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Senate

(Legislative day of Monday, May 1, 1995)

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

PRAYER

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

Almighty God, we praise You for Your empowering us to stand with strength and courage in the midst of spiritual warfare. We see the results of the works of evil in the violence and terrorism in both word and deed all around us. And inside our own hearts we often feel hassled by the temptations of pride, aggrandizement, and the need to control.

We come to the armory of Your presence to be suited up with Your whole armor for the battles of the mind and spirit today. Thank you for the breastplate of righteousness that makes us secure in Your unqualified love and forgiveness. Shod our feet with the preparation of the Gospel of peace and help us to stride forward with the inner calm of Your perfect peace that passes understanding. Give us the shield of faith to quench the fiery darts of the invasion of Satanic influence. Place over our heads the helmet of salvation and protect our thinking brain from distorted half-truths and confused direction. Then help us to grasp the sword of the Spirit, Your words of guidance for hand-to-hand battles with evil. On time and in time, whisper in our souls the exact word of encouragement and courage that we need.

So, Lord, we gladly accept Your whole armor as we prepare for the battles of this day. In the name of the One who vanquished evil and is our victorious Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

SCHEDULE

Mr. CHAFEE. Mr. President, this morning the leader time has been reserved, and the Senate will immediately resume consideration of S. 534, the interstate solid waste bill. Pending is the Hatch amendment to the Specter amendment regarding Senate hearings on Waco and Ruby Ridge. Also, Senators should be aware that a cloture motion was filed on the committee substitute. Therefore, a cloture vote will occur tomorrow, unless an agreement can be reached. All first-degree amendments should be filed by 1 p.m. today. That is very important. Rollcall votes can be expected throughout the day today and into the evening in order to make progress on this bill.

I would add, Mr. President, it would be my hope that we finish this bill today and that those who have amendments will bring them over and let us consider them and see if we can handle them, and, if not, we will vote. But above all, it is very important that people come over with their amendments. All first-degree amendments have to be filed by 1 p.m. today.

So we are here ready to do business, Mr. President.

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

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

The assistant legislative clerk read as follows:

A bill (S. 534) to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

(1) Specter amendment No. 754, to express the sense of the Senate on taking all possible steps to combat domestic terrorism in the United States.

(2) Hatch amendment No. 755 (to amendment No. 754), to express the sense of the Senate concerning the scheduling of hearings on Waco and Ruby Ridge in the near future.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

THE BUDGET AND MEDICARE

Mr. THOMAS. Mr. President, I am very anxious that we proceed with the bill before us. In the meantime, I would like to just for a moment or two continue on our freshman focus on the idea of moving forward with these issues that are before the Senate and the House and that do need to be resolved soon, and to emphasize the opportunity that we have to solve them. Specifically, of course, to the budget and more specifically Medicare.

We have talked about Medicare for a good deal of time over the past, but now we come to a time when there is no choice as to whether we have to make a decision or whether we do not. We have before us a report from the trustees, of course, which indicates that unless we do something the fund will be broke in probably 3 years. So it is not a matter of not doing something. It is a matter of what do we do.

I am disappointed, I must say, that the administration has taken the position that we are just going to wait; we are just going to see what happens; we

tried last year; our plan was not acceptable; and therefore we are not going to do anything.

That is not a strong leadership position. That is not a position that the administration should take. Nevertheless, the issue has to be dealt with. We propose to deal with it. The budget will suggest that in terms of part A the remedy might be found in the area of reducing growth—not cuts, not draconian cuts but, rather, reducing the growth from 10 percent to 7 percent, 8 percent, and that we can do this by changing some of the processes.

I think that this is the important thing that we have to talk about; that there ought to be some choices for seniors; that we ought to have some opportunities to use managed care; that there ought to be some incentives for people to find better ways of receiving services.

But the idea that we can simply sit back and continue to do what it is—the suggestion was made yesterday, if we can do something with the budget, we simply ought to take more money and put it into the program without changing.

Mr. President, that is not a useful solution. We have to find some ways to make the program work better. It seems to me that that is the great opportunity that we have had in this Congress for the first time in a number of years, to examine programs; not to do away with programs, but to find ways to deliver services more efficiently, to find ways, better ways, to deliver services to people who are eligible for those services. That is the challenge that we have.

Mr. President, I yield to my colleague, the Senator from Tennessee.

Mr. THOMPSON addressed the Chair.

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

FACING UP TO OUR RESPONSIBILITIES

Mr. THOMPSON. I thank my colleague from Wyoming. As usual, he hits the mark squarely. He outlines the problem.

Mr. President, I think what we are about here today is a part of a broader consideration, and that is our responsibility to the American people. We are getting about, I believe, responding to an issue here that is on the minds of the American people and we are doing something that is different, I think, than what has been going on in this body and in this city for a long time. And that is, we are facing up to our responsibilities.

Mr. President, I feel that for a long period of time in this country the U.S. Congress, in being more interested in the next election and the next election cycle than the next generation, for a long time has been putting its problems off and rolling them forward again and again and again hoping that perhaps the next generation or someone else will figure out how to dig out from under the present problems that we have laid on them.

This Medicare situation falls into that category. We have to face up to it. I believe it is the responsibility of this body to identify those items, those matters which we have concluded represent a substantial affect on peoples lives in the future. I think the Medicare trustees have put us in that position. They have given us information. We have the bully pulpit. We must inform the American people of what is happening. There is no room for recriminations right now as to how we got there, why we got there. We need to get about solving this problem.

Put in blunt terms, Mr. President, the trustees have informed us that, if we do not do anything, in 7 years Medicare is going to go broke. I do not know how much more simply we can explain it.

Medicare expenditures are increasing at the rate of 10 percent a year. We cannot sustain 10 percent a year. Now, the budget that has been put forward by the Budget Committee increases Medicare spending. It increases Medicare spending at the rate of 7.1 percent a year; not the 10 percent, but 7.1 percent.

We can get the job done at that rate, Mr. President. We can save the trust fund. Obviously, it has budget implications. But, separate and apart from any budget considerations, the Medicare problem, the Medicare crisis, must be addressed.

The budget that was submitted at 7.1 percent is an increase of Medicare spending of twice the rate of inflation. We can increase Medicare spending at twice the rate of inflation and still, by not going the full 10 percent, we can get out of this problem and save the Medicare Program for the 36 million Americans that depend on it. You would think that when you have a clear problem like that pointed out by a bipartisan commission—everyone in this body knows there is a substantial problem—that you would have both branches of Government, the executive branch and the legislative branch, pulling together. You would think you would have both political parties pulling together; that this is indeed a matter of national interest that we all have to work together to solve.

Unfortunately, Mr. President, it seems that the President of the United States has taken the position that, because we did not pass his health care bill last year, he is going to somehow get back at us by not being a player in this game.

These are tough decisions. These are tough political decisions. Even reducing the rate of growth on any program in America is a tough political decision, one that we are prepared to face up to.

But next year, being an election year, apparently the President has decided to sit on the sidelines and not participate because we did not pass his broad-sweeping health care program last year.

I think the President misses the point. People knew last year that the problem was not in the private sector. The problem was with the Federal sector; that is, the Medicare-Medicaid sector. In the private sector, costs are actually stabilizing; in many cases costs are actually going down in the private sector.

What the American people said ''no'' to was a broad-sweeping, perceived-to-be Federal takeover, which included the private sector. They did not say ''no'' to reforming and saving the Medicare Program that we have in this country. And that is what we are dealing with here today.

So let us decouple that. Let us get away from the past politics and who did what when. Let us give the President the benefit of the doubt. Let us say everything he says from a political standpoint is true; that he tried to save the entire health care system and we would have saved all this money. The facts are otherwise in my opinion, but let us give him the benefit of the doubt.

Let us say, assuming all that is true, assuming all that is true, that is the past. This is the future. The problem is a severe one. We have been told by a bipartisan commission that we are going to go bankrupt in this system within 7 years if we do not do something. We have to pull together to save the Medicare system for the 36 million Americans that depend on it.

How do we do that, Mr. President? I do not know anybody in this body or anybody on this side of the aisle who claims that we have all the answers as to exactly how to do that. The Senator from Wyoming has mentioned several different proposals, possibilities. It has been suggested that a commission be formed to look at ways of saving additional moneys, hopefully keeping the same amount of benefits; not being under the illusion that we can squeeze providers forever and get it from that source, but to have more choice, give elderly people more choice and more opportunity, perhaps, to save moneys that have heretofore been spent on the Federal program by availing themselves of options in the private sector.

There are any number of possibilities there. But we have to work together to solve this problem. We have to put aside partisan politics. We have to put aside past politics. The problem is too great. There are too many people that depend on our solving that problem.

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

Mr. WELLSTONE addressed the Chair.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent to speak as if in morning business for 10 minutes.

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

Mr. WELLSTONE. I thank the Chair.

THE BUDGET AND MEDICARE

Mr. WELLSTONE. Mr. President, first of all, I thought I might just respond very briefly to my colleagues about the budget and specifically about Medicare.

Mr. President, let me just simply say that the most fundamental problem about the proposed cuts in Medicare and Medicaid, up to about $400 billion between now and 2002, is that these cuts reflect, I fear, a real lack of knowledge about health care policy. That is what bothers me more than anything else, Mr. President.

Mr. President, no one should be surprised about the increase in the cost of Medicare, which, by the way, is a benefits program. It is not an actuarial program. It is a commitment we made in 1965; by no means perfect. Catastrophic expenses are not covered, prescription drug costs are not covered. There are many gaps.

But, Mr. President, the reason that this is an expensive program and the reason the expense increases is because more and more of our population are aging and more and more of the aged population are now in their eighties.

Obviously, we are not going to be able to do anything about that, and I do not think we want to do anything about that.

The second reason is general inflation.

The third is medical inflation.

Mr. President, the problem with this proposal is you cannot single out one part of the health care costs, one segment of the population and cut there without very serious consequences.

Let me spell out a couple. First of all, you do ration. This time we really do ration. Last year, last Congress, there was a hue and cry about rationing when we wanted to have universal coverage. You are going to ration by age, you are going to ration by income, and you are going to ration by disability.

Mr. President, that is what happens when you just pick out one part of the health care costs and you target the elderly and you target low income, and I want to talk about Medicaid as well.

Second of all, the reason the business community, the larger businesses—and I think they are going to get joined by other businesses as well—are going to be uniformly opposed to this—and we are already hearing from the business community—is because it is just going to get shifted to them. This is the problem of charge shifting, I say to my colleague, of cost shifting. This is the shell game to this whole proposition.

When you pay less than what the providers need, when you do not have adequate reimbursement, which is already too low in rural America, those providers have no other choice but to shift it to those who can pay. That is private health insurance. Then businesses are hurt more. Then employees are hurt more. That is what is going to happen. And more people get dropped. You are going to have a huge amount of cost shifting. You cannot single out one segment of the population. You cannot do it. Welcome to health care reform. That is what we have to get back to.

Mr. President, third of all, in rural America, in rural Minnesota, many of our hospitals and clinics have 75 percent of their patient mix financed by Medicare payments. These hospitals are already having a difficult time. They are going to go under. It is not crying wolf; that is what is going to happen. That is exactly what is going to happen, Mr. President.

Fourth of all, and there are a lot of ''alls,'' but there is another issue I want to talk about as well. But fourth of all, I smile when I hear some of my colleagues make these proposals about vouchers; people can go out and purchase their own health insurance and people have the freedom to do so. Has anybody ever heard of preexisting condition? Do you think that these health insurance companies are going to grant coverage to people who are old and sick? They do not do that. It is called preexisting condition.

By the way, managed care plans, by and large, have been most interested in people that are healthier. I am telling you right now, these cuts—they say they are not cuts—are in relation to an ever-growing percentage of the population who are aged, many who require ever more by way of medical care. I will tell you what, if it is my father and mother—both of them had Parkinson's disease—you better believe I want to make sure they get the best care. So do not tell me you are not going to seriously cut into the quality of care for older Americans. You certainly are.

In addition, you are going to cause a lot of havoc in this whole health care system. Just ask doctors, hospitals, clinics, all sorts of consumer organizations, all sorts of other people whether or not that will not be the case.

So, Mr. President, the irony is we get back to health care reform. There were some very interesting proposals about how to contain costs which we have to do if we are willing to have the courage to go forward. But this just picks out one segment of the population, and, in that sense, it is not intended but I think it will be very cruel in its effect. I do not think it is an intended effect. And it will create widespread havoc in the health care field. No question about it. From where do you think the teaching hospitals are going to get their funding?

FARM BILL

Mr. WELLSTONE. Mr. President, to shift, I want to talk about this 1995 farm bill, and I want to talk about what has come out of the Budget Committee.

I thought we were going to have a farm bill as opposed to just drastic budget cuts. The document that comes out of the Senate proposes cuts of $28 billion over 5 years and $45 billion over 7 years. A fair percentage of these cuts, the majority of these cuts are in nutrition programs—food stamps, Women, Infants and Children Program, School Lunch Program.

By the way, my colleagues in the Senate have gone on record that we will not take any action to create more hunger or homelessness among children. We had studies in the mid- and late 1960's about hunger in America, TV documentaries. That is when we expanded the Food Stamp Program.

Guess what? You bet it was a program that worked. I am not going to let anybody get away with talking about fraud here and fraud there. Yes, there are examples of fraud, no question about it, which should be stopped, but on the whole, this Food Stamp Program has made a gigantic difference in reducing hunger and malnutrition in the United States of America.

Now we want to have drastic cuts in the Food Stamp Program, Women, Infants, and Children Program, and, in addition, you go after the deficiency payments, the target prices, I say to the Chair, for farmers.

The farmers in Minnesota are real clear. We took a big hit last time around on deficit reduction, and people in agriculture in my State are not opposed to deficit reduction, but they want to see some standard of fairness. What family farmers say in Minnesota is, ''If you give us a price in the marketplace, you can eliminate the target prices, you can eliminate the deficiency payments.''

But if we do not have a fair price in the marketplace and you have drastic cuts in deficiency payments, you will erode family farm income, you will erode the value of the land and just as sure as that happens, we will see family farmers go under.

This is simply unacceptable. If you want to raise the loan rate to a higher level, if you want to give us a fair price in the marketplace, great, that is what people want. But instead what we have had is a policy of low prices which, by definition—correct me—means target price deficiency payments are higher, then that is now used as an excuse for cutting these programs, when we have already taken one hit after another.

The future for agriculture in this country is a fair price in the marketplace. The future for agriculture is let us put value to our products. In Minnesota, we lead the Nation with farmer-owned value-added farm co-ops. That is a big part of what people want to do. But we are not interested in not getting the fair price in the marketplace, not having access to capital to move forward with our own cooperatives, not being able to keep the value of what we produce in our communities and, in addition, seeing severe cuts in programs that provide needed income to family farms. That is what these budget cuts do, Mr. President. That is what these budget cuts do.

Why impose the most pain on those for whom it will be most difficult to bear? Why ask the very people who cannot tighten their belts to tighten their belts? Where is the Minnesota standard of fairness?

I do not see a focus on cutting more unneeded military and corporate welfare spending. I do not see a focus on eliminating lucrative tax breaks for special interests. I do not see a focus on moving away on the House side, and it seems to be that some of my colleagues on the other side of the aisle have split on this, on dealing with the problem of tax cuts for wealthy people.

What are we talking about? We are talking about $370-some billion, the vast amount of which flows to people on the top. If you have an income of $200,000 a year, it is a break of about $30,000. If you have a family income of under $30,000 a year, it is a break of about $100 a year. What are we talking about here? Where is the standard of fairness?

Mr. President, over and over and over again, through the time of this 104th Congress, I have been on the floor. I remember when I first uttered these words, I thought to myself, ''Are you just giving a speech or is it going to happen?'' I had to believe it was going to happen to say it. I said that my fear is the deficit reduction is going to be based on the path of least political resistance. That is exactly what is going on.

I remember David Stockman's book about the early eighties. He said what we should have done was go after the weak claims, not the weak claimants. We are not going after the weak claims, we are not going after the corporate welfare, we are not going after the military contracts, we are not going after the tax breaks, but we are going after the family farmers, we are going after the children, we are going after senior citizens, we are going after education.

There is no standard of fairness whatsoever. It is all based upon who are the folks who have the financial and the political clout to get their voice heard here and who are the vast majority of the people who are shut out of the process. We are going to have one sharp budget debate. When it gets to Medicare and Medicaid, I am going to insist that my colleagues know this policy well and understand exactly what the consequences are of what they are doing. When it comes to the cuts in agriculture—disproportionate cuts—I want to make sure that people know that we are talking about farmers not out of sight out of mind, but the producers in this country, and what this is going to do to family farmers. When it comes to education, I want people to understand the consequences of what it means when we do not invest in education and young people. When it comes to children and child nutrition programs, I want to make this argument: Do not go after the most vulnerable citizens in this country.

When it comes to alternatives, I want to talk about the corporate welfare, I want to talk about the tax dodgers, I want to talk about the military contract, and I want to talk about how we really can contain health care costs. I look forward to this debate. I hope all of the people in the United States of America are engaged in it.

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

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

Mr. KENNEDY. Mr. President, I ask unanimous consent to speak as in morning business.

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

THE ASSAULT ON MEDICARE: MYTH AND REALITY

Mr. KENNEDY. The Republican budget plans in the Senate and House of Representatives propose unprecedented cuts in Medicare, some $250 to $300 billion over the next 7 years. Cuts of this magnitude will break America's contract with the elderly. Millions of senior citizens will be forced to go without health care they need. Millions more will have to choose between food on the table, adequate heat in the winter, paying the rent, and medical care.

These cuts will also be a heavy blow to the quality of American medicine. It will damage hospitals and other health care institutions that depend on Medicare and that provide essential care for Americans of all ages, not just senior citizens. Progress in medical research and training of health professionals depend on the financial stability of these institutions. Academic health centers, public hospitals, and rural hospitals will bear an especially serious burden if these deep cuts are enacted.

In addition, such cuts will inevitably impose a hidden tax on workers and businesses who will face increased costs and higher insurance premiums as physicians and hospitals shift even more costs to the nonelderly.

According to recent statistics, Medicare now pays only 64 percent of what the private sector pays for comparable physician services. For hospital care, the figure is 68 percent. The proposed Republican cuts will widen this already ominous gap even farther.

Because of the current gaps in Medicare, senior citizens already pay too much for the health care they need. Elderly Americans pay an average of one-fifth of their income to purchase health care, a higher proportion than they paid before Medicare was enacted.

Yet the reason Medicare was enacted in the first place, 30 years ago, was to deal with the health care crisis affecting the lives of older Americans at that time. How can we care any less about their needs today?

Medicare today does not cover prescription drugs. Its coverage of home health care and nursing home care is extremely limited. We go to any senior citizen home in America and ask the senior citizens there how many of them are paying, say, $50 a month for prescription drugs, half the hands will go in the air. If asked how many pay $25 a month or more per month for prescription drugs, three-quarters of the hands go in the air.

Looking at what has happened in terms of cost of those prescription drugs, which are so necessary for the senior citizens, we find those costs have been going right up through the roof. They are absolutely an essential part of the needs for our elderly people, and they are not included in the Medicare Program, and they are draining down scarce resources for retirees and for senior citizens.

Unlike virtually all private insurance policies, Medicare does not have a ceiling on out-of-pocket costs. It does not cover eye care, it does not cover foot care, it does not cover dental care. All of those are important needs for our senior citizens.

Yet the Republican budget cuts will ask senior citizens to pay $900 more a year out of their pockets when the cuts are fully implemented. And the Republican tax bill already passed by the House of Representatives gives the tax cut of $20,000 to wealthy individuals making more than $350,000 a year. That is not right and the American people know it.

The assault on Medicare is based on five myths. Myth No. 1 is that deep cuts are needed to save Medicare from bankruptcy. The hypocrisy of this claim is astonishing. A few weeks ago, the House Republicans included a provision in their tax bill to take $90 billion out of the Medicare hospital insurance trust fund over the next 10 years. We did not hear a word then about the impending bankruptcy of Medicare. They took that amount of money out of the Medicare trust funds. They did not have to unless they were interested in increasing the tax reductions for the wealthiest individuals, but they took that out of the Medicare trust funds.

Now they are talking about how the Medicare fund itself is facing financial difficulties, when just 3 weeks ago they took $90 billion out of there to use it for tax cuts for the wealthiest individuals.

It is true that an April 3 report of the Medicare trustees projects that the Medicare hospital insurance trust funds will run out of money by the year 2002. Few, if any, Republicans will be talking about deep Medicare cuts to cure that problem if they did not also need such cuts to finance their tax cut for the wealthy.

As the Medicare trustees themselves noted in their report, modest adjustments can keep Medicare solvent for

an additional decade—plenty of time to find fair solutions for the longer term. Similar projections of Medicare insolvency have been made numerous times in the past. Each time, adjustments enacted by Congress were able to deal with the problem without jeopardizing beneficiaries, and we can do the same again.

For example, an estimated 20 percent of all Medicare hospitalizations could be avoided with better preventive services, and more timely primary and outpatient care. As much as 10 percent of all Medicare expenditures may be due to fraud, and that could be reduced substantially by the better certification procedures. This has been shown by the hearings that have been held by Senator COHEN of Maine with a series of recommendations which, fully implemented, would stabilize the Medicare trust fund.

The message is clear: We do not have to destroy Medicare in order to save it. The American people understand that basic point, and Congress should recognize it, too.

Myth No. 2 is that the Republican budget proposal is not a cut, because the total amount of spending will continue to grow. In fact, the Republican plan calls for spending $250 billion less on Medicare than the Congressional Budget Office says is necessary to maintain the current level of services to beneficiaries.

Every household in America knows that if the cost of rent and utilities goes up and income stays the same, there is a real cut in your standard of living. If Medicare pays $80 toward the cost of your visit to a doctor in 1995 and the same $80 in 1996, but his fee goes up by $20, the value of your Medicare protection is cut by $20. Every senior citizen understands that.

The irony is that our Republican colleagues accept this argument when they talk about defense expenditures. They know that defense is being cut if funds increase more slowly than inflation. Our colleagues should apply the same accounting rules to the needs of senior citizens as they do the purchase of guns and tanks.

Myth No. 3 is that Medicare is different from Social Security and is an entitlement less deserving of protection. In fact, the distinction between Medicare and Social Security is false because Medicare is a part of Social Security.

Like Social Security, Medicare is a compact between the Government and the people. It says, ''Pay into the trust fund during your working years and we will guarantee decent health care in your old age.'' Any elderly American who has been hospitalized or suffers from a serious chronic illness knows there is no security without Medicare. The cost of illness is too high. A week in intensive care can cost more than a total yearly income of most senior citizens. Low- and moderate-income elderly will suffer the most from Medicare cuts. Eighty-three percent of all Medicare spending is for older Americans with annual incomes below $25,000. Two-thirds is for those with incomes below $15,000.

Imagine, average income of $15,000 and trying to make ends meet when a person fought in the world wars of this country, has been a part of the whole building of the American economy, sacrificed to bring up children, and is barely making it at $15,000, and then there are the important health care needs to be attended to that are no fault of your own. Those are the people that we are talking about that are going to be adversely impacted with these cuts.

When the Republicans tried to cut Social Security in the 1980's, the American people said, ''No,'' and they will say no to these equally damaging proposals to cut Medicare in the 1990's.

Myth No. 4 is that Medicare costs can be cut by encouraging seniors to join managed care. True, it can help bring medical costs under control in the long run. Enrollment by senior citizens in managed care is already increasing rapidly. It is up by 75 percent since 1990, but no serious analyst believes that increased enrollment in managed care will substantially reduce Medicare expenditures in the timeframe of the proposed Republican cut. In fact, according to the General Accounting Office, Medicare is now actually losing money on managed care because only the healthiest senior citizens tend to enroll in it, leaving Medicare left to pay for those more seriously ill.

The only realistic way to save money in the short term on managed care is to penalize senior citizens who refuse to enroll. This option has already been suggested by the Republican health task force in the House. I say it is wrong to force senior citizens to give up their freedom to choose their own doctors and hospitals. It is wrong to penalize them financially if they refuse to enroll in managed care.

I will add, in the debate we had on the health care measures of last year, that particular option was preserved for our senior citizens and it ought to be preserved in any health care reform.

Myth No. 5 is that the deep, unilateral cuts in Medicare are necessary to balance the budget. As President Clinton told the White House Conference on Aging last week, 40 percent of the projected increase in Federal spending in coming years will be caused by escalating health costs.

What this Republican budget fails to recognize is that the current growth in medical care is a symptom of the underlying program in the entire health care, not a defect in Medicare alone. In fact, Medicare has done a better job than the private sector in restraining costs in recent years.

Since 1984, Medicare costs have risen at an annual rate of 25 percent lower than comparable private health care spending. Slashing Medicare unilaterally is no way to balance the budget. It will simply shift the costs from the budget of the Federal Government to the budgets of senior citizens, their children, and their grandchildren.

