project referred to in subparagraph (A) or (B) is covered in whole or in part by a contract for project-based assistance described in paragraph (2).

(2) PROJECT-BASED ASSISTANCE.—A contract for project-based assistance described in this paragraph is a contract—

(A) that expires during fiscal year 1997;

(B) under which the current assisted rents are, in the aggregate, in excess of market rents; and

(C) that provides assistance under—

(i) the new construction or substantial rehabilitation program under section 8(b)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1983);

(ii) the property disposition program under section 8(b) of such Act;

(iii) the loan management set-aside program under section 8(b) of such Act;

(iv) the project-based certificate program under section 8(d)(2) of such Act;

(v) the moderate rehabilitation program under section 8(e)(2) of such Act;

(vi) section 23 of the United States Housing Act of 1937 (as in effect before January 1, 1975);

(vii) the preservation program under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990;

(viii) the rent supplement program under section 101 of the Housing and Urban Development Act of 1965;

(ix) section 8 of the United States Housing Act of 1937, following conversion from assistance under section 101 of the Housing and Urban Development Act of 1965; or

(x) section 236(f)(2) of the National Housing Act.

(e) QUALIFIED LIABILITY MANAGERS.—

(1) USE.—In carrying out the program under this section, the Secretary may use arrangements with one or more third parties (in this section referred to as "qualified liability managers") under which the Secretary may provide for the assumption by delegation, contract, or otherwise of some or all of the functions, obligations, and benefits of the Secretary, as the Secretary determines to be reasonably necessary to accomplish the goals of this section.

(2) SELECTION.—Qualified liability managers shall be selected by the Secretary using competitive procedures. Each qualified liability manager shall be a State housing finance agency with the demonstrated financial and technical capacity (A) to assume and manage the insurance risk of the Secretary, (B) to discharge public purpose objectives (including the goals set out in subsection (b)), and (C) to restructure and recapitalize the housing projects described in subsection (d). In the absence of a State housing finance agency with the demonstrated financial and technical capacity to carry out the responsibilities set forth in clauses (A) through (C) of the preceding sentence, a qualified liability manager shall be composed of a State housing finance agency that partners with one or more entities (including public entities, private sector entities, and nonprofit organizations) with the demonstrated financial and technical capacity to carry out such responsibilities. Each qualified liability manager shall demonstrate an understanding of the public purposes of the multifamily housing mortgage insurance programs under the National Housing Act and the project-based assistance programs under section (d)(2) and the role of responsible project owners under such programs.

(3) ROLE.—Under the program under this section, each selected qualified liability manager shall assume, to the maximum extent possible, the financial risk of the Secretary for the mortgage insurance for one or more projects described in subsection (d), and the responsibility for the restructuring of the financial and physical condition of such projects and the protection of the tenants residing in the projects. In carrying out activities under this section, the qualified liability managers shall—

(A) protect residents and communities by providing for protections against displacement of existing residents under subsection (f), for local government and community involvement in the restructuring process, and for promotion of the economic self-sufficiency of residents;

(B) before expiration of the section 8 contract on a project described in subsection (d), act efficiently by reducing the debt on the property to a level that can be supported by market rents and concurrently reducing section 8 rents that are over market rents to market rents;

(C) act in a manner that respects the legal rights of owners and lenders;

(D) when the owner has negotiated in good faith, act to prevent defaults of the mortgages to the extent economically practicable; and

(E) protect Federal taxpayers by ensuring that projects that are restructured will be financially and physically viable.

(4) CONDITIONS ON ACTIVITIES.—A qualified liability manager may take one or more of the actions under paragraph (5) to restructure the financial and physical condition of a project described in subsection (d), only if the qualified liability manager determines that such actions are economically prudent and feasible.

(5) AUTHORIZED ACTIONS.—Except as provided in paragraphs (4) and (6), and notwithstanding any other provision of law, the Secretary and a qualified liability manager may take the following actions (except that a qualified liability manager may take only actions under subparagraphs (C) through (F)) in order to accomplish the goals of this section:

(A) REINSURANCE AND PARTICIPATION.—In order to transfer the economic liability for the existing mortgage insurance on the projects from the Secretary, to the maximum extent possible, enter into contracts to purchase reinsurance, or enter into participation or otherwise transfer economic interest in contracts of insurance or in the premiums paid, or due to be paid, on such insurance, or both, to the qualified liability manager, on such terms and conditions as the Secretary may determine.

(B) DELEGATION.—Delegate to the qualified liability manager the authority to carry out some or all of the functions and responsibilities of the Secretary in connection with mortgages insured by the Secretary and with mortgages held and properties owned by the Secretary.

(C) CONSIDERATION FOR PARTICIPATION.—From available amounts, including amounts under subsection (i), enter into such agreements, provide such concessions, incur such costs, make such grants (including grants to cover all or a portion of the rehabilitation costs for a project) and other payments, and provide other valuable consideration, as may reasonably be necessary to induce participation of owners, lenders, servicers, third parties, and other entities in the program under this section, taking into consideration any accumulated residual receipts and reserves for replacements for the project.

(D) MODIFICATION OF RESTRICTIONS.—Remove, relinquish, extinguish, modify, or agree to the removal of any mortgage, regulatory agreement, project-based assistance contract, use agreement, or restriction that had been imposed or required, including restrictions on distributions of income.

(E) ASSIGNMENT.—In the event the Secretary or qualified liability manager determines that, upon expiration of any contract described in subsection (d)(2), the insured mortgage would default, permit the mortgagee to elect to assign the mortgage, make a full payment of claim under the National Housing Act, thereby extinguishing any remaining insurance risk of the Secretary.

(F) PROPERTY MANAGEMENT AND DISPOSITION.—Manage and dispose of multifamily properties owned and multifamily mortgages held, on such terms and conditions as may be determined.

(6) REQUIRED CONSENT.—In order to ensure that contract rights are not abrogated, the actions authorized under paragraph (5) shall be subject to such third party consents as are necessary (if any), including consent by—

(A) the Government National Mortgage Association, in any case in which such Association owns a mortgage insured by the Secretary;

(B) an issuer under the mortgage-backed securities program of the Government National Mortgage Association, subject to the responsibilities of the issuer to its security holders and the Association under such program; and

(C) parties to any contractual agreement which the Secretary proposed to modify or discontinue.

(f) RENTAL ASSISTANCE.—

(1) TENANT-BASED ASSISTANCE.—Except in the case of projects subject to paragraph (2), in connection with the termination of any assistance contract described in subsection (d)(2) for a project, the Secretary or a qualified liability manager shall provide tenant-based assistance under section 8 to—

(A) each eligible family residing in the project at the time the assistance under subsection (d)(2) terminates; and

(B) each household residing in the project that becomes qualified as an eligible family within 12 months of such time due to a rent increase.

Notwithstanding sections 8(c)(1) and 8(o)(1), in the case of eligible families that reside in a project covered by one or more actions under this section where the reasonable rent (which rent shall include any amount allowed for utilities and shall not exceed comparable market rents for the relevant housing market area) exceeds the fair market rent limitation or the payment standard, as applicable, the amount of assistance under this subsection for the family shall be determined based on such reasonable rent. For the certificate program under section 8(b), the maximum monthly rent under the contract (plus any amount allowed for utilities) shall be such reasonable rent for the unit. For the voucher program under section 8(o), the payment standard shall be deemed to be such reasonable rent for the unit.

(2) PROJECT-BASED ASSISTANCE.—Notwithstanding paragraph (1) of this section and the requirements of section 8(d)(2), at the request of the appropriate unit of general local government, the appropriate public housing agency shall provide project-based assistance under section 8 for the project in accordance with guidelines issued by the Secretary.

(g) EFFECT ON OTHER AUTHORITY.—Nothing in this section shall be construed to limit the Secretary's authority under other provisions of law.

(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ELIGIBLE FAMILY.—The term "eligible family" means an individual or family—

(A) who qualifies as a very low-income family under section 3(b) of the United States Housing Act of 1937; or

(B) who—

(i) resides in a project to which the program under this section applies;

(ii) qualifies as a low-income family (other than a very low-income family) under section 3(b) of the United States Housing Act of 1937, or, regardless of income, qualifies as an elderly or disabled family under section 3(b) of such Act; and

(iii) who, without section 8 assistance, would be required to pay more than the amount determined under section 3(a)(1) of the United States Housing Act of 1937 for rent for the unit in which the eligible family resides (or in another unit in the same project).

(2) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(3) SECTION 8.—The term "section 8" means section 8 of the United States Housing Act of 1937.

(i) FUNDING.—For purposes of carrying out this section, the Secretary may make available any amounts—

(1) from the appropriate insurance fund as otherwise authorized under the National

Housing Act and for activities as authorized in this section; and

(2) recaptured from a project under the program in connection with the termination, nonrenewal, or expiration of a contract (A) under section 8, or (B) for interest reduction payments under section 236 of the National Housing Act.

SEC. 205. SECTION 8 CONTRACT RENEWALS.—(a) AUTHORITY.—For fiscal year 1997 and fiscal years thereafter, the Secretary of Housing and Urban Development may use amounts available for the renewal of assistance under section 8 of the United States Housing Act of 1937, upon termination or expiration of a contract for assistance under section 8 (other than a contract for tenant-based assistance) to provide assistance under section 8, at rent levels not to exceed the lesser of (1) the rents in effect upon termination or expiration, or (2) comparable market rents, for the eligible families assisted under the contracts at expiration or termination but, in no case may rents be increased to comparable market rents. In the case of any project assisted under section 8, not insured under the National Housing Act, and for which the original primary financing was provided by a public agency and remains outstanding, contract rents shall be renewed at the rents in effect upon termination or expiration of the contract. Such assistance shall be in accordance with terms and conditions prescribed by the Secretary. The Secretary may approve assisted rents in excess of market rents (but not more than the rents in effect upon termination or expiration) for a particular housing project, but only if the Secretary finds that such market rents are not sufficient to cover reasonable operating expenses (excluding debt service) for that project, taking into account reasonable operating costs for similar properties.

(b) REPEAL.—The sentence immediately preceding section 8(w) of the United States Housing Act of 1937 (42 U.S.C. 1437f(w)) is hereby repealed.

Mr. LEWIS of California (during the reading). Mr. Chairman, to try to expedite this process, I ask unanimous consent that sections 202, 203, 204 and 205 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there any points of order against this portion of the bill?

POINT OF ORDER

Mr. LEWIS of California. Mr. Chairman, I have a rather extended discussion of this point of order, but in view of the hour I will not proceed with all of it, but let me start with this.

Mr. Chairman, I raise a point of order against the legislation on grounds that 204 and 205 constitute authorizing on an appropriations measure and, therefore, violate clause 2 of rule XXI. These two sections are clearly legislation and they are not protected by the rule.

The CHAIRMAN. Does any other Member desire to address the point of order?

Mr. LEWIS of California. Mr. Chairman, may I ask unanimous consent that the remainder of my statement be entered in the RECORD?

The CHAIRMAN. The gentleman may not revise and extend his remarks on a point of order.

The Chair is prepared to rule.

For the reasons stated by the gentleman from California [Mr. LEWIS], the point of order is sustained. Sections 204 and 205 are stricken from the bill.

Mr. STOKES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of this amendment to strike legislation in this appropriations bill on HUD's Section 8 Program. Let me first acknowledge the hard work of the chairman on this matter. He has stated throughout this process that he intended to move this issue to the forefront of our deliberations and motivate the authorizing committees to take action. The action he took in this regard has, indeed, prompted the authorizers to move forward on addressing this issue. I want to also commend HUD for aggressively working to deal with this matter.

What Members and the public must realize is that this is not a partisan issue. We must all be concerned about persons needing affordable housing and how to provide adequate assistance. At the same time, we must consider the impact that the costs of renewing these contracts place on taxpayers and the budget.

I believe there is general agreement that HUD'S Section 8 Program is in serious need of restructuring. However, if there is one thing I have learned—from the long and numerous discussions on this matter—it is that there is no unanimity of opinion on exactly how to proceed. My basis of concern rests with ensuring that residents are protected from displacement, that we maintain and preserve decent and affordable housing, that communities and tenants have a strong role in determination of these matters, and that the Federal Government not pay inflated prices for these properties.

Mr. Chairman, the fiscal year 1996 Appropriations Act included a provision allowing the Secretary of HUD to conduct a demonstration program re-engineering up to 15,000 units of section 8 assisted housing. The Department is still studying this concept and no regulations have been drafted yet for its implementation. That is further reason for the committee to reconsider the appropriateness of this proposal. The quality of too many lives is at stake, and there are too many potential consequences for the American taxpayer, for Congress to enact this provision in the appropriations act, without the full weight and benefit of authorizing action.

I commend my chairman for his leadership on this matter and pledge my support to work with him and others to achieve these goals. I urge my colleagues to support this amendment to delete this legislation from the measure.

□ 2315

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 206. FLEXIBLE AUTHORITY.—During fiscal year 1997 and fiscal years thereafter, the Secretary may manage and dispose of multifamily properties owned by the Secretary and multifamily mortgages held by the Secretary on such terms and conditions as the Secretary may determine, notwithstanding any other provision of law.

AMENDMENT OFFERED BY MR. WELLER

Mr. WELLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WELLER: Page 58, after line 19, insert the following new section:

SEC. 207. FHA MORTGAGE INSURANCE PREMIUMS.—Section 203(c)(2)(A) of the National Housing Act (12 U.S.C. 1709(c)(2)(A)) is amended by inserting after the first sentence the following new sentence: "In the case of mortgage for which the mortgagor is a first-time homebuyer who completes a program of counseling with respect to the responsibilities and financial management involved in homeownership that is approved by the Secretary, the premium payment under this subparagraph shall not exceed 2.0 percent of the amount of the original insured principal obligation of the mortgage."

Mr. STOKES (during the reading). Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. Without objection, the amendment is considered as read and printed in the RECORD, and the point of order is reserved.

There was no objection.

Mr. WELLER. Mr. Chairman, first I would like to take a moment to commend my two friends, the gentleman from California [Mr. LEWIS] and the gentleman from Ohio [Mr. STOKES], for their extraordinary efforts to accommodate bipartisan concerns in supporting legislation while keeping our commitment to live within our means for the first time in 27 years, to keep us on the road to a balanced budget.

This amendment that I offer tonight is designed to help working families by working to help make homeownership more affordable. My amendment works to expand homeownership more affordable. My amendment works to expand homeownership opportunities for first time home buyers by working to lower the cost of FHA loans.

This amendment would lower the FHA mortgage insurance premium for first time home buyers who get ownership counseling. Currently the maximum rate is 2¼ percent of their loan value. This amendment would reduce that for these first-time home buyers to 2 percent. It would save the average FHA homeowner about $200 in savings annually. I recognize there are some in Washington who might call $200 chump change, not much money. But for working families back in Illinois and many of our home States and districts, $200 is a lot of money.

I also want to point out that this amendment is needed to promote homeownership. I, for one, I know many of my colleagues on both sides of the aisle agree that homeownership is important in strengthening families and strengthening communities. In fact, the more homeownership you have, the higher rates of homeownership you have, the stronger the families you have, the stronger the communities.

I am particularly disturbed, if you look at the statistics today, particularly for our younger families, homeownership is on the decline. In fact, the homeownership rates among heads of households under 35 years of age is three-fourths of what it was in 1979. In fact in 1979, 45 percent of heads of households under 35 were homeowners. Today, in fact, if you look at 1995 statistics, 39 percent of heads of households under 35 were homeowners.

Those statistics need to turn around. We need to receive greater opportunity for homeownership, to give families the opportunity to pursue the American dream. Unfortunately, we have seen the cost of homeownership increase this past year. Unfortunately, the House and Senate, Congress and the White House were unfortunately unable to reach a bipartisan agreement on a balanced budget.

Unfortunately, because of that failure to reach a balanced budget agreement, we failed to achieve the lower interest rates that would have resulted from a balanced budget. In fact, had a balanced budget been signed into law, the average 30-year home mortgage would have dropped about 2.7 percent according to economists. On a 30-year, $50,000 mortgage at 8¼ percent interest, a family would see a savings of a little over $1,000 a year or a little over $32,000 over the life of that loan. A balanced budget would also increase the value of a home, home values, by 8 percent as a result of balancing the budget.

This past year we have seen mortgage rates go up 1 to 1½ percent. For the average homeowner, aspiring homeowner, young family who would like to buy a house, that means about an $85 to $100 increase in the monthly home mortgage payment because of higher interest rates.

This amendment is designed to restore those opportunities for homeownership, particularly for young families. It offers young home buyers, first-time purchasers the opportunity to better be able to afford a new home. This $200-a-year premium reduction restores part of that lost opportunity to save an extra thousand dollars because of higher interest rates.

Increased ownership, homeownership equals increased home starts, increased jobs, increased opportunity, strengthened families and strengthened communities.

I do want to point out that this is kind of a bipartisan initiative. I do want to point out that the President himself, just a few weeks ago, endorsed this type of idea as a way to make homeownership more affordable. I ask bipartisan support for this amendment. I think it is time that we strengthen the opportunity for homeownership, that we strengthen families, that we help families pursue the American dream. Let us help families pursue that American dream by providing bipartisan support for this amendment which will help make homeownership far more affordable.

The CHAIRMAN. Does the gentleman from Ohio [Mr. STOKES] wish to be heard on the point of order.

Mr. STOKES. Mr. Chairman, I reserve a point of order against this particular amendment.

Mr. Chairman, I move to strike the last word.

Mr. Chairman, my purpose for reserving the point of order is to protect the rights of a couple of Members of the authorizing committee who have expressed an interest in this particular amendment. They will be here tomorrow. They are not here at this time because of the arrangements that the House made relative to the continuation of the debate on this bill.

I have no intention of insisting upon the point of order and hope that the gentleman does not put me in a position of having to insist upon it. I would request that, in order to preserve and protect the rights of those Members of the authorizing committee who have expressed concern about this amendment, he withdrew the amendment and offer it tomorrow at such time as those Members will be present.

I reiterate that I have no intention of pressing the point of order and simply use it for the purpose of protecting it. I would hope that the gentleman would withdraw and reoffer it tomorrow.

Mr. WELLER. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Illinois.

Mr. WELLER. Mr. Chairman, in response to the gentleman from Ohio, of course, like all of us we have stuck around tonight because this is an important amendment. It is an opportunity to provide lower homeownership costs, particularly for young families and first-time home buyers.

All of use are working hard and willing to put in those extra hours. I always respect the rights of my colleagues on both sides of the aisle to speak on an amendment. Since you had raised that concern to me earlier, of course, I spoke with the floor manager of the amendment and I believe it is the chairman's intent, he would like to wrap up this section of the bill this evening. I would hate to jeopardize the opportunity to have this important amendment adopted and added to this very important bill.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, in order to keep all of our commitments, perhaps we would handle it this way. If it would meet with the gentleman's agreement, it is possible that the gentleman from Illinois [Mr. WELLER] could offer this amendment as a part of general provisions tomorrow and we could not only meet his needs and the commitment through the concerns that others have expressed to the gentleman regarding this amendment, we could also keep our commitment to close this title.

I am concerned that we do that. Would the gentleman agree to have unanimous consent that Mr. WELLER be able to take this up in general provisions tomorrow so we can finish with title II?

Mr. STOKES. Mr. Chairman, we would be pleased to cooperate with the chairman in that respect and let him offer it at that time.

Mr. WELLER. Mr. Chairman, will the gentleman yield?

Mr. STOKES. I yield to the gentleman from Illinois.

Mr. WELLER. Mr. Chairman, I appreciate the gentleman's interest in my amendment and his accommodating my opportunity to offer the amendment once again. I feel this is a very important amendment. The opportunity to accommodate, of course, the chairman of the subcommittee and working with the gentleman in his role as the ranking member, I do appreciate the opportunity to offer the amendment. I an anxious to work with them. I ask for the gentleman's support tomorrow when we have the opportunity to once again offer the amendment.

Mr. STOKES. Mr. Chairman, I have no objection to the gentleman's amendment. I just want to protect those Members. This accommodation will be fine with me if it is fine with the gentleman.

Mr. WELLER. Mr. Chairman, if the gentleman will continue to yield, I ask unanimous consent to withdraw the amendment for the purpose of offering it tomorrow during general provisions debate on this particular bill, title IV.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

Mr. STOKES. Mr. Chairman, I withdraw my reservation of a point of order.

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise tonight in anticipation of the Weller amendment being before the House tomorrow in general debate. I rise in support of that amendment that we will be discussing tomorrow at length because it is going to expand homeownership opportunities.

There are many Americans who are one downpayment or one closing cost away from becoming first-time home buyers. And by having more homeowners in our communities, it will strengthen those communities. By having more homes built, we create more jobs. There, after all, is the American dream.

Alan Greenspan has told us about having a balanced budget. Interest rates for the mortgages on those new homes will decrease. So I would ask the Members, when they hear about further debate on the Weller amendment tomorrow, that they will support it. Republicans, Democrats together, House and Senate working together, this will strengthen our communities. This will strengthen our families and, by reducing the cost, Mr. Chairman, of the FHA mortgage insurance premium, the first-time home buyers who receive ownership counseling by going from 2.25 percent to 2 percent, we would save the average FHA homeowner at least $200 annually. This is a step in the right direction for first-time home buyers.

Mr. Chairman, I yield to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding to me.

I would like to thank the gentleman from Illinois for offering the amendment. The notion is empowering first-time home buyers. I would suggest, echoing the comments of my good friend from Pennsylvania, when we think about the fact that this amendment would save the average FHA homeowner about $200 in savings on an annual basis and, while we are here talking about billions and indeed trillions of dollars, the fact is sometimes lost upon us, I would suggest, that $200 is a significant amount of money for first-time home buyers. And indeed, if the notion of what we are here to do in this 104th Congress is to expand opportunity, to empower first-time home buyers to lead to more home sales and to expand homeownership opportunities, then I am glad to rise in support of the amendment. I, too, look forward to its offering tomorrow during the later debate on this amendment.

I look forward to supporting the amendment.

Mr. FOX of Pennsylvania. Mr. Chairman, I thank the gentleman from Arizona for his supportive comments of the Weller amendment.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

"TITLE III—INDEPENDENT AGENCIES"

Mr. LEWIS of California. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MICA) having assumed the chair, Mr. COMBEST, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3666) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1997, and for other purposes, had come to no resolution thereon.

□ 2245

## RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

The SPEAKER pro tempore (Mr. MICA) laid before the House the following resignation as a member of the Committee on International Relations:

U.S. CONGRESS,
HOUSE OF REPRESENTATIVES,
*Washington, DC, June 12, 1996.*

Hon. NEWT GINGRICH,
*Speaker of the House,*
*Washington, DC.*

DEAR SPEAKER GINGRICH: I am writing to officially resign from my seat on the Committee on Government Reform and Oversight in order to be seated on the Committee on International Relations.

Thank you.

Sincerely,

JON D. FOX,
*Member of Congress.*

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

## ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FOX of Pennsylvania. Mr. Speaker, by the direction of the Republican Conference, I offer a privileged resolution, House Resolution 462, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 462

*Resolved*, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on International Relations: Mr. Fox of Pennsylvania.

Committee on Transportation and Infrastructure: Mr. Frisa of New York and Mr. Tiahrt of Kansas.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## TRIBUTE TO BILL EMERSON OF MISSOURI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise tonight to address my colleagues on the sad occasion of the passing of one of our most honored and distinguished Members. WILLIAM EMERSON, Representative from Missouri, had a very distinguished career here in the House. He served for eight terms from his district in Missouri. His record for constituent services had no peer. He was a parliamentary law expert. His legislation filled volumes.

But above all, as a person he was, to many of us, especially freshmen and entering Members as they came to this body, a great teacher, someone who loved the House, who loved the legislative process and wanted the others to learn about it and do their best, always humble, always caring, self-effacing, low-key. This was a humanitarian extraordinaire.

BILL EMERSON cared about each person he met, was sincere in all his dealings. He was a model Congressman. He was an advocate for his people. He fought hard for them. He could listen to others' points of view without giving ground and without compromising principle, but always patient and open-minded. That was his hallmark as an outstanding Congressman.

It was noted at the beginning of this 104th Congress that there was one person who was here as a Member of Congress now and was here the last time the Republicans were in the majority, and that person was BILL EMERSON because at that time he was a U.S. Capitol page, and he went on from that outstanding service to Westminister College, University of Missouri, law school, University of Baltimore, and he also distinguished himself in the U.S. Air Force.

Besides serving other Representatives in Congress, he had also great experience in the business world, for which we are all beneficiaries because of the legislation he brought about that was pro-business, pro-jobs and pro-economy.

BILL EMERSON, his life is a legacy of great service, and, Mr. Speaker, for those who choose to serve in this body, they only have to look to the life of BILL EMERSON as someone who is a role model, and for me and the other freshmen who entered the 104th Congress he is someone we will always remember. We will cherish our own experiences with him and hope that we can model our careers after someone who was so great, so humble and so dedicated.

## TRIBUTE TO BILL EMERSON

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Arizona [Mr. HAYWORTH] is recognized until midnight as the designee of the majority leader.

Mr. HAYWORTH. Mr. Speaker, I thank the Speaker pro tempore, the gentleman from Florida, Mr. MICA, for his recognition this evening, and I would thank my colleague from Pennsylvania for his word of remembrance

of our departed colleague, BILL EMERSON of Missouri, and I would second the notion that BILL EMERSON was a great teacher in this House, and he taught all of us who were newcomers by example.

I daresay that the example of his courage in the wake of fighting his final battle with illness can only be described as exemplary, and indeed that word falls short for the courage displayed by BILL EMERSON, and his dedication to duty will rank as perhaps the greatest lesson he has provided to us.

Our sympathies go to his family and the people of his congressional district in Missouri, and whomever is honored with selection by those constituents to serve in this House will indeed have big shoes to fill.

Mr. Speaker, as evidenced by the debate tonight, the preceding debate, there are many important jobs and many important roles which we must fulfill here in the House of Representatives. We spoke earlier tonight of empowering first-time homeowners. We spoke of a variety of issues dealing with concerns on housing and the appropriation process that is so vital to conclude. Yet, Mr. Speaker, before this legislative day ends we would be remiss if we failed to mention other concerns that dominate the headlines of this evening and indeed will reach into tomorrow and in the days to come.

We mourn the deaths and injuries of American servicemen abroad as we hear of a terrorist attack in Dhahran, Saudi Arabia, overnight, and we will watch with interest and indeed work with the administration to determine exactly what happened, what type of preventive measures need to be taken by Americans abroad and how this tragedy could come to pass.

But again for now our concerns and our prayers are with the families of those who have perished and, of course, with those who have been wounded in this attack, and indeed, Mr. Speaker, while we are mindful that this issue is something that will warrant our concern and vigilance in the days to come, there are other developments in other stories and in other concerns that we must address.

My colleague, Mr. FOX, who preceded me, it should be noted, has resigned from the Government Oversight Committee to take another appointment, and yet that committee tomorrow, led by the gentleman from Pennsylvania, BILL CLINGER, will be asking some very serious questions of administration officials. Let me begin with what I believe is truly a positive and constructive note in this regard.

Mr. Speaker, as you are no doubt aware, a contempt of Congress citation was being prepared, indeed a vote would have occurred in this Chamber later this week, concerning the apparent lack of cooperation that the administration had shown in surrendering some 2,000 pages of documents needed to continue the investigation of what has become known as Filegate, possession of FBI files of prominent members of my party by the Clinton administration, and one official in particular, an Anthony Marceca, for examination over a long period of time.

□ 2345

As I noted, Mr. Speaker, this House, and indeed the Committee on Government Reform and Oversight, asked for some 2,000 pages in documents, and it appeared that the White House was reluctant to turn over those documents. I understand now some agreement has been reached. The White House, as I understand it, will cease to offer its claim of executive privilege to these documents, and there has been some measure of accommodation so these documents may be examined by officals on the committee.

Even as we welcome this important action, I remember the observation of that great author and humorist, Mark Twain. From time to time I have recalled it here in the well of this House. It was Twain who observed, "History doesn't repeat itself, but it rhymes." And I believe that tonight again we see that strange similarity of actions that have gone on before, actions that, in all candor, caused great concern, precipitated a great crisis, and led, of course, to a change in the executive branch almost a quarter century ago.

It is very important, I think, to recall the lessions of history. Again, I offer the observation that I offered as this House began business earlier today, that ofttimes, while the dynamics of this institution often rely on partisanship as one of the mechanisms utilized to get business done during the course of the day, that even as we recognize we may have partisan labels, it is important to remember that at moments of great import, people of different parties have offered valuable advice.

I remember well a quarter century ago when the gentleman from Minnesota, the former Vice President and one-time Democratic presidential nominee, Hubert H. Humphrey, advised, in a public way, President Nixon to come clean, to offer a full explanation and accounting of the events that history now recalls as Watergate, to the best of President Nixon's ability for, as Senator Humphrey maintained, that action in itself would go a long way toward allowing the American people to address the problems, allowing the Congress of the United States to address the problems, and then to move forward.

Indeed, Mr. Humphrey was of the opinion that if President Nixon would take this action, the American people would be forgiving of the problems and President Nixon could move on in his second term.

Mr. Speaker, again, not to score partisan points tonight, and again, devoid of the one-upsmanship that so often characterizes political debate, honestly, and sincerely, I would call on this administration and this President, Mr. Speaker, to step forward with all the information at hand. For indeed if this administration will be forthcoming with the information and allow the American people to decide, while I cannot guarantee that the outcome would be similar to what Hubert Humphrey envisioned for Richard Nixon, I can say that the American people deserve no less than a full accounting because of the concerns we have in so many different areas, but because the questions raised by the possession of these FBI files have implications that strike at the very fiber of our Republic, for they deal with issues of vital import to every American and every American's individual rights as provided in this document, the Constitution of the United States.

So, Mr. Speaker, I would suggest that the President and members of his administration have a duty to step forward with the whole story. The American people deserve no less than a full accounting of some of the questionable actions that have occurred with reference to FBI files, now with a suspicion, and indeed, the implication that more FBI files, that indeed, IRS records may be involved, to a certain degree; and that by taking that step, the President will show true leadership, allow us to deal with this most fundamental of questions, and then move forward to address the other vital issues of the day.