If Medicare is cut in isolation, senior citizens will also face greater discrimination from physicians and hospitals, who are less willing to accept the elderly as patients, because Medicare reimbursements are much lower than the reimbursements available under private insurance.

We know that previous cuts in the Medicare reimbursement have led to serious cost-shifting, as physicians and hospitals seek to make up their reduced income from Medicare patients by charging higher fees to other patients. The result has been higher health care costs and higher health insurance premiums for everyone, as cost-shifting becomes a significant hidden tax on individuals and businesses.

The right way to slow Medicare growth is in the context of overall health reform that will slow rising health costs in the economy as a whole. That is the way to bring Federal health costs under control without cutting benefits or shifting costs to working families, comprehensive reform, to try to make available to our seniors good health care, preventive care programs to provide the services to keep people out of the hospitals so they do not go into the high-cost facilities, and to try to do something in terms of home care, community-based care, which is much more satisfactory for our seniors and can be done at considerably less cost. And to build upon the nurses, nursing profession, to assist with skilled nursing attention some of the needs for our seniors.

In the context of broad health reform, the special needs of academic health centers, rural health centers, inner-city hospitals also can be addressed. Deep Medicare cuts alone, by contrast, will undermine the availability and quality of care for young and old alike.

We are talking about the kind and quality of trained health personnel that Medicare participates in. We are talking about necessary institutions, academic institutions which are the center for much of the research that benefits our senior citizens. We are talking about diminishing the kinds of research that has to take place in those areas as well.

President Clinton has emphasized he is willing to work for bipartisan reform of the health care system, but the Republicans have said no. The only bipartisanship they seem to be interested in is the kind that says, ''Join us in slashing Medicare.'' That is not the kind of bipartisanship the American people want. It is not the kind of bipartisanship that senior citizens deserve.

It is especially telling that Republicans are proposing these harsh cuts in Medicare at the same time they support the massive tax cut that will disproportionately benefit the richest individuals and corporations in our society. The Republican tax plan that has

already passed the House will reduce Federal revenues by $250 billion. Without that tax cut for the wealthy there would be virtually no need to cut Medicare in order to achieve a balanced budget under their plan. The Senate Budget Resolution reserves $170 billion for tax cuts. Without that allocation the Medicare cuts could be reduced by two-thirds without any increase in the deficit.

The arguments used to justify deep cuts in Medicare cannot pass the truth-in-labeling test. They will not fool the American people. As the ceremonies on V–E Day earlier this week commemorating the end of World War II in Europe reminded us, today's senior citizens have stood by America in war and peace and America must stand by them now. The senior citizens of today are the veterans of the Army, the Navy, the Air Force, the Marines, and the hard-working men and women on the home front. They pulled us through that terrible war. We cannot pull the rug out from under them on Medicare now.

I urge the Senate to reject these unwise Republican proposals.

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

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

ORDER OF PROCEDURE

Mr. BURNS. Mr. President, I ask unanimous consent that I may proceed as if in morning business for no more than 10 minutes.

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

THE BUDGET

Mr. BURNS. Mr. President, we have all been receiving phone calls and getting letters about the proposed budget that is being recommended now or being talked about and marked up in the respective committees in the Senate and House of Representatives. We have had time to talk to the chairmen of those committees and get copies of the proposal that they have put forth. In other words, the great debate has started on this year's budget.

I think we have to applaud the chairman of each committee because they have come forward with very daring proposals. I applaud the chairmen, especially Senator DOMENICI of the Senate Budget Committee. When you look at our deficit spending we see, yes, that the deficit did become lower last year. It went down. But it now continues to climb. The deficit this year alone stands at $175 billion, and for a while. But, nonetheless, it is growing at the outrageous rate of $482 million a day. That sounds like a lot of money to me.

So, consequently, it is time for this body and this Government to do something responsible and to deal very frankly with the budget, to be up front about it, and to try to address some of the problems that we have because I think most Americans are wanting something done to rein it in.

It is absolutely necessary if we are to continue the economic viability and the leadership in this world for our Nation. We cannot continue to stand by and conduct business as usual, and in so doing allow the national debt to increase by $1 trillion every Presidential term.

So the time has come for bold initiatives to look at getting spending under control, and Senator DOMENICI's budget right now does exactly that.

The chairman of the Budget Committee slows the annual growth of most lines. Every line in that budget, with the exception of a few, grow every year. We have heard a lot of attention brought to the Medicare line, growing 10 to 11 percent every year. Now we want to slow that growth because already the trustees of that trust fund have told us that by the year 2002 it will be broke and they will pay no bills at all.

Also it transforms Medicaid into block grant funds to the States where they will have the responsibility to do something responsible to get spending under control.

It further calls for the establishment of a bipartisan congressional committee to represent policy changes needed to maintain the short-term solvency of the Medicare system. Such measures would generate the savings needed to put the system on a financially sound footing for the next 7 years while we work together to develop a long-term solution for Medicare solvency gap. There can be no getting around the fact that, if we continue on the path that we are presently on, Medicare will lapse into bankruptcy within 7 years and then it will be too late, or too expensive, to solve the problem.

The chairman's budget proposes the elimination of spending for the National Biological Survey. I have long said that we had the resources within the organizations of the Fish and Wildlife, the Park Service, or in the Department of the Interior to do that without creating another bureau or the money that goes with it. We also want our policy decisions based on sound science and we start dealing with the biological makeup of this country or this world. And I think we can do it without the National Biological Survey.

The chairman's budget proposes the reduction in the Agricultural Research Service by 10 percent which would reduce the total outlays in this program by $1 million.

It is true that we all will not agree with this budget. This is one area where I do not agree. This is one area where we cannot pull back on any investment in the research and development in agriculture. I will stand on this floor and maintain until I can draw my last breath that the second thing everybody who lives in this Nation does every morning is eat. I do not know what the first thing is that they do. They have a lot of options there. But I know the second thing they do is eat.

We still have an obligation to feed this Nation and this society.

So when it comes time to talking about budgets, basically that is what a balanced budget amendment would have done; make us talk about the most important things and to set our priorities where we think those important things are.

We have to look to the necessities of life, not to the frills but the necessities of life and also the individual responsibility that each one of us has at just being a citizen of this great country.

You might be surprised to know that for the first time in the history of agriculture our yields in wheat are going down, because we are just not getting enough money for research, plant breeding, developing those strains of wheat that are disease resistant because that is a constant thing; it goes on all the time. And so we must, if we are going to feed this Nation—and right now, 1 farmer feeds 145 other people. Also, one of our greatest exports is agriculture. In fact, it has been in the black forever. We have to continue with our ability to produce foodstuffs, food and fiber for this society.

The chairman of the Budget Committee also proposed the privatization of the PMA's, the power marketing administrations. They are making money for the Treasury. They also generate and produce power for our REA's. In rural America, we would not have electricity yet if it was not for REA's. My father served on an REA board. I have often said if it was not for REA on the farms, we would be watching television by candlelight.

We have to be very cautious in the way we set our priorities in this budget. So consequently I think we have to take a very hard look at long-term revenue implications that would happen, that is, if WAPA, western area power marketing, and the Southwest and the Southeast are moved into private hands.

And this is nothing new. We will argue about different parts of the budget. Where we set our priorities is what is really important for this Nation and the people who live in it. That is what this budget will do. But it will be a responsible budget that I am sure, after America looks at it, we will have the confidence in its integrity to do what we have to do, and that is to balance the budget by the year 2002.

I do not think there is anything that will come before this body that will be any more important than the issue of this budget and the roadmap, the blueprint to get us where we want to be as

not only an economically free and viable leader of the world but also that keeps us free.

In conclusion, I wish to again praise the chairman. He presented a responsible budget resolution, and I pledge to work with the Budget Committee and all my colleagues to make sure we do those things that are necessary and do away with those things, those frills at this time in our history that we cannot afford just because we like to say we have them.

So I wish to work with the chairman and this body in producing a budget that will work for all Americans.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the pending amendment be set aside.

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

AMENDMENT NO. 758

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. DODD, for himself and Mr. LIEBERMAN, proposes an amendment numbered 758.

The amendment is as follows:

On page 62, line 4, after the words ''public service authority'', add ''or its operator''.

Mr. CHAFEE. Mr. President, this is a technical amendment, obviously. It is needed to be consistent with the language on page 61, line 18 of the legislation.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 758) was agreed to.

Mr. BAUCUS addressed the Chair.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

FLOW CONTROL

Mr. DODD. Mr. President, I would like to engage in a colloquy with Senator CHAFEE, the chairman of the Environment and Public Works Committee and Senator BAUCUS, the committee's ranking member, regarding the intent of S. 534 with respect to flow control.

Is it the intent of this bill to allow for the refinancing of public debt for waste management facilities where only the interest rate would change, and not the amount or maturity date of the bond?

Mr. CHAFEE. Yes, that is the intent of the bill.

Mr. DODD. Is this the understanding of the Senator from Montana?

Mr. BAUCUS. Yes, that is my understanding as well.

FLOW CONTROL AND FREE MARKET ISSUES

Mr. SANTORUM. Mr. President, I seek recognition for the purpose of engaging in a colloquy with the distinguished Senator from New Hampshire, Senator SMITH, the manager of S. 534.

First, may I congratulate my colleague on his skillful handling of this difficult legislation.

Second, it is that very difficulty on which I would like to focus in this colloquy.

I think my colleague would agree with me in my characterization of this legislation as statutory interference with the commerce clause of the Constitution of the United States. This interference comes as a result of the Carbone versus Clarkstown decision, which has caused problems with certain public facilities financed by revenue bonds. Carbone invalidated State and local laws which create a solid waste monopoly for those facilities. And, of course, there is the continued desire to come to grips with the problem of interstate transfer of solid waste. I am especially aware of this problem because my own State of Pennsylvania has been the unwilling recipient of solid waste exported from New Jersey and New York, in particular.

Thus, we have a clash between the fundamental wisdom of the commerce clause and the practical effects of the interstate trade in solid waste. May I ask my colleague from New Hampshire the following question?

Is it fair to state that he has attempted to craft legislation which would interfere as little as possible with the commerce clause and thereby he would try to protect the free market where it has worked?

Mr. SMITH. I have stated before that I am not in favor of flow control. Flow control is anticompetitive. But it is only fair and equitable that communities that have indebted themselves—completely within the law prior to the Supreme Court decision—must not be left to suffer the consequences of financial failure. The outstanding municipal bonds that total more than $20 billion must be honored and the communities' financial stability must be maintained. However, only those facilities with bonded revenues are given grandfather coverage under this bill. Any municipality indebted after the Carbone decision is not and will not be protected.

The free market must prevail. Rather than assisting with the creation of yet another bloated Government bureaucracy, we should be encouraging the establishment of a healthy free market, one in which competition keeps prices low, offers consumers better services, and disposal techniques are state-of-the-art.

Mr. SANTORUM. Further, it appears to me that the interstate title of this legislation gives my Commonwealth of Pennsylvania the tools it needs to prevent abuse of our resources and environment. Could my colleague comment on that?

Mr. SMITH. Yes, the interstate title gives the Governor of Pennsylvania and the Governors of other affected States authority to ensure that their States do not continue as unabated dumping grounds for States which do not act to site their own disposal capacity.

Mr. SANTORUM. Last, with regard to title II, flow control, may I inquire of my colleague whether this legislation imposes flow control or in any way makes it mandatory and thereby suppresses the free market?

Mr. SMITH. This legislation does not impose flow control. Flow control is fundamentally incompatible with the principles of free enterprise, market competition, and the best interest of the consumer. Requiring the use of flow control would be a step backward in the handling of municipal solid waste. This bill is designed specifically to protect the bond holders and commitments previously made. The free market is not broken, and with the inclusion of a 30-year sunset provision, the free market will once again take over.

Mr. SANTORUM. Based on the response of my colleague, may I validly draw the following two conclusions?

First, this legislation allows the continuation of flow control as previously enacted under State law under certain conditions but not require or mandate flow control.

Second, it is the intention of the distinguished subcommittee chairman that this legislation not be used in and of itself as an argument to suppress the free market.

Mr. SMITH. My colleague from Pennsylvania is correct in his conclusions regarding the spirit of the legislation. Flow control will continue under certain conditions but is not required or mandated. As I have said before, the free market must be allowed to prevail.

Mr. SANTORUM. I thank my distinguished colleague and again commend him for so ably discharging this difficult responsibility.

Mr. DASCHLE. Mr. President, I am fortunate to come from a State with

sparsely populated expanses of some of the most beautiful land in this country. States like South Dakota have a special interest in the legislation before the Senate today, as it will directly affect their future.

The legislation, S. 534, amends the Solid Waste Disposal Act to provide important authority for States and local governments to better control the transportation of municipal solid waste between and within States.

The time has come to enact this legislation. States and local government are facing increasing challenges in the responsible regulation of municipal waste management. Interstate shipments of waste have been growing in recent years. Between 1990 and 1992, interstate shipments of waste grew by 4 million tons—a 25% increase. Currently, about 15 million tons of municipal waste is transported between States for treatment and disposal, much of it from densely populated regions to less populated areas.

Moreover, the U.S. Supreme Court has ruled that unless Congress acts on this issue, States and local governments can have no meaningful role in controlling the movement of waste into and within their borders.

The combination of increasing interstate shipments of municipal waste and recent Supreme Court decisions understandably has created concern among States like South Dakota, who fear that without authority to restrict unwanted imports of municipal waste, they will become the dumping ground for other, more heavily populated areas.

In addition, Congress has a responsibility to help protect the investments made by towns across America in municipal waste management facilities—investments that have been placed in jeopardy by the Supreme Court's recent Carbone decision.

The temptation can be great to ship waste to the more remote regions of our country. But some of these lands are fragile and are home to some of our country's greatest natural assets. In South Dakota alone, the geological wonderland of the Badlands, the expansive prairie, and the majestic Black Hills are examples of areas that deserve protection from the designs of anyone who would use them for waste disposal.

The responsibility for disposing trash produced by large urban areas should be confronted and met by the citizens and community leaders who live there. Rural States should never be considered as a waste management option, unless they willingly choose to make their land available for that purpose. In the end, the choice must belong to the State and local governments that would bear the long-term environmental consequences of waste disposal.

This bill addresses the rights and responsibilities of States and local governments to achieve their own environmental and economic objectives. It is about State and local self-determination. The interstate waste provisions of this bill represent a delicate balance between States that import and export waste. It is a step in the right direction because it encourages States to take responsibility for managing the waste they generate, rather than sending it elsewhere. Out of sight and out of mind will not work when it comes to management of municipal solid waste, particularly if it means leaving it within the sight and on the minds of those who do not want it.

Reduce, reuse, and recycle is a better solution. It represents a philosophy that more States will have to adopt as a result of this bill.

Like most legislation, this bill will not completely satisfy the objectives of every State or local government. Some States, like South Dakota, would like, and I believe deserve, even greater authority to prevent imports of waste. Other States, which with an interest in exporting municipal waste, would prefer to see fewer restrictions. Likewise, I am aware that while there are cities and towns that would prefer to have greater and more enduring authority to regulate flow control, there are Members of this body who feel that the free and unfettered competition of the marketplace should be given a greater opportunity to determine the flow of municipal waste.

This bill strikes a reasonable balance between these competing interests, one that I believe is essential if we are to move forward and enact meaningful legislation. It gives States and local governments the ability to promote their own environmental goals and meet important financial obligations. We must pilot a course of responsible stewardship of our resources. This bill gives States and cities the power to do just that, and I hope that my colleagues will join me in supporting this important and timely legislation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR—S. 534

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Anna Garcia, a fellow in my office, be allowed floor privileges during consideration of this legislation.

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

AMENDMENT NO. 761

(Purpose: To require the Administrator of the Environmental Protection Agency to conduct a study of solid waste management issues associated with increased border use resulting from the implementation of the North American Free Trade Agreement)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 761.

Mr. BINGAMAN. Mr. President, I ask unanimous consent further reading be dispensed.

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

The amendment is as follows:

At the appropriate place insert the following:

SEC. ___. BORDER STUDIES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) MAQUILADORA.—The term ''maquiladora'' means an industry located in Mexico along the border between the United States and Mexico.

(3) SOLID WASTE.—The term ''solid waste'' has the meaning provided the term under section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).

(b) IN GENERAL.—

(1) STUDY OF SOLID WASTE MANAGEMENT ISSUES ASSOCIATED WITH NORTH AMERICAN FREE TRADE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator is authorized to conduct a study of solid waste management issues associated with increased border use resulting from the implementation of the North American Free Trade Agreement.

(2) STUDY OF SOLID WASTE MANAGEMENT ISSUES ASSOCIATED WITH UNITED STATES-CANADA FREE-TRADE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator may conduct a similar study focused on border traffic of solid waste resulting from the implementation of the United States-Canada Free-Trade Agreement, with respect to the border region between the United States and Canada.

(c) CONTENTS OF STUDY.—A study conducted under this section shall provide for the following:

(1) A study of planning for solid waste treatment, storage, and disposal capacity (including additional landfill capacity) that would be necessary to accommodate the generation of additional household, commercial, and industrial wastes by an increased population along the border involved.

(2) A study of the relative impact on border communities of a regional siting of solid waste storage and disposal facilities.

(3) In the case of the study described in subsection (b)(1), research concerning methods of tracking of the transportation of—

(A) materials from the United States to maquiladoras; and

(B) waste from maquiladoras to a final destination.

(4) In the case of the study described in subsection (b)(1), a determination of the need for solid waste materials safety training for workers in Mexico and the United States within the 100-mile zone specified in the First Stage Implementation Plan Report for 1992–1994 of the Integrated Environmental

Plan for the Mexico-United States Border, issued by the Administrator in February 1992.

(5) A review of the adequacy of existing emergency response networks in the border region involved, including the adequacy of training, equipment, and personnel.

(6) An analysis of solid waste management practices in the border region involved, including an examination of methods for promoting source reduction, recycling, and other alternatives to landfills.

(d) SOURCES OF INFORMATION.—In conducting a study under this section, the Administrator shall, to the extent allowable by law, solicit, collect, and use the following information:

(1) A demographic profile of border lands based on census data prepared by the Bureau of the Census of the Department of Commerce and, in the case of the study described in subsection (b)(1), census data prepared by the Government of Mexico.

(2) In the case of the study described in subsection (b)(1), information from the United States Customs Service of the Department of the Treasury concerning solid waste transported across the border between the United States and Mexico, and the method of transportation of the waste.

(3) In the case of the study described in subsection (b)(1), information concerning the type and volume of materials used in maquiladoras.

(4)(A) Immigration data prepared by the Immigration and Naturalization Service of the Department of Justice.

(B) In the case of the study described in subsection (b)(1), immigration data prepared by the Government of Mexico.

(5) Information relating to the infrastructure of border land, including an accounting of the number of landfills, wastewater treatment systems, and solid waste treatment, storage, and disposal facilities.

(6) A listing of each site in the border region involved where solid waste is treated, stored, or disposed of.

(7) In the case of the study described in subsection (b)(1), a profile of the industries in the region of the border between the United States and Mexico.

(e) CONSULTATION AND COOPERATION.—In carrying out this section, the Administrator shall consult with the following entities in reviewing study activities:

(1) With respect to reviewing the study described in subsection (b)(1), States and political subdivisions of States (including municipalities and counties) in the region of the border between the United States and Mexico.

(2) The heads of other Federal agencies (including the Secretary of the Interior, the Secretary of Housing, the Secretary of Health and Human Services, the Secretary of Transportation, and the Secretary of Commerce) and with respect to reviewing the study described in subsection (b)(1), equivalent officials of the Government of Mexico.

(f) REPORTS TO CONGRESS.—On completion of the studies under this section, the Administrator shall, not later than 2 years after the date of enactment of this Act, submit to the appropriate committees of Congress reports that summarize the findings of the studies and propose methods by which solid waste border traffic may be tracked, from source to destination, on an annual basis.

(g) BORDER STUDY DELAY.—The conduct of the study described in subsection (b)(2) shall not delay or otherwise affect completion of the study described in subsection (b)(1).

(h) FUNDING.—If any funding needed to conduct the studies required by this section is not otherwise available, the President may transfer to the Administrator, for use in conducting the studies, any funds that have been appropriated to the President under section 533 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3473) that are in excess of the amount needed to carry out that section. States that wish to participate in study will be asked to contribute to the costs of the study. The terms of the cost share shall be negotiated between the Environmental Protection Agency and the State.''.

Mr. BINGAMAN. Mr. President, this amendment addresses a problem of increasing urgency in my part of the country, my home State of New Mexico. That is, the disposition of solid waste, along the United States-Mexico border.

As the United States and Mexico move further into their trade relationship under the North American Free-Trade Agreement, increased development along the border is inevitable. With that development comes new challenges regarding the transport and disposal of solid waste.

This is not just an issue for the Governments of the United States and Mexico, it is also an issue for the four border States of California, Arizona, New Mexico, and Texas. It is one that we need to deal with in this legislation, and capitalize on the opportunity offered by NAFTA. We are going to have to plan for this increased development. This means conducting necessary research on the scope of the problem.

The amendment authorizes the Administrator of EPA to conduct a study of solid waste management issues associated with this increased use of the area along the border, in order that States and localities can properly plan for waste treatment, transportation, storage and disposal.

The study will address six key issues. First, planning for additional landfill capacity; second, related impact on border communities of a regional siting of solid waste storage and disposal facilities; third, research on methods of tracking the transportation of materials to and from industries located along the border; fourth, the need for materials safety training for workers; fifth, the adequacy of existing emergency response networks in the border region; sixth, a review of solid waste management practices in the entire border region.

It is my expectation that the Administrator, in order to fulfill the requirements of the amendment, would enter into contractual agreements with other entities such as States and universities and university consortia.

Mr. President, I am convinced in the long run NAFTA will prove to be a good movement, a good initiative for economic opportunities for my home State of New Mexico and for the entire border region.

This is only true if we manage these opportunities correctly and deal with the potential health and environment problems that the increased development will bring. This amendment helps to do that.

I urge my colleagues to support the amendment. I understand the amendment has been reviewed by both the manager and the ranking member, and that this amendment is accepted.

Mr. CHAFEE. Mr. President, this is a good amendment, and I congratulate the Senator from New Mexico. It is acceptable to this side.

Mr. BAUCUS. Mr. President, I agree. The Senator from New Mexico has consulted with Senators, and I appreciate the approach he is taking. There is a problem with respect to what he raises.

I urge adoption of the amendment.

The PRESIDING OFFICER. The question is agreeing to the amendment.

So the amendment (No. 761) was agreed to.

Mr. BINGAMAN. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

PRIVILEGE OF THE FLOOR—S. 534

Mr. BAUCUS. Mr. President, I ask unanimous consent that Ken Berg, a fellow from the office of Senator BOXER, have the privileges of the floor during consideration of S. 534, and that Linda Critchfield, a fellow from the office of Senator LIEBERMAN, be allowed on the floor during consideration of S. 534.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 769

Mr. KYL. Mr. President, I ask unanimous consent to lay aside the pending amendment for the purpose of offering an amendment which is at the desk.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 769.

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

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

The amendment is as follows:

On page 57, strike line 16 and all that follows through page 58, line 22, and insert the following:

''(4) CONTINUED EFFECTIVENESS OF AUTHORITY DURING AMORTIZATION OF FINANCING.—

''(A) IN GENERAL.—With respect to each designated waste management facility or facilities, or Public Service Authority, authority may be exercised under this section only—

''(i) until the date on which payments under the schedule for payment of the capital costs of the facility concerned, as in effect on May 15, 1994, are completed; and

''(ii) so long as all revenues (except for revenues used for operation and maintenance of

the designated waste management facility or facilities, or Public Service Authority) derived from tipping fees and other fees charged for the disposal of waste at the facility concerned are used to make such payments.

''(B) REFINANCING.—Subparagraph (A) shall not be construed to preclude refinancing of the capital costs of a facility, but if, under the terms of a refinancing, completion of the schedule for payment of capital costs will occur after the date on which completion would have occurred in accordance with the schedule for payment in effect on May 15, 1994, the authority under this section shall expire on the earlier of—

''(i) the date specified in subparagraph (A)(i); or

''(ii) the date on which payments under the schedule for payment, as in effect after the refinancing, are completed.

''(C) Any political subdivision of a State exercising flow control authority pursuant to subsection (c) may exercise such authority under this section only until completion of the original schedule for payment of the capital costs of the facility for which permits and contracts were in effect, obtained or submitted prior to May 15, 1994.''.

Mr. KYL. Mr. President, the amendment which I offer now will tighten the flow control provisions of title II to more accurately reflect what I believe is the committee's intent; namely, to authorize flow control for a limited period of time to ensure that States and political subdivisions are able to service the debt that they incurred for the construction of solid waste management facilities prior to the Carbone decision.