I would suggest this Congress will continue to do its work, as witnessed with the various appropriations bills. This Congress will continue to do its work with reference to our concerns about a tax on Americans abroad. This Congress will continue to do its work, yes, with reference to legislative oversight of the executive branch, should the President's decision and that of his legal counsel turn out to be only a halfway or halfhearted approach in any circumstance.

But it is vital that this administration address these troubling questions for the American people and for the process of government provided for in our Constitution, and indeed, for the very fabric of our constitutional Republic.

Again, Mr. Speaker, I make this call not in the interests of partisan one-upsmanship or gamesmanship, for this is not a game. Indeed, Mr. Speaker, what this entire process should typify in its best sense is a competition, a discussion, a difference of ideas, a difference of opinions, a difference of philosophies and vision as to how best serve the American people.

As we approach the new century, do we take money, power, and influence

out of the hands of Washington bureaucrats and, indeed, turn that influence, power, and money over to governments closer to home, and, indeed, ultimately by allowing the American people to hang onto more of their hard-earned money, allow the American people to make those decisions at home that directly influence their lives?

But in this context, Mr. Speaker, it is vital that this administration move forward tomorrow in a spirit of candor, in front of the committee of the gentleman from Pennsylvania [Mr. CLINGER], to lay out the entire story for the American people, and quite frankly, to change a pattern of denial, evasion, and a new formulation of answers that seems to have typified the conduct of this administration with reference to these FBI files and with reference to so many other questionable endeavors.

Again, it is my hope that every Member of this House and that every American citizen would watch closely what will transpire in committee tomorrow, even as we work in this full House to deal with other vital issues of the day.

## THE VA, HUD, AND INDEPENDENT AGENCIES APPROPRIATION ACT FOR FISCAL YEAR 1994

The SPEAKER pro tempore (Mr. MICA). Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 5 minutes.

Mr. SOLOMON. Mr. Speaker, we are waiting for a resolution to come before the floor dealing with the bill we might have on the floor tomorrow, the motion to disapprove most-favored-nation treatment of China.

I just want to take a few minutes to talk about the bill we have on the floor today. It is the Department of Veterans and Housing and independent agencies appropriation bill for the fiscal year 1997, and in that bill we have, in my opinion, adequately funded the hospital-health care-medical care delivery system of the Veterans Administration.

□ 2355

That is so very, very important. Often we are asked the question, why should veterans have their own medical care? Just to point out what the need for it is that when many of our men and women enlist in the armed services of this country, they, in a way, even though they get so much out of it, they lose so much of their time on the advancement ladder. Just, for example, if you were a young man or woman who graduates from high school at the age of 18, and you enlist in the service instead of going on to college, you are working at what our minimum wage is compared to what your counterparts would be doing if they went into the private sector. All the way through life, these young men and women trail their counterparts who did not take the opportunity to serve in the military, whether it is in running their own business, whether it is advancing up the scale, up the promotion scale of success. Consequently, that is why we deal with earned benefits for our veterans of the armed services.

In this particular bill, I am very proud that we are now funding a national cemetery in my home district, in Saratoga Springs, or in the County of Saratoga. This will be a veterans cemetery which was named the Saratoga National Veterans Cemetery. It will be similar to Arlington Cemetery, and I will provide for the internment of approximately 75,000 veterans and their dependents for the next decade or so.

This is so terribly, terribly important. I want to thank the gentleman from California [Mr. LEWIS] and the entire appropriations subcommittee for funding the $13 million that will provide the final construction money for the hospital.

Mr. Speaker, the bill will be brought up again tomorrow morning. The gentleman from Arizona [Mr. STUMP] of the Veterans' Affairs Committee and his ranking member, the gentleman from Mississippi [Mr. MONTGOMERY] and myself will be offering an amendment to that bill, which will add approximately $65 million to the appropriations bill to increase the funding for the medical care delivery system portion of that bill.

I would hope that when Members do come to the floor tomorrow that they will watch for the dear colleague letters that we have sent out showing the support of the Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, AMVETS, the Vietnam Veterans Association, and all of the other major veterans organization.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.J. RES. 182, DISAPPROVING EXTENSION OF MOST-FAVORED-NATION STATUS TO PRODUCTS OF PEOPLE'S REPUBLIC OF CHINA, AND H. RES. 461, REGARDING THE PEOPLE'S REPUBLIC OF CHINA

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–636) on the resolution (H. Res. 463) providing for consideration of a joint resolution and a resolution relating to the People's Republic of China, which was referred to the House Calendar and ordered to be printed.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. LINCOLN (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of medical reasons.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STOKES) to revise and extend their remarks and include extraneous material:)

Mrs. COLLINS of Illinois, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. SOLOMON, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. MANZULLO, for 5 minutes each day, on today and June 26 and 27.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. MICA, for 5 minutes, on June 26 and 27.

Mr. DIAZ-BALART, for 5 minutes, on June 26.

Mr. HUTCHINSON, for 5 minutes, on June 26.

Mr. MCINTOSH, for 5 minutes, on June 27.

Mr. FOX of Pennsylvania, for 5 minutes, today.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. STOKES) and to include extraneous matter:)

Mr. LEVIN.
Mr. COLEMAN.
Mr. CLEMENT.
Mr. KLECZKA.
Mr. JACOBS.
Mr. VOLKMER.
Mr. ANDREWS.
Mr. STARK.
Mr. OBEY.
Mr. WARD.
Mr. BARCIA.
Mr. BORSKI.
Mr. MOAKLEY.
Mr. RAHALL.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. SHADEGG.
Mr. MCHUGH.
Ms. ROS-LEHTINEN.
Mr. BONO.
Mr. GRAHAM.
Mr. FRANKS of Connecticut.

## ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2803. An act to amend the anti-car theft provisions of title 49, United States Code, to increase the utility of motor vehicle title information to State and Federal law enforcement officials, and for other purposes.

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1579. An act to streamline and improve the effectiveness of chapter 75 of title 31, United States Code (commonly referred to as the "Single Audit Act."

## BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2803. An act to amend the anti-car theft provisions of title 49, United States Code, to increase the utility of motor vehicle title information to State and Federal law enforcement officials, and for other purposes.

## ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, pursuant to House Resolution 459, I move that the House do now adjourn in memory of the late Honorable BILL EMERSON.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.) pursuant to House Resolution 459, the House adjourned until tomorrow, Wednesday, June 26, 1996, at 10 a.m., in memory of the late Honorable BILL EMERSON of Missouri.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3805. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Screening at Privately Owned Bird Quarantine Facilities [APHIS Docket No. 94-132-2] received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3806. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Viruses, Serums, Toxins, and Analogous Products; Rabies Vaccine, Killed Virus and Rabies Vaccine, Live Virus [APHIS Docket No. 95-012-2] received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3807. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Pork and Pork Products From Mexico Transiting the United States [APHIS Docket No. 93-093-2] received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3808. A letter from the Acting Administrator, Farm Service Agency, transmitting the Agency's final rule—Redesignation of Emergency Livestock Assistance Regulations (Commodity Credit Corporation) (7 CFR Part 1475) received June 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3809. A letter from the Administrator, Rural Utilities Service, transmitting the Service's final rule—Distance Learning and Telemedicine Grant Program (RIN: 0572-AB22) received June 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3810. A letter from the Comptroller General, the General Accounting Office, transmitting a review of the President's seventh special impoundment message for fiscal year 1996, pursuant to 2 U.S.C. 685 (H. Doc. No. 104-238); to the Committee on Appropriations and ordered to be printed.

3811. A letter from the Legislative and Regulatory Activities Division, Comptroller of the Treasury, transmitting the office's final rule—Joint Policy Statement: Interest Rate Risk [Office of the Comptroller of the Currency Docket No. 96-13] [Federal Reserve System Docket No. R-0802] received June 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3812. A letter from the Chief Financial Officer, Department of Energy, transmitting the annual report of compliance activities undertaken by the Department for mixed waste streams during fiscal year 1995, pursuant to 42 U.S.C. 6965; to the Committee on Commerce.

3813. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Federal Operating Permits Agency (EPA) (FRL-5526-7) (RIN: 2060-AD68) received June 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3814. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 403(l) of the Telecommunications Act of 1996 (Silent Station Authorization) (FCC 96-218) received June 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3815. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Operator Service Access and Pay Telephone Compensation [CC Docket No. 91-35; FCC 96-131] received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3816. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Repeal of Rule (Light Bulb Rule) received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance [LOA] to the Taipei Economic and Cultural Representative Office [TECRO] in the United States for defense articles and services (Transmittal No. 96-39), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3818. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license agreement for the transfer of defense articles or defense services sold commercially to Australia (Transmittal No. DTC-26-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3819. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license agreement for the transfer of defense articles or defense services sold commercially to Singapore (Transmittal No. DTC-37-96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3820. A communication from the President of the United States, transmitting his follow-up report on the deployment of combat-equipped United States Armed Forces to the Republic of Bosnia and Herzegovina as well as other states in the region in order to participate in and support the North Atlantic Treaty Organization [NATO]-led Implementation Force [IFOR] (H. Doc. No. 104-239); to the Committee on International Relations and ordered to be printed.

3821. A letter from the Deputy Director for Operations and Benefits, District of Columbia Retirement Board, transmitting the personal financial disclosure statement of a board member, pursuant to D.C. Code, section-732 and 1-734(a)(1)(A); to the Committee on Government Reform and Oversight.

3822. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3823. A letter from the General Counsel, Department of Energy, transmitting the Department's final rule—Acquisition regulation; Department of Energy management and operating contracts (RIN: 1991-AB09) received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3824. A letter from the Chairman, Federal Communications Agency, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

3825. A letter from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting the Department's major final rule—Indian Self-Determination and Education Assistance Act Amendments (RIN's: 1076-AD21; 0905-AC98) received June 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3826. A letter from the Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Groundfish of the Bering Sea and Aleutian Islands Area; Yellowfin Sole by Vessels Using Trawl Gear [Docket No. 960129019-6019-01; I.D. 061496C] received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3827. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California; Closure from Cape Arago, OR, to the Oregon-California Border [Docket No. 960126016-6121-04; I.D. 061196C] received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3828. A letter from the Program Management Officer, National Marine Fisheries Service, transmitting the Service's final rule—Summer Flounder Fishery; 1996 Recreational Fishery Measures [Docket No. 960412110–6166–02; I.D. 030596E] (RIN: 0648–AI93) received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3829. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Services's final rule—Groundfish of the Bering Sea and Aleutian Islands Area; Atka Mackerel in the Central and Eastern Aleutian District and the Bering Sea Subarea [Docket No. 960129019–6019–01; I.D. 061796C] received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3830. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rule—Reef Fish Fishery of the Gulf of Mexico; Closure of the Commercial Red Snapper Component [Docket No. 94113–4354; I.D. 032896A] received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3831. A letter from the Director, Executive Office for Immigration Review, Department of Justice, transmitting the Department's final rule—Executive Office for Immigration Review; Motions and Appeals in Immigration Proceedings [EOIR No. 102F; AG Order No. 2020–96] (RIN: 1125–AA01) received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3832. A letter from the Chairman, U.S. Sentencing Commission, transmitting the Commission's report entitled "Report to Congress: Adequacy of Federal Sentencing Guideline Penalties for Computer Fraud and Vandalism Offenses," pursuant to Public Law 104–132, section 805(b) (110 Stat. 1305); to the Committee on the Judiciary.

3833. A letter from the Secretary of Transportation, transmitting the Department's report to Congress on the Redwood National Park Bypass demonstration project in California, pursuant to 23 U.S.C. 134 note; to the Committee on Transportation and Infrastructure.

3834. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regattas and Marine Parades; Interim rule and notice of availability of environmental assessment (RIN: 2115–AF17) received June 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3835. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Dawson, GA—Docket No. 96–ASO–9 (Federal Aviation Administration) (RIN: 2120–AA66) (1996–0077) received June 24, 1996, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Transportation and Infrastructure.

3836. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Transport Category Airplanes—Docket 95–NM–233–AD (RIN: 2120–AA64) received June 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3837. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Chiefland, FL—Docket No. 96–ASO–3 (Federal Aviation Administration) (RIN: 2120–AA76) (1996–0036) received June 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3838. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; PTC Seating Products Division, B/E Aerospace, Model 950 Series Equipped with Footrest Assembly—Rules Docket No. 95–ANE–25 (RIN: 2120–A64) received June 24, 1996, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Transportation and Infrastructure.

3839. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Class Exemption for Acquisition or Operation of Rail Lines by Class III Rail Carriers under 49 U.S.C. 10902 (STB Ex Parte No. 529) received June 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3840. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Conversion to the Metric System; Policy Statement—received June 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

3841. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—National Service Life Insurance (RIN: 2900–AH55) received June 24, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

3842. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to ensure that appropriated funds are not used for operation of golf courses on real property controlled by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

3843. A letter from the Regulatory Policy Officer, Department of the Treasury, transmitting the Department's final rule—The Malibu-Newton Canyon Viticultural Area (95R–014P) (RIN: 1512–AA07) received June 25, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3844. A letter from the Acting Administrator, Farm Service Agency, transmitting the Agency's final rule—End-Use Certificate Program (RIN: 0560–AE37) received June 21, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3845. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule—Public Financial Disclosure, Conflicts of Interest, and Certificates of Divestiture for Executive Branch Officials (RIN: 3209–AA06) received June 18, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3846. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of the United States Information Agency's [USIA] intent to obligate $2 million, following the transfer, pursuant to section 632(a) of the FAA, for the purpose of upgrading existing nongovernment television stations in Bosnia and Herzegovina, pursuant to 22 U.S.C. 2394–1(a); jointly, to the Committees on International Relations and Appropriations.

3847. A letter from the Secretary of State, transmitting a report assessing the voting practices of the government of U.N. member states in the General Assembly and Security Council for 1995, and evaluating the actions and responsiveness of those governments to U.S. policy on issues of special importance to the United States, pursuant to Public Law 101–167, section 527(a) (103 Stat. 1222); jointly, to the Committees on International Relations and Appropriations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. GREENE of Utah: Committee on Rules. House Resolution 460. Resolution providing for consideration of the bill (H.R. 3675) making appropriations of the Department of Transportation and related agencies for the fiscal year ending September 30, 1997, and for other purposes (Rept. 104–633). Referred to the House Calendar.

Mr. ARCHER: Committee on Ways and Means. House Joint Resolution 182. Resolution disapproving the extension of nondiscriminatory treatment—most-favored-nation treatment—to the products of the People's Republic of China; adversely (Rept. 104–634). Referred to the Committee of the Whole House on the State of the Union.

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 3663. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to permit the Council of the District of Columbia to authorize the issuance of revenue bonds with respect to water and sewer facilities, and for other purposes (Rept. 104–635). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 463. Resolution providing for consideration of a joint resolution and a resolution relating to the People's Republic of China (Rept. 104–636). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. JOHNSON of Connecticut (for herself, Mr. WATTS of Oklahoma, and Mr. PAYNE of New Jersey):

H.R. 3707. A bill to extend the legislative authority for the Black Revolutionary War Patriots Foundation to establish a commemorative work; to the Committee on Resources.