Flow control is inherently anticompetitive. It was ruled a violation of the Constitution's commerce clause by the U.S. Supreme Court in the Carbone case. The Court ruled:

State and local governments may not use their regulatory power to favor local enterprise by prohibiting patronage of out-of-State competitors of their facilities.

While Justice O'Connor in a concurring opinion noted Congress' power to authorize local imposition of flow control, I do not believe it is in the public interest to sanction these Government monopolies intrastate, and it could impede competition, particularly for any more than the minimum amount of time required for State and local governments to pay off the debt that they incurred prior to the Supreme Court decision.

So my amendment would authorize flow control authority only until the debt incurred prior to the Carbone decision is repaid. During the period for which flow control is authorized, revenues derived from tipping fees and other fees charged at the flow control designated facility—these are net of revenues used for operation and maintenance of the facility, of course—must be used to pay off the debt obligations.

This amendment would permit the refinancing of debt to allow State and local governments to take advantage of lower interest rates when they are available. However, flow control authority would end on the date on which the original debt would have been repaid or the date on which the refinanced debt is repaid, whichever is earlier.

Mr. President, it appears to me that flow control has only one purpose; and, that is, to protect State or local monopolies that have developed in the disposal of municipal solid waste. That only hurts taxpayers, and there is no good reason for it.

Flow control does not offer the benefit of added protection for human health and the environment either. According to a March 1995 report by the Environmental Protection Agency:

Protection of human health and the environment is directly related to the implementation and enforcement of federal, State, and local environmental regulations. Regardless of whether State or local governments administer flow control programs, States are required to implement and enforce federally approved regulations that fully protect human health and the environment. Accordingly, there are no empirical data showing that flow control provides more or less protection.

That is the end of quoting from the EPA report. In other words, disposal facilities, whether public or private, must meet the same standards of environmental protection. Flow control does not add to the environmental protection.

Flow controls do result in substantially increased costs to communities across the country. That can have negative impacts on the environment due to the extent that it creates incentives for illegal dumping. In fact, in a column that appeared in the Washington Times on March 23 of this year, the mayor of Jersey City, Bret Schundler, noted;

All of the illegal dumping that New Jersey is now suffering from because of the soaring costs of waste disposal.

In New Jersey, where flow control is in place, the price of disposal is approaching $100 per ton. That compares to an average of about $35 per ton in areas without flow control.

Although flow controls do not typically add as much as that to the cost of disposal in other parts of the country, the increased costs can still be substantial. A study just released by National Economic Research Associates found that flow controls increase disposal costs on average $14 a ton, or 40 percent. That is 40 percent, Mr. President, that flow controls add to the cost of disposal. That is an additional cost that individuals and businesses must ultimately bear.

For example, again, Mayor Schundler notes that flow control prevents his community from reducing property taxes or taking advantage of lower cost alternatives.

That is wrong and it is unnecessary.

Some might say that flow control is needed to ensure sufficient waste management capacity or to help State and local governments achieve goals for source reduction, reuse and recycling. Again EPA's answer is no. In its March report, EPA stated, and I am quoting:

There are no data showing that flow controls are essential either for the development of new solid waste capacity or the long-term achievement of State and local goals for source reduction, reuse and recycling.

What about the necessity of flow control to finance new landfills or landfill expansions? Again EPA's answer is no. Again quoting:

Flow controls do not appear to have played a significant role in financing new landfills.

In fact, Mr. President, EPA goes on to note that private landfill firms have demonstrated their ability to raise substantial capital from publicly issued equity offerings, indicating that investors are willing to provide capital for the expansion of landfills without flow control guarantees. In other words, the private sector is willing and able to accommodate the demand for landfill capacity.

In some instances, flow control laws have not merely been used to generate revenues to finance construction and O&M costs but also for the purpose of funding other activities, like recycling, composting, and hazardous waste collection, to name a few. That would be fine if State and local governments were not using the force of law to compel the use of specified facilities at specified rates, if they competed in the free market. But they are using statutory authority to compel certain sites. Users are therefore required, by law, to subsidize other activities.

To the extent that we are considering limited flow control relief to help protect State and local investments, the revenues derived should be used solely for that purpose and not other things. My amendment will limit the use of revenues to that purpose.

Mr. President, our goal here should not be to preserve anticompetitive practices but to establish a framework for orderly transition, to allow limited relief for State and local governments that had in good faith made commitments based on the law as they understood it prior to the Carbone decision.

I hope my colleagues will join me in supporting this amendment and resist efforts to carve out exceptions to protect or extend local monopoly power. And, Mr. President, for the benefit of my colleagues, I ask that the full text of Mayor Schundler's column be printed in the RECORD.

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

[From the Washington (DC) Times, Mar. 23, 1995]

THE SMELLY TRUTH ABOUT GARBAGE DISPOSAL

(By Bret Schundler)

Last May, in a case called Carbone vs. Town of Clarkstown the United States Supreme Court held that state-imposed waste-flow regulations violate the commerce clause of the Constitution.

This was an important and proper decision.

But today, the Republican-controlled House Commerce Committee will hold hearings on anti-free-market legislation that would re-establish the authority of states to set up government monopolies in garbage disposal. The flow-control legislation that

will be considered is bad public policy, and it should be rejected.

To understand how this issue affects you, let's look at the experience of New Jersey.

Prior to the Carbone decision, New Jersey used the guise of solid-waste-flow regulation to establish county government monopolies called ''improvement authorities'' that are given the power to dictate to mayors where—and at what price—they must dispose of their municipal garbage. Experience teaches us that anytime a public or private monopoly controls the quantity and price of a service, that monopoly will have no incentive to control costs or improve services. And this is precisely what has occurred in New Jersey.

Let's look at the issue of cost. The average price for the disposal of solid waste in America is only $35 per ton. But in New Jersey, thanks to the establishment of governmental disposal monopolies, the price is fast approaching $100 per ton.

Now let's look at the quality of services delivered. The defenders of the status quo argue that allowing private disposal sites to compete on the basis of cost is environmentally unsound. But, in fact, it is easy to regulate private disposal sites to ensure that proper environmental standards are maintained. What is not easy to regulate is all of the illegal dumping that New Jersey is now suffering from because of the soaring costs of waste disposal.

Apologists for the former Soviet Union used to contend that government-run industries are more environmentally sensitive than industries under private control. But we now know that the reverse is true. Government-controlled industry tends to be less responsible than private industry, because when industry and regulator are one in the same, the inherent conflict of interest is invariably resolved in favor of lax enforcement of environmental safeguards.

Instead of building and protecting government monopolies, we should be encouraging the creation of a healthy free market of properly regulated private disposal firms. These firms should compete not only on the basis of price, but also in terms on the basis of price, but also in terms of environmentally sound disposal techniques. Protected government monopolies, in contrast, will never have any incentive to innovate.

The New Jersey Environmental Federation, representing all of the state's lending environmental organizations, has joined me and other New Jersey mayors in opposing waste-flow-control legislation. According to the Federation, New Jersey's governmental monopoly in waste disposal stifles ''technical innovation, private investment, and market development for lower cost, environmentally preferable material recovery and composting technologies.'' The Federation is right on target.

New Jersey Gov. Christine Todd, Whitman supports the maintenance of country waste disposal monopolies. This is because the governor believes that a competitive market would cause financial chaos. She worries that without having a guaranteed source of revenue, county improvement authorities, which have borrowed large sums of money to build incinerators, could possibly default on their bonds. But there is a solution to this problem that is much preferable to the current flawed policy.

Stated simply. New Jersey could issue bonds to pay off the existing debt that county governments have incurred to build government disposal facilities. Next the state could establish a $10-per-ton surcharge on solid waste disposal fees, which could be used to fully amortize the new bonds in just 10 years. County disposal facilities, freed of debt service costs, could immediately drop their rates by a like $10-per-ton—or more. Municipalities, able to find less expensive disposal alternatives, could take advantage of the opportunity, and thereby provide their residents with much-needed property-tax relief.

In many New Jersey counties, the property-tax relief that could be realized is substantial. In some counties, market prices for disposal are than $50-per-ton less than the governmental monopoly price. After the $10-per-ton surcharge that would have to be paid to the state, local taxpayers could still save $40-per-ton of waste generated.

The current system makes no sense. In Jersey City, because of government monopoly pricing we pay almost 50 percent more to dispose of our solid waste than does neighboring New York City, which pays free-market rates to dump at a disposal facility located just outside Newark, NJ. This is ridiculous!

As a mayor, I'm the one who must collect from property owners the taxes they pay for garbage disposal. But New Jersey's waste-flow-control regulations prevent me from taking advantage of lower priced, more environmentally sound disposal alternatives.

The effect of these flow-control regulations is to prohibit me from reducing property taxes for my residents. And when I have to raise property taxes to pay for skyrocketing disposal costs, residents do not get angry with the state. Neither do they direct their ire at the executive director of the county improvement authority for running a costly, inefficient government bureaucracy, bursting at the seams with unnecessary patronage workers. Instead, property owners get mad at me, because I am the one who must send out the bills to pay for all of this foolishness.

I know very well why some county governments in New Jersey support flow-control legislation. It's nice to have a relatively anonymous place where you can place patronage hires and generate huge contracts for law firms and consultants, who subsequently get tapped for political campaign contributions. This arrangement is especially nice, in the view of some county officials, since it is the mayors, and not county executives, who will get the blame for soaring property taxes.

But we should realize by now that government never works well when power is insulated from accountability. Good government requires that power be kept as close to the people as possible. Good government also requires that a clear demarcation of responsibility exist between different levels of government, so that the people know whom to throw out of office for unnecessarily inflating service costs or degrading the environment. Flow control legislation flies in the face of these principles. It is not good government.

America was built on the principles of the free market, where there are natural incentives for the providers of goods and services to be efficient and to keep prices down. There isn't any legitimate reason not to allow these same market forces to ensure that municipalities have the freedom to dispose of garbage by taking advantage of the least expensive, most environmentally sound alternatives.

With Congress now looking at school choice and other forms of empowerment as the way to reform our education system and enhance the provision of essential government services, it would be a travesty to allow states to move away from free-market solutions in the area of garbage disposal.

Mr. KYL. Mr. President, let me conclude by summarizing in this fashion.

What we are dealing with here is municipalities coming to Congress and asking for relief from a Supreme Court decision which said that what certain States had done in the past, limiting the free flow of interstate commerce, in this case in treating garbage, solid waste, was an unconstitutional infringement on the commerce clause, and so unless the Congress acts, these arrangements that have been entered into by the States will not be able to proceed in a monopoly fashion. They will have to compete with the private market. As the EPA report notes, the private market is quite capable of working in this area.

And so some municipalities have said, well, since we made our decision on good faith, based upon the law as we knew it, we should at least be protected to the extent that it takes us to pay off the investment, to pay off the bonds, and my amendment would grant that grandfathering authority. We would say to these municipalities, whatever the length of your bond period is to pay off those bonds, we will grant you the authority to create a monopoly so you have no competition, if that is what you want, and you can pay off those bonds. But you should not be entitled to have a monopoly beyond that point.

What this amendment boils down to, Mr. President, is which side you are on. Are you for saying that for the period of time that it takes a municipality to pay off the bonds we should grant this grandfathering exception, or should we grant even further extensions, and here are the two that are most frequently cited.

In some cases it is said that a municipality has a contract to accept waste and dispose of it lasting longer than the period of the bond repayment. So let us hypothetically assume you have a 20-year bond and a 30-year contract. They would argue that the length of time for the monopoly protection should be 30 years, not 20 years. There is absolutely no logic to that whatsoever.

Once the 20 years has elapsed, the bonds have been paid, the facility now exists debt free, it ought to be able to compete, for the last 10 years of its contract, with anybody in the private market who comes along with the necessity of raising the capital to construct a facility to compete with that municipal facility and then to treat this garbage at a lesser rate.

In any event, the city has the contract for the remaining 10 years, and the other contracting party is required to comply with the terms of the contract. So there are two reasons why there is no reason to extend the grandfathering protection, monopoly protection, of this legislation beyond the term that it takes to repay the debt.

No. 1, the party providing the garbage has to fulfill its end of the contract regardless of what we do, so the municipality is protected in that regard. And No. 2, the municipality has a free facility, in effect, a facility that is

now totally paid up. If it cannot compete with the private market under those circumstances, then there is something drastically wrong and the Congress should not be creating a monopoly to permit that to occur.

As I noted, EPA has noted there is neither a problem with environmental laws nor a problem with generating fees for other purposes here.

So that is the first argument that is raised, that we should extend it to the contract period. The other is more amorphous, and that is that we should extend this to the useful life of the plant. That is in effect selling the entire concept of the free market down the drain. We may as well say let us have socialized garbage. If we are saying that the municipality can have the monopoly protection for the entire life of the plant, then we are providing no opportunity for competition whatsoever.

Is it not enough that we allow them the monopoly protection until they have repaid all of their debts? Is it not enough that a contracting party would still have to abide by the terms of the contract and sell its garbage to the city under the terms of that contract? Are we now being asked to also extend this monopoly power to the useful life of the plant, whatever they may define that to be? It is a very unclear definition as to what that is. And there are not very many plants that are that well planned whose life can be extended without modernizing the plant. So we want municipalities to do this. That is fine. So municipalities are asking for virtually unlimited power.

With that in mind, the committee has wisely said ''enough.'' At 30 years, enough is enough. We will not extend this protection beyond 30 years. That was a wise thing for the committee to do. But I submit the committee should not have gone that far; that it ought to be sufficient that the municipality is granted the monopoly protection until all of its obligations for repayment of the bonds have been satisfied. At that point, it ought to have to compete along with anybody else. And for us to grant an exemption beyond that is to do something which the U.S. Supreme Court has said is violative of the commerce clause of the Constitution. And our oath requires us not to do that.

That is why, despite the fact that I have no interest in this—my State is not involved. I have no municipality or county government in the State of Arizona contacting me on this because we are not a State that does this. So I have no personal interest in this, or political interest. But it does seem to me that as Senators we have an obligation to do what is right as a country. The legislation which the committee has crafted has very carefully taken care of very severe problems in very specific situations.

Those States—and I would mention one, New Jersey—have been accommodated under the committee legislation. It is not necessary to broaden this exemption any beyond what my amendment would provide for.

So, Mr. President, I would be happy to engage in a colloquy with anyone who would like to inquire further as to the effect or intent of my amendment. I intend eventually to call for a vote. I will be very happy to debate this under a time agreement, starting with whenever anyone would wish to enter into such an agreement.

But I certainly hope that my colleagues will realize that the municipalities that need this relief are not in a position to hold leverage over our head. The U.S. Senate does not have to succumb to what municipalities would desire or like to have in this regard, but only that which they need. And that is all that we ought to be granting them if we are talking about monopoly power in an area where the free market should work just fine, again, according to the Environmental Protection Agency.

I yield the floor at this point. If no one wishes to examine my views on this at this point, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CHAFEE. Mr. President, is there a pending amendment and, if so, I ask unanimous consent that it be set aside.

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

UNANIMOUS-CONSENT AGREEMENT

Mr. CHAFEE. Mr. President, I ask unanimous consent that a tabling vote occur in relation to the pending Kyl amendment at 2:30 p.m. today and that no second-degree amendments be in order to the Kyl amendment prior to the tabling vote.

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

Mr. CHAFEE. Mr. President, that vote will occur at 2:30 p.m. on the tabling motion unless it is vitiated. As it is now, it appears we will be having that tabling vote at 2:30.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CHAFEE. Mr. President, I ask unanimous consent that the pending amendments be set aside at this time.

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

AMENDMENT NO. 773

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. FAIRCLOTH, proposes an amendment numbered 773.

Mr. CHAFEE. 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 59, after line 20, insert the following:

(6) FLOW CONTROL ORDINANCE.—Notwithstanding anything to the contrary in this section, but subject to subsection (j), any political subdivision which adopted a flow control ordinance in November 1991, and designated facilities to receive municipal solid waste prior to April 1, 1992, may exercise flow control authority until the end of the remaining life of all contracts between the political subdivision and any other persons regarding the movement or delivery of municipal solid waste or voluntarily relinquished recyclable material to a designated facility (as in effect May 15, 1994). Such authority shall extend only to the specific classes or categories of municipal solid waste to which flow control authority was actually applied on or before May 15, 1994. The authority under this subsection shall be exercised in accordance with section 4012(b)(4).

Mr. CHAFEE. Mr. President, this deals with flow control and it pertains to a community in North Carolina which had a very specialized situation. In effect, it is a technical amendment. I urge its adoption.

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

Mr. CHAFEE. Mr. President, this has been cleared on both sides.

The PRESIDING OFFICER. If not, the question is on agreeing to the amendment.

The amendment (No. 773) was agreed to.

Mr. CHAFEE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the pending amendment before the Senate be set aside for such length of time as it takes me to offer an amendment which has been accepted by the other side.

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

AMENDMENT NO. 775

(Purpose: To revise the provision providing additional flow control authority)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 775.

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

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

The amendment is as follows:

On page 58, strike line 23 and all that follows through page 59, line 20, and insert the following:

''(5) ADDITIONAL AUTHORITY.—

''(A) APPLICATION OF PARAGRAPH.—This paragraph applies to a State or political subdivision of a State that, on or before January 1, 1984—

''(i) adopted regulations under State law that required the transportation to, and management or disposal at, waste management facilities in the State, of—

''(I) all solid waste from residential, commercial, institutional, or industrial sources (as defined under State law); and

''(II) recyclable material voluntarily relinquished by the owner or generator of the recyclable material; and

''(ii) as of Jan 1, 1984, had implemented those regulations in the case of every political subdivision of the State.

''(B) AUTHORITY.—Notwithstanding anything to the contrary in this section (including subsection (j)), a State or political subdivision of a State described in subparagraph (A) may continue to exercise flow control authority (including designation of waste management facilities in the State that meet the requirements of subsection (c)) for all classes and categories of solid waste that were subject to flow control on Jan 1, 1984.''

Mr. LAUTENBERG. Mr. President, this amendment follows the construct of this bill by protecting flow control authority that was in effect before May 15, 1994. Its provisions will sunset in 30 years.

With these limitations or restrictions, the amendment is narrowly crafted to respond to a very special situation in New Jersey, about which I spoke on the floor yesterday. I appreciate the willingness of the committee chairman, Senator CHAFEE, and the subcommittee chairman, Senator SMITH, to accept this narrowly crafted amendment, which will avoid the need for New Jersey to export increasing volumes of waste and will permit the State to meet its self-sufficiency goals by the year 2000.

While I cannot say that I share the enthusiasm that some have for the structure created by this bill, I, nevertheless, accept it. At present, I intend to support the bill and vote for it. I say at present, obviously, because if there are any amendments that are new and adopted, I reserve the right at that point to reexamine my decision.

At present, as I say, I intend to support the bill. I hope and trust that the bill itself will quickly be adopted in the Senate, in conference, and sent to the President to be signed into law. Otherwise, New Jersey and many other States face a potential waste disposal crisis and serious financial disruption of the plans and the indebtedness that exists out there.

As I earlier said, it has been my understanding that the chairman of the subcommittee, who I worked very closely with on several environmental matters, Senator SMITH, has accepted this amendment. I ask him for any comments he wants to make.

Mr. SMITH. Mr. President, we have accepted the amendment. The Senator from New Jersey has mentioned his amendment is a special situation in New Jersey. We are aware of this. It was the spirit and intent of the compromise language in the bill to deal with those special circumstances that New Jersey has, being an entire system for flow control.

Even though we have some philosophical disagreements on the subject of flow control, part of the very carefully crafted compromise was that we would do our best to deal with those folks who had made certain commitments in this rather unique situation in New Jersey.

This side has no objection to the amendment.

Mr. LAUTENBERG. Mr. President, I thank the subcommittee chairman.

Mr. President, this amendment recognizes the unique situation in New Jersey. New Jersey is the only State in our Nation in which all municipal solid waste is now flow controlled and has been flow controlled for over a decade. This extensive use of flow control was necessary in order to reduce our exports of garbage to other States. And it has worked.

New Jersey has decreased exports by 50 percent since 1988 and we are on target to be self-sufficient by the year 2000.

However, we do face some problems in terms of our existing facilities. Although New Jersey already recycles 53 percent of its waste stream, New Jersey exports 2 million tons of waste. There is not sufficient capacity in my State today to handle that volume. Facilities will be needed if we are to further reduce exports and become self-sufficient.

Therefore, New Jersey will need to build new facilities. Without flow control, however, it will be impossible to provide the needed capacity.

Lenders will not finance new facilities when it appears waste can easily and cheaply be exported. Without this amendment, therefore, it will be impossible to handle the waste volumes that we do export and we will continue to export more waste. That is not what Senators from other neighboring States want. And it is not what New Jersey wants.

New Jersey has attempted, probably more than any other State, to limit its exports. Title I, to restrict exports of solid waste, and further restrictions discussed by Mr. COATS, will make it harder to send waste across State lines.

Under my amendment, New Jersey will be able to live with some interstate restrictions because the amendment will protect the system New Jersey has worked so hard to develop. Under this amendment, title I restrictions on interstate shipments will not be a problem to my State.

And the title II flow control provisions will allow facilities to be built so that New Jersey can control and dispose of its waste.

This amendment follows the construct of the bill in that it protects flow control authority that was in effect before May 15, 1994. It will sunset in 30 years.

With these limitations and restrictions, this amendment is narrowly crafted to respond to the very special situation in New Jersey that I spoke of yesterday on the floor.

I appreciate the willingness of Chairman CHAFEE and Subcommittee Chairman SMITH to accept this narrowly crafted amendment which will avoid the need for New Jersey to export increasing volumes of waste and will allow the State to meet its self-sufficiency goals by 2000.

While I cannot say that I share the enthusiasm that some have for the structure created by this bill, I do accept it. I intend to support the bill and vote for it. And I hope and trust it will quickly be adopted in the Senate, conferenced, and sent to the President to be signed into law.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

So the amendment (No. 775) was agreed to.

Mr. LAUTENBERG. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. SMITH. Mr. President, it is a unique situation when the Senator who has an amendment on the floor is presiding, because he is in the unfortunate situation of not being able to respond at this particular time. I apologize to the Senator for that, because I have another commitment. I have to chair a subcommittee meeting at 1:30.

I do want to make some remarks, but at some point later, if the Senator wishes to engage in any type of colloquy, I would be more than happy to do that with him.

Mr. President, I want to clarify that the current business before the Senate is the Kyl amendment; is that correct?

The PRESIDING OFFICER. The Hatch amendment to the Specter amendment to the substitute.

AMENDMENT NO. 769

Mr. SMITH. I will make some remarks in response to the amendment offered by the Senator from Arizona, Senator KYL, in regard to shortening the grandfather to the length of the bonds.

This is a difficult situation for this Senator, because in concept and in philosophy I totally agree with what the Senator from Arizona is trying to do.

I have made my statement here on the floor regarding this issue in the opening debate on the bill that I oppose

flow control. I think that the interstate commerce clause should be safeguarded. I do not want Congress to interfere.

The reason why we have had a difficult time with this issue, I say to my colleagues, is that there are special circumstances where people have incurred a tremendous amount of expense. As the Senator from Arizona, Senator KYL, said in his very eloquent remarks regarding his amendment, the free enterprise system should be allowed to work.

We might say, why did those people go ahead and make these financial obligations, knowing full well that they did not have the protection of the law? I think that is a very valuable argument and an argument that we certainly considered as we crafted this bill.

The problem was, and we had a hearing on this matter, and as we heard from so many witnesses, there truly are some real national hardships out there that, in terms of the investors, in some cases through no fault of their own, perhaps, although not deliberately misled, some of the bondholders probably did not get the full explanation of the impact of the Carbone decision and what it meant for all of their investments in these bonds.

It was something that we really struggled with, those members on the committee, Senator CHAFEE and myself and others on the committee, who really oppose flow control and did not want to interfere with the free market on this issue.

On the other side there are two sections of the bill. The interstate waste transfer is part of this legislation as well. So we have flow control and interstate waste. The two parts of this bill, together, is a very carefully crafted compromise to move both things forward at the same time.

I guess with some amusement we think of how when laws and sausages are made, we would be sick if we knew it. Maybe this is an example of that.

Again, I will with great reluctance oppose the amendment of the Senator from Arizona because of the fact it interferes with the compromise. I will be specific, again, on the basis of the compromise, not on the basis of philosophy.

We heard testimony from the Public Securities Association that $20 billion in bonds were used for flow control facilities. So, nationwide there is some $20 billion in bonds out there.

These people have a liability. There is some question, we would say, well, we went in knowing full well—maybe they did, maybe they did not. This Senator is not convinced that all investors knew this. I could be wrong.