By Mr. ANDREWS:

H.R. 3708. A bill to protect the retirement security of Americans; to the Committee on Economic and Educational Opportunities, and in addition to the Committees on Ways and Means, Government Reform and Oversight, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of California:

H.R. 3709. A bill to promote the growth of science and technology in the United States; to the Committee on Science.

By Ms. BROWN of Florida:

H.R. 3710. A bill to designate a U.S. courthouse located in Tampa, FL, as the "Sam M. Gibbons United States Courthouse"; to the Committee on Transportation and Infrastructure.

H.R. 3711. A bill to amend title 38, United States Code, to provide for an assessment of the provision of health care services and the conduct of research by the Department of

Veterans Affairs relating to women veterans; to the Committee on Veterans' Affairs.

H.R. 3712. A bill to amend title 38, United States Code, to improve the research activities of the Department of Veterans Affairs relating to women veterans; to the Committee on Veterans' Affairs.

H.R. 3713. A bill to amend title 38, United States Code, to improve health care services for women veterans provided by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. CARDIN (for himself, Mr. PORTMAN, Mr. ENGLISH of Pennsylvania, Mr. JACOBS, and Mr. MCNULTY):

H.R. 3714. A bill to amend title XVIII of the Social Security Act to make certain changes to hospice care under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT (for himself, Mrs. LOWEY, Mr. PAYNE of New Jersey, Mr. PAYNE of Virginia, Mr. RAHALL, Mr. OLVER, Mr. GREENWOOD, Mr. PORTMAN, Mr. WICKER, Mr. BUNNING of Kentucky, Mr. CREMEANS, Mr. KENNEDY of Massachusetts, Mr. TOWNS, Mr. ACKERMAN, and Mr. GONZALEZ):

H.R. 3715. A bill to amend the Public Health Service Act to provide for research on the disease known as lymphangioleimyomatosis, commonly known as LAM; to the Committee on Commerce.

By Mr. KASICH:

H.R. 3716. A bill to implement the project for American renewal, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Banking and Financial Services, Commerce, Economic and Educational Opportunities, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH (for himself and Mr. CLINGER}:

H.R. 3717. A bill to reform the postal laws of the United States; to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEHAN:

H.R. 3718. A bill to apply the rates of duty effective after December 31, 1994, to certain water resistant wool trousers that were entered, or withdrawn from warehouse for consumption, after December 31, 1988, and before January 1, 1995; to the Committee on Ways and Means.

By Mr. CLAY:

H. Res. 459. Resolution expressing the condolences of the House on the death of Representative BILL EMERSON; considered and agreed to.

By Mr. COX (for himself and Mr. SOLOMON):

H. Res. 461. Resolution regarding United States concerns with human rights abuse, nuclear and chemical weapons proliferation, illegal weapons trading, military intimidation of Taiwan, and trade violations by the People's Republic of China and the People's Liberation Army, and directing the committees of jurisdiction to commence hearings and report appropriate legislation; to the Committee on Rules.

By Mr. FOX:

H. Res. 462. Resolution designating the majority membership on certain standing committees of the House; considered and agreed to.

By Mr. FRANK of Massachusetts:

H. Res. 464. Resolution expressing the sense of the House of Representatives relating to the recognition of the Magen David Adom—Red Shield of David—as a symbol of the International Red Cross and Red Crescent Movement; to the Committee on International Relations.

## MEMORIALS

Under clause 4 of rule XXII,

227. The SPEAKER presented a memorial of the Legislature of the State of Alaska, relative to Legislative Resolve No. 62 supporting an amendment to the Constitution of the United States establishing the rights of victims of crimes; to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 351: Mr. TAYLOR of North Carolina.

H.R. 957: Mrs. SEASTRAND.

H.R. 1499: Mr. GEKAS.

H.R. 1776: Mr. WELDON of Florida and Mr. BROWN of California.

H.R. 1946: Mr. LIGHTFOOT, Mr. RADANOVICH, Mr. SAM JOHNSON, and Mr. BONO.

H.R. 2011: Mr. MCNULTY, Mr. CRAMER, Mr. LAFALCE, and Mr. KILDEE.

H.R. 2026: Mr. MCCRERY, Mr. MCCOLLUM, Mr. KIM, and Mr. SHADEGG.

H.R. 2209: Mr. ROMERO-BARCELO, Mr. LINDER, Mr. HAMILTON, and Mr. CLAY.

H.R. 2237: Ms. NORTON, Mr. LIPINSKI, and Mrs. MORELLA.

H.R. 2342: Mr. PARKER.

H.R. 2434: Mrs. VUCANOVICH and Mr. BENTSEN.

H.R. 2472: Mr. LAFALCE, Mr. WILLIAMS, Mr. JACKSON, and Mr. TORRICELLI.

H.R. 2664: Mr. ANDREWS.

H.R. 2745: Mr. BLUMENAUER, Mr. CUMMINGS, Mr. GREENWOOD, and Mr. FLANAGAN.

H.R. 2777: Mr. ABERCROMBIE.

H.R. 2789: Mr. CASTLE.

H.R. 2820: Mr. STEARNS.

H.R. 2827: Mr. FLANAGAN.

H.R. 2875: Mr. MONTGOMERY.

H.R. 2900: Mr. TAUZIN, Mr. KELLY, Mr. HASTINGS of Washington, Mr. DUNCAN, Mr. STUMP, and Mr. RADANOVICH.

H.R. 2962: Mr. LIPINSKI, Mr. STARK, Ms. FURSE, Ms. NORTON, and Mr. EVANS.

H.R. 3118: Mr. TATE.

H.R. 3123: Mrs. MYRICK.

H.R. 3142: Mr. DEFAZIO, Mr. STOCKMAN, Mr. PORTER, Mr. SAM JOHNSON, Mr. CRAPO, Mr. PARKER, Mr. ROBERTS, and Mr. QUILLEN.

H.R. 3189: Mr. WYNN.

H.R. 3195: Mr. WHITFIELD, Mr. BILBRAY, and Mr. LAUGHLIN.

H.R. 3222: Mr. OWENS and Mr. MILLER of California.

H.R. 3369: Mrs. COLLINS of Illinois, Mr. RUSH, Mr. FORD, Mr. CLYBURN, Mr. HILLIARD, Mr. THOMPSON, Mr. RANGEL, Mr. STOKES, Mr. PAYNE of New Jersey, Miss COLLINS of Michigan, Mr. LEWIS of Georgia, Ms. BROWN of Florida, Mr. JACKSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. OWENS, Mr. JEFFERSON, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. DELLUMS, and Mr. GONZALEZ.

H.R. 3374: Mrs. THURMAN, Mr. GREEN of Texas, Mr. EVANS, Mr. CARDIN, and Mr. DURBIN.

H.R. 3410: Mr. LARGENT, Mr. FROST, Mr. HALL of Texas, Mr. COBURN, Mr. MCCRERY, Mr. CHAPMAN, Mr. GREEN of Texas, Mr. PETE GEREN of Texas, and Mr. BARTON of Texas.

H.R. 3422: Mr. SCHIFF.

H.R. 3425: Mr. CLEMENT.

H.R. 3455: Mr. ROMERO-BARCELO, Mr. DURBIN, and Mr. HORN.

H.R. 3458: Mr. EDWARDS, Mr. WATTS of Oklahoma, Mr. TEJEDA, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Mr. CLEMENT, Mr. FOX, Mr. MASCARA, Mr. FLANAGAN, Mr. STEARNS, and Mr. HUTCHINSON.

H.R. 3465: Mr. CARDIN and Mr. DELLUMS.

H.R. 3508: Mr. KASICH, Mr. KING, Mr. DE LA GARZA, Mrs. MYRICK, Ms. SLAUGHTER, Mr. BERMAN, Mr. PETERSON of Minnesota, and Mr. STEARNS.

H.R. 3520: Mr. BRYANT of Texas.

H.R. 3556: Ms. GREENE of Utah, Ms. RIVERS, and Mr. KENNEDY of Massachusetts.

H.R. 3565: Mr. BLILEY, Mr. GORDON, and Mr. FOX.

H.R. 3571: Mr. FLAKE and Mr. NEY.

H.R. 3591: Mr. DELLUMS.

H.R. 3606: Ms. FURSE.

H.R. 3633: Mr. FROST.

H.R. 3643: Mr. FOX, Mr. CLEMENT, Mr. TEJEDA, and Mr. MASCARA.

H.R. 3648: Mr. STUPAK, Mr. NEAL of Massachusetts, Mr. LIPINSKI, and Mr. FATTAH.

H.R. 3673: Mr. SMITH of New Jersey, Mr. HUTCHINSON, Mr. BILIRAKIS, Mr. CLEMENT, Mr. FOX, Mr. TEJEDA, Mr. WELLER, Mr. MASCARA, and Mr. STEARNS.

H.R. 3674: Mr. SMITH of New Jersey, Mr. HUTCHINSON, Mr. BILIRAKIS, Mr. TEJEDA, Mr. FOX, Mr. WELLER, and Mr. STEARNS.

H. Con. Res. 128: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WATERS, Ms. ROYBAL-ALLARD, Mrs. LOWEY, Ms. RIVERS, Ms. MCCARTHY, Mrs. COLLINS of Illinois, Ms. LOFGREN, Ms. ESHOO, Miss COLLINS of Michigan, Mrs. MINK of Hawaii, Ms. PRYCE, Ms. BROWN of Florida, Ms. JACKSON-LEE, Mrs. CLAYTON, Ms. DANNER, Mrs. MORELLA, and Ms. SLAUGHTER.

H. Con. Res. 163: Mr. ROMERO-BARCELO.

H. Con. Res. 175: Mr. CLINGER.

H. Res. 441: Mr. FILNER.

H. Res. 452: Mr. BROWN of California, Mr. LANTOS, Mr. HORN, Mr. MILLER of California, and Mr. KANJORSKI.

H. Res. 454: Mr. TORRES, Ms. WOOLSEY, Mrs. LOWEY, and Mr. BARRETT of Wisconsin.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3666

OFFERED BY: MR. BARR

AMENDMENT NO. 67: Page 71, line 4, after the semicolon insert: "*Provided further*, That from funds appropriated under this heading, the Administrator shall use no less than $10,000,000 for the Clean Rivers and Lakes program under section 314 of the Federal Water Pollution Control Act;"

H.R. 3666

OFFERED BY: MR. MARKEY

AMENDMENT NO. 68: Page 95, line 21, insert:

SEC. 422. None of the funds made available to the Environmental Protection Agency under the heading "HAZARDOUS SUBSTANCE SUPERFUND" may be used to provide any reimbursement (except pursuant to

section 122(b) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980) of response costs incurred by any person when it is made known to the official having the authority to obligate such funds that such person has agreed to pay such costs under a judicially approved consent decree entered into before the enactment of this Act, and none of the funds made available under such heading may be used to pay any amount when it is made known to the official having the authority to obligate such funds that such amount represents a retroactive liability discount attributable to a status or activity of such person (described paragraphs (1), (2), (3) or (4) of section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980) that existed or occurred prior to January 1, 1987.

H.R. 3666

OFFERED BY: MRS. THURMAN

AMENDMENT NO. 69. Page 95, after line 21, insert the following new section:

SEC. . (a) PLAN FOR ALLOCATION OF HEALTH CARE RESOURCES BY THE DEPARTMENT OF VETERANS AFFAIRS.—(1) The Secretary of Veterans Affairs shall develop a plan for the allocation of health care resources (including personnel and funds) of the Department of Veterans Affairs among the health care facilities of the Department so as to ensure that veterans having similar economic status, similar eligibility priority, or similar medical conditions and who are eligible for medical care in those facilities have similar access to care in those facilities, regardless of the region of the United States in which they reside.

(2) The plan shall reflect, to the maximum extent possible, the Veterans Integrated Service Network, as well as the Resource Planning and Management System developed by the Secretary of Veterans Affairs to account for forecasts in expected workload and to ensure fairness to facilities that provide cost-efficient health care. The plan shall include procedures to identify reasons for variations in operating costs among similar facilities and ways to improve the allocation of resources among facilities so as to promote efficient use of resources and provision of quality health care.

(3) The Secretary shall prepare the plan in consultation with the Under Secretary for Health of the Department of Veterans Affairs.

(b) PLAN ELEMENTS.—The plan under subsection (a) shall set forth—

(1) milestones for achieving the goal referred to in that subsection; and

(2) a means of evaluating the success of the Secretary in a meeting that goal through the plan.

(c) SUBMITTAL TO CONGRESS.—The Secretary shall submit the plan developed under subsection (a) to Congress not later than 180 days after the date of the enactment of this Act.

(d) PLAN IMPLEMENTATION.—The Secretary shall implement the plan developed under subsection (a) within 60 days of submitting it to Congress under subsection (b), unless within such period the Secretary notifies the appropriate committees of Congress that the plan will not be implemented, along with an explanation of why the plan will not be implemented.

H.R. 3666

OFFERED BY: MR. WELLER

AMENDMENT NO. 70: Page 95 after line 21, insert the following new section:

SEC. . FHA MORTGAGE INSURANCE PREMIUMS.—Section 203(c)(2)(A) of the National Housing Act (12 U.S.C. 1709(c)(2)(A)) is amended by inserting after the first sentence the following new sentence: "In the case of mortgage for which the mortgagor is a first-time homebuyer who completes a program of counseling with respect to the responsibilities and financial management involved in homeownership that is approved by the Secretary, the premium payment under this subparagraph shall not exceed 2.0 percent of the amount of the original insured principal obligation of the mortgage.".

H.R. 3675

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 1: Page 55, after line 15, insert the following new section:

SEC. 406. (a) LIMITATION ON USE OF FUNDS FOR CERTAIN SURFACE TRANSPORTATION PROJECTS.—None of the funds made available in this Act may be used to provide, or to pay the salaries or expenses of Department of Transportation personnel who provide, to a State more than $50,000 in Federal assistance from the Highway Trust Fund (other than the Mass Transit Account) for any surface transportation project except when it is made known to the Federal official having authority to obligate or expend such funds that—

At least 30 days before entering a contract or agreement with a private business entity for the performance of work usually performed by employees of a State under which the State will obligate more than $50,000, the State has conducted and submitted a cost-benefit analysis of the project;

(2) the cost-benefit analysis includes a detailed description of—

(A) the costs of labor;

(B) the costs of employer-provided fringe benefits;

(C) the costs of equipment or materials, whether supplied by the State or private contractor;

(D) the costs directly attributable to transferring the work being performed by State employees to a private business entity;

(E) the costs of administering and inspecting the contracted service; and

(F) the costs of any anticipated unemployment compensation or other benefits which are likely to be paid to State employees who are displaced as a result of the contracted service; (3) the cost-benefit analysis includes an analysis of whether it is more cost effective to use employees of a private business entity than to use State employees to perform the work required;

(4) the cost-benefit analysis is accompanied by an analysis of the State's finances and personnel and an analysis of the ability of the State to reassume the contracted service if contracting of the service ceases to serve the public interest;

(5) in the case of a contract or agreement described in paragraph (1) that will result in a decrease in the amount of work assigned to State employees, the cost-benefit analysis demonstrates that—

(A) the contract or agreement will result in a substantial cost savings to the State; and

(B) the potential cost savings of contracting of services are not outweighed by the public's interest in having a particular function performed directly by the State;

(6) at least 30 days before entering into a contract or agreement described in paragraph (1), the State has submitted a past performance history of the private business entity with whom the State is entering into the contract or agreement, which includes—

(A) work performed for the State under contracts and agreements described in paragraph (1) in the 5-year period ending on the 45th day before the date of entry into the contract or agreement;

(B) if no work was performed for the State under such contracts and agreements during such 5-year period, then any work performed for other States under contracts and agreements described in paragraph (1) in such 5-year period;

(C) with respect to each contract or agreement to which subparagraph (A) or (B) applies, the amount of funds originally committed by the State under the contract or agreement and the amount of funds actually expended by the State under the contract or agreement; and

(D) with respect to each contract or agreement to which subparagraph (A) or (B) applies, deadlines originally established for all work performed under the contract or agreement and the actual date or dates on which performance of such work was completed;

(7) at least 30 days before entering into a contract or agreement described in paragraph (1), the State has submitted a copy of any performance bond or any similar instrument that ensures performance by the private business entity under the contract or agreement or certifies the amount of such bond;

(8) at least 30 days before entering into a contract or agreement described in paragraph (1), the State has submitted a political contribution history of the private business entity with whom the State is entering into the contract or agreement, which political contribution history lists all political contributions the private business entity has made to political parties and candidates for political office in the 5-year period ending on the 45th day before the date of entry into the contract or agreement; and

(9) not later than 5 days after submission of the cost-benefit analysis and other documents under this section, the public has been notified of the availability of the cost-benefit analysis and other documents for public inspection, an the analysis and other documents have been made available for inspection upon request.

(b) EXCEPTIONS.—The limitation established by subsection (a) shall not apply to any surface transportation project when it is made known to the Federal official having authority to obligate or expend the funds that—

(1) the project is a pilot project for a particular type of work that has not previously been performed by the State and is being undertaken to evaluate whether contracting for that particular type of work can result in savings to the State; or

(2) the analysis of the State's finances and personnel under subsection (a)(4) demonstrates that the State cannot perform the work with existing or additional departmental employees because the work would be of such an intermittent nature as to be likely to cause regular periods of unemployment for State employees.

H.R. 3675

OFFERED BY: MR. COLLINS OF GEORGIA

AMENDMENT NO. 2: At the appropriate place in the bill, add the following new section:

"SEC. . None of the funds made available in this Act shall be used to plan, develop, conduct or contract for a study to determine the feasibility of allowing pilots to fly commercial aircraft after they reach age sixty.

H.R. 3675

OFFERED BY: MR. DAVIS

AMENDMENT NO. 3: Page 53, after line 10, insert the following:

SEC. 340. The Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, shall conduct a comprehensive transportation needs assessment on behalf of the District of Columbia. The Secretary shall conduct such assessment in consultation with the Government of the District of Columbia, the Committees on Government Reform and Oversight and on Appropriations of the House of Representatives, and the Committee on Governmental Affairs of the Senate.

H.R. 3675

OFFERED BY: MR. GUTKNECHT

AMENDMENT NO. 4: Page 55, after line 15, insert the following new section:

SEC. 406. Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by 1.9 percent.

H.R. 3675

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 5: Page 53, after line 10, insert the following new section:

SEC. 340 (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

# EXTENSIONS OF REMARKS

## TRIBUTE TO NORTHEAST MISSOURI STATE UNIVERSITY

### HON. HAROLD L. VOLKMER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 1996*

Mr. VOLKMER. Mr. Speaker, I rise today to honor Northeast Missouri State University in Kirksville, MO, and to inform my colleagues of the university's exciting new name, Truman State University. The university's commitment to excellence has been recognized nationally, and with its mission as Missouri's liberal arts and sciences university, it is only fitting that its name honor the State's most famous native son, Harry S Truman.

Like President Truman, the university had humble beginnings when it was founded by Joseph Baldwin in 1867, as Missouri's first Normal School. In 1870, the Normal School graduating class numbered 15 students. In 1996, approximately 1,200 students will graudate from Northeast Missouri State University. Since its founding the university has educated more than 45,000 graduates who can be found in every State and throughout the world pursuing careers in education, sciences, public service, business, law, and the arts.

In addition to this explosive growth the university has expanded into new fields of study sicne those first graduates. In recognition of the university's strong emphasis on the liberal arts and sciences, it was designated Missouri's official liberal arts and sciences university by the Missouri State Legislature in 1986. Northeast has also distinguished itself as a leader in student achievement and has been repeatedly recognized as a national leader in excellent, cost-effective, education.

On July 1, 1996, Northeast Missouri State University will officially become Truman State University. It is with this change in mind that I offer my warmest congratulations on more than a century of outstanding education and the hope that Truman State will enjoy continued success as Missouri's liberal arts and science university.

## TRIBUTE TO THE SOUTH JERSEY RADIO ASSOCIATION

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 1996*

Mr. ANDREWS. Mr. Speaker, I rise today to pay special tribute to the South Jersey Radio Association [SJRA], which is celebrating its 80th anniversary this year. The importance of radio in this society is intangible. From reporting news stories at critical moments to stretching our mental capabilities with thoughtful commentary, the radio has played an integral role in the development of this Nation. As the oldest active amateur radio club in the United States, the South Jersey Radio Association built the foundation of the radio industry.

The SJRA, originally known as the South Jersey Wireless Association, first met on June 12, 1916 at the home of William G. Phillips in Collingswood, NJ. The meeting was composed of 13 ambitious individuals who were eager to learn more about the technical development and operation of wireless communication. Harry William Densham presided at this historic meeting which was attended by William G. Phillips, George Haldeman, C. Waldo Batchelor, Leon W. Ashton, William A.F. Pyle, Gordon Kressel, William L. Kirby, Edward B. Patterson, Henry Wetzel, Henry S. Byam, Taylor Stokes, and Roger W. Barrington. The South Jersey Wireless Association grew in size to 40 individuals by the time World War I began. The group responded to the growing need of wireless operators brought about by the war by conducting a wireless school in the physics lab of the Collingswood High School. After the course, many members of the club went on to advanced training at the Harvard University Radio School. Soon after the war, the activity of the association declined because of the rise in broadcasting and neighborhood annoyance over interference from local wireless telegraph stations. However, a small group of dedicated pioneers still met at each others homes to continue their pursuit. During this time, Normal Wible, a member of the SJRA, gained national prominence by being the first North American amateur to communicate with a South American over shortwave and vacuum tube transmitters. This event rejuvenated the club and gave rise to what is now known as amateur radio. On March 17, 1932, the SJRA received a station license with the call number W3CTV. Twenty-one years after its inception, the association became incorporated under New Jersey law on March 17, 1932.

Over the past 80 years, the SJRA has taken the initiative to promote amateur radio. In 1993, they developed a special program to introduce amateur radio to over 2,000 fourth, fifth and sixth graders. The program set up an amateur station in each classroom and encouraged the students to talk with amateurs through the various pieces of equipment such as the SJRA repeater. SJRA members have also assisted in many special events such as the New Jersey Fall Festival, the New Jersey Apple Festival, and the New Jersey Cranberry Festival. The service of the SJRA to the community makes them worthy of special recognition.

I ask that my colleagues join me in honoring the South Jersey Radio Association, an organization which has devoted its time and energy to the promotion of radio in the United States. With over 250 current members, the association has come a long way since its humble beginning back in 1916. I applaud the dedication of such an outstanding organization and I wish them continued success in the future.

## INTRODUCTION OF THE POSTAL REFORM ACT OF 1996

### HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 1996*

Mr. McHUGH. Mr. Speaker, Monday, July 1, 1996, will mark the beginning of the 26th year of operations for the U.S. Postal Service under the Postal Reorganization Act of 1970. That act has worked well for the past 25 years. However, changing market conditions and advances in communications technology necessitate that Congress revisit the legislative infrastructure of the Postal Service to ensure its continued viability and financial well-being into the next century.

Today I am introducing the Postal Reform Act of 1996. This measure represents the first comprehensive reform effort involving the U.S. Postal Service since 1970. For the past year and a half the Subcommittee on the Postal Service, which I chair, has conducted in-depth and lengthy hearings on the U.S. Postal Service. During these hearings we heard from more than 60 witnesses representing all facets of the postal community. In addition, I have had the opportunity to meet with a variety of individual postal customers, postal employees, and business leaders from some of our Nation's major corporations regarding postal affairs. I have listened and attempted to absorb the varying comments and interests put forth on and off the record. Ideally, this legislation addresses many of those issues.

Before outlining the details of the bill, let me say that the one central point of consensus in all my discussions has been the continuing need to maintain universal postal service to all of our citizens at a uniform, affordable rate. Coming as I do from a predominantly rural area, I believe that maintenance of a universal postal system is the cornerstone of any reform measure. I strongly believe universal service at reasonable rates remains the primary mission of the U.S. Postal Service. However, shifting mail volumes and stagnant postal revenue growth require Congress to reexamine the statutory structure under which our current postal system now operates if we are to maintain this important public service mission.

During the conducting of our oversight hearings, the subcommittee heard a number of witnesses describe methods of communications that were not imaginable in 1970. At that time, who could have foreseen the explosion of personal computers, the Internet, and facsimile machines as methods of communication? There has been a steady erosion of what used

to be standard correspondence moving through the U.S. Mail that now moves electronically or via carriage by a number of private urgent mail carriers.

According to reports of the General Accounting Office, the U.S. Postal Service controlled virtually all of the express mail market in the early 1970's; by 1995 its share had dropped to approximately 13 percent. Similarly, the Postal Service is moving considerably fewer parcels today than 25 years ago. In 1971 the Postal Service handled 536 million parcel pieces and enjoyed a 65 percent share of the ground surface delivery market. Compare this to 1990 when the Postal Service parcel volume had dropped to 122 million pieces with a resulting market share of about 6 percent.

Even the Postal Service's "bread and butter," first-class financial transactions and personal correspondence mail, are beginning to show the effect of electronic alternatives. Financial institutions are promoting computer software to consumers as a method of conducting their billpaying and general banking, while Internet service providers and online subscription services are offering consumers the ability to send electronic messages to anyone in the world or around the corner. Similarly, many of us have become accustomed to the immediacy of the facsimile machine. These new communication technologies all carry correspondence that formerly flowed through the Postal Service. These former sources of revenues supported a postal infrastructure dedicated to the mission of universal service.

This shift in postal revenues will have a negative long-term effect on the financial well being of the Postal Service. Should the service continue to labor under the parameters established by the 1970 act, its inability to compete, develop new products and respond to changing market conditions jeopardizes its ability to continue to provide universal service to the diverse geographic areas of our Nation. We must make adjustments to the Postal Reorganization Act of 1970 which will allow the Postal Service more flexibility in those areas in which it faces competition while assuring all postal customers of a continued universal mail service with the protection of reasonable rates that can be easily calculated and predicted. My legislation meets this goal by replacing the zero-sum game that has driven postal ratemaking for the last 25 years with a system that reflects today's changing communication markets.

Mr. Speaker, I propose to allow the U.S. Postal Service the opportunity to make a profit and remove the break-even financial mandate of existing law that promotes the wide, yearly, swings of postal profit and deficit and weeks of negotiations on arcane economic assumptions for ratemaking purposes.

I propose to divide the product offerings of the Postal Service into two primary categories. The first, the "non-competitive mail" category, represents all single piece letters, cards and parcels as well as those classes of users without significant alternatives. The class will utilize a postage rate cap process by which the associated customers can easily determine postal rates. The second category will be the competitive mail category and will include those mail classes, products and services the Postal Service provides through the competitive marketplace. Within this category the Postal Service may set its rates according to market forces subject to an annual audit provided to the Postal Rate Commission to assure that rates are reflective of costs while providing a contribution to the overhead of the U.S. Postal Service. In addition, it would allow the Postal Service freedom to experiment with new offerings for a period of 3 years before requiring the Postal Rate Commission to permanently place it in either the competitive or non-competitive mail categories.

This legislation grants significant freedoms and flexibility to the Postal Service. Consequently, other changes are needed to reflect this status. I propose to remove the safety net of the U.S. Treasury and the Federal Financing Bank from postal operations and repeal the remaining authorizations for taxpayer appropriations to the Postal Service. Similarly, I propose to apply the anti-trust laws of our Nation to the Postal Service products offered in either the competitive mail or the experimental market test categories. I am also proposing that the Postal Service conduct a demonstration project that will provide us with the data needed to determine the continued necessity of providing the Postal Service with sole access to individual private mailboxes. This bill, Mr. Speaker, will also settle once and for all the nagging problem of an agency's chief law enforcement officer and member of postal management serving as its Inspector General by establishing an independent, Presidentially-appointed, Inspector General for the Postal Service.

The bill enacts stringent reporting requirements to the Congress and to the U.S. Postal Rate Commission by providing the Commission with the ability to issue subpoenas, manage proprietary documentation and procure necessary information. This legislation places significant responsibilities on the Commission and, reflective of that, directs that the Commission will have for the first time its own Inspector General.

My proposal, Mr. Speaker, also increases the penalties for repeated mailings of unsolicited sexually oriented advertising as well as the mailing of hazardous materials and controlled substances. It protects workers on the job by making it a felony to stalk, assault or rob a postal employee. Just this past month we saw a letter carrier killed while on duty in our Nation's capital and we cannot allow those that would harm or rob postal carriers to go without significant punishment. My proposal addresses this serious situation by increasing the penalties for such acts of violence.

I stress that significant areas of current law remain intact. This legislation does not affect the existing collective-bargaining process. However, the subcommittee recognizes that serious problems exist between postal management and labor. To address this serious situation, I propose to form a Presidentially appointed commission made up of non-postal union and corporate representatives as well as those well known in the field of labor-management relations. The commission would be charged with addressing these issues in detail and provide guidance to the Congress and the Postal Service on any needed changes.

## IN REMEMBRANCE OF HAROLD WEBSTER WALES

### HON. JOHN SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 1996*

Mr. SHADEGG. Mr. Speaker, I rise today to remember Harold Webster Wales, a longtime friend of mine from the district I represent. I am usually reluctant to single anyone out from my district for praise because there are many outstanding citizens in the Fourth District of Arizona. However, Hal's expertise in tax law inspired and encouraged me to take actions to ease the burden our tax system places on small businesses and American families.

Harold Webster Wales was born June 23, 1928, in Seattle, WA, and passed away in Phoenix, AZ, on June 1, 1996. Hal was an Air Force veteran, who served his country honorably. He graduated cum laude from Seattle University with a degree in accounting and received his juris doctorate from the University of San Francisco. Admitted to the California and Arizona bars, Hal practiced extensively as a tax and estate planning attorney. He was a recognized authority in these fields, lecturing widely on matters of estate planning, income tax, and charitable organizations.

A member of professional organizations, Hal was active in the community both in his professional and civic life. He was president of the Central Arizona Estate Planning Council, president of the Catholic Social Service, and Arizona chairman of the National Foundation for the March of Dimes. Additionally, Hal served as a board member of the Garsky Wellness Foundation and Camelback Hospital as well as a finance committee member of the Marie Academy and St. Thomas the Apostle Church.