I think it is pretty obvious, based on the testimony, all investors were not fully aware of the impact of this, and I think people invested in these facilities believing that they were going to have the protection of flow control. Right or wrong, they believed, in some cases, that they did. I am sure on the other side there are many people who knew full well that they did not and took the risk. Again, every investor bondholder, I do not believe, was fully aware of the ramification.

When Carbone invalidated flow control, this whole situation was left in limbo. Nothing is happening, no one knows what to do. No one knows whether there will be flow control or no flow control. So here it is before the Congress.

Now, most members on the EPW Committee did not want to have the Congress speak to overturning the interstate commerce clause of the Constitution.

There are dozens of incinerators and landfills in immediate danger if flow control is not reauthorized immediately. What we have here is not only a delicately crafted compromise, but an urgency in the sense that every bond based upon flow control authority at this point is threatened.

So I think there is an emergency. Senator CHAFEE asked me to hold hearings on this quickly and to try to move this out of committee and to the floor, and it has been on the calendar for quite some time. We were looking for an opening to get it here.

The purpose, again, looking at the negatives of this which the Senator from Arizona pointed out, the purpose, though, is to try to give relief to these people. It is not to permanently interfere with the free market, which is why the 30-year grandfather was placed there.

The reason for the 30 year was we did not want to go back and review every single bond, whether it was a 10-year bond, a 5-year bond, 20-year bond, or 25-year bond. There were not any bonds beyond 30 years, which is why we selected that date. Could we have selected 15 years and been more in line with what the Senator from Arizona favors? Yes, we could have. Could we have selected the life of the bond as the Senator's amendment addresses? Yes, we could have.

The problem is, though, we also added through language in the bill the opportunity to upgrade facilities. And I think that is where we get into a problem with the amendment of the Senator. If, after the expiration of a bond, someone wants to upgrade these facilities—not really expand but upgrade, keep them maintained—then they have no protection under the Kyl amendment. The underlying bill provides a very narrow flow control authority to protect these bonds. It may not be a perfect compromise, it certainly is not. But I think it is a fair compromise. It serves notice on everyone.

I hope 20 years from now, 25 years from now, Congress will not go back and extend this. It is our intent it be ended. Everybody, all 50 States, all the entities in those 50 States, all the haulers and the Governors and the systems, everyone who is involved with flow control in any way should be on notice that, effective with the passage of this bill, it is over in 30 years and they ought to plan accordingly. That is the goal. The Kyl amendment disrupts that slightly and provides more uncertainty, although it is well intended. Again, the Kyl amendment does limit flow control. There is no question about it. It limits it further than the underlying bill. Philosophically I agree with that but, again, it is the compromise we are concerned about.

The amendment would provide grandfathered authority only until the time the bonds are paid off. So if you have a 15-year bond and a contract that extends beyond those 15 years, or the need to upgrade your facility beyond the 15-year length of the bond, then you cannot do it under the Kyl amendment. You cannot do it with the protection of the flow control legislation.

This amendment also does not cover contracts. It will create havoc in a number of cities and towns that made financial commitments based on the mistaken impression—true, mistaken impression—that they had this authority. I think the phrase ''mistaken impression'' really goes to the heart of why I came down on the side I did on the amendment, on the Kyl amendment, as well as the underlying bill. There are innocent people here who have been impacted. I could not in good conscience allow that to continue without the protection they thought they had when they entered into this agreement.

Maybe it is an interesting conclusion here that it is a compromise, and if to you wanted to put it in direct statements, those who love flow control do not like the Smith-Chafee bill. Those who oppose flow-control do not like the bill. I think that probably means the compromise is about right. It is in the middle.

I know there are those who are going to, from a philosophical perspective, support the Kyl amendment. My fear, and I think it is a legitimate fear, is that at the time the Kyl amendment is agreed to and becomes part of the underlying bill I think it could possibly, conceivably, kill the bill or at least kill the compromise. I think if that happens and the bill gets pulled back from the floor because of the budget legislation which will be coming up next week, the budget resolution that will be coming up next week, then I do not know when we would get back to it as we get into the pressures of time with more legislation. Again, those people who need immediate relief will not have it.

I might just say in conclusion, we have tried to work with a number of States that have had concerns: Florida, Maine, Minnesota—the Senator from Minnesota, Senator WELLSTONE, and I agreed on an amendment yesterday. Senator LAUTENBERG and I disagreed on another amendment in New Jersey. States do have special considerations and special problems. But, again, the intention here—and I want to make

this point, because it is important—the intention here was to strike this balance and not to move too far. Not to allow open-ended flow control authority on the left, if you will, on the one side; and at the same time not to allow it to go back so far over to the free market side on this particular bill that we would lose the balance.

I might say for the benefit of the Senator from Arizona, we have rejected a number of amendments that would allow for open-ended action. If this community says, ''We would like to think about having flow control at some point within the 30-year period, will you exempt us?'' The answer is, ''No, we will not.'' In other words, there had to be some financial commitment, preferably a bond or contract, some amount of money had to be committed, usually in the form of a contract or a bond. So we were very, very tough on those people who came to us. We did not agree to allow that far-reaching aspect of the bill.

Again, it might not be exactly what everybody wanted but it is a compromise and I urge my colleagues, no matter whether you are moving further to the free market side as I am, or whether you are moving further toward flow control where Senator LAUTENBERG and others are, whichever one of those positions you favor, I urge my colleagues to stay here in the center, in the compromise, and reject the Kyl amendment and reject any amendments on the other side that may come up to expand flow control authority. So, on the one hand let us not expand it. On the other hand, let us not restrict it.

I again encourage my colleagues, when the vote does come on this amendment, to defeat it for the reasons given.

Mr. President, I yield the floor. If no other Senators are seeking recognition, 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. DEWINE. Mr. President, 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. DEWINE. Mr. President, I further ask unanimous consent to speak as in morning business.

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

SCHOOL BUS SAFETY

Mr. DEWINE. Mr. President, a few weeks ago on this Senate floor I discussed the problem of school bus safety. In February of this year a young girl by the name of Brandie Browder, an eighth grader in Beaver Creek, OH, was killed when the drawstring around the waist of her coat got caught in the handrail of her school bus.

Just 4 days later, in Cincinnati, a seventh grader suffered a broken foot in a very similar accident.

As I pointed out when I spoke previously about this matter, while school buses are certainly among the very safest modes of transportation, the sad fact remains that an average of 30 schoolchildren are killed every single year in America either getting off or getting back on their own school buses—30 children.

Each child, Mr. President, with parents, grandparents, brothers, and sisters, and because of that child's death their life will never be the same; 30 children who will never have the opportunity to grow up, 30 children who will never have the opportunity to live out their potential. The sad fact is, Mr. President, that almost without exception these are preventable deaths.

When I last spoke on this issue, I discussed three specific safety issues, three problems that cause these deaths. One was a handrail problem. The second was the problem of the child getting on and off the bus and how we can make that area safer so the school bus driver will know what is going on in that area. And finally, I talked about the possibility of better training for school bus drivers.

Today, I would like to concentrate on the issue of handrails on these school buses because between the time that I last spoke to the Senate about this issue myself and my staff have spent a great deal of time looking at this issue and finding out additional facts. And the sad fact is that we lose many children because of this handrail problem.

This is a problem, Members of the Senate, that can be corrected very easily for less than $20 per school bus. So it is not something that is going to cost a great deal of money. It is something though that will not be fixed unless parents, teachers, administrators, and members of the public demand that this problem be fixed in each school bus in the country.

As I previously mentioned, an alarming number of these accidents are occurring when a strap from a backpack on a child or the drawstring of a little girl's or little boy's coat gets snagged in the handrail while that child is exiting the bus. We all know I think from our own experience from our own children how many kids today have backpacks or have a poncho or something that has a string that can in fact get caught as that child is getting off the bus.

Mr. President, with many of these handrails there is a small space between the handrail and the wall of the bus where something like the drawstring around the waist of a coat can get snagged. The child is getting off the bus. The child begins to get off that bus but the child's clothing is stuck and is still attached when the bus driver mistakenly begins to pull away thinking the child has exited the school bus. As I pointed out, a number of children have been killed in this exact manner since 1991.

Let me give a little background on the analysis of this problem. Beginning in early 1993, the National Highway Traffic Safety Administration [NHTSA] initiated a series of investigations to find out if the handrails on school buses were actually designed in an unsafe manner. As a result of these investigations, nine distinct models of school buses were recalled because of potentially unsafe handrails. However, tens of thousands of these unsafe buses were not recalled. They are still on the road. The bus that killed little Brandie was not recalled, not because the bus was safe—just the contrary—but it was not recalled because the company that made the bus had already gone out of business.

Mr. President, we clearly must track down these buses. We must make sure that every single bus in this country is inspected. We have to fix them or get them off the road.

Let me again repeat. We are not talking about a very expensive repair. It is not a cost question. It is a question of locating the buses. It is a question of public awareness, which is why I am on the floor today.

We as parents need to make sure our children are not getting on an unsafe bus this afternoon, tomorrow morning, or ever. We can all look for ourselves. When our child gets on the bus tomorrow morning, or gets off the bus this afternoon, look at the handrail to see if that gap does in fact exist. We must not rest until every one of these buses is identified and fixed.

Let me advise my colleagues what we are doing in the State of Ohio with regard to this. I had the opportunity this morning to talk to highway patrol officials who are in charge in the State of Ohio of school bus inspections.

As I have indicated, there really is a simple solution to this particular handrail problem. Every year the Ohio State Highway Patrol during the summer months when school is not in session conduct inspections of every single school bus in the State of Ohio. I suspect that there are other law enforcement agencies that perform the same function in all the other States of the Union as well.

The Ohio State Highway Patrol, when they begin these inspections in the next several weeks, are going to in addition to what they normally do look for this specific problem. When they find the problem, if they do, they are going to take the bus off the road until the problem is corrected because as I indicated it is a very relatively simple problem to solve at a cost of probably no more than $20.

They use an inspection device, a tool. If I describe it, I think it will give our listeners and Members of the Senate a good idea how simple it is. It is a tool made with a long string with a nut attached to the end. From outside the school bus door, you drop the nut end of the device into the crevice where

with the lower end of the handrail is attached to the lower area of the stepped wall. When you pull the device toward the outside of the school bus through the crevice, if the tool gets caught the bus is rejected and then not allowed onto the road until this is fixed.

As I point out, fixing these buses is relatively easy. For around $20 you can put a safe new handrail on the bus, a whole new handrail, or for even less money than that you can modify the handrail by inserting a special wood or rubber spacer between the bottom attachment point of the handrail and the bus wall itself. The process is cheap, simple and will save lives.

Mr. President, I urge that all States that are not currently following this inspection policy and are not looking for this problem start doing this as soon as possible. Ohio certainly does not have a monopoly on these potentially unsafe buses. These unsafe buses can probably and I am sure can be found in any State in the Union.

Mr. President, this week just happens to be National Safe Kids Week. There is no better time than the present during this week to focus our attention on the real dangers to schoolchildren who travel by schoolbus.

The goals of National Safe Kids Week are fourfold, but they are quite simple.

First, raise awareness of the problem of childhood injuries.

Second, build grassroots coalitions to implement prevention strategies.

Third, stimulate changes in behavior and products to reduce the occurrence of injuries.

Fourth, make childhood injuries a public policy priority.

Mr. President, these four goals should set our agenda for safety for children and specifically should set our agenda for school bus safety. I will in the weeks ahead again return to the floor to revisit this entire issue, but at this time I think it is important that we get about the business of dealing with this handrail problem.

In conclusion, I should like to alert my colleagues and other concerned Americans to an important satellite feed about this issue of school bus safety. Later today and tomorrow, the National Highway Traffic Safety Administration will be showing a TV program on this very issue. This program will be available by satellite, and I would urge those who are interested in this vital issue to contact NHTSA about the details.

Again, Mr. President, I thank all the concerned parents and the educators and others who are contributing to the success of National Safe Kids Week. To them I simply say thank you, thank you for caring, and, believe me, you are in fact making a difference.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

Mr. DEWINE. Mr. President, I do suggest at this time the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

Mr. KYL. Mr. President, while I was presiding, the Senator from New Hampshire made some comments relative to the amendment I had just introduced and spoken on. I regret he is not here, but I would like to respond to those remarks. They were well put, and I appreciate the cooperative spirit in which he gently opposed my amendment. I wish to respond to the points he made to illustrate why I still think my amendment should be adopted.

As you will recall, my amendment provides very simply that the grandfathering of monopoly status that these facilities need because the Supreme Court has declared them unconstitutional ought to be limited to the period of time that it takes for these facilities to repay the bonds; that beyond that time there is no rationale, at least no rationale that the Senate ought to be a party to, that once the bonds are paid off, the investor's money has been returned in full, there is no rationale for protecting the municipality from competition in the handling of garbage.

That is why my amendment would cut it off at that point and not allow the remaining exceptions, which include expanding the life of the plant, or the useful life of the plant to some unknown length of time with a 30-year time limit or for contracts that are in existence.

It would limit the grandfathering to that which is necessary or required but not beyond.

Mr. President, the Senator from New Hampshire made the point that investors believed that they would have the protection of the law and we ought to give it to them, and that is precisely what my amendment does—no less but no more. It says to those investors, you get your money back when the bonds are fully paid off; that then but only then does this exemption from the U.S. Constitution apply. So we give them that grace period. That is point No. 1.

Point No. 2. The Senator from New Hampshire said, well, there is a provision in this carefully crafted compromise for upgrades of facilities. And my response to that is, yes, that is there, but it is not needed and certainly not deserved. It creates a giant loophole which in effect means that all that the owners of these plants have to do is to provide some kind of upgrade to their facility—I presume that is anything beyond usual maintenance—and up to a 30-year period they can foreclose all competition.

That is un-American, it is unconstitutional, and it is not something that the Senate should be a party to, Mr. President. That is why my amendment specifically would not permit this special monopoly to exist beyond the time that it takes to repay the bonds. You cannot just fix your facility up and say we have extended its useful life and we want to continue to have a monopoly during the useful life of the plant.

That would not be a justifiable reason, and I know of no reason which justifies that particular exemption. None has been suggested.

Third, our colleague from New Hampshire made the point that innocent people were impacted as a result of the Supreme Court decision, and that is true. My guess is that most of the people who invested in these bonds had no idea that the Supreme Court would declare the whole practice unconstitutional.

Agreeing with the principle that those innocent people should be protected, my amendment does precisely that. It protects them. It says that until those bonds are paid off, the monopoly status of the facility is protected. So, in other words, the bonds get paid off, the investors get made whole, all of those innocent people have their investment returned, and they lose nothing as a result of my amendment.

Mr. President, there are other innocent people involved in this as well. These are the people who are required to pay the higher taxes because of the unreasonably high prices extracted by virtue of the fact that this is a monopoly. That is why we have antitrust laws. That is why our Constitution contains a clause that says that States cannot interfere with interstate commerce.

But that is what has been done in this case. That is what the Supreme Court outlawed. And the U.S. Senate ought to pay attention not only to the innocent people who invested, who are totally protected under my amendment, but also the totally innocent people of the State who are having to pay two, three, four times as much; the EPA estimates 40 percent more than they would otherwise have to pay as a result of this monopoly status that is being granted. So if the argument is that we should protect innocent people, then the Senate should adopt my amendment.

Finally, and the real reason why I think there is an objection to my amendment is that it might unravel a carefully crafted compromise.

Mr. President, that is the unprincipled but very pragmatic reason frequently given to opposing amendments in this Chamber and in the other body. We have all been a party to those. It is

necessary to craft legislation that is required to make compromises and no one argues against that practice.

But there are certain situations where there are fundamental principles involved. And where fundamental principles are involved, we need to be very, very careful about justifying opposition to principles on the basis of compromise. In other words, Mr. President, there are some things that ought not to be compromised. One of them is the United States Constitution.

When the Supreme Court says that a practice is unconstitutional, we ought to be very, very careful how we override that decision. We ought to do it in the narrowest possible way. That is what my amendment does. It says, until the bonds are repaid, we will grant these municipalities a monopoly power that nobody else can get, that the United States Supreme Court says is unconstitutional but, recognizing that investment decisions were made based upon the previous existing law, we will acknowledge that that exemption should last at least until the bonds are paid off. But my amendment says, at that point, no further. We do not need to go any further. No one else needs protection here.

All we are doing at that point is creating a monopoly protection which creates higher prices and prevents the free market from operating. Now it may be true that standing on that principle will cause a bill to unravel; that if my amendment were to pass, there is insufficient support then for the legislation to get it passed. My response to that is that we do much better politically in this body when we do what is right and that, if we will stick to principles, in the end we will get the kind of legislation that is necessary; that we make mistakes when we compromise principle for the sake of getting something through rather than for the sake of doing what is right.

This is a constitutional issue. I would perhaps suggest an analogy here.

Mr. President, what if a municipality had passed an ordinance declaring that certain speech could no longer be engaged in in the community, and everyone rose up in arms and said, ''Why that is unconstitutional''? A lawsuit was brought and the Supreme Court says, ''That is correct. You cannot impede free speech. Municipality, your actions are unconstitutional.'' And the municipality said, ''But we have a real need to impede free speech in this particular area.''

Do you not think that the U.S. Senate would be very, very careful about granting an exemption from the Constitution, in effect, here; would be very, very careful? Obviously, we could not constitutionally do that, but we would want to be as limited as possible in crafting legislation that would meet the constitutional standards the Court laid down.

That is what we should be doing in this case, because the Court has already spoken. The Court has said that States that have this flow control do so in violation of the U.S. Constitution.

So, in trying to figure out a way around that, we ought to be as careful and as limited as possible, not as expansive as we can think of. And that is why my amendment, I submit, is the only constitutional, commonsense course of action that the Senate can take to protect those situations where there has been an investment made until the investment is paid off. But, after that, no more monopoly.

And if that should cause the compromise to break apart, then it would be necessary, as the Senator from New Hampshire said, to go back to the drawing board and redo it. And I think that would be a good thing. But my hope would be, Mr. President, that it would not cause the compromise to fall apart; that we would all recognize that a limited exemption is all right to pass, we should pass it, but that we should not do more than that simply because some Senators might want to, in effect, overreach beyond what is really necessary or appropriate given the Supreme Court's decision.

So with all due respect to my friend and colleague from New Hampshire, who really helped to make the argument in principle to what I am saying but found it necessary to object nonetheless because of the position he finds himself in, I suggest the best way to a deal with this issue is to adopt my amendment, provide full protection for all those who need protection, but to limit the exemption to that point.

Mr. President, we are going to be voting on the Kyl amendment at 2:30 and, unless our colleagues, who have not been here on the floor, are watching from wherever they may be, it is going to be very confusing what this is all about, because this was not part of the committee action. I just urge my colleagues to consider this, to ask questions about this, come to the floor to engage me in a colloquy if that is their desire. I would be happy to answer any questions I can.

No one—no one—has made the case why we should extend to the useful life of a project a special exemption after the bonds have already been paid off; how it is that an operator cannot simply add something to the plant and say they have extended the useful life, thereby going to the full 30-year limit of this legislation. No one has made the case of why that should be the law. And until that case is made, if it can be made, we should not accept that proposition in dealing with something as sacred as a constitutional principle here.

Mr. President, I will ask my colleagues, again, to support the Kyl amendment when we vote on it at 2:30.

At this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

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

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

TRIGGERLOCK

Mr. DEWINE. Mr. President, yesterday I came to the floor to begin a discussion about the crime bill that within the next several days I will be introducing. I would like today to continue to talk about other provisions of that crime bill.

As I indicated yesterday, I believe that there are really two truly fundamental issues that we always need to address when we are looking at the validity or the merits of any particular crime bill. First, what is the proper role of the Federal Government in fighting crime in this country? Second, despite all the rhetoric, what really works in law enforcement; what matters and what does not matter?

It has been my experience, Mr. President, as someone who does not pretend to be an expert in this area but someone who has spent the better part of 20 years in different capacities dealing with this, beginning in the early 1970's as a county prosecuting attorney, it has been my experience that many times the rhetoric does not square very closely with the reality, and that really, if we are serious about dealing with crime, the people that we ought to talk to are the men and women who are on the front lines every single day—the police officers, the tens of thousands of police officers around this country who really are the experts and who know what works and what does not work.

The bill that I will introduce is based upon my own experience, but it is also based on hundreds and hundreds of discussions that I have had over the years with the people who, literally, are on the front line.

Yesterday, I discussed these issues with specific reference to crime-fighting technology. The conclusion I have reached is that we have an outstanding technology base in this country that will do a great deal to catch criminals. Technology does, in fact, matter, and it clearly matters in the area of law enforcement. But we need the Federal Government to be more proactive in this area, more proactive in helping the States get on line with their own technology.

Having a terrific national criminal record system or a huge DNA data base for convicted sex offenders in Washington, DC, is great, but it will not really do much good if the police officer in Lucas County, OH, or Greene County or Clark County or Hamilton County cannot tap into it. It will not do any good if we cannot get the information, the primary source of this information, from them and get it into the system.

Crimes occur locally. Ninety-five percent of all criminal prosecution, of all

criminal investigations, occurs locally, not at the national level. Crime occurs locally, so we have to make sure that the crime-fighting resources, like this high-technology data base that I talked about yesterday, are available to local law enforcement.

Mr. President, today I would like to continue this discussion, and I would like to discuss another component of my crime legislation: How do we go about protecting America from armed career criminals? I am talking about repeat violent criminals who use a gun in the commission of a felony. In this area, too, we need to be asking what works, what does not work, and what level of Federal Government is most appropriate to do what, what level of Federal Government is most appropriate to get certain help from.

Again, experience tells us that we really do know what matters, we really do know what works. In the area of gun crimes, we have a pretty good answer.

We all know that there is a great deal of controversy about guns, controversy over whether general restrictions on gun ownership would help reduce crime. But, Mr. President, there is no controversy over whether taking guns away from convicted felons will reduce crime. Let me guarantee you, if we know one thing, it is this: If we take guns out of the hands of convicted felons, we will reduce crime and we will have fewer victims.

There is legitimate disagreement over bills such as the Brady bill, whether that will reduce crime. Similarly, reasonable people can disagree concerning the question of whether a ban on assault weapons will reduce crime. I happen to support both of these measures, but I recognize that many people do not and many people think that they are not effective.

But what I am talking about today is something on which there is absolutely no controversy, absolutely no dispute. There simply is no question that taking the guns away from armed career criminals will, in fact, reduce crime, and history shows that that works.

When it comes to armed career criminals, we need to disarm them, we need to lock them up, we need to get them out of society. Let us disarm the people who are hurting our victims, who are hurting the citizens of this country. As I said, history indicates that this works. We have a historic track record to point to. We actually have tried this and it does, in fact, work.

One of the most successful crime-fighting initiatives of recent years in this country was a project that was known as Project Triggerlock. This project was very successful, wildly successful, precisely because it addressed a problem squarely and it placed the resources where they were most needed.

Let me tell the Members of the Senate a little bit about the history of this Project Triggerlock.

The U.S. Justice Department began Project Triggerlock in May of 1991. The program targeted for prosecution in Federal court armed and violent repeat offenders. Under Triggerlock, U.S. attorneys throughout the country turned to the local prosecuting attorneys in whatever jurisdiction they were located and said: ''If you catch a felon with a gun, if you want us to, we, under existing Federal statute, we the Federal prosecutors, we the U.S. attorneys will take over that prosecution for you. We will prosecute that individual, we will convict that individual, and we will hit that individual with a stiff Federal mandatory sentence, and we will lock this individual up in a Federal prison at no cost to the local community, to the State.''

That is true Federal assistance. That is Federal assistance that matters. That is Federal assistance that makes a difference. That is Federal assistance and Federal action that will save lives by taking these career criminals off our streets.

Mr. President, that is what Project Triggerlock did. Triggerlock was an assault on the very worst criminals, the worst of the worst in American society. And it worked. This program took 15,000—15,000—career criminals off the streets in just an 18-month period of time. Incredibly—at least incredibly to me as a former prosecutor—the Clinton Justice Department abandoned Project Triggerlock. It was the most effective Federal program in recent history for targeting and removing armed career criminals from our society. But for some reason—for some reason—the Justice Department stopped Triggerlock dead in its tracks.

What I propose in my crime legislation is that we resurrect Project Triggerlock, and we can do it. My legislation includes a provision requiring the U.S. attorneys in every jurisdiction in this country to make a monthly report to the Attorney General in Washington on the number of arrests, the number of prosecutions and convictions they have gotten within that last 30-day period of time on gun-related offenses. The Attorney General then would report semiannually to the U.S. Congress on the success of this program and report on the number of these individuals who have been convicted.

Like all prosecutors, U.S. attorneys have limited resources. In fact, with U.S. attorneys, they have more discretion because of the fact that many times we have concurrent jurisdiction between the local prosecutors under State law and Federal prosecutors under Federal law. So the Federal prosecutors have a great deal of discretion about what type cases to pursue. It really is a question of what the priorities are. It is a question of prioritization.