I have always been concerned by the inequities contained within the current Tax Code. However, when I met with Hal last February he spoke of his clients—honest hard-working Arizonans who were being victimized as a result of overburdensome tax regulations and penalties. These tax horror stories as well as his great knowledge and understanding of these issues prompted me to host a public hearing into the subject at the Phoenix City Council chambers on April 3, 1996. His participation and guidance helped me make this hearing a success.

Hal's greatest legacy is his family—his wife, Dorothy; two daughters, Lissa and Mary, grandson, Andrew, three sisters, Joan Wales, Shirley Hoctor, Duane Jones; his brother Bill, and aunt, Betty Spence. My most sincere condolences go out to them on this sad occasion.

Mr. Speaker, I plan to continue to fight to reform our Nation's tax system. Whatever success we may achieve will be a result of the tireless effort and wisdom Hal brought to this issue. I owe a great debt to Hal for his knowledge and friendship. His death is a personal loss to me and to the citizens of the Fourth District of Arizona.

## PERSONAL EXPLANATION

### HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 1996*

Mr. RAMSTAD. Mr. Speaker, I rise today to express my support for an amendment offered by Representative FURSE to the Interior appropriations bill that was voted on last week and would have repealed the emergency timber salvage provisions enacted last summer.

I was in Minnesota on a leave of absence due to illness and unable to be here for the vote, but had I been here I would have voted in favor of Representative FURSE's amendment.

Like many of my colleagues, I voted for the original emergency timber salvage provisions because I believe that salvage logging, when used properly, can be an important tool in forest management. Unfortunately, I am disappointed with the implementation of the law and have come to realize it was too broadly written.

I am concerned that waiving the environmental laws that would ordinarily apply to timber sales increases the strain timber, in general, have on the environment.

I am also concerned that there may not be the economic benefits to salvage sales that we had hoped. While I understand it is the environmental regulations and analyses that are blamed for much of the added costs to timber sales, and that by waiving these requirements the sales will be more economical, I am concerned that taxpayers will still lose money on the sales.

For these reasons, I would have voted for the Furse amendment to the Interior appropriations bill.

## TRIBUTE TO POLICE CHIEF JOE SULLIVAN OF FERNDALE, MI

### HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 1996*

Mr. LEVIN. Mr. Speaker, Police Chief Joe Sullivan of Ferndale, MI will retire on June 30, 1996 after almost 27 years with the Ferndale Police Department.

Joe Sullivan has been an exceptional law enforcement officer. From his early days as a patrolman, as the youngest captain in the history of the Ferndale Police Department and finally to his service as chief of police, he has had a distinguished and rewarding career.

His approach toward law enforcement is rooted in his family, his commitment to community and respect for his colleagues. Joe Sullivan's career in law enforcement has spanned three decades—an era of major change in the nature of law enforcement. The problems experienced in our communities have intensified and have become more complex. They have required new techniques. Joe Sullivan has been successful because he has been a leader in combining sophisticated new methods with some old-fashion, community-based methods.

It has been my pleasure to know Joe Sullivan and to work closely with him on a variety of efforts. 1994, Joe Sullivan spent time helping to provide me the hands of knowledge I needed to make the anti-crime bill more effective for local communities. We worked together, with other chiefs of police in the 12th District and with Attorney General Janet Reno to strengthen the community policing provisions of the bill by allowing communities to work together in multijurisdictional tasks forces. It was an idea sparked by Joe Sullivan and his colleagues and because of them it is law. I was honored to have Joe Sullivan join me for the White House ceremony where President Clinton signed the legislation into law.

Joe Sullivan is a person who combines a direct, no-nonsense approach with a sensitivity to others. He will tell you what's on his mind, while listening to the views of others. And he speaks passionately about what local law enforcement needs to be successful.

Joe Sullivan has won 17 commendations during his career on the Ferndale Police Force. One such distinction emanated from his work as commander of a SWAT intervention that terminated a dangerous hostage situation in 1984.

Joe Sullivan was born and raised in Ferndale. He is a husband of 30 years, a father of two and a grandfather of four. His strong family values are rooted in his Irish heritage.

Joe Sullivan has given his adult career to the safety and security of the citizens of Ferndale. I join them in paying tribute to Joe Sullivan and wishing him health and happiness in his much deserved retirement. Many thanks, Joe, for all of your efforts on our behalf.

## CITIZENS CELEBRATE FIRST WARD COMMUNITY CENTER, FWCC OLD TIMERS CLUB

### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 1996*

Mr. BARCIA. Mr. Speaker, how well a community does is directly related to the willingness of its people to commit themselves to making their community better. The first ward of Saginaw, MI, has benefited from the commitment of its citizens who, later this week, will be celebrating the 60th anniversary of the First Ward Community Center, and the 50th anniversary of the First Ward Old Timers Club.

More than 60 years ago, a community center was begun at 1013 North 6th Street to improve the neighborhood. Everyone in the community was invited to join in programs that were offered to help individuals, and through that make the first ward as good as it could be. Sixty years ago the center became part of the Welfare League, which predated United Way of Saginaw. In 1944, hands were joined across the community to make a human chain to move two old barracks to the center's current location at 1410 North 12th Street.

Over these many years of making the first ward better and better, the center has offered programs in adult counseling, recreation, preschooling, athletic activities, classroom and library facilities, and many, many memorable moments for the thousands of people who used the First Ward Community Center even just once.

The center has been broadly supported by the community, but not more strongly than by the Old Timers Club, which is celebrating its 50th anniversary. This wonderful group worked to provide support for the center to help the youth of the community. They have done so since their first picnic for youth in 1946, through the annualization of this event, and through the operation of a bingo for the center. The countless and invaluable hours of volunteer service to the center were vital in the growth of the First Ward Community Center and its positive impact on the neighborhood.

Mr. Speaker, when people ask for examples of where local commitment, constant probing for new solutions to problems, and devotion to higher ideals exist, tell them to look no further than the First Ward Community Center and the First Ward Community Center Old Timers Club of Saginaw, MI. For 60 years the First Ward Community Center has had a positive impact on Saginaw neighborhoods which continues today under the capable leadership of Charles Braddock, executive director, and the board of dedicated community volunteers. I urge all of our colleagues to join me in wishing both of these excellent organizations the very best on their anniversaries, and many more to come.

## TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENTS

### HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 1996*

Mr. OBEY. Mr. Speaker, today, I would like to salute two outstanding young women who have been honored with the Girl Scouts of the U.S.A. Gold Award by the Indian Waters Girl Scout Council in Eau Claire, WI. They are Carrie Shufelt and Carrie Meyer.

They are being honored for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development.

Girl Scouts of the U.S.A., an organization serving over 2.6 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four interest project patches, earn the Career Exploration pin, earn the Senior Girl Scout Leadership Award project, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold Award project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

The earning of the Girl Scout Gold Award is a major accomplishment for these young women, and I believe they should receive the public recognition due them for this significant service to their community and their country.

## WHY CONGRESS NEEDS THE MENTAL HEALTH BENEFIT

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 1996*

Mr. STARK. Mr. Speaker, I know it is not fashionable to seek perks for Members of Congress, but we desperately, desperately need one—and the country would be better for it if we obtained this benefit for ourselves.

We need the mental health parity amendment, because a majority of the Members are clearly suffering from severe mental disconnect, and as an institution, we are in need of treatment.

I refer, of course, to the insanity of spending long hours trying to pass the Kennedy-Kassebaum amendment to improve health insurance coverage, while we are also about to pass Medicaid budget cuts which will effectively remove health insurance coverage from millions of Americans.

The Congressional Budget Office estimates that Kennedy-Kassebaum bill might help about 550,000 people a year when they switch jobs or leave a job which offers health insurance and want to buy a policy of their own. It is a nice little bill and justifiably helps many worthy people. The Medicaid budget bill, on the other hand, will probably reduce Medicaid resources by a quarter of a trillion dollars over the next 6 years, and remove the guarantee of adequate health insurance from millions of children, parents, and grandparents. Thirty-seven million low-income blind, disabled, aged, and low-income children and their families are currently covered by Medicaid. Far more people will be hurt by the Medicaid cuts than will ever be helped by the Kennedy-Kassebaum bill.

If an individual pursued two such diametrically opposed actions, we'd say he was unbalanced and should seek professional help. The Senate in Kennedy-Kassebaum adopted an amendment to provide basically equal coverage of mental and physical health. I understand that that provision is being dropped. It is unfortunate. Members of Congress could use help.

## NORTEL CORPORATE CITIZENSHIP

### HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 1996*

Mr. CLEMENT. Mr. Speaker, I would like to bring to the attention of my colleagues a prestigious award received by a good corporate citizen in my district, Nashville, TN. The Committee on Economic Development recently honored Northern Telecom [NORTEL], a telecommunications equipment manufacturer with its domestic headquarters in my district, with the CED's first annual Corporate Citizenship Award.

I want to congratulate Donald Schuenke, chairman of NORTEL's board of directors and the over 1,000 employees NORTEL has in my district. The award salutes active involvement in the policy dialogue and a carefully considered commitment to social and community responsibility. The award recognizes the principle and values NORTEL has held throughout the 100 years it has been in business. They invest in research and development, in customer satisfaction, in the training and education of their work force, in the quality of their management and in their overall business performance. But they also have a strong and ongoing commitment to our Nation's communities.

For example, more than 50 community organizations are supported by contributions from employees of NORTEL's Nashville office. Employees there have a longstanding relationship with the students at Pennington Elementary School where they have served as tutors, judged science fairs and spelling bees, produced the school's semiannual creative writing magazine, and organized and run the school's annual field day. Moreover, NORTEL underwrites the cost of school books for disadvantaged students, provides computer training for teachers, and furnishes equipment for classroom use.

NORTEL employees work with Fisk University's Division of Business as adjunct faculty advisors and provide resources to students preparing to enter the work force. Employees also serve as consultants to area schools in advancing technology in the classroom and the company provides computers and training.

Artistic endeavors are supported through events such as the NORTEL young musicians competition, a partnership with a school system's music education program and the Nashville Symphony to recognize outstanding young musicians. NORTEL volunteers have also turned out to build homes in their community in conjunction with Habitat for Humanity, to donate blood, and to contribute food to the second harvest food bank.

My thanks to Donald Schuenke and to NORTEL CEO Jean Monty for their fine leadership and to all NORTEL employees for these and all the other many contributions they make to the State of Tennessee. Congratulations on winning this prestigious award, and I urge the corporate citizens of our country to follow your fine example.

## RECOGNITION OF PARTNERSHIP TO FIGHT INSURANCE FRAUD ONLINE

### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 1996*

Mr. KLECZKA. Mr. Speaker, I rise to pay tribute to Blue Cross & Blue Shield United of Wisconsin which has formed a unique partnership with State and Federal law enforcement agencies to help combat fraud in the insurance industry. The organizations are listing helpful information about health care fraud on Blue Cross & Blue Shield's World Wide Web site on the Internet. The site, HealthNet Connection, contains Wisconsin's first online library of free information about the State's health care system.

The company has now announced that it will join with the U.S. Attorney's Office for the Eastern District of Wisconsin and the State attorney general to use their Internet site to make even more information available to the public. This access can assist in ensuring that health care dollars are spent wisely by raising awareness, educating consumers, and giving them tools to help prevent insurance fraud.

Each of the participants will make available their own organization's efforts as well as a system for reporting suspected fraud. The U.S. attorney's office section will describe Federal laws and penalties, issue consumer alerts, and help for reporting suspicious incidents. The attorney general's office will outline State laws and penalties as well as how to relate potential violations. In addition, Blue Cross & Blue Shield already dispenses information to help health care providers, employers, government decisionmakers, researchers, and consumers make informed decisions about medical care.

This high-technology assistance for Wisconsin's health care consumers is an extraordinary service from the State's largest health insurer. Blue Cross & Blue Shield United of Wisconsin is to be commended for utilizing the information superhighway to form such a creative and useful partnership with law enforcement insurance fraud fighters.

## TRIBUTE TO BETSEY SHOOBRIDGE

### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 1996*

Mr. JACOBS. Mr. Speaker, on June 17, 1996 the world suffered a loss and heaven enjoyed a gain. Our dear friend, Betsey Shoobridge graduated from this life.

As can be seen by the following, she was a public spirited citizen and faithful worshiper of God.

While she lived, she was like an angel. Now she is one.

[From the Indianapolis Star, June 19, 1996]

WRITER BETSEY M. SHOOBRIDGE ALSO HAD LED UNITED WAY WOMEN'S GROUP

Services for Betsey M. Ress Shoobridge, 75, Greenfield, a writer and poet, will be at 1 p.m. June 20 in Harry W. Moore Lawrence Chapel, with calling from 2 to 8 p.m. June 19.

Burial will be in Crown Hill Cemetery.

She died June 17.

Mrs. Shoobridge worked 25 years for Walker Research, retiring in 1991.

She also had been a writer for Vital Christianity magazine, the Lawrence Journal, and had poems published in the Indianapolis Star and The Indianapolis News. She had received letters of recognition for her writing from author Somerset Maugham and comedian Red Skelton.

A longtime member of the United Way, she was past president of Indianapolis Women's United Way, a volunteer for Community Hospital, and a Democratic precinct committeewoman.

Mrs. Shoobridge, who worshiped at Bells Chapel Church of God and First Church of God, Greenfield, had been president of Women of the Church of God, a church youth leader and Sunday school teacher.

She was the widow of William J. Shoobridge.

Survivors: children William G., Janice Shoobridge, Eleanor Russell, Betsey Anne Lipps; eight grandchildren.

## JAPAN PASSENGER AVIATION AGREEMENTS

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 1996*

Mr. ANDREWS. Mr. Speaker, there is a vast economic potential that remains untapped today. This resource could mean millions of dollars for many cities and States. It could aid consumers, help tourism, and create jobs.

I'm talking about the untapped potential of passenger aviation between Japan and the United States. Currently flights between the two countries are restricted by agreements that severely limit the number of flights, the cities served, and the carriers that can fly between the routes.

One additional flight per day from Newark to Japan would bring almost 100,000 additional passengers to the area, with an economic impact of almost $700 million a year. There's an easy way to unlock this potential. The Clinton administration has the key. All it has to do is begin negotiation of a comprehensive new agreement to expand United States-Japan aviation service when officials of the two countries meet in Washington later this month.

Right now, the agenda consists solely of trying to obtain two new flights from Osaka, Japan, to Jakarta, Indonesia. Unbelievably, the larger issues are not on the agenda—the issues that affect travelers in the United States, the people who work in tourism and the people whose livelihood depend on the aviation industry.

Mr. Speaker, now is the time to think of those and renegotiate the United States-Japan passenger aviation agreements.

## SALUTE TO R. ALLISON DALTON

### HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 1996*

Mr. GRAHAM. Mr. Speaker, I rise today to recognize the achievements and contributions of Allison Dalton. For nearly 40 years Allison has been a tireless servant of his community and this country.

Allison Dalton started serving his country upon graduation from Clemson University. He entered the U.S. Army, where he was stationed in El Paso, TX. After serving his country in the Army, Allison returned home with his wife Carolyn and obtained a masters degree from Clemson University. Upon graduating from Clemson, Allison went to work for the textile industry—which is a paramount industry to South Carolina and the United States.

In the mid 1960's Allison Dalton went into business with his brother Charles in Pickens, SC. They opened a furniture business and ran it successfully for 13 years, until Allison left his business to work on Senator STROM THURMOND's reelection in 1978. After THURMOND was successfully reelected, Allison went back to his alma mater at Clemson University working in the athletic department. While there, Allison helped make the athletic fundraising operation one of the best in the country.

What is amazing about the life of Allison Dalton is that during this extensive work history, Allison raised two successful children, was and still is a Sunday school teacher, was a school board member, State School Board Association president, and has served on a board of directors for a local utility.

In 1994, Allison Dalton came to Washington to serve as my Chief of Staff. The job that he has done can only be described as extraordinary. The outstanding constituent services enjoyed in the Third district of South Carolina are due to Allison's implementation and hard work.

Later this year I received an unwelcome surprise when Allison came to me with the news that he had been sought out by the South Carolina Baptist Foundation to serve as their president. This is an opportunity that comes available every 30 years or so—you could say it's a once-in-a-lifetime opportunity. Very reluctancy, Allison has decided to accept this new opportunity and bid the House of Representatives farewell.

Mr. Speaker, I speak for myself and my staff when I say that we are sad to lose such an outstanding individual and friend. However, I am also proud to recognize the achievement of Allison Dalton, and I know that my colleagues will join me in honoring him for his dedicated service to the House of Representatives and to congratulate him on his appointment as president of the South Carolina Baptist Foundation.

## TRIBUTE TO THE EAST AFRICAN NATION OF ERITREA

### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 1996*

Ms. ROS-LEHTINEN. Mr. Speaker, recently, the East African nation of Eritrea celebrated the third anniversary of its independence. This is truly an occasion to rejoice for developing nations all over the world.

After winning a 30-year war for independence in 1991, the Eritrean people set out to build their new nation with the same resolve, determination, and self-reliance they used to achieve military victory. Today, Eritrea is stable, secure, and putting down strong roots for a future of democracy and prosperity. The Eritrean people and their leaders are hard at work building their infrastructure, reconstructing their cities, creating an investment-friendly economy, and revitalizing the agricultural sector in order to achieve self-sufficiency in food production.

The results so far are mind-boggling. Asmara has become one of the most beautiful cities in the world. The Asmara to Massawa railroad is being painstakingly rebuilt. And modern innovations in medicine and agriculture are improving the standard of living by leaps and bounds. Through it all, the Eritreans are exhibiting a marvelous spiritedness and dedication that is an inspiration to all of us.

The media is starting to notice: National Geographic, the New York Times, my hometown newspaper, the Miami Herald, and CBS News, among others have all had major stories featuring Eritrea recently.

I also want to alert my colleagues that between June 24 through June 29, in the Cannon rotunda, there will be an exhibit of Eritrean art reflecting their people's struggle and triumph.

Once again, I salute Ambassador Amdemicael Khasai, President Isaias Afwerki, and the valiant people of Eritrea.

## IN MEMORY OF WILSON WATKINS WYATT, SR.

### HON. MIKE WARD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 1996*

Mr. WARD. Mr. Speaker, I rise today to pay tribute to an outstanding Kentucky leader and statesman. Unfortunately, we lost this incredible man at the beginning of this month marking the end of a long life dedicated to public service. Wilson Watkins Wyatt, Sr., was a committed servant to the city of Louisville, the Commonwealth of Kentucky, as well as the United States.

He began his long career in politics as a young lawyer, founding the Young Men's Democratic Club in Louisville. A natural leader, his peers recognized his promise and urged him to run for mayor of the city. He agreed and was elected to the post in 1941, 1 week before the Nation entered one of the world's most tragic wars.

During his term, Wilson Wyatt worked for the betterment of the city implementing new programs to aid citizens during the war and programs for those patriotic veterans lucky enough to return home. Most notably, he created the Louisville Area Development Association which developed a plan for growth of the community in the post-war era. His talents easily recognized, President Roosevelt requested him for a special assignment to assess Allied needs in Africa during the war. Moreover, dedicated to civil rights years before the climax of the movement, Mayor Wyatt was committed to appointing African-Americans to city boards, increasing the number of minorities in the police force, and eliminating salary differences based on race.

After his tenure serving Louisville, he was called on by President Truman to serve his country as Administrator of the National Housing Agency. He created a program to encourage construction of low-cost housing for returning soldiers, helping to stimulate the postwar economy and provide homes for our most deserving veterans.

After serving as campaign manager and personal advisor to the Presidential campaigns of Adlai Stevenson, Mr. Wyatt ran for lieutenant governor alongside Bert Combs and served Kentucky by concentrating on the future of agriculture, forests, atomic energy, research, and industry within the State. He crowned his political service with an appointment as a special emissary to negotiate an oil agreement with Indonesia on behalf of President Kennedy.

After his various experiences in elective office, Wilson Wyatt remained dedicated to the constituents he was so eager to serve. He put his leadership skills to work in developing

Leadership Louisville, an organization built to breed outstanding leaders for our city for the next generation. A dedicated philanthropist, he led efforts to establish the $12 million Regional Cancer Center of Louisville as well as the Kentucky Center for the Arts. He served on the boards of many local organizations such as the Louisville Area Chamber of Commerce, the Louisville Heart Association, University of Louisville Board of Trustees, and the American Heritage Foundation.

Wilson Wyatt was a symbol of service and commitment to his fellow countrymen. His life in both the public and private sectors was always focused on the betterment of society and his influence in Louisville, in Kentucky, and in the Nation, will be continually felt.

## REEBOK ANNOUNCES AN INNOVATIVE INITIATIVE

### HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 1996*

Mr. MOAKLEY. Mr. Speaker, at a time when many companies are asking themselves how they can select manufactures that do not exploit workers around the world, Reebok International Ltd. has announced an innovative and precedent-setting initiative in Pakistan.

Mr. Speaker, about half of the world's soccer balls are made in Pakistan and recent reports indicate that as many as 20 percent of the balls are being stitched by children. As a result, Reebok has spent months negotiating with soccer ball manufacturers to come up with a way to ensure that children will not stitch Reebok balls. The result is an agreement between Reebok, Moltex, a Pakistani ball manufacturer, and Reed and Associates, a design and development company, that requires the construction of a new factory in which all stitching will be performed inside the factory, together with vigorous monitoring and an educational program to help area children formerly employed stitching balls.

Reebok has long been recognized for its leadership in creating awareness of human rights through its sponsorship of the Amnesty International Human Rights Now! Concert tour, through its annual Reebok Human Rights Award, and through its thoughtful implementation of its Reebok Human Rights Production Standards. With the child-labor-free soccer ball initiative, Reebok has again demonstrated that it can honor its commitment to human rights and be a successful business at the same time.

I have attached the letter from Peter Moore, senior vice president, Global Soccer/Rugby at Reebok which explains the initiative and ask that it be inserted into the RECORD at this time.

REEBOK

*Stoughton, MA, June 12, 1996.*

I am writing to announce that after many months of research and planning, Reebok has put into place plans to buy Pakistani-made soccer balls that we know with certainty will not be stitched by children. Before I describe this program to you, I want to provide you with the background that has led us to embark on this venture.

Reebok is a global athletic sports and fitness brand dedicated to bringing exciting, quality products to market. As a company that has long stood for human rights, we are also committed to finding partners that will manufacture these products in a fair and just manner.

Our soccer business is critically important to us worldwide and, ever since we first learned that as many as 20% of soccer ball stitchers in Pakistan may be children, we have been reassessing this aspect of our business with the hope that we could find a way to operate there that reflects our human rights standards.

Working with colleagues at the Soccer Industry Council of America (SICA), Reebok helped establish the Task Force on Global Manufacturing Practices to organize, research and develop recommendations for action. The SICA Task Force represents a significant attempt by U.S. industry to address the problem of child labor. The Task Force has called on the services of outside experts, including a noted human rights activist and professor of human rights and business ethics at Columbia University and a highly-regarded research organization based in Pakistan with experience working with UNICEF and other international organizations.

Through the Task Force we have been able to understand possible options to explore—and what to avoid—when approaching this problem.

We learned that child labor in Pakistan is a symptom of serious social and economic challenges—rampant poverty, inadequate educational opportunities, and cultural attitudes concerning the responsibilities of family members, to name only three.

Although the conditions for children were by no means as abusive as we had feared (researchers found no support for allegations of "bonded" or "slave" labor in soccer ball assembly and conditions were substantially better than in other industries in that region) the use of children violated internationally recognized labor standards and our own code of conduct, the Reebok Human Rights Production Standards.

We learned that when children are used to stitch soccer ball panels, they are outside the factories, in homes and small stitching centers scattered across 250 square kilometers surrounding the industrial town of Sialkot. Under these conditions, it has been impossible to adequately monitor whether or not children were stitching balls.

Most knowledgeable individuals, non-governmental organizations and social service providers in Pakistan want U.S. companies to continue buying soccer balls made in Pakistan. Ceasing to source balls in Pakistan would cause additional hardship for the very workers and their families we are seeking to protect.

Industry alone cannot alleviate the conditions that give rise to child labor, although we feel we can and must do our part.

After soliciting a number of proposals from soccer ball manufacturers in Pakistan, Reebok has reached an agreement with Moltex Sporting Goods (PVT) Ltd. and Reed and Associates to establish a new manufacturing facility. Reed and Associates is a French-based company specializing in research and development, sourcing and manufacturing of soccer and rugby balls. Moltex is a Pakistani soccer and rugby ball manufacturing company. The agreement has three major components:

Moltex and Reed have agreed to begin immediate construction on a new soccer ball facility that will be dedicated to the production of Reebok balls. All work on the balls will be performed on this factory site. All workers will be age 15 (the legal working age in Pakistan) or higher. Should the minimum age for workers in Pakistan be raised, the higher age will apply to factory workers.

Reebok is making a commitment to support educational and/or vocational training for children in the soccer ball manufacturing region of Pakistan. We are keenly aware of the impact the changes we contemplate will have on children and their families currently stitching soccer balls. Experts agree that the antidote to child labor is education. Reebok will support educational and/or vocational training programs in Pakistan, thus contributing to a more secure, hopeful future.

Reebok will undertake a vigorous monitoring program to ensure that: a/ children are not entering the workplace, and b/ soccer ball panels are not leaving the factory to be stitched by children. We are now involved in the process of determining what kind of monitoring would be most effective to achieve this end.

We are confident that this agreement will give us the framework to work with our Pakistani partners to commence initial production later this year and to achieve full production capacity by early 1997.

To those who wonder whether there are additional costs associated with in-factory stitchers and answer is: "yes." Nevertheless, we are committed, as are our factory partners, to retaining our competitive place in the marketplace, delivering the high quality balls our consumers have come to expect and living up to our human rights production standards.

There is much to be done to implement this plan. We know it will not be easy and that there will be bumps along the road. Yet we know we cannot remain in the soccer ball business until and unless we find a way of doing business that allows us to live up to our commitments. We believe this arrangement can do that.

Sincerely,

PETER MOORE,
*Senior Vice President, Global Soccer/Rugby Division.*

## U.N. CHARTER DAY—51 YEARS OF ACCOMPLISHMENT

### HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 1996*

Mr. DELLUMS. Mr. Speaker, I rise today to recognize the 51st anniversary of the signing of the United Nations' Charter. The United Nations [UN] was created over World War II to meet a number of supranational objectives. It was tasked to maintain international peace and security, to promote recognition of fundamental human rights, to promote respect for international law, and to promote social progress and better standards of life worldwide.

There are some who feel that the United Nations has outlived its usefulness. Some see it as an irrelevant bureaucratically bloated organization, where diplomatic talk continues endlessly. There are unquestionably aspects of the United Nations that merit reform. But while friends of the United Nations recognize its problems to be a reason for reform, its enemies use those same problems as a basis to call for its destruction.

It is too easy to overlook the United Nation's many accomplishments, because many of

them we now take for granted. For example, the United Nations helped to peacefully bring down the racist government in South Africa. U.N. peacekeeping in Namibia helped to create a civil administration of government. The United Nations has helped to end civil contract and hold elections in Cambodia, El Salvador, and Nicaragua. Some look of the efforts gone awry in Somalia and the former Yugoslavia as indicative of its uselessness. Yet, while the United Nations did not accomplish all that was intended or hoped, neither were those total failures either. The United Nations was able to ensure that food and other humanitarian air reached civilians caught in the conflict. As bad as the situation was in Somalia and the former Yugoslavia, it would have been far worse without the United Nation's intervention.

The United Nations has also been fairly successful in fostering the recognition of human rights throughout the world. In 1948, the U.N. General Assembly adopted the Universal Declaration of Human Rights. This declaration has subsequently been recognized by many legal scholars as constituting customary international law. The United Nations followed this up in 1966 with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. In addition, the United Nations has been instrumental in developing treaties focused on eradicating racial discrimination, gender discrimination, and torture. The U.N. Human Rights Commission in Geneva helps to monitor and enforce these international human rights.

The United Nations High Commissioner for Refugees [UNHCR] has also been very successful in aiding and resettling refugees, who are displaced by conflict or natural disasters. UNHCR was even awarded the Nobel Prize for this work in Europe in 1954 and in Asia in 1981.

The United Nations has many successes in health care. Everyone has benefited from its efforts. In 1980, the World Health Organization [WHO] eradicated smallpox worldwide. In 1991, it eradicated poliomyelitis form the Western hemisphere. The U.N. Children's Fund [UNICEF] works with mothers and children to reduce maternal and infant mortality rates. UNICEF provides maternal health care and vaccinations against childhood diseases in developing countries. UNICEF was awarded the 1965 Nobel Peace Prize for these efforts.

The United Nations has also been successful in aiding the development of Third World countries. The U.N. Development Programme [UNDP] has helped aid developing countries to become economically self sufficient. It has aided over 170 countries to grow their own food and to participate in the global economy. The International Labour Organization [ILO], an independent U.N. agency, has been working to establish worker's rights worldwide. It includes in its membership governmental officials and representatives of both labor and management. It has drafted numerous treaties that have helped to establish minimum health and safety standards and prohibit forced labor and child labor.

The United Nations has many environmental accomplishments, particularly relating to pollution of the ocean and the atmosphere. It was through the United Nations that the Law of the Sea Conventions of 1956 and 1982 were drafted. These conventions reflect existing customary law as well as developing law, and are designed to protect freedom of the seas, prevent ocean pollution, and recognize the valid interests of coastal states. The International Maritime Organization [IMO] has also been instrumental in reducing pollution in the oceans—by as much as 60 percent.

It was the 1972 Stockholm Conference on the Environment that brought focus to international environmental issues. Out of this came the U.N. Environmental Programme [UNEP], which helped to clean up the Mediterranean Sea, and helped to develop a number of international treaties. These treaties include: the Convention on Long-Range Transboundary Air Pollution, the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol on Substances that Deplete the Ozone Layer, and the U.N. Framework Convention on Climate Change. In 1992, the United Nations convened the Rio Conference on the Environment and Development, which helped to focus on the need for sustainable development.