Like all prosecutors, U.S. attorneys do have to exercise discretion about whom to prosecute. We all recognize that Congress cannot dictate to U.S. attorneys, cannot dictate to the Attorney General who should be prosecuted. But it is clear that we should go on record with the following basic proposition, and that is this: There is nothing more important than getting armed career criminals off the streets. There is nothing more important that the Justice Department can do than to set this as a priority.

Mr. President, I think Project Triggerlock was a very important way to keep the focus on the prosecution of gun crimes. Getting criminals off the streets, criminals who use guns, is a major national priority and we all should behave accordingly.

Let me turn now to a second portion of this bill that deals with the problem of criminals using guns in the commission of a felony. The second thing we need to do is to change the law. We need to toughen the law against those who use a gun to commit a crime. My bill would say to career criminals: If you are a convicted felon and you possess a gun, you will get a mandatory sentence. Under current law, a first-time felon gets a 5-year mandatory sentence. A third-time felon gets a mandatory minimum of 15 years. But there is a gap in current law. There is no mandatory minimum for a second-time felon.

My legislation, Mr. President, would fix that. It would provide a mandatory minimum of 10 years for a second-time felon with a gun. That would make it a lot easier for police to get that gun criminal off of our streets.

Third, bail reform. The third thing we need to do is to reform the bail system. Under current law, the Bail Reform Act, certain dangerous, accused criminals can be denied bail if they have been charged with crimes of violence. But it is unclear under current law whether possession of firearms should be considered a crime of violence or not.

Mr. President, let us do a reality check here today. If someone who is a known convicted felon is walking around with a gun in your community in Michigan, or in my community in Ohio, what is the likelihood that that person is carrying the gun for law-abiding purposes? Convicted felon with a gun. I think it is perfectly reasonable to consider that person prima facie dangerous. We should deny bail to keep that convicted felon off the streets while awaiting trial on the new charge.

My legislation would eliminate the ambiguity in current law. My bill would define a crime of violence to specifically include possession of a firearm by a convicted felon. If you are a convicted felon and you are walking around with a gun, you are dangerous and you need to be kept off the streets. We need to give the prosecutors the legal right to protect the community from these people while they are awaiting trial.

Mr. President, a fourth way we can crack down on gun crimes is to go after

those who knowingly provide—knowingly provide—guns to felons. Under current law, you can be prosecuted by providing a gun only if you knew for certain that it would be used in a crime. The revision I propose would make it illegal to provide a firearm if you have reasonable cause to believe that it is going to be used in the commission of a crime. This is the best way, I believe, to go after the illegal gun trade, those who provide guns to those people who are predators in our society. We will no longer, under this provision, allow these gun providers to feign ignorance. They are helping felons and they need to be stopped.

Mr. President, all of these proposals are motivated by a single purpose. I, along with the police officers of this country, believe that we have to get the guns away from the gun criminals. Project Triggerlock was one major initiative that we can pursue at the Federal level to help make this happen. Imposing stiff mandatory minimums, cracking down on illegal gun providers, are also good, important measures.

All of the gun proposals contained in my crime legislation, Mr. President, really have the same goal. They are designed to assure American families who are living in crime-threatened communities that we are going to do what it takes to get guns off of their streets. We are going to go after the armed career criminals. We are going to prosecute them, convict them, and we are going to keep them off of our streets. That is why we have a Government in the first place, to protect the innocent, to keep ordinary citizens safe from violent, predatory crimes.

Mr. President, I believe that Government needs to do a much better job with this fundamental task. That is why targeting the armed career criminals is such a major component of the crime bill that I will be introducing.

Mr. President, tomorrow I intend to talk briefly about a third major component of my bill, and that is how we help the victims of crime, those who are victimized by the criminals, those who we, many times, forget.

It has been my experience that, unfortunately, many times society treats the criminals as if they are victims and the victims as if they are criminals. Provisions in the bill that I will be discussing tomorrow deal with that. We will reach out to the victims of crime to help them and to make the playing field more level.

Mr. President, at this point, I will yield the floor and 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. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 789

Mr. SMITH. Mr. President, I send a manager's amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments will be set aside, and the clerk will report.

The bill clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] for himself, Mr. CHAFEE, and Mr. BAUCUS, proposes an amendment numbered 789.

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

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

The amendment is as follows:

On page 38, line 18, strike the phrase ''the Administrator has determined''.

On page 39, after line 8 insert the following: ''For purposes of developing the list required in this Section, the Administrator shall be responsible for collating and publishing only that information provided to the Administrator by States pursuant to this Section. The Administrator shall not be required to gather additional data over and above that provided by the States pursuant to this Section, nor to verify data provided by the States pursuant to this Section, nor to arbitrate or otherwise entertain or resolve disputes between States or other parties concerning interstate movements of municipal solid waste. Any actions by the Administrator under this Section shall be final and not subject to judicial review.''

On page 38, after the ''.'' on line 16 insert the following: ''States making submissions referred to in this Section to the Administrator shall notice these submissions for public review and comment at the State level before submitting them to the Administrator.''

On page 33, line 20, strike ''(6)(D)'' and insert ''(6)(C)''.

On page 34, line 13, strike ''determined'' and insert ''listed''.

On page 34, line 13, strike ''(6)(E)'' and insert ''(6)(C)''.

On page 36, line 16, strike ''(6)(E)'' and insert ''(6)(C)''.

On page 50, strike line 18 and insert the following: ''in which the generator of the waste has an ownership interest.''.

Mr. SMITH. Mr. President, this amendment has been agreed to by both sides. It is a managers' amendment, a very technical amendment that has been requested by EPA, and it applies to tracking interstate waste pursuant to title I of the bill.

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

The amendment (No. 789) was agreed to.

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

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Arizona, moves to table the motion.

The motion to lay on the table was agreed to.

AMENDMENT NO. 769

Mr. CHAFEE. Mr. President, I would like to address the pending amendment which is, indeed, the Kyl amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. CHAFEE. Mr. President, I would just like to say a few words about the amendment presented by the distinguished Senator from Arizona.

In our Environment and Public Works Committee, there are 16 members: 9 Republicans and 7 Democrats. The bill that is before the Senate today that the Senator from Arizona seeks to amend was approved in the committee by a vote of 16 to 0. Every Democrat and every Republican voted for it.

Now, this bill before the Senate represents a delicate balance. There are two sides to this issue. On one side is the following: The State and local governments say, why should we not be allowed to designate that all municipal solid waste, all solid waste within this entity, be it the city of Detroit or be it some small town in Michigan or town or city in Rhode Island, whether it is in the Nation—why should we not be able to designate that all of the municipal waste within that community go to a facility that we designate—we, the town fathers; and in that fashion, we, the town fathers and the community, will be able to afford a proper disposal facility, be it an incinerator or be it a licensed proper landfill?

If our citizens do not like this arrangement, if they think they can have their solid waste hauled away by some private entrepreneur in a different fashion, then they can vote Members out of office and we will be gone and the citizens can have a separate system, if that is what they want. At least we ought to have that power.

Now, on the other side of the equation is the view espoused by Senator KYL, which is that flow control is anticompetitive and is against the U.S. Constitution, in addition to all that. The Constitution has said that flow control is against the commerce clause and it should not be permitted.

However, the Senator in his amendment recognizes that there are some facilities that have been built pursuant to the belief that flow control will be there in perpetuity and, therefore, he has arranged under his amendment that those investments made by those communities can be paid off. In other words, his amendment is tailored to the life of the outstanding bonds.

Once they are paid off, then that ends it regarding flow control existing in that community. In other words, he has kept the flow control limited to a minimal period to provide for the payment of the bonds. Now, he has put a lot of thought into that argument, and as I say, an argument can be made for it, as indeed he has made.

In crafting this view, we balanced these two views. The ones who say on

one side, we do not want to have anything that inhibits competition; and on the other side those who say, why should we, in our communities, not be able to do what we want to do? If it is wrong we will be voted out of office. Leave that to the citizens. Do not have Big Brother in Washington, DC, saying how to do things.

We had those views vigorously brought to our attention both in the committee and on the floor of the Senate and in our conversations with other Senators.

What did we say? We set limits. We said, ''We are going to give broader flow control possibilities than that suggested by the Senator from Arizona in his amendment.'' However, we are going to set an outside limit. This is going to end at a certain time under our bill. It ends at 30 years. That does it. But we did not want to cut it off immediately, for the same reasons the Senator from Arizona has suggested. We go a little beyond him because there are communities here that are tied up in contracts that are different from just paying off the bonds. They have different situations.

Indeed, they feel very strongly about the arrangements they have made within their communities, within some States. They do not want this limitation. If we are going to have this legislation passed, then it seems to me we have to recognize the views on both sides to a greater extent than is recognized by the Senator from Arizona in his amendment.

Therefore, Mr. President, when the proper time comes I will move to table the amendment of the Senator from Arizona—not that I think it is totally out of line. I can see the rationale that is behind his amendment.

The truth of the matter is it will upset this delicate arrangement that we have put together here over the past several weeks. I might say this was not just created by the imagination of this Senator or that Senator. It came as a result of hearings we had in connection with flow control and trying to craft a bill that is very, very difficult.

Indeed, what has been going on today and yesterday? We were on this bill starting at 12 o'clock yesterday, going up until something like 6:30. Today we have been on it since 9:30, with very little action on the floor.

Why? Because we are trying to compromise and recognize and deal with these various forces that are tugging in exactly opposite directions here. That is difficult to reconcile.

Therefore, Mr. President, I would hope that our colleagues would support the efforts of the committee in trying to meet this very, very, difficult compromise.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I wonder if the Senator from Rhode Island would engage in a colloquy with me regarding this legislation?

Mr. CHAFEE. I would be happy to.

Mr. KYL. Mr. President, I appreciate his characterization of my remarks. They are precisely as he described them. I appreciate the difficult dilemma that a chairman always has in trying to get legislation which is not uniformly agreed to and, therefore, requires some compromise.

Having conceded that much, first I want to make a very quick point, because there is some misinformation, I think, being conveyed, and that is that our amendment does not permit refinancing.

This is not something that the Senator from Rhode Island addressed but was addressed earlier. Under our amendment, I make it clear, that refinancing is committed so you are not bound by the original financing. Entities can refinance, and however long it takes for either the original bond issue or the refinanced bond issue to be repaid, that would be the length of time that this exemption under my amendment would pertain.

Mr. CHAFEE. In your bill—in other words, you refinance and you could extend beyond the period of the original bond?

Mr. KYL. I believe that is correct, yes.

Mr. CHAFEE. It was my understanding that refinancing was permitted but it could not extend beyond the date of the original financing. I may be wrong there.

Mr. KYL. I am sorry, yes. The Senator from Rhode Island is correct. In subsection (B):

> (A) shall not be construed to preclude refinancing of the capital costs of a facility, but if, under the terms of a refinancing, completion of the scheduled for payment of capital costs will occur after the date on which completion would have occurred. * * *

Then the authority expires at the earlier of those two dates. The Senator is correct. With respect to the issue generally that a community should have the right to grant a monopoly, and that the remedy is to vote them out of office—the argument posited against this—I ask my colleague this question:

It is true that if a municipality, a county government or whatever, creates this monopoly they could be voted out of office. But is it not true that the U.S. Congress, by this legislation, will have created the situation where despite these people being voted out of office, the contract, under the bill as written—the contract term, or as long as it takes to refinance, or even the point at which the useful life ceases to exist, after it has been extended, up to 30 years—would still allow the monopoly to continue? So the candidates themselves may be defeated but that which they constructed, because we protected it, would continue to exist?

Mr. CHAFEE. That is correct.

Mr. KYL. I think that makes my point. We ought to be very, very careful when we are seeking ways to get around the U.S. Supreme Court decision interpreting the Constitution; that we should do so in the narrowest way possible. I think what we have done here is, in order to accommodate the special desires of different Senators from different States to go beyond just the repayment obligations but to actually continue to act as a monopoly so they will have a competitive advantage over others who might wish to provide the same kind of service, that in constructing the compromise we have, I think, gone too far and acted beyond the principle which justifies the more limited grandfathering, if you will, more limited exemption which I provided for in my amendment.

That is why, while I certainly recognize the difficulties the chairman has in cobbling together a compromise in something of this nature, I suggest colleagues may wish to support my amendment. I hope they would support my amendment. If that means we then have to go back and do some more working of the bill, then at least it might be done from a better basis.

I might ask the Senator from Rhode Island another question here. I can understand, under a very limited circumstance, why we might want to recognize a contract term which extends beyond the term for refinancing or financing bonds. There are basically three reasons why the monopoly is being granted here. One, to allow the refinancing to occur—both of us have agreed on that. Two, in order to extend the exemption to the point that contracts are outstanding. And, three, to extend it when something has been done to the plant to extend its useful life. I can understand a limited rationale in the second situation and we both provided for the first.

What I cannot understand is a rationale for the third aspect of the exemption whereby, simply because it makes economic sense to do so, or the jurisdiction in question decides to do something to the plant to extend its useful life, that fact ought to occasion us to grant an additional exemption.

At that point there is no longer contract obligation that might be more difficult to fulfill. There is no more investor interest out there. This is simply, perhaps, a very rational decision to extend the life of the plant, but not one which creates in my mind any rationale for extending the grant of authority here.

Would the Senator from Rhode Island care to respond to that?

Mr. CHAFEE. That is a good question. But the answer is—and we have had this raised, obviously, not only on the floor here but in calls from Governors that come to us. The original plea of the Governors is, ''Why can't we do what we want to do? Who are you in Washington, always telling us, yes/no?''

As the Senator has pointed out, it is the Supreme Court that said no. It is not us who said ''no.'' Indeed, what we

are doing is in effect coming to the rescue, if you would, of those communities that want to extend flow control or have flow control because, as the Senator knows, it was declared unconstitutional. So we are stepping in, trying to fill a void, fill a problem that exists.

But you say, OK, if you step in just step in for this limited period which is, as you say, the length of the bonds that are outstanding or what the contract requires between the facility and the community—whatever it might be. But the answer is that in many of these States and communities they set up arrangements based on flow control continuing to exist. In other words, they pass statutes that flow control be there. So we have some occasions where the length of time of the contract is not necessarily going to cover all the expenses and is going to be renegotiated for a variety of reasons, but all with the anticipation that the flow control statute that the municipality had entered into was going to continue to be there.

So they say, ''We made arrangements.'' The arrangements might be the original bonds, for example, and did not cover the total construction cost of the facility. Or that they were dependent upon flow control to provide the flow of waste and the tipping fees for the rather high maintenance costs. They had it all worked out and they say, ''Why can't we continue to do that?''

That is the rationale that we have, when we have State A, or B, or C, or Governor A, B, or C, calling us and saying this is what we want. So we have tried to juggle it around, leaving not everybody happy, as is apparent today.

Mr. KYL. If I could respond, I appreciate that fact. And I suspected that basically was the rationale for it. But it does seem to me that just because the operators of the plant want a monopoly does not necessarily mean that is good public policy or that we ought to go along with it. By definition, if at the time bonds have been paid off—since I doubt seriously these plants are constructed by anything other than bond issues—but once the bonds have been paid off, they have been built. They may continue to have high operating costs. But at that point it is the citizens of the State and the community whose interests we ought to have in mind, which is the rationale behind the interstate commerce clause in the first place, that a State should not grant a monopoly to either a private business or a State enterprise to extract more money from the taxpayers of the community than is necessary.

And if a private investor or some other competitor can build a plant, can come up with the capital to do so and compete favorably with an institution that has already been totally financed by public funds and had that financing repaid, then at that point public policy would suggest that the people are more benefited by the lower prices and the competition because, by definition, they are the ones who are getting the contract rather than the older, outmoded or very expensive facility that we have been protecting in the meantime.

So I guess I can recognize that the owners or operators of the plants may wish to stay in business without competition. I still am not clear as to why that should occasion us to grant an exemption from an otherwise constitutional prohibition here.

As I say, I can understand the rationale as to the first point as to the bonds, and to some extent on the contracts, but on this third area here—and what I am searching for here is a possible accommodation with the chairman and others who would be involved in this—I just really fail to see the rationale for the third. Perhaps that is something we could explore an agreement on.

Mr. CHAFEE. I think the Senator made a rather telling point. He pointed out that if they enter into these contracts and the town fathers say, ''Look, if you do not like it you can vote us out of office,'' you say, ''What good does it do to vote you out of office, you have locked us in for 20 years? It is little satisfaction for us that you are gone but we are stuck with the contract.''

But I would like to say this. Here we are in a situation where if this Senate does nothing or this Congress does nothing, there will be no flow control at all.

Yet we have publicly elected servants, Governors, Senators, coming to us and say, ''Extend this in perpetuity.'' That is what many of them want. These are people who are saying this before it is a done deal. In other words, the public knows their position, should know it, and many Governors—it has been no secret—do not say, ''Don't tell anybody, I am urging you to do this.''

So there are a lot of factors involved. But pursuant to the wishes and the views of the Senator from Arizona, and our own views likewise, we have set a sunset. We said this is all over with. We do not care what your arguments are. At the end of 30 years, there is not going to be any more flow control. You did give us arguments about bonds, this, that, but that is it. You may say 30 years is a long time. It is not just some people on the floor of the Senate who are after us to change that.

Mr. KYL. Unlike STROM THURMOND, we are going to be gone by the end of 30 years. But I see the point.

If the Senator will just yield for one final comment, I appreciate the arguments the Senator has made. I think what I am suggesting is something that is correct on principle. I would not want it to impede good legislation. I tried to suggest a couple of areas of possible ways of dealing with the issue and would be happy to continue to pursue those areas should anyone be interested.

On my behalf, I am not doing this for anybody in my State, because we do not have this. But I urge my colleagues to support the amendment and enable us perhaps with a little stronger leverage to go back and construct something that would make a little more sense.

I thank the Senator for yielding.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LAUTENBERG. Mr. President, I find this a rather distressing moment because the amendment that is proposed, frankly, will do much to undo a lot of hard work that was done in a consensus fashion in trying to arrive at a way to accommodate the need for States to dispose of their trash in a sensible way. When you say ''trash, garbage,'' et cetera, immediately it sounds like the subject is on the trivial side of things. It is hardly that because there are a few States that do not have a problem. As a matter of fact, this country of ours, and this world of ours is filled with problems created by the excess creation of trash by its citizens.

It is a serious problem when you come from a State like mine, the most crowded State in the country. We still value the quality of life that we can develop. We like our hills. Some call them mountains. It depends on whether you have seen mountains or not. But they are our hills and they are our forests, they are our woodlands, and our streams. And we try to make as good use of those as we can. We want for our children nothing different than those who live in Montana or Wyoming or in the other places, the wide open places. As a matter of fact, population growth in this country is much more toward the crowded areas because young people like to be where other young people are, and as a consequence there has to be a national cooperation on efforts like this to help us deal sensibly with the problem.

Now, this bill is carefully crafted—the bill itself; I am not talking about the amendment of the Senator from Arizona—to give States the power to restrict in some form or fashion the amount of trash that comes to their States from other States. This is not a simple calculation because within States there is often enormous disputes between those who govern the local community—mayors, councils—those sometimes who are responsible for county government and State government because the mayor in a town may very well be able to find a way to get rid of their trash from the community by shipping it to the nearest, cheapest out-of-State facility.

To give you an example, in my own State we have created some waste disposal facilities, and in order to build

those facilities we had to go out and arrange for financing, indebtedness, and that indebtedness, like any other business, was calculated on a particular revenue or financial stream that was going to permit them to pay their bills and also to pay off their indebtedness.

So lots of communities across this country developed something called a flow control program that says a State may regulate where the trash is going to go, not simply permit a mayor, even though it looks on its surface to be in the best interests of the residents of the community, to simply say OK, tipping fees, which are the fees associated with the disposal of garbage, to send it to State X nearby are one-third or 40 percent of what it might cost to send it to a nearby waste processing facility. That can be true on a particular day at a particular moment.

However, Mr. President, what happens if suddenly the opportunity to ship to State X, Y, or Z is terminated by laws that are pending in this body that say look, we are not going to take your garbage. We are not going to permit our communities to take it even though it is a revenue-producing source, even though it is clean, even though it has met all of the standards under RCRA for being a sanitary landfill where there is no possibility of leaching into the water supply, there is no danger to the community, even though we know it is great politics to keep the garbage out of the contract State. The fact is we have a contract and the Supreme Court says you cannot interfere with interstate commerce—unless, of course, laws are drawn to permit obstructing it in an ingenious way so that it gets around the constitutional question.

Well, what happens is those of us who live in exporting States are very nervous about the future, of what happens if suddenly the export possibility is cut off. And I repeat, though I have said it on this floor several times, the New Jersey story. When we were an importing State for garbage—Philadelphia used to ship its trash to my State—we tried through the courts to stop it. We went as far as the Supreme Court, and the Supreme Court said no, you cannot stop it. Well, we learned something. We were a net importer, and now as fate would have it we are an exporter. And in order to protect the solvency of our State, it was determined that my State would have a flow control structure, and they tried to direct the trash to the facilities that can accommodate it not just now, not just next year but in much of the next century as well.

That is the thought that went into this bill. Do not cut us off at the border and at the same time not permit us to control the flow within our States. My State of New Jersey wants to be independent. We do not want to depend on anybody else, to be gracious and fair and all that kind of stuff. We know that we have to take care of ourselves, so as a consequence we wrote the law to permit us to do that.

Well, now, after all of the deliberations that have gone on—and the distinguished chairman of the Environment and Public Works Committee from Rhode Island is in the Chamber. He worked very hard to get a consensus. He supports the flow control notion because he knows how important it is to the States that are concerned. Forty States in this country of ours have flow control authority, and they will be adversely affected by this amendment.

The amendment makes it difficult to expand landfills. For example, there are many landfills that need to be improved. If a 10-year bond was taken out for the original landfill 8 years ago, then that landfill operator will have little incentive to make improvements because he does not know how much waste will be coming in after 20 years. How good business is going to be he does not know because we are liable to cut off the opportunity for him to continue financing.

So we have an amendment now which I frankly believe would be very disruptive, and I want all the Senators from all the States that have flow control authority to pay attention because they could be losing a valuable asset, the sensible management of their trash problems.

We are going to have a vote on this amendment, I understand, at 2:30, and I would caution those offices where there is any interest at all in what happens with flow control to make sure that those Senators are alerted to the problems that might be created for them.

This amendment, by the way, is opposed by the National Association of Counties. They know what the problems are. It would be difficult to finance equipment, to finance new facilities because the amendment limits very specifically the financing of facilities to those that are presently in operation; would limit them to 30 years of life even if 25 have gone by. That means only 5 more. And the State may not have any other solution to its problems.

So I hope our colleagues will listen very carefully to what is being discussed, to note that the chairman of the Environment and Public Works Committee, that the chairman of the Subcommittee on Superfund, under whose jurisdiction this is, will be opposing this amendment and that others will take leave from them.

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

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I yield to my colleague, the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I will submit an amendment to the pending bill. I ask unanimous consent that the pending amendment be set aside temporarily.

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

AMENDMENT NO. 867

(Purpose: To provide flow control authority to certain solid waste districts)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS], for himself and Mr. LEAHY, proposes an amendment numbered 867.

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

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

The amendment is as follows:

On page 64, between lines 2 and 3, insert the following:

''(f) STATE SOLID WASTE DISTRICT AUTHORITY.—A solid waste district of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if—

''(1) the solid waste district is currently required to initiate a recyclable materials recycling program in order to meet a municipal solid waste reduction goal of at least 30 percent by the year 2000, and uses revenues generated by the exercise of flow control authority strictly to implement programs to manage municipal solid waste, other than development of incineration; and

''(2) prior to May 15, 1994, the solid waste district—

''(A) was responsible under State law for the management and regulation of the storage, collection, processing, and disposal of solid wastes within its jurisdiction;

''(B) was authorized by State statute (enacted prior to January 1, 1990) to exercise flow control authority, and subsequently adopted the authority through a law, ordinance, regulation, contract, franchise, or other legally binding provision; and

''(C) was required by State statute (enacted prior to January 1, 1992) to develop and implement a solid waste management plan consistent with the State solid waste management plan, and the district solid waste management plan was approved by the appropriate State agency prior to September 15, 1994.''

Mr. LEAHY. Mr. President, I ask unanimous consent that I be listed as a cosponsor with the Senator from Vermont.

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

Mr. JEFFORDS. Mr. President, hopefully we will be able to reconcile our differences that we have right now with respect to the pending bill.

Vermont, I think, is a pioneer in this area. Some years ago, it set up a methodology of trying to reach what we believed were national goals as well as our own State's goals, and that was to try and develop recycling to reduce the amount of solid waste that enters into our waste system. Thus, we organized districts throughout the State. And also to try to enhance the ability to recycle, we have allowed some tipping fees to be exacted in order to take care

of the costs that are involved with recycling.

If my memory serves me right, when I was on the committee that is handling this legislation, we had set or were going to set national goals that we ought to try to reach a 30-percent goal of recycling. Vermont right now is over 25 percent and moving toward 30 percent.

What would happen, if this bill passes and if the existing Supreme Court decision is not changed, is that Vermont will have to move away from what is a very desirable situation, and that is to be able to reduce our flow of trash by over 25 percent.

Mr. President, in 1987 the State of Vermont passed a solid waste management act which allowed small rural towns and cities to band together to solve their solid waste problems. Building a landfill which complies with EPA standards under the Resource Conservation and Recovery Act is not cheap. Recognizing that landfills out of compliance would be shutting down, and facing the reality that landfill space was dramatically declining, Vermont acted to assist small communities in their effort to handle their solid waste. The 1987 solid waste management law allows Vermont towns the ability to band together. Passage of Vermont's solid waste law and the implementation of the State's solid waste plan has been incredibly successful to date in achieving this goal. But we are not finished yet.

Mr. President, Vermont has spent over $20 million developing its district waste management plans. The vast majority of these plans rely on flow control. Without this ability, many small towns and cities would not have been able to plan for the future, reduce their production of waste or implement far reaching recycling and waste reduction programs. The communities in my State need to be able to count on the results of their investments. They need to continue to work to solve their solid waste problems together, in coordination with the State.

The loss of local authority over solid waste planning would be disastrous. These solid waste districts have developed comprehensive waste reduction plans, in order to reduce the costs of disposal and remove the need to continually open new and costly landfills. Since 1992, there has been a dramatic increase in the number of households and businesses participating in local waste reduction and recycling programs. And it is working. Currently, Vermont recycles approximately 25 percent of its solid waste and over 40 percent of Vermont's towns have recycling programs in place. And these are rural towns. Recycling in rural areas is not easy, nor cheap. I am proud of what these Vermont communities have achieved and want to ensure the continued growth of this trend in the future.

Mr. President, Vermont is among the most rural States in the Nation. Our solid waste districts generally have not financed disposal facilities, such as landfills, nor recycling infrastructure through the issuance of revenue bonds. Therefore, the exemptions in the bill will not hold. But the financial health of these communities necessitates the continuation of their ability to direct flows of waste. And these waste districts are just beginning to fully implement their waste management plans, which may include the sighting of safe, but expensive, waste disposal facilities.

My State has chosen to manage its waste in this manner. Now, in this time when the theme is to reduce mandates from Washington, are we going to impose a Washington solution on Vermont and other States who are properly managing their waste? Essentially, Washington will be removing Vermont's ability to implement their solid waste management plan. Washington will dismantle Vermont's recycling program. Washington will increase Vermont's waste generation, thereby increasing costs associated with waste disposal. Washington will end Vermont's ability to safely manage its waste, waste which without my amendment can go to out-of-State incinerators and less preferable landfills.

I ask my colleagues to let Vermont manage its waste as it chooses, not as Washington dictates. Do not impose a Washington mandate on Vermont. Let us maintain our extremely successful waste reduction and recycling programs.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I join with Senator JEFFORDS on this, because I think it is extremely important to our State. S. 534, as it is presently written, trashes Vermont's solid waste management plan, I might say literally and figuratively.

What we want to do is let the Vermont solution work in Vermont. We hear a lot about States' rights these days, but we are about to undermine our State's right to manage waste in Vermont. We hear a lot about how States could find the best solutions to their problem, but this bill says the States' solutions are wrong. We hear a lot about not forcing States to adhere to national environmental standards, but when my own State goes and exceeds the national standard within the borders of our own State, we are told we cannot do that.

Now here we have a bill that says States can control what comes across their borders, but they cannot control what is within their borders. That is absurd.

My State uses flow control to reduce the leakage of household hazardous waste into the environment. That is something that benefits all Americans. My State uses flow control to increase recycling in rural areas.

Vermont manages waste better than Federal statutes, like the Clean Air Act and the Clean Water Act require. If a State like Vermont wants to go above and beyond the call of duty in addressing solid waste problems, then the Federal Government ought to stand out of its way. We are not suggesting we do less. We are just saying give us the right to do more if that is what we want.

The opponents of this amendment say the free market will take care of our solid waste management. Well, the fact is in a rural State like Vermont the free market will not increase recycling nor separate and collect household hazardous wastes or address a number of the other things that we are doing in Vermont.

When the State legislature or an individual waste management district chooses to pursue the policy suggested by Senators from other States, they will have the opportunity to do so. Until then, they ought to be allowed to pursue the policies they have set up themselves, especially when everybody agrees the policy goes beyond any national standards. We ought to be able to do what we want within our own borders in a case where we are not only not harming anybody else, but we are actually making the environment better.

Mr. JEFFORDS. Mr. President, I would also point out that this does not interfere in the sense of competition. There are bids that go out for those who want to bid. The only problem that is created is the tipping fee, which has to eventually, of course, be paid by the people that are getting the advantage of the waste disposal. And that helps in paying for the recycling programs.

In rural areas where you do not have large amounts of trash that is recyclable in the sense that it can be sold, you have to make up that cost some way. The question is, is it not better to put that cost on those that are getting the advantages of the waste disposal system? I think everyone would agree, the answer is yes. And if the answer is yes, then why should we not be allowed to do it? It is not in any way interfering with the problems that the Supreme Court handled, which was interfering with respect to fair and open competition

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. CHAFEE. Mr. President, am I correct in believing that 2:30 is the time set for the vote on the Kyl amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. CHAFEE. That is the pending amendment, right?

AMENDMENT NO. 769

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of amendment No. 769 offered by the Senator from Arizona [Mr. KYL].

Mr. CHAFEE. Mr. President, I move to table the Kyl amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 769. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 79, nays 21, as follows:

[Rollcall Vote No. 162 Leg.]

YEAS—79

Abraham	Frist	McConnell
Akaka	Glenn	Mikulski
Baucus	Gorton	Moseley-Braun
Bennett	Graham	Moynihan
Biden	Grams	Murray
Bingaman	Grassley	Nunn
Bond	Gregg	Packwood
Boxer	Harkin	Pell
Bradley	Hatch	Pressler
Breaux	Hatfield	Pryor
Bumpers	Heflin	Reid
Burns	Helms	Roth
Chafee	Hollings	Santorum
Coats	Hutchison	Sarbanes
Cohen	Inouye	Shelby
Conrad	Jeffords	Simon
Coverdell	Johnston	Simpson
D'Amato	Kassebaum	Smith
Daschle	Kennedy	Snowe
DeWine	Kerrey	Specter
Dodd	Kerry	Thomas
Dole	Lautenberg	Thompson
Dorgan	Leahy	Thurmond
Exon	Levin	Warner
Faircloth	Lieberman	Wellstone
Feinstein	Lugar	
Ford	Mack	

NAYS—21

Ashcroft	Domenici	Lott
Brown	Feingold	McCain
Bryan	Gramm	Murkowski
Byrd	Inhofe	Nickles
Campbell	Kempthorne	Robb
Cochran	Kohl	Rockefeller
Craig	Kyl	Stevens

So the motion to lay on the table the amendment (No. 769) was agreed to.

Mr. PRYOR. Mr. President, seeing no other Members of the Senate seeking recognition at this time, I would like to ask unanimous consent that I may be allowed to speak as in morning business, not to exceed 12 minutes.

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

COMMENDATION TO FORMER PRESIDENT BUSH

Mr. PRYOR. Mr. President, I thank the Chair for recognizing me and I thank the distinguished managers for allowing me to speak.

Mr. President, this morning's Washington Post and many television and radio news programs throughout America and perhaps the world, reported on what I would like to call a portrait in courage, and the person standing tall in that portrait was none other than former President George Bush.

Like many of my friends and family in Arkansas, former President Bush is a gun enthusiast. He is a long-time member of the National Rifle Association.

But like many other NRA members, President Bush was deeply offended by a recent NRA fundraising letter signed by Mr. Wayne LaPierre, the NRA's executive vice president. The LaPierre letter referred to several law enforcement officials: ''Jack-booted thugs who harass, intimidate, even murder law-abiding citizens.'' The NRA referred to Federal agents ''wearing Nazi bucket helmets and black storm trooper uniforms to attack law-abiding citizens.''

This irresponsible, inflammatory NRA fundraising letter incited the former President of the United States to the point that he wrote NRA President Thomas Washington to resign his NRA membership.

Former President Bush's letter reads as follows:

Your broadside against Federal agents deeply offends my own sense of decency and honor and it offends my concept of service to our country.

President Bush continues in his letter:

It indirectly slurs a wide array of government law enforcement officials who are out there day and night, laying their lives on the line for all of us.

Mr. President, I am asking unanimous consent that an excerpt from the story in the Washington Post about President Bush resigning his membership from the National Rifle Association be printed at this point in the RECORD.

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

But his resignation letter was more personal than political.

''Al Whicher, who served on my [Secret Service] detail when I was vice president and president, was killed in Oklahoma City,'' Bush wrote. ''He was no Nazi. He was a kind man, a loving parent, a man dedicated to serving his country—and serve it well he did.

''In 1993, I attended the wake for ATF agent Steve Willis, another dedicated officer who did his duty. I can assure you that this honorable man, killed by weird cultists, was no Nazi.'' Willis was one of four federal agents killed in the initial February 1993 raid on the Branch Davidian compound near Waco, Tex.

''John Magaw, who used to head the [Secret Service] and now heads ATF, is one of the most principled, decent men I have ever know,'' Bush wrote. ''He would be the last to condone the kind of illegal behavior your ugly letter charges. The same is true for the FBI's able Director Louis Freeh. I appointed Mr. Freeh to the federal bench. His integrity and honor are beyond question.''

The letter concluded, ''You have not repudiated Mr. LaPierre's unwarranted attack. Therefore, I resign as a life member of NRA, said resignation to be effective upon your receipt of this letter. Please remove my name from your membership list. Sincerely, George Bush.''

GATT AND GENERIC DRUGS

Mr. PRYOR. Mr. President, when we in Congress voted on the GATT treaty recently, we all knew that we were breaking down trade barriers and leveling the playing field in international trade.

Make no mistake, I believe that Americans will benefit from this agreement when it is implemented in June. But never, Mr. President, in our wildest dreams or imagination, would we have ever thought we were voting to give special treatment and a $6 billion windfall to the prescription drug industry on one hand and higher drug prices to American consumers on the other. Yet that is exactly what is happening.

Mr. President, here is what has happened to bring us to this point today. Last year, the United States agreed under GATT to a new patent law, good for 20 years from filing. Our old patents were for 17 years, the effective date from their date of issue.

We also agreed under GATT to give existing patents the longer of the two patent terms. This extension applies to all industries.

At the same time, we knew that generic companies of all kinds all over America had already made significant investments based upon old patent expiration dates. These companies were prepared to introduce their competitively priced drug products just as the brand-name monopolies end.

We did not want to jeopardize the jobs and the factories which were at stake. So we decided under GATT to adopt a formula under which these generic companies could proceed with the introduction of their products if they paid the patent holders ''equitable remuneration'' for the period of time left on their patents.

Mr. President, here is where this story really begins. It just so happens that over 100 prescription drugs now protected by patents will be getting extra patent life under GATT.

For example, Glaxo's patent for the world's best selling drug, Zantac, would have run out December 5, 1995, but will now last until 1997. Generic drug companies have already spent millions of dollars to prepare to market lower cost, equivalent drugs on that date, giving consumers of America a tremendous price break.

But a small handful of brand-name pharmaceutical companies have objected. They are saying, ''Thank you for the extra patent life. We really appreciate that part of GATT. But you should know there is an obscure provision in U.S. drug law which we think protects us from the rest of the GATT treaty. We are sorry our generic competitors have invested heavily in their business, but they do not deserve the protections that are rightfully theirs under GATT. So we guess we will not have any competition for quite some time.''

This is what they have told the Food and Drug Administration. The pharmaceutical manufacturers have even threatened litigation against the Food and Drug Administration.

I am deeply concerned, Mr. President, because if they get their way at this time, they gain a multibillion dollar windfall—alone among the dozens of other industries and thousands of other companies complying rigidly with the GATT treaty.

Even worse, consumers now are going to have to pay double for these drugs. They will have to pay twice, Mr. President, as consumers and as taxpayers. The Federal Government and the State governments are going to pay an extra $1.25 billion for prescription drugs for older Americans under Medicare, veterans, low-income families and children, as well as the active duty military.

That will come out of our tax dollars. The American taxpayers will thus be paying more taxes so that a few brand-name drug companies can make more profits and block competition in the marketplace— forcing the American consumer to continue paying the highest drug prices in the world today.

Most important, I think, will be the effect on older Americans, Americans on fixed incomes, and Americans without adequate health insurance. They will feel the hurt of these soaring drug prices even more.

Mr. President, this chart is fascinating because it demonstrates very clearly that two of our best-selling drugs on the market are about to run out of patent protection, and should have generic competition by the end of this year.

Zantac, for example, is the leading drug for ulcers. It is manufactured by Glaxo. For a typical 2-month supply, the brand-name is $180. For a generic supply of 2 months, the cost is about $90. What we are going to see is, under GATT, an unintended consequence. Glaxo is going to receive a 19-month extension on their patent. This drug's price is not going to go down. There will be no generic competition with Zantac. We will see Zantac continue to soar in price. In fact, Glaxo is anticipating over a $1 billion windfall, because of this unintended consequence in GATT.

Do you think this brand-name drug, Zantac, is going to go down in price? Last year, Zantac's price grew 1½ times faster than inflation. The price for Zantac since 1989, only 6 short years ago, has increased 40 percent. What do you suppose is going to happen to that price if Zantac gains more than a year and a half of additional uncontested market exclusivity?

Mr. President, the intent of GATT, of course, was not to harm American consumers. The goal was to improve their standing in the world economy. The prescription drug marketplace today is one area where the American consumer has been particularly exploited as we have historically paid the highest price for drugs while subsidizing lower drug prices for consumers around the world.

This is why five of my colleagues and I have written to the Food and Drug Administration, asking the Food and Drug Administration to make the right decision—and that right decision is to allow generic drugs to come to the marketplace, offering competition to brand-named drugs which are about to receive an enormous unexpected and undeserved windfall.

This is a textbook case of a loophole resulting in an unwarranted windfall. No single industry deserves special treatment under GATT and today the pharmaceutical manufacturers of brand-name products are getting that special treatment at the expense of the American consumer. Should the Food and Drug Administration fail to provide the proper solution to this problem, I will immediately proceed with legislation to remedy this economic and this moral wrong. And I am hopeful my colleagues will join me.

Mr. President, I ask unanimous consent that an article appearing in Business Week magazine dated May 15, 1995, be printed in the RECORD, as well as letters to Dr. David Kessler, Commissioner of the Food and Drug Administration, from consumer, patient, health care, and trade groups supporting our concerns. These groups include the National Organization for Rare Disorders; Families USA and the Gray Panthers; AmeriNet, of St. Louis, MO, and Premier Health Alliance, of Westchester, IL; the National Association of Chain Drug Stores and the National Pharmaceutical Alliance.

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

[From Business Week, May 15, 1995]

A PATIENT MEDICINE CALLED GATT—FOR MAKERS OF BRANDED DRUGS, IT COULD PROVE A POWERFUL TONIC

(By John Carey)

It wouldn't be surprising if Robert J. Gunter took a dose of his own medicine. President of generic drugmaker Novopharm USA Inc., he has spent five years gearing up to produce a generic version of Glaxo Holdings PLC's blockbuster ulcer drug, Zantac. He even invested $40 million in a plant in Wilson, NC., built to pump out the low-cost version as soon as Glaxo's first patent expired in December.

Now, Gunter finds himself in the middle of stomach-churning patent battle. Glaxo and other brand name pharmaceutical giants are claiming that the General Agreement on Tariffs & Trade (GATT), signed by President Clinton in December, extends many of their patents, Zantac's among them. More important, they argue, the extended patent term gives them extra months—even years—of protection from competing generics.

While the case relies on complicated legal arguments, it boils down to whether provisions in GATT supersede a 1984 law that prevents the Food & Drug Administration from approving generics until the patent on a name brand expires. If the arguments prevail, more than 100 brand-name products will win an average of 12 months each of extra patent protection (table). A new study from the University of Minnesota estimates that the extra protection could give the drugmakers a windfall of $6 billion over the next 20 years. ''That's obscene,'' fumes Senator David H. Pryor (D-Ark.). ''American consumers are going to pay the bill.''

''EUREKA'' MOMENT

Pryor, a handful of other lawmakers, and the generics companies are fighting back. On Apr. 27, Pryor and five other senators asked the FDA to reject the brand-name companies' interpretation of GATT. Vows Novopharm's Gunter: ''If the pharmaceutical industry thinks generics will roll over and play dead on this, they have another think coming.'' The FDA's decision is expected within weeks, but the wrangling won't end then. FDA officials and executives on both sides predict that whatever the FDA decision, the loser will take the issue to court.

The high-stakes controversy wasn't anticipated when GATT was approved late last year. The agreement harmonized U.S. law with the rest of the world's by changing patent terms to 20 years from the initial filing instead of 17 years after being granted. Most companies thought the change applied only to new patents, but soon after passage, Glaxo's lawyers had a ''eureka'' moment. Poring over the legislation, ''we realized that for many of our existing products, patent life would be extended,'' says associate general counsel Marc Shapiro.

As a result, any patent that took under three years to win approval would have longer protection. Since the U.S. Patent Office took only 17 months to grant the first of two key patents on Zantac, the change would give the company an additional 19 months of protection for its top-selling drug.

But even as GATT changed patent terms, Congress tried to prevent harm to rivals that had been counting on the original expiration dates. Lawmakers inserted a clause permitting a company to introduce a competing product on the original patent expiration date if the company had made significant prior investments and if it paid the patent holder a royalty or some other form of ''equitable remuneration.'' While Jeremiah McIntyre, counsel for generic drugmaker Geneva Pharmaceuticals Inc., calls that ''a fair balance,'' on the theory that it's better to pay a royalty than not be allowed into the market at all, the provision would squeeze generic drugmakers' already thin profit margins.

OVERSIGHT?

Meanwhile, Glaxo, Bristol-Myers Squibb Co., and other brand-name companies are arguing that this escape clause shouldn't even apply to the drug industry. The reason, they say, is that it clashes with provisions in a 1984 U.S. generic-drug law that prevents the FDA from approving a generic drug until the brand-name patent expires. Unlike other instances where Congress amended existing laws to conform with GATT, it failed to resolve this conflict—implying an intent to keep existing law intact, says Glaxo's Shapiro. Pryor and others plead simple oversight. But the big drugmakers insist on claiming what they see as theirs.

In the coming fight, generic drugmakers face an uphill struggle. ''We have to be better organized, and spend more money to get our message across,'' says Bruce Downey, CEO of Barr Laboratories Inc., a generic drugmaker in Pomona, N.Y. As policymakers focus once again on rising health-care costs, the generic companies do have one potent message: If the brand-name companies win, Americans will pay billions more for drugs. Faced with the prospect of dramatically higher costs, ''I can't believe the [FDA] won't make the right choice,'' says Lewis A. Engman, president of the Generic Pharmaceutical Industry Assn. Robert Gunter can only hope he's right.

A WINDFALL IN THE MAKING

Pharmaceutical makers are seeking an average of 12 months' extra protection from generic competitors for more than 100 drugs.

[Dollars in millions]

Drug Company/Use	Months of added protection	Potential extra revenues because of lack of generic alternative
ZANTAC—Glaxo/ulcers	19	$1,000
MEVACOR—Merck/cholesterol-lowering	19	448
DIFLUCAN—Pfizer/antifungal agent	20	410
PRILOSEC—Merck/ulcers	17	586
CAPOTEN—Bristol-Myers Squibb/hypertension	6	101

Data: Prime Institute, University of Minnesota.

NATIONAL ORGANIZATION FOR RARE DISORDERS, INC.,
New Fairfield, CT, April 13, 1995.

Hon. DAVID KESSLER,
Commissioner, Food and Drug Administration, Rockville, MD.

DEAR DR. KESSLER: The National Organization for Rare Disorders, Inc. (NORD) is deeply concerned with the FDA's pending interpretation of the General Agreements on Tariffs and Trade (GATT) implementing legislation as it applies to pharmaceutical drug patents.

The branded pharmaceutical industry (represented by PhRMA) is seeking an extension of patents solely based on their desire to maximize profits. If these companies succeed in their attempt to limit consumer access to more affordable ''generic'' products, then millions of Americans will have no choice but to pay more for already over-priced drugs. NORD believes that Congress never intended to force American consumers to pay even higher prices for their prescription drugs.

While such patent extensions would significantly increase the cost of our Medicaid program, please consider the even greater burden this would place upon the millions of Americans who are refused health insurance—and in turn prescription drug coverage—because they are afflicted with a rare ''orphan'' disease.

GATT was intended to improve the welfare of American consumers through international trade—including the needs of patients who desperately rely on access to more affordable drugs. GATT was never intended to provide special treatment to any segment of the pharmaceutical industry.

Sincerely,

ABBEY S. MEYERS,
President.

FAMILIES USA FOUNDATION,
Washington, DC, April 10, 1995.

Dear Senator/Representative:

We understand that the FDA is currently reviewing its position on GATT language as it applies to the extension period on drug patents. If GATT rules are retrospectively applied to previously filed or issued patents, the average patent extension for currently marketed drugs would be more than 12 months. The FDA is considering regulations that would withhold approval of generic drugs covered by ''GATT-extended'' patents until the extension period has ended. This would force the American public to pay higher prescription drug prices.

Families USA recently studied price increases in the top-selling drugs used by Americans. In our report, *Worthless Promises: Drug Companies Keep Boosting Price*, we found that the prices consumers pay for the most commonly purchased drugs continue to increase faster than general inflation. Drug price increases are particularly harmful to senior citizens who have the greatest needs for drugs and are most likely to pay for them out of pocket.

Several of the brand-name drugs that could receive patent extensions are among the top-selling drugs used by Americans. Among the drugs whose patents would be extended are: Zantac, the top-selling drug used by Americans, which increased in price 38% from 1989 to 1994; Capoten, a blood pressure medicine which increased in price 65.3% from 1989 to 1994 and 4.9% last year; Pepcid, an ulcer medicine that increased in price 31.3% from 1989 to 1994; Mevacor, a cholesterol medicine which increased in price 27.8% from 1989 to 1994; and Prilosec, an ulcer medicine that increased in price 4.2% last year, and increased in price 7.5% (2.4 times as fast as inflation) in the year 1991 to 1992.

Generic drug products typically enter the market at prices 25% less than patented brand, and their prices are even less compared to the brand-name drug as generics further penetrate the market. Consumers desperately need relief from high drug prices.

A recent study by PRIME institute found that the extension would cost Medicaid about $1 billion. Federal and state governments will face more than $1.25 billion in added costs without generic drugs entering the marketplace.

We ask you to examine this issue and encourage the FDA to delay any ruling until the problem is fully investigated.

Sincerely,

JUDITH G. WAXMAN,
Director, Government Affairs.

GRAY PANTHERS PROJECT FUND,
Washington, DC, April 20, 1995.

Hon. DAVID KESSLER,
Commissioner, Food and Drug Administration, Rockville, MD.

DEAR DR. KESSLER: I am writing to you because we understand the FDA is reviewing its position on the language in GATT as it applied to extension periods on prescription drug patents. We understand that FDA is considering regulations that would prohibit the entry of generic drugs in the marketplace during this GATT extension period.

It is our position that this action would force the American public to pay higher prices for prescription drugs. It also seems to us, that the primary purpose of GATT is to create level playing fields and the best product at the lowest price to consumers. This action is contrary to that principle.

Many of the brand-name drugs that could receive extended patent protection are some of the most widely prescribed drugs used by Americans—especially the senior population. And these drugs continue to cost more and more each year. In a recent study by PRIME Institute of the University of Minnesota found that Medicare alone would incur about 1 billion added costs without the availability of generic drugs.

A generic prescription drug usually enters the marketplace at up to 25 percent less than the branded drug. To those individuals living on fixed incomes who already faced with rising health costs, the option to choose generic is very important.

Dr. Kessler, I trust that you will further investigate this issue and seriously consider the negative impact that prohibiting the availability of generic drugs on the American consumer.

Sincerely,

DIXIE HORNING,
Executive Director.

AMERIVET,
St. Louis, MO, April 25, 1995.

Hon. DAVID KESSLER,
Commissioner, Food and Drug Administration, Rockville, MD.