The United Nations has also been important in the effort to control nuclear weapons. The International Atomic Energy Association [IAEA] is an independent agency of the United Nations that enforces the Nuclear Non-Proliferation Treaty. The IAEA was formed in order to help nations develop peaceful uses of nuclear energy and to prevent proliferation of nuclear weapons. The IAEA monitors nuclear energy plants to ensure they are not being used for non-peaceful purposes. The IAEA, working with the U.N. Special Commission on Iraq, has been inspecting Iraq's nuclear plants to make sure that they are not used to develop nuclear weapons.

The United Nations is an invaluable institution. It has been particularly important to those living in Third World countries, but even those of us in the United States have benefited from the United Nation's many-focused agencies. We have more peace, more justice, better health, more self-sufficiency, cleaner air, cleaner water, and a consciousness of the interdependence of all nations in one global village.

## INTERNATIONAL COOPERATIVE DAY

### HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 1996*

Mr. OBEY. Mr. Speaker, July 6 is recognized around the world as International Cooperative Day. This 74-year-old tradition presents an opportunity to people from all corners of the earth to recognize the important difference that cooperatives make in their lives.

The potential role of cooperative enterprises in promoting economic development in areas of most critical need, in many cases businesses, has been recognized by the United Nations. Last year, the U.N. declared that the International Day of Cooperatives should be celebrated every year by governments in collaboration with their national cooperative movements.

Next Monday, July 1, cooperative leaders from the United States and from around the world will meet at U.N. Headquarters in New York to celebrate in International Day of Cooperatives at an event organized by the United Nations, International Day of Cooperative Alliance, and the Committee for the Promotion and Advancement of Cooperatives. This event will provide an opportunity to discuss and to demonstrate the actual and potential contribution of cooperative business enterprise to the achievement of economic goals, including:

The potential of the cooperative movement to participate as a distinct stakeholder and full partner with the United Nations and institutional procedures and structures hereby such participation may be most effective.

The contribution of cooperative business enterprise to the achievement of the goals of the International Year and Decade for the Eradication of Poverty and the realization of the goals of the World Food Summit.

The potential of the cooperative movement to develop human resources and institutional capabilities.

The cooperative movement as a means for the economic, social, and political empowerment of women.

The contribution of cooperative business to the provision of appropriate and affordable social services.

The capacity of the cooperative movement to undertake appropriate technical assistance as a complement to governmental multilateral and bilateral assistance.

The ways and mean whereby partnerships may be strengthened between cooperatively organized business enterprises and the U.N. development system.

I have believed for many years that cooperatives provide people with an economic alternative that empowers them economically to help themselves. Throughout this century, this body has passed legislation that created the spark for cooperative development and opened the door for cooperatives in this country.

The result has been the creation of our rural electric and telephone cooperative systems, the farm credit banking system, the National Cooperative Bank, and credit unions and community development credit unions. All of those have been tools that allow people to accomplish together things they could not accomplish alone. All are owned by the members who benefit from them, and are controlled through the election of boards of directors by that membership.

It is fitting that the international community should recognize that power and the possibilities that cooperatives represent in developing countries. Today, over 760 million people around the world are members of cooperatives. And that fact has made all of their lives a little brighter.

I encourage my colleagues to look to their own districts and recognize the existence of cooperatives there that meet their constituents needs. What you will find is over 100 million Americans and 45,000 businesses ranging in size from small buying clubs to businesses included in the Fortune 500. Today, we have cooperative businesses in the fields of housing, health care, finance, insurance, child care,

agricultural marketing and supply, rural utilities and consumer goods and services.

Cooperatives have helped to make this country the economic powerhouse of the world. It's a legacy we should share with the rest of the world.

## PROPOSED: THAT ISRAEL UNILATERALLY WITHDRAW FROM LEBANON

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 1996*

Mr. RAHALL. Mr. Speaker, I rise today in praise of Stephen S. Rosenfeld, the author of an op-ed piece which appeared in the Washington Post, on June 21, entitled: "For Israel in Lebanon—a Unilateral Withdrawal."

Mr. Rosenfeld's article breathes new life into what I have been saying now for many years—get Israeli soldiers out of Lebanon, and the guerrilla Hezbollah will disappear as well—making it safe for both Israeli citizens in north Israel, and for Lebanese civilians who live in or near the southern border.

The Rosenfeld column is extremely timely given two recent and related events in the Middle East. First of all, the totally inappropriate and devastating attack on Lebanon civilians by the Israelis during operation Grapes of Wrath. In that operation 170 innocent Lebanese civilians were killed, and more than 400,000 men, women and children were left homeless, grievously injured, and suffering from the grave loss of their loved ones and of destroyed infrastructure on which they relied for life's daily necessities.

Second, what Rosenfeld has to say is timely because we have just witnessed the election—the first direct election—in Israel which replaced the Labor party with the more conservative Likud party—leaving most of us wondering about the future—if any—of the Middle East peace process.

Third, in the contest of a continuation of the Middle East peace process, where does it leave the innocent bystander nation known to the world as Lebanon, as it struggles with Syrian soldiers on the one side, and Israeli soldiers on the other.

In that context, I bring to the attention of my colleagues the column by Stephen Rosenfeld for the Post, in which he says what I and the Lebanese have been saying for years: get Israel to withdraw from southern Lebanon—and the rest will take care of itself.

Mr. Rosenfeld states at the outset: "Here is a good way for Benyamin Netanyahu to start off his foreign policy on the right foot. Remove Israeli troops from southern Lebanon and its larger occupier, Syria, but without negotiation. Just do it."

Rosenfeld also notes that "southern Lebanon, after all, is not part of the 'Land of Israel,' and no Jewish settlers live there." I agree completely with that observation and urge my colleagues to understand its deeper meaning in the context of Middle East peace. And I also agree that to rid Lebanon of Israeli soldiers would also rid southern Lebanon of the Syria-sponsored Hezbollah guerrilla infestation—because with Israeli troops gone, the guerrillas would have to go too. Syria's credibility would definitely be on the line.

I could not agree more. Just do it. And please, for the sake of humanity, do it without another operation first, which undoubtedly will only cause further civilian casualties.

Mr. Speaker, I ask unanimous consent that the above-referenced newspaper article be printed in the RECORD at this point.

[From the Washington Post, June 21, 1996]

FOR ISRAEL IN LEBANON—A UNILATERAL WITHDRAWAL

(By Stephen S. Rosenfeld)

Here is a good way for Binyamin Netanyahu, Israel's new prime minister, to start off his foreign policy on the right foot. Remove Israeli troops from southern Lebanon. Right away. With notice to Lebanon and its larger occupier, Syria, but without negotiation. Just do it.

The advantages for Lebanon are obvious. It would be rid of the Israeli occupation. More important, Lebanon could reasonably anticipate being rid of the provocative presence of the Syria-sponsored Hezbollah guerrilla infestation. For without Israeli troops to attack on Lebanese soil, Syria loses the last pretext to keep Hezbollah in Lebanon. With Israeli troops gone, the guerrillas would have to go too.

There, of course, lies the advantage for Israel. The Israelis are dreadfully cynical about Lebanon, alternately bemoaning, exploiting and aggravating its weakness. But surely Netanyahu's Likud, newly validated as the party of security, is capable of serving the goal it professes. What greater interest does Israel have in Lebanon than to stop the relentless drain of its soldiers' blood in the Israeli-occupied border zone and to safeguard its own now-threatened northern villages? These results would flow from calming the Lebanon-Israel border.

Perhaps Prime Minister Netanyahu is more interested in flexing Israel's military power. In that case, he would want to wait for suitable Hezbollah provocation—they come along regularly—and conduct a bash. This is the traditional Israeli way to try to intimidate the guerrillas and reassure folks at home.

But set aside, as Israelis do, the repeated disasters this policy of reprisals has bought upon Lebanon. Netanyahu must know the policy has been an utter failure for Israel. Israeli soldiers are still being ambushed, Israeli towns still rocketed. This record and this prospect have to be the starting line of any serious Israeli effort to deal with Lebanon.

I hear you out there saying, wait a minute, if the Israelis pull back, Syria and Hezbollah may simply conclude that Israel has lost its nerve, that Netanyahu and his Likud have gone squishy, and stay in place. This fear of having one's resolve underestimated is the defining anxiety of Likudniks, especially those in America.

My answer is that Hezbollah's withdrawal is integral and implicit in the politics of the Middle East. In an Israeli pullback, Hezbollah and its patrons would be able to claim victory: to say they had driven Israel from Lebanon. They would have no reason to stay. Lebanon's residual nationalism and self-respect and Hafez Assad's care for his own credibility would propel the guerrillas out.

But Israel too could claim victory—the safety of its soldiers and civilians alike. An Israeli government devoted to security that did not explore this option would have its own problems of credibility. Southern Lebanon, after all, is not part of the "Land of Israel," and no Jewish settlers live there: key factors in easing any possible Likud doubts about a pullback.

Netanyahu campaigned on a claim that only his Likud Party could make the tough decisions necessary for peace. Here is a tough decision, one perhaps that the left-leaning Labor could not have made but that the right-leaning Likud can.

The prime minister has been saying he wants to move away from his predecessor's attempt to find a "comprehensive" approach to Syria and adopt an "incremental" one. Okay, here is an increment, a nice bite-sized one; there aren't so many others.

Netanyahu has been making public the "guidelines" for his foreign policy. For most of them, he would seem to have no Arab partner, not soon, anyway. But for this one he could very well have a partner, Syria, which is in a position to bring along poor Lebanon and the killers of Hezbollah.

As for doing it unilaterally, the case for it is that this is how to get the thing done quickly and cleanly. Israel would simply announce its plans, reserving, of course, a "right of return" for the Israeli army if the Syrians don't deliver. The worst that could happen would be to go back to the unsatisfactory but manageable status quo.

In the early 1970s, I asked the Israeli prime minister, Labor's Golda Meir, if she had considered a unilateral withdrawal of Israeli forces from their positions on the Suez Canal back to the Sinai passes,with both sides free to police the evacuated territory to keep it demilitarized. She drew herself up in executive unanswerability and thundered: "I suppose you want the entire Egyptian army directly on our frontier!" Soon came the 1973 war, leaving the Israeli army at the passes.

In 1992 some in Likud thought the reason Yitzhak Shamir lost to Shimon Peres was that Shamir had not acted on Likud suggestions to withdraw unilaterally from troubled Gaza. Then as now the argument rested on Israel's security needs. Most foreign policy fixes take two. Here is one in Netanyahu's hands.

## 100TH ANNIVERSARY OF LONG BEACH MASONIC LODGE NO. 327 F.&A.M.

### HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 25, 1996*

Mr. HORN. Mr. Speaker, for the past 100 years, members of the Long Beach Masonic Lodge No. 327 F.&A.M. have worked hard toward the betterment of the Long Beach area community, while actively promoting the highest principles of Masonry. Southern California is a better place for their efforts.

History records that it was due to the untiring efforts of Charles E. Mitchell, master of Wilmington Lodge No. 198 in 1895, that Long Beach Lodge No. 327 had its birth. Masons living in Long Beach held memberships in Wilmington, Los Angeles, and other towns. But roads were poor and traveling was difficult so it was decided that the time was right to start a Masonic lodge in the city of Long Beach, population 1,600.

On April 21, 1896, 21 brethren who recognized each other as Master Masons' meet in

a small building on the north side of Ocean Boulevard, between Pine and Pacific Avenues, for the purpose of applying to Grand Lodge for dispensation to establish a lodge of Free and Accepted Masons in Long Beach.

Dispensation was granted on June 29, 1896, by Grand Master Edward M. Preston and Long Beach Lodge "Under Dispensation" held its first stated meeting on July 9, 1896. The meeting place was a lodge room on the top floor of a three story building known as castle hall on the northwest corner of Pine Avenue and Ocean Boulevard.

On October 15, 1896, at the 47th communication of the Grand Lodge of California, a charter was granted and the new lodge was constituted on November 12, 1896, by Past Grand Master Henry Orme in "The ceremony of constitution and dedicating the lodge in accordance with ancient usage." The 25 charter members were:

Charles Edward Mitchell, Russell Kincade, Thomas Stovall, William Schilling, Henry Clay Dillon, George Wesley Bond, John Fell Lightburn, Henry Clay Bailey, Robert Benton Vanderburg, Charles Fitz Abner Johnson, William Penn Haworth, Harry Bateham Marshall, John Wesley Hanselman, William Galer, Wesley Clay Bowers, Ephriam Roscrans, John Roberts, Henry Harrison, John Finlayson, Samuel Crawford Hummer, Joseph James Hart, Francis Joseph Pursey, Chester C. Clewett, William Jasper Morrison, and William Wallace Lowe.

New officers installed on November 12, 1896, were:

Master Charles E. Mitchell, Senior Warden Henry C. Dillion, Junior Warden Russel Kincade, Treasurer William Wallace Lowe, Secretary Wallace C. Bowers, Senior Deacon George C. Flint, Junior Deacon Charles H. Thornburg, Marshall Joseph J. Hart, Senior Steward George W. Bond, Junior Steward Chester C. Clewett, and Tiler William L. Briggs.

The cornerstone laying ceremony of Long Beach Lodge's Masonic Temple was conducted on August 5, 1903, by Grand Master Orrin S. Henderson and his Grand Lodge officers at 234 Pine Avenue, Long Beach. The brethren of the lodge, headed by the Marine Bank and escorted by the Santa Ana Knights Templars, paraded from the lodge room to the site of the new temple. The Grand Lodge officers and visiting brethren from all around the country were later entertained and dined by Long Beach Lodge No. 327.

Fifty-four years, two world wars and a devastating earthquake were to pass before the ground-breaking for another new temple would take place on August 24, 1957. The first shovel-full of earth was turned at 3610 Locust Avenue by John H. Ferguson, inspector of the 622 Masonic District and past master of Long Beach Lodge. On November 23, 1957, the cornerstone was laid with full Masonic Grand Lodge honors by Grand Master Leo E. Anderson.

Today, Long Beach Lodge No. 327 F.&A.M. has over 600 members. The Officers for 1996 are as follows:

Master John W. Gaddis IV, Senior Warden Richard L. Garrett, Junior Warden Gene M. Ferguson, Treasurer Truman W. Cleveland, Secretary Billy R. Wilkerson P.M., Chaplain Mark A. Shoemaker, Senior Deacon Jack E. Reynolds, Junior Deacon Larry R. LaCost, Jr., Marshall Charles D. LeReaux, Senior Steward Neil D. Staryk, Junior Steward Charles M. Higgins, Organist Leonard L. Black, and Tiler Howard C. Earnshaw.

Members of Long Beach Lodge No. 327 F.&A.M. have faithfully served their country and community in all branches of the military and many members currently serve the community in fields such as police and other public services.

Members of Long Beach Lodge No. 327 F.&A.M. look toward the future by supporting the local public schools. One month each year is devoted to actively visiting and discussing the needs of the next generation of citizens in the Long Beach public schools.

Through their service to the Long Beach area community and their commitment to the principles and doctrines of Masonry, the members of the Long Beach Masonic Lodge No. 327 F.&A.M. have made immeasurable contributions. We are far richer for their work.