DEAR DR. KESSLER: The FDA is currently deliberating on an important issue that could force the American public to pay millions of dollars in higher prescription drug costs. The debate is over the interpretation of GATT legislation language as it pertains to patents on prescription drugs. This language extends the life of patents on a number of the country's most widely prescribed drugs, potentially generating a windfall to pharmaceutical companies at the expense of the American public.

As a group purchasing organization, the economic impact of the GATT patent extension and the projected cost to consumers is of great concern to us. We strongly urge you to do all you can to make available to consumers the generic drugs that may be delayed in reaching the market if the patents on brand-name drugs are extended.

As you realize, if a provider has a generic equivalent to substitute, the patient receives a cost savings over the brand-name drug. The cost to consumers for the currently marketed brand-name drugs is substantial, projected to be as high as $6,000,000, over potential generic equivalents. The cost will be incurred by the American public as well as Medicare, federal and state governments, employers, private insurers, and managed care firms.

We request that you seriously consider the enormous financial burden to the American public that would result from legislature preventing generic drugs from entering the marketplace during the GATT extension. We fully support your efforts in persuading the FDA to make lower-cost generic drugs available to consumers upon existing brand patent expiration.

Sincerely,

JOSEPH W. MULROY,
President.

PREMIER HEALTH ALLIANCE, INC.,
Westchester, IL, April 14, 1995.

Hon. DAVID KESSLER,
Commissioner, Food and Drug Administration, Rockville, MD.

Re GATT Extension Period and Drug Patents

DEAR HONORABLE KESSLER: It has been brought to my attention that certain language in the recently approved GATT legislation may have a negative impact on the price Americans will pay for prescription drugs in the near future. It is also my understanding that the branded pharmaceutical industry is currently pressuring FDA to make a ruling that would prevent generic drugs from entering the marketplace during this extension period—a decision that would place an enormous financial burden on the American health care system and public through higher priced drugs.

It is my firm belief that Congress did not intend for brand name pharmaceutical companies to be the recipient of a $6 billion financial windfall during this GATT extension period to be subsidized by health care providers and the American public.

This ''unintended consequence'' of the GATT language should not be passed on to hospitals and physicians that already are aggressively seeking ways to reduce healthcare costs, as well as private citizens.

I am personally asking you to seriously consider the negative implications that would result from legislation preventing generic drugs from entering the marketplace during the GATT extension. The access to generic drugs is vital to those Americans who need them the most and I trust you will

delay any ruling until further investigation into this matter has been made.

Yours truly,

BILL MAGRUDER,
Vice President, Pharmacy Program.

NATIONAL ASSOCIATION OF
CHAIN DRUG STORES,
Alexandria, VA, April 26, 1995.

Hon. DAVID KESSLER,
Commissioner, Food and Drug Administration, Rockville, MD.

DEAR DR. KESSLER: On behalf of the National Association of Chain Drug Stores (NACDS), I am writing to strongly urge that the Food and Drug Administration (FDA) recognize pre-GATT patent expiration dates for pharmaceuticals, and allow the approval of ANDAs for generic prescription pharmaceutical preparations where the sponsor of such application has made a ''substantial investment'' in the product prior to June 8, 1995, the date of implementation of the General Agreement on Tariffs and Trade (GATT). We understand that the FDA is currently considering whether GATT's implementing legislation provides such statutory authority. NACDS believes that it does.

NACDS represents America's chain drug store industry, and includes more than 160 chain companies in an industry that operates 30,000 retail community pharmacies. Chain pharmacy is the largest component of retail pharmacy practice, providing practice settings for more than 66,000 pharmacists. Our membership base fills over 60 percent of the more than two billion prescriptions dispensed annually in the United States.

We understand and support the importance of having generic prescription drugs available to consumers as soon as possible. Everyday, the availability of generic drugs enables the pharmacists who practice in our stores to help reduce overall prescription medication costs for populations that do not have prescription drug insurance. Among those who benefit from access to generic drugs are millions of older Americans and working poor, publicly-funded prescription drug programs such as Medicaid, and other third party prescription drug plans.

The impact that a misapplication of the GATT implementing legislation could have on the American public is significant. A recent study by the PRIME Institute at the University of Minnesota found that GATT provisions could result in an additional $6 billion in prescription drug expenditures in the United States because of the additional patent protections granted to brand name products, and the relative unavailability of lower-cost generic versions.

In summary, NACDS believes that the GATT agreement should not preclude the manufacturers of generic prescription drugs from bringing their products to market during the period of extended patent protection provided by GATT for brand name prescription drug products.

Sincerely,

RONALD L. ZIEGLER,
President and Chief Executive Officer.

NATIONAL PHARMACEUTICAL ALLIANCE,
Alexandria, VA, April 26, 1995.

Hon. DAVID PRYOR,
U.S. Senate, Washington, DC.

DEAR SENATOR PRYOR: The National Pharmaceutical Alliance (NPA) is an association of over 165 manufacturers and distributors of pharmaceutical preparations for human and veterinary use. Our members are dedicated to providing safe and affordable alternatives to the American public whenever health needs dictate the use of pharmaceutical products.

In December of last year, the congress ratified the Uruguay Round Agreements Act [P.L. 103–465] (URAA) of the General Agreement on Trade and Tariffs (GATT). This agreement created some fundamental changes to be made in U.S. patent law. The new law provides for patents to be in force 20 years from the date of application as opposed to the historical law of the United States which provided for patents to be in force for 17 years from date of approval. Congress, realizing that such a change would cause a financial hardship on companies that expected to enter the marketplace at the expiration of the old patent date, provided a remedy to allow competing products on the market.

Under H.R. 5110, the implementing language of GATT, companies that could show that a substantial investment had been made in a product could enter the marketplace at the pre-GATT expiry date. The respective companies then would work out an ''equitable remuneration'' during the life of the patent extension. This remedy will work for every industry except the generic pharmaceutical industry due to its regulation by the Food and Drug Administration. Since approvals for Abbreviated New Drug Applications (ANDAs) are governed by the Drug Price Competition and Patent Term Restoration Act of 1984, known as Hatch/Waxman, failure to change its provisions could prevent the FDA from granting approvals until after the patent extension has expired. We do not believe that Congress intended to treat the drug industry differently that other industries.

If the 109 generic pharmaceutical products inversely affected by GATT are kept off the market, the result could be an increased cost to the American consumer of over $6 billion and a cost of over $1.2 billion to Federal and State governments in higher Medicare and Medicaid costs. In 1995 alone, drugs such as alclometrasone dipr. (Alclovate), captopril (Capoten), and ranitidine HC1 (Zantac) could be unavailable to consumers in a generic version. Zantac alone could represent an additional cost to the consumers in excess of $1 billion during the time of the patent extension. At a time when both healthcare costs and government budgets are strained to the limit, it makes no sense for government to take any action that would fuel the growth in these expenditures.

In the ten years since its passage, the Hatch/Waxman legislation has done remarkably well at balancing the interests of proprietary drug companies and the generic drug industry. The public also has come to not only expect, but to rely upon, timely access to high quality, low cost alternatives to monopolistic priced name brand drugs.

NPA is pleased to see that members of Congress, such as yourself, are taking steps to correct this inequity in the law. Your actions are to be applauded and your decision to stand up for the American consumer is appreciated.

Sincerely,

CHRISTINE SIZEMORE,
Executive Director.

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate resumed consideration of the bill.

The PRESIDING OFFICER (Mr. THOMAS). The pending business is the Jeffords amendment No. 867.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent I be allowed to proceed as in morning business for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator may proceed.

THE NATIONAL RIFLE ASSOCIATION

Mr. LEVIN. Mr. President, our friend from Arkansas has brought to our attention the fact that former President Bush has decided to resign from the National Rifle Association because of its refusal to repudiate some statements which were made by a vice president of NRA in a fundraising letter. I join Senator PRYOR in commending former President Bush for his action. I am sure it is a difficult one for the President, as a decades-long member of the NRA and as someone who believes in so many of its programs and efforts to protect rights under the second amendment.

But what President Bush reacted to is what I think most Americans who have read this letter reacted to, which is a statement by Mr. LaPierre, among others, that the Clinton administration has authorized law enforcement personnel to murder law-abiding citizens.

Those are the words in the letter. It is an outrageous allegation about any American President or any American administration. I do not think 1 percent of the members of the NRA believe that the Clinton administration has authorized its agents, its Treasury agents, its FBI agents, its law enforcement agents, to murder law-abiding citizens. I wrote a letter to Tom Washington, whom I know. He is a resident of Michigan who was president of the National Rifle Association, urging him to retract that statement and some other allegations in that letter which are, I think, equally offensive, but at least that statement.

In his response to me, which I put in the RECORD yesterday or the day before yesterday, he really did not respond to the request. He simply acknowledged that sometimes fundraising letters have exaggerated rhetoric. But this is not a case of just exaggerated rhetoric. This is an allegation by one of the Nation's largest organizations that this administration has given the go-ahead to law enforcement personnel to murder—I am using the word murder because that is exactly the word that they used; indeed the letter underlines it, italicizes it, emphasizes it—to murder law-abiding citizens.

I do not think, again, anybody on this floor would think there is truth to that statement. I do not think 1 percent of the members, as I said, of the NRA believes there is truth to that statement. It is that kind of a statement, of a wild statement, of an irresponsible statement by a major organization, which is creating an unacceptable climate in this country, I believe. Is it the only statement? Of course not. Others have made outrageous statements, too. Do they have a right to make that statement under the first amendment? They do. I will defend it.

They may have a right to make that statement, but that does not make it right to make that kind of a statement. It should be retracted.

I commend President Bush and I hope other members of the NRA, in one way or another, would let their leadership know that kind of rhetoric is unacceptable about an American administration. Like any other administration, it, I am sure, has agents who make mistakes from time to time. There is a place to rectify them. It is called a court. But to make that allegation from an organization the size of the NRA I think is unacceptable, it is irresponsible, and it still should be retracted.

I thank my friend from Arkansas for his continuing effort to try to bring some kind of calmer normalcy into the general climate in this country.

I yield the floor.

Mr. LOTT. Mr. President I just want to observe that the managers of the pending legislation I understand are working on some agreements hopefully that will make it possible to wrap up this legislation before the day is out. Therefore, at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COATS. 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. COATS. Mr. President, I would like to ask the Chair what the pending business is.

The PRESIDING OFFICER. The pending business of the Senate is the Hatch amendment numbered 755.

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

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

THE NUCLEAR NON-PROLIFERATION TREATY

Mr. ROTH. Mr. President, just a couple of hours ago, the Nuclear Non-Proliferation Treaty—the single most important component of the international effort to prevent the spread of nuclear weapons—was enshrined for all time by an overwhelming decision made by more than 170 countries party to the treaty. The decision to make the NPT permanent was accomplished without any conditions or qualifications.

This is a truly historic day in our ongoing efforts to make ours a safer and more peaceful world. The security of all countries, weapons States and non-weapons States alike, has been strengthened.

The NPT has established the norm prohibiting the further acquisition of nuclear weapons. Indefinite extension of the NPT will help improve the climate of trust conducive to more restrictive controls over weapons-grade nuclear materials and related technologies and activities. It also provides momentum for addressing the dangers posed by other weapons of mass destruction.

Making the NPT permanent, of course, will not end the global nuclear proliferation threat. Treaty membership is never a guarantee of compliance. Yet, when backed by strong national policies, the NPT advances the security interests of all countries. Indeed, it has helped to keep the number of declared nuclear weapons States and so-called ''threshold'' States at five and three respectively.

Clearly, the world remains a dangerous place. Iran, North Korea, and the theft of fissile materials present immediate nuclear proliferation perils. Much progress on controls over other weapons of mass destruction remains to be made. Moreover, as the tragic bombing in Oklahoma has shown, determined terrorists can accomplish their contemptible intentions with even the crudest of weapons.

But today is a time for celebration. We have achieved a critical victory in making the post-cold-war period safer and more secure. This is a victory for all the world's people. I believe this body deserves a measure of credit for the unanimous adoption of a resolution in March calling for permanent, unconditional extension of the NPT. It is also a testament to the hard work of Tom Graham who took the lead in the negotiations. The chairman of the conference held in New York, the Honorable Jayantha Dhanapala of Sri Lanka, also deserves our thanks for his particularly skilled leadership. Happily, Mr. Dhanapala will be returning to Washington within a few days to resume his post as Ambassador of his country to the United States.

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. 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.

THE NON-PROLIFERATION TREATY AND U.S. SECURITY

Mr. THURMOND. Mr. President, 26 years ago, the Senate provided its advice and consent to ratification of the Nuclear Non-Proliferation Treaty [NPT]. In considering the treaty, Chairman Fulbright prevailed on the Members of the Senate to ratify the NPT, because without it, the world would face a wide array of potential nuclear horrors—such as developing nations acquiring nuclear weapons to elevate their status or national power; regional powers resorting to the use of nuclear weapons to settle their differences; or ethnic or religious differences being settled with nuclear weapons. He foresaw a world where major powers like the United States might be held hostage by small, poor countries who possess a few nuclear weapons and the means to deliver them, or, become drawn into a nuclear confrontation brought about by these small nations through a miscalculation or an accident.

At the time the NPT was negotiated there were relatively few countries who had tested or possessed nuclear weapons. Those countries were the United States, the United Kingdom, Russia, France, and China. They became known as the nuclear weapons states. All other states who did not possess or had not tested nuclear weapons became known as non-nuclear weapons states.

Back in 1969, when the Senate voted to provide its advice and consent to ratification of the NPT, I was one of the 15 members who voted against ratification of the treaty. I voted against it because I had grave reservations about the treaty's goals and whether they could be achieved. I was concerned that if the United States ratified the NPT, it would be unable to fulfill its NATO responsibilities and commitments. I feared that the NPT would also foreclose the ability of NATO members to participate fully in the operations of the Alliance. Lastly, I was concerned that the nuclear weapons states, and in particular, the United States, would bear the huge costs of transferring nuclear technology for peaceful uses to the non-nuclear weapons states.

Mr. President, the overall goal and purpose of the NPT is to stop the spread of nuclear weapons, and to prohibit the transfer, or acquisition and manufacture of nuclear weapons by non-nuclear weapons states. However, there are no enforcement mechanisms to prevent a non-nuclear weapons state from becoming a nuclear weapons state in the NPT. There are no sanctions for violations of the treaty. While the NPT requires the parties to pursue negotiations to end the nuclear arms race and bring about nuclear disarmament, the NPT cannot force an end to the race for nuclear weapons, nor can it force the destruction of all nuclear weapons.

For that matter, the NPT cannot ensure that parties to the Treaty, whether nuclear weapons states or non-nuclear weapons states, do not withdraw from the Treaty if they decide they wish to acquire or develop a nuclear arsenal for their own national security reasons. In fact, the NPT has a withdrawal clause.

The NPT only covers countries that have ratified the Treaty. For example, take the so-called threshold states which have developed nuclear weapons,

or nuclear weapons technology. These countries, India, Pakistan, and Israel, are not parties to the Treaty. Even if these countries signed the NPT as non-nuclear weapons states, there is no way to ensure that these countries will ever stop development of, or destroy, their nuclear arsenals.

Mr. President, in the 26 years of its existence, the NPT did not free the world from the threat of nuclear weapons, and it will not do so in the future. It did, however, establish a global norm for nations to limit the proliferation of nuclear weapons and it has enjoyed the widest adherence of any arms control agreement. It is for this reason, that I rise today in support of extending the NPT. Let me qualify my statement of support of the Treaty by saying that I take no position on whether the Treaty should be indefinitely extended, or, extended only for a fixed period of time. I am concerned that the United States did not make any efforts to improve the NPT and make it a more viable agreement by strengthening its enforcement and inspection mechanisms.

I went back and reviewed the Senate floor debate on the ratification of the NPT. Mr. President, despite wide adherence to the NPT, the world still faces the potential horrors of a nuclear exchange between regional states. The risk of the use of nuclear weapons by countries to suppress governmental factions, or settle old ethnic and religious disputes still exists today, as it did 26 years ago.

Representatives of the international community have been gathered in New York City at the United Nations for the past month to determine the future of the Nuclear Non-Proliferation Treaty. The Clinton administration supports indefinite and unconditional extension of the Treaty, while representatives from the non-aligned member states, led by Indonesia, Iran and Egypt, oppose indefinite extension.

On March 16, a majority of Members of the Senate expressed their support for the administration's position of indefinite and unconditional extension of the NPT. They also expressed concerns that the NPT would be seriously undercut if it is not indefinitely extended, dealing a major below to global nuclear nonproliferation regimes. Mr. President, the treaty can be undermined at any time regardless of its duration because there are no enforcement mechanisms or automatic sanctions.

I remind my colleagues that as a non-nuclear weapons state to the NPT and member in good standing, Iraq, developed an illegal nuclear weapons program under the guise of a peaceful nuclear program, and it has been determined that Iran, under the guise of peaceful use of nuclear technology is pursuing an illegal nuclear weapons program. Likewise, North Korea, a non-nuclear weapons state to the NPT was determined to have violated the NPT. Of course, it was never determined to be a member in good standing of the treaty. Lastly, even though not members of the NPT, India, Pakistan, and Israel, were able to secretly develop nuclear weapons programs.

Representatives and leaders of a number of developing countries, or nonaligned member states, do not support indefinite and unconditional extension of the treaty. They cite as reasons for their lack of support for the U.S. position, the lack of progress in concluding a comprehensive test ban. They claim that the nuclear weapons states have not fulfilled their nuclear disarmament obligations. They believe that the Treaty is discriminatory and that it sanctions the five nuclear powers' rights to hold on to their nuclear weapons and keep the non-nuclear weapon states as nuclear weapons ''have-nots''.

Mr. President, I reject the rationale offered by the non-aligned states for not supporting extension of the Treaty. For the past decade, the United States and Russia have made unprecedented reductions in their nuclear forces—beginning in 1985 with the Intermediate Range Nuclear Forces Treaty and more recently reducing strategic forces under START. Both President Clinton and President Yeltsin have agreed to discuss even further reductions to their nuclear weapons programs once START II is implemented. Prior to START entering into force, President Bush and President Gorbachev implemented unilateral reductions of United States and Russian tactical weapons. Since 1992, a testing moratorium has been in place in the United States, and the United States along with the other nuclear weapons states and members of the Conference on Disarmament have been negotiating a comprehensive test ban treaty.

Last month, the United States and the other four nuclear weapons states restated their support of negative security assurances in the United Nations. Additionally, negotiations will begin soon on a global ban on the production of fissile material for military purposes in the Conference on Disarmament. If these steps do not indicate a good faith effort on the part of the United States and other nuclear weapons states toward nuclear disarmament, I am not sure what else can be done.

Representatives of the non-nuclear weapons states who want to poke the United States in the eye by not supporting indefinite extension of the Treaty, because they believe we have not reduced our nuclear arsenals to zero, or completed the negotiations on a comprehensive test ban, would do well to focus attention on their own efforts at reducing the threat posed by nuclear weapons. How have they worked with their neighbors, and other countries, to build more positive relationships and confidence so that threat of attack and annihilation are reduced and countries do not feel compelled to acquire nuclear weapons for protection?

The Clinton administration and other NPT signatories should stop wringing their hands over the period of time for which the Treaty should be extended. Instead they should be focused on using this month-long conference to enhance the viability of the NPT by making it a living document which enables and ensures multilateral enforcement of the Treaty's provisions. Parties to the NPT should have confidence that its members will comply with the provisions of the Treaty, be supportive of its goals and that the proliferation of nuclear weapons and nuclear technology is eliminated. And, when a determination of a violation has been made by the international monitoring agency through its inspections and the United Nations Security Council has been notified, meaningful and appropriate actions or sanctions should be undertaken immediately.

Mr President, once again, I rise to say that I support extension of the NPT. I only regret that the administration did not believe the NPT was important enough to strengthen it to make it a more viable and effective arms control agreement.

Mr. President, I yield the floor.

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

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

The legislative clerk proceeded to call the roll

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

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

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

Mr. SPECTER. Mr. President, a vote has been scheduled at 6 o'clock by the managers on an amendment which has been offered by Senator CRAIG, Senator GRASSLEY, Senator BROWN, Senator KEMPTHORNE, and myself which would establish a sense of the Senate that hearings should be held on Ruby Ridge, ID, and Waco, TX, on or before June 30.

The purpose of the amendment is to set a date where there may be an inquiry by the full Judiciary Committee on those events because of the widespread reports of public unrest as to what occurred there.

I have attempted to get a hearing on the Waco incident since mid-1993. The incident there happened on April 19, 1993. It has always seemed to me that it is not sufficient to have the executive branch investigate itself when there is so much concern as to the propriety of the action which was taken there, with the assaults and with the rush and with the gases which were used.

There have been numerous reports and there is very substantial evidence of public unrest on what has happened there. It is speculative to an extent, or it may not be speculative, as to a connection between the Oklahoma City

bombing on April 19, which is 2 years to the day after the events at Waco, TX. The subcommittee has held a series of hearings and had planned to have an inquiry scheduled for April 18, and the full committee did convene on the first date which was set back on April 26. And I think it is entirely appropriate for the full committee to handle the matter as opposed to the terrorism subcommittee.

But after having a series of hearings—we had our third hearing today—I am more convinced than ever that there is real public tension as to the events in Waco, TX, and Ruby Ridge, ID. I think it is just inappropriate for the Senate to wait an indefinite period of time.

Senator HATCH has proposed that there be hearings in the near future, as he categorizes it, and has further articulated the near future to mean sometime in the current session, which would be at the end of the year. If there is unrest, and if there is a causal connection, or if there is any connection, however slight or however tenuous, between the incident at Waco and the Oklahoma City bombing, I suggest it is our duty to proceed to clear the air to the maximum extent possible and to demonstrate that ranking public officials at whatever level will be held accountable. It seems to me this is something which is very important to do.

In establishing the date of June 30, I would be prepared to be flexible until the August recess, to extend the time for another period until August 4, which would be acceptable from my point of view. There has been an issue raised as to the completion of the FBI investigation, and that certainly could be done by August 4.

Mr. President, I think I will relax the language and ask unanimous consent that the amendment be modified so that the date August 4 would be inserted in place of the date June 30.

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

The amendment (No. 754), as modified, is as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) There has been enormous public concern, worry and fear in the U.S. over international terrorism for many years;

(2) There has been enormous public concern, worry and fear in the U.S. over the threat of domestic terrorism after the bombing of the New York World Trade Center on February 26, 1993;

(3) There is even more public concern, worry and fear since the bombing of the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995;

(4) Public concern, worry and fear has been aggravated by the fact that it appears that the terrorist bombing at the Federal building in Oklahoma City was perpetrated by Americans;

(5) The United States Senate should take all action within its power to understand and respond in all possible ways to threats of domestic as well as international terrorism;

(6) Serious questions of public concern have been raised about the actions of federal law enforcement officials including agents from the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco and Firearms relating to the arrest of Mr. Randy Weaver and others in Ruby Ridge, Idaho, in August, 1992 and Mr. David Koresh and others associated with the Branch Davidian sect in Waco, Texas, between February 28, 1993, and April 19, 1993;

(7) Inquiries by the Executive Branch have left serious unanswered questions on these incidents;

(8) The United States Senate has not conducted any hearings on these incidents;

(9) There is public concern about allowing federal agencies to investigate allegations of impropriety within their own ranks without congressional oversight to assure accountability at the highest levels of government;

(10) Notwithstanding an official censure of FBI Agent Larry Potts on January 6, 1994, relating to his participation in the Idaho incident, the Attorney General of the United States on May 2, 1995, appointed Agent Potts to be Deputy Director of the FBI;

(11) It is universally acknowledged that there can be no possible justification for the Oklahoma City bombing regardless of what happened at Ruby Ridge, Idaho, or Waco, Texas;

(12) Ranking federal officials have supported hearings by the U.S. Senate to dispel public rumors that the Oklahoma City bombing was planned and carried out by federal law enforcement officials;

(13) It has been represented, or at least widely rumored, that the motivation for the Oklahoma City bombing may have been related to the Waco incident, the dates falling exactly two years apart; and

(14) A U.S. Senate hearing, or at least setting the date for such a hearing, on Waco and Ruby Ridge would help to restore public confidence that there will be full disclosure of what happened, appropriate congressional oversight and accountability at the highest levels of the federal government.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that hearings should be held before the Senate Judiciary Committee on countering domestic terrorism in all possible ways with a hearing on or before August 4, 1995, on actions taken by federal law enforcement agencies in Ruby Ridge, Idaho, and Waco, Texas.

Mr. SPECTER. I do that, Mr. President, so that there may be a little more lead time as to the completion of the investigation by the FBI. I make that modification because of my discussion with the FBI Director that, as he put it, 8 to 10 weeks would give ample latitude for that to be completed. So I am prepared to move at that time. I think that it is important that a specific date be set so that there is an acknowledgement by the Senate that we do plan to move forward on a date and the date has been established.

I understand we are to vote at 6 o'clock, Mr. President. I yield the floor and 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. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. CHAFEE. Mr. President, I ask unanimous consent that the pending amendment, which is the Jeffords amendment, be set aside.

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

AMENDMENT NO. 754

Mr. CHAFEE. Mr. President, I move to table the Specter amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 754, offered by the Senator from Pennsylvania [Mr. SPECTER]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

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

The result was announced—yeas 74, nays 23, as follows:

[Rollcall Vote No. 163 Leg.]

YEAS—74

Abraham	Feingold	Lieberman
Akaka	Feinstein	Lott
Bennett	Ford	Lugar
Biden	Frist	Mack
Bingaman	Glenn	Mikulski
Bond	Gorton	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Grams	Murkowski
Breaux	Gregg	Murray
Bryan	Harkin	Nunn
Bumpers	Hatch	Pell
Burns	Hatfield	Pryor
Byrd	Helms	Reid
Campbell	Inhofe	Robb
Chafee	Inouye	Rockefeller
Coats	Johnston	Roth
Cochran	Kassebaum	Sarbanes
Conrad	Kennedy	Shelby
Coverdell	Kerrey	Simon
Daschle	Kerry	Simpson
DeWine	Kohl	Snowe
Dodd	Kyl	Thomas
Domenici	Lautenberg	Thompson
Dorgan	Leahy	Thurmond
Exon	Levin	

NAYS—23

Ashcroft	Heflin	Packwood
Baucus	Hollings	Pressler
Brown	Hutchison	Santorum
Cohen	Jeffords	Smith
Craig	Kempthorne	Specter
Faircloth	McCain	Stevens
Gramm	McConnell	Wellstone
Grassley	Nickles	

NOT VOTING—3

D'Amato	Dole	Warner

So the motion to lay on the table the amendment (No. 754) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I just want to inform all my colleagues—I do not need to take much time on this bill, but just a few minutes—that I called for hearings last year. I have only been chairman for a little over 4 months.

Every Member knows the Judiciary Committee has had a lot on its plate, and we have a lot more on our plate. However, there are very few things that I feel more deeply about than what happened at Waco and at Ruby Ridge.

These are people in States that I admire and love. Many of the people I know—at least in Idaho. I admire and love them. I have said that we will hold hearings on these important issues, and I will do so as expeditiously as I can.

Everybody does know that to do it properly, we are going to have to spend some time investigating this. We are already in the process of that. Recently, I lost my chief investigator who moved to another office.

We will do this as expeditiously as we can. We will do it in the best interests of the Senate. I want to tell my dear friend from Pennsylvania that his desires here are not going to go ignored. It is just that I want to do it the right way. I want to make sure that all of the issues are aired and that they are aired fairly and in front of the full committee, because no hearings could be held unless they are Department of Justice oversight hearings. That is what they will have to be.

I certainly committed the other day, and I will again reaffirm my commitment that these hearings will be held. Therefore, there was no reason to have a sense-of-the-Senate resolution. I understand the sincerity of my colleagues. I hope that they will not feel badly with this vote.

I also want to say that I am very concerned about making sure that every available agent, every available leader of the FBI, every person in law enforcement that we can bring to bear on the Oklahoma situation, is out there doing that, rather than up here testifying on Capitol Hill.

We want to get that solved, and I want it solved. I speak almost daily with members of the Justice Department, including the FBI. We are on top of this. We will do what has to be done here. I want to reaffirm that to the Senate.

I think when we do it, it will be done right, and I think people will be pleased with it in the end. I hope my colleague from Pennsylvania will be particularly pleased with it and, as a distinguished member of the committee, will have every opportunity to participate. And I expect him to do so. In fact, I invite him to do so and will work with him to see what we can do to bring this to a fruition that is satisfactory to everybody.

Having said that, I can say more. There are some things that have been very irritating to some of us with regard to what has gone on here, but we will forget all that and just go forward and make the commitment to do this as expeditiously as we can, in good faith and in a good manner that hopefully will please everybody.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I had, frankly, hoped to avoid the necessity of a rollcall vote to spare my colleagues a vote on the matter. But I felt, and continue to feel very, very strongly, that it is incumbent upon the U.S. Senate and the Congress to have oversight hearings in order to show the American people—a lot of people think there has been a coverup on Ruby Ridge, ID, and Waco, TX—and to show those people we are willing to air all of the matters, let the chips fall where they may, and demonstrate that people at the highest ranks of Government will be held accountable.

No one is second to ARLEN SPECTER in concern that the FBI have a full opportunity to complete its investigation. I talked to Director Freeh, who said if he had 8 to 10 weeks more there would be ample time and the FBI would be in a position to cooperate. And this is more than the 8 to 10 weeks that Director Freeh asked for when the amendment was modified beyond the June 30 date, to provide for a date of August 4.

I believe that the potential for violence is enormous. We have had a number of wake-up calls. And it is no coincidence that the Oklahoma City bombing occurred on April 19, 2 years to the day after the incident at Waco, TX. If anything happens in the interim, if we have not had the ventilation, the safety valve, then there is a real issue as to whether the U.S. Senate is doing its job.

We have a lot of hearings in the Judiciary Committee. We have a lot of hearings in other committees. And there is not a single hearing being held which is more important than to air the public concern about Waco and about Ruby Ridge. I have been conducting hearings in the Subcommittee on Terrorism; I finished the third one today. It is an overwhelming problem.

The first hearing which was scheduled became a full committee hearing, which I thought was entirely appropriate, to allow more Senators to participate. But what I intend to do is to continue my own inquiry and my own speaking out on the facts as to what happened. I talked at length with Director Louis Freeh, and I have talked at length with Mr. Spencer, who is the attorney for the Weavers, and I intend to talk to the Weavers and I intend to review all the facts and to make periodic reports to the American people about what I find. Because I think it is totally inadequate to have an inquiry—a hearing sometime in the near future.

I felt strongly enough about it to bring the matter to the floor and I respect the conclusion of my fellow colleagues. But I intend to carry on this inquiry myself and to make these periodic reports.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, while the Senator from Pennsylvania is on the floor I want my colleagues to know that in the good old days, when I was chairman of the committee and the Democrats were in charge, the Senator from Pennsylvania shared the same view. I want the record to show that this is nothing new the Senator from Pennsylvania is suggesting. I have read some accounts that suggest that because the Senator from Pennsylvania may have other aspirations, this is propelling his interests. I want to vouch for the fact that I know that not to be true.

The fact of the matter is that when Waco occurred, shortly after Waco, the Senator did repeatedly talk to me about it and thought that, although I believe that we did have oversight hearings and everybody had an opportunity to ask about Waco—and a few did—that the Senator thought then, thinks now, and is totally consistent, whether he is seeking another office or not, in his view that this issue should be ventilated.

For those of us on this side of the aisle, this has been a little like watching a family quarrel. Both the Senators are my friends but I do not think I have a closer friend in the Senate than the Senator from Pennsylvania, and because a number of press people have come to me, and my colleagues have come to me, to ask me about issues relating to motivation—I can assert with absolute certainty, without any equivocation, that there has been absolutely no change in the intensity of the interest of the Senator from the time the matter occurred when I was chairman of that committee to the time I am the ranking member of that committee.

I just want that to be made clear, notwithstanding the fact I voted the other way. I voted to table the Specter amendment because of my consistent view as to how this should be handled.

The Senator may be right in terms of the value of the ventilation and when, and sooner than later. I have a slight disagreement with him on when. But I do not have any—any—any doubt, and I can confirm for my colleagues and anyone who is listening, that there is an absolute, total, unequivocal consistency to his position on this from the moment the tragedy in Waco occurred through this day.

I just want the record to reflect that. Not that anyone in particular has suggested otherwise, but I get a number of inquiries because people are looking to make press outside this institution. I just want the record to reflect it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I just want to bring this to a head. I would like to put into the RECORD, just so everybody understands, a letter we received today from Louis J. Freeh, Director of the FBI, to me.

DEAR MR. CHAIRMAN: Thank you for your inquiry concerning my views about congressional hearings on Waco and Ruby Ridge. I have no hesitancy about testifying on the issue.

And that is the position he has always taken with me.

I have often stated that a full and open hearing will provide an excellent forum for the Department of Justice and the FBI to bring all the facts before the American public. It undoubtedly would serve to debunk some of the ''conspiracy'' theories being discussed and provide the FBI with an opportunity to explain and distinguish our role in these incidents as well as provide our views concerning the proper role of federal law enforcement.

It is Congress' prerogative as to timing. It would be helpful, however, to remove any hearing from such close proximity to the Oklahoma bombing. All of our attention is focused on this heinous crime as we continue to investigate and prepare for prosecution. While I am looking forward to the opportunity, I believe to schedule the hearing in the immediate future will distract from our Oklahoma efforts and could preclude us from discussion of issues relevant both to Oklahoma and Waco.

Sincerely yours,

LOUIS J. FREEH,
Director.

I just want to put that in the RECORD because that is one of the things that has caused me great concern. We will hold hearings and we will do it in an expeditious and good way and hopefully to the satisfaction of all concerned, including my friend from Pennsylvania.

I ask unanimous consent it be printed in the RECORD.

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

U.S. DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION,
Washington, DC, May 11, 1995.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your inquiry concerning my views about congressional hearings on Waco and Ruby Ridge. I have no hesitancy about testifying on the issue.

I have often stated that a full and open hearing will provide an excellent forum for the Department of Justice and the FBI to bring all the facts before the American public. It undoubtedly would serve to debunk some of the ''conspiracy'' theories being discussed and provide the FBI with an opportunity to explain and distinguish our role in these incidents as well as provide our views concerning the proper role of federal law enforcement.

It is Congress' prerogative as to timing. It would be helpful, however, to remove any hearing from such close proximity to the Oklahoma bombing. All of our attention is focused on this heinous crime as we continue to investigate and prepare for prosecution. While I am looking forward to the opportunity, I believe to schedule the hearing in the immediate future will distract from our Oklahoma efforts and could preclude us from discussion of issues relevant both to Oklahoma and Waco.

Sincerely yours,

LOUIS J. FREEH,
Director.

Mr. SPECTER. Mr. President, just a word or two. The letter which Senator HATCH has just read is entirely consistent with the representation I made earlier that I had talked to Director Louis Freeh this afternoon, who told me, as I said earlier, that if he had 8 to 10 weeks that would be ample time. And that is why, as I had said earlier, I modified the amendment from the date of June 30 to August 4, which would give more than the 8 to 10 weeks.

So, when Senator HATCH cites a letter about the immediate future, the 8 to 10 weeks was accorded to the Director and the hearings could have been held within the timeframe of the resolution as framed.

I yield the floor.

Mr. CHAFEE. Mr. President?

The PRESIDING OFFICER. The Senator from Rhode Island.

ORDER OF PROCEDURE

Mr. CHAFEE. Mr. President, for my colleagues I will just outline what in my judgment will take place this evening.

We will have a vote on the Jeffords amendment and I do not know how long that will take. If the Senator could give us some indication, that will be helpful.

But following the Jeffords amendment there will be no more rollcall votes. However, tomorrow it is my belief we will have a series of rollcall votes. There will be a cloture vote at 10 o'clock and there will be some other votes after that.

I would very much hope we could finish this bill tomorrow. I hope, with the negotiations that take place tonight, we will be able to do so. But there will be no votes after the Jeffords vote.

AMENDMENT NO. 867, AS MODIFIED

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I have a modification of my amendment at the desk.

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

The amendment is modified.

The amendment (No. 867), as modified, is as follows:

On page 64, between lines 2 and 3, insert the following:

''(f) STATE SOLID WASTE DISTRICT AUTHORITY.—A solid waste district or a political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if—

''(1) the solid waste district political subdivision or municipality within said district is currently required to initiate a recyclable materials recycling program in order to meet a municipal solid waste reduction goal of at least 30 percent by the year 2005, and uses revenues generated by the exercise of flow control authority strictly to implement programs to manage municipal solid waste, other than development of incineration; and

''(2) prior to May 15, 1994, the solid waste district political subdivision or municipality within said district—

''(A) was responsible under State law for the management and regulation of the storage, collection, processing, and disposal of solid wastes within its jurisdiction;

''(B) was authorized by State statute (enacted prior to January 1, 1992) to exercise flow control authority, and subsequently adopted or sought to exercise the authority through a law, ordinance, regulation, regulatory proceeding, contract, franchise, or other legally binding provision; and

''(C) was required by State statute (enacted prior to January 1, 1992) to develop and implement a solid waste management plan consistent with the State solid waste management plan, and the district solid waste management plan was approved by the appropriate State agency prior to September 15, 1994.

Mr. CHAFEE. I wonder if we could enter into a time agreement?

Mr. JEFFORDS. I had several people who asked to speak. I do not see them present, but I think we could finish in 15 minutes on our side.

Mr. CHAFEE. Would the Senator be willing to agree to 10 minutes on that side and no more than 10 minutes on this side?

Mr. JEFFORDS. That is agreeable to me.

Mr. CHAFEE. Is there any objection to that agreement?

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

Mr. JEFFORDS. Mr. President, I hope this amendment will not take very long. I think it is a very sensible one. I will explain to my colleagues what the amendment does, and I believe they will find it acceptable.

I understand the position of the chairman of the committee, who is reluctant to grant any exceptions to the bill because there would be two other exceptions. But to my knowledge the exceptions are that the State of Vermont and some municipalities in two other States have a situation which I think this body would agree deserves an exception. Let me review very briefly what we are talking about here.

The U.S. Supreme Court handed down a decision which said the States themselves had no right to be able to control the flow of solid waste, that this has to be approved by the Federal Government because it was an interference with interstate commerce. That decision by the Supreme Court created a serious problem for the State of Vermont and some political subdivisions in West Virginia and Michigan.

The purpose, and what we are trying to accomplish in this Nation with respect to solid waste, is to do three things, basically. First of all, we are trying to reduce the amount of solid waste that we have. Second, we are trying to improve the ability to recycle and to build a system in this Nation which will recycle and, therefore, reduce the demand on resources and reduce costs. Third, to find an equitable way to do it looking toward those that

create the problem to have to pay for it; that is, those who create the trash ought to pay for it.

So Vermont, in view of these national purposes—and I was a member of the Environment and Public Works Committee, and I know we were trying very desperately to set standards for recycling to try to get this country to move up gradually. Vermont, in pursuant of that, passed a plan and program statewide that sets up districts for solid waste. In these districts, the system is set up which allows for haulers to get a tipping fee in order to take care of the additional costs of recycling the materials that were delivered to them. The only way it will work is if we have that ability. There is no other way they can do it other than to require the State of Vermont to provide the tipping fees and to take care of those people that are in those districts, and not others. And it would be very cumbersome. There are districts in West Virginia and Michigan that have a similar problem.

So all we are trying to do here is to make sure that this national goal, which everyone agrees ought to be reached, can be reached by the State of Vermont, which is leading the way in this. Right now we have a system which is recycling 25 percent of our waste. This amendment is limited and says that we might continue forward in pursuance of that goal, and we may continue with our present system, and, if we reach the goal, that we be permitted to do so. We have established a goal of 30 percent, which was the national goal which was in RCRA which was never passed.

Why should a State be penalized which has done what everyone in the Nation believes should be done, and then to turn around in an amendment by the committee to try to help those who have made investments but limit it to those on a temporary basis? In Vermont there are only two areas which qualify when the whole State is doing it. It makes no sense at all. I can understand the committee saying, if we give you an exception, then somebody else is going to come in for an exception.

I say if other communities have an exception like we do and like we are talking about which furthers the national goal, reduces waste, takes care and improves recycling, then sure, maybe they ought to have that. However, I do not know of any in that category.

So I would like to say that I hope the body will recognize that people who are trying to do what is right in this country should not be forced to buy onto a bill which is attempting to help in this area but just by the nature of things makes it impossible for those who are really leading out front doing what is in the national interest, and who would be foreclosed, destroys their system, and makes it impossible for the States to continue to pursue those goals.

I reserve the remainder of my time.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I wish to commend the Senators from Vermont for the amendment that they have offered and to suggest, just as the junior Senator from Vermont has said, that this is an example of federalism at its best. Vermont has some special concerns. It is a State with a very high level of environmental consciousness. It wants to be able to meet those needs in a manner that is appropriate to the specific circumstances of that beautiful State.

Yesterday, I spoke at some length about some of the special concerns that we have in our State of Florida, which are quite different from Vermont. Vermont is a mountainous State. We are a State where anything above 20 or 30 feet is considered to be a mountain. We have the very serious problem of our ground water supply and its vulnerability to contamination and have used the mechanisms which require flow control in order to be able to support effective and appropriate landfills and other technologies to dispose of our solid waste while also diverting a substantial amount of our solid waste into a recycling stream.

My basic concern with this legislation is that it goes beyond what is required to meet the Supreme Court's directive. The Supreme Court, as quoted on page 8 of the committee report, in the words of Justice O'Connor, who stated:

> It is within Congress' power to authorize local imposition of flow control. Should Congress revisit this area and enact legislation providing a clear indication that it intends * * * States and localities to implement flow control, we will, of course, defer to that legislative judgment.

So, clearly, the decision is within our hands. It reminds me of the old story of the callow youth who held a bird behind his back and asked the wise, older man, ''Is the bird dead or alive?'' The wise man, with solemn wisdom, opined, ''It is in your control.'' That is, the young man had the ability to open his hand and allow the bird to fly free or to crush the bird.

Well, we are somewhat in that same situation with the opinion of the Supreme Court. It is in our control to do, allowing States to have a wide range of options as to how to deal with this issue, or to narrowly constrain.

This is particularly focused on the question of whether there should be prospective operations for States. Should States be allowed in the future to utilize this important technique as a means of achieving the broader end result of public health and environmental sensitivity as that State and its local communities find to be most appropriate for their particular set of circumstances?

In an era in which we are applauding federalism, or seriously considering reversing a half century of the consolidation of power by allowing States and local communities to have more control over issues such as health care financing, welfare, child care programs, it seems peculiar and strange in an area that has been as historically local as any in our Nation's history, the disposition of garbage, that we would now be nationalizing that issue.

So I join the Senator from Vermont. I applaud his creativity in crafting this amendment and hope that we will be wise enough to allow Vermont to take this initiative for the protection of that beautiful State and as a statement of our own sensitivity to the tremendous diversity in America and its desire to let the creativity of the local communities operate to the benefit of their local citizens.

Thank you, Mr. President.

Mr. CHAFEE. Mr. President, why are we here? We are here because of a Supreme Court decision a year ago, just a year ago, in the so-called Carbone case. So currently, the law of the land is that there cannot be these restrictive agreements that limit the delivery of municipal solid waste to one specific point. In other words, there cannot be what is known as flow control.

Now in our committee, we recognized that many communities across the States had made very, very substantial financial contributions or commitments to incinerators and to landfills, and they would be placed in a very difficult position if so-called flow control did not exist, if they were not able to tie up the entire waste from the community to go to a central point.

But we said we are going to limit this. We are going to limit it to the situations where they have problems arising from debt commitment, from bonded indebtedness, or that they already had flow control on their books and were used to functioning in that fashion.

In the Vermont situation, we have taken care of those communities where there is a commitment into a solid waste facility or—and they do not have incinerators for Vermont—to a landfill. They are taken care of.

But the Senator is stressing that, absent us giving an exception to the situation that exists in Vermont, Vermont will not be able to continue the excellent record it has had in connection with recycling. But, Mr. President, I do not think that necessarily follows. Who knows that recycling will fail because they do not have flow control?

Indeed, here is a report from the Office of Solid Waste in the EPA. The report is dated March 1995, 2 months ago. This is what the report says. There was a question.

> Identify the impact of flow control on the development of State and local waste management capacity and on the achievement of State and local goals for source reduction, reuse, and recycling.

In other words, what flow control does for recycling. We are all for recycling. The conclusion is as follows, on page ES–5.

There is no data showing that flow controls are essential either for the development of new solid waste capacity or for the long term achievement of State and local goals for source reduction, reuse and recycling.

So the Senator's point, it seems to me from the study that has taken place here, just is not valid. He may feel strongly about it, and they have had considerable success in Vermont—although I suspect there are other communities across the Nation in States that have done extremely well likewise—but, at least from the data we have here, there is not a connection between having flow control and having a better recycling record.

But then we get back to the other point. Why did the Supreme Court decide the way it did? The Supreme Court decided the way it did because of the commerce clause.

And what does the commerce clause do? It says that it is good for the Nation to have competition, to permit commerce to flow. And that is exactly what flow control does not do.

Now, you might say, well, I argued earlier today for a situation where we had flow control. That is right. We did it, as I say, in those instances where a community made a commitment and was still involved with that commitment. But the overall thrust of this legislation is to take care of those specific situations that arose where the communities were harmed, financially harmed, as a result of the Carbone decision.

But we said, enough is enough. No matter how long the indebtedness is, no matter what the particular situation as far as bonded indebtedness, at the end of 30 years this privilege that we have given these communities to go against the commerce clause ends.

And so, Mr. President, for that reason, I strongly believe that the proposition from the State of Vermont, as advanced so ably by the junior Senator, is not valid in this particular situation

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, let me answer the arguments that have been put forth by my good friend from Rhode Island. I think if you examine our situation, it does not in any way fly in the face or raise any concerns.

The question is: Is our system working? It is. It is reducing waste, it is bringing about recycling, and most importantly, it does allow competition. There is competition among the haulers. The only thing is, every hauler has to pay the tipping fee. But there is no problem. We have haulers that are bidding on it. We have put contracts out for bid. There is no problem with any interference with competition.

Now, what the Supreme Court said was that the Federal Government can allow this, they just have to do it because a State cannot do it under the commerce clause without the authority of the Federal Government.

All we are asking for is a simple exception for a system that is working well. And there is no way it will work in rural areas unless you can have tipping fees; that is, getting the people in the areas sharing the cost of this to have a way to participate, in other words, in order to get the haulers to come in.

So I think this is a perfect example of what happens when Congress gets to look at a problem and gets carried away with some study done by EPA which is irrelevant to the situation and tramples on States rights to do what is right for the Nation and right for Vermont.

I understand—and this is the basic problem—that my colleagues are afraid of opening this bill up for exceptions. Well, if anybody can come with an exception as we have, fine. But I do not think you will find anybody.

Mr. DASCHLE. Will the Senator yield?

Mr. JEFFORDS. I am happy to yield to my good friend from South Dakota.

Mr. DASCHLE. I thank the Senator for yielding.

I just ask for a moment to associate myself with the remarks of the Senator from Vermont, as well as the other Senator from Vermont, Senator LEAHY.

Obviously, Vermont has had a very good experience with flow control. It has been able to promote programs for recycling and disposal of household hazardous waste. This amendment recognizes that fact and address the issue of flow control as it pertains to these Vermont programs. It recognizes that Vermont may be unique in this regard and gives that state the opportunity to continue to make those programs work.

That is all we are saying with this amendment. Let us give Vermont a little more flexibility. Let us defer to that State with regard to flow control, if it is going to be able to respond to this issue effectively.

So I applaud the Senator's amendment. I certainly hope that our colleagues on both sides of the aisle will support it.

I thank the Senator for yielding.

The PRESIDING OFFICER. Who yields time?

Mr. CHAFEE. I yield to the Senator whatever time I have remaining.

Mr. BAUCUS. Mr. President, I encourage Senators to not support this amendment, very simply because the committee has worked long and hard to try to find a balance here, to balance out interests of those communities on the one hand that want to have the right to control the flow of trash, garbage, dedicated facilities in their communities, and, on the other hand, the rights of companies, entrepreneurs, to ship trash to whatever location seems to make the most sense to let the free market work. It is a classic battle between those who want to control by statute and law in the market on the one hand, and those, on the other hand, who want total free market.

As is always the case, the right answer is somewhere in between. The solution crafted by the committee, we think, is a good solution in between.

Frankly, Mr. President, if the amendment offered by the Senator from Vermont were to pass, I believe we are going to start to find this compromise begin to unravel, and it would, therefore, very strongly jeopardize this bill.

If this bill does not pass, then we are not going to be able to have any kind of flow control because of the Carbone decision. At the same time, States will not be able to limit out-of-State trash coming into their State because of another Supreme Court decision.

So I urge Senators to vote against the Jeffords amendment.

Mr. CHAFEE. Mr. President, is the Senator ready to conclude debate on this?

Mr. JEFFORDS. Senator LEAHY wishes to speak.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. What is the parliamentary situation?

The PRESIDING OFFICER. The Senator from Vermont has 2 minutes remaining.

Mr. LEAHY. Mr. President, I hope that my colleagues will support the Jeffords-Leahy amendment. If you defeat this amendment, you help nobody in the country, but you hurt one State, the State of Vermont. This simply says that Vermont, provided we want to operate beyond what may be required under Federal laws, would be allowed to do so; that if we want to set up a procedure that fulfills everything that the Federal law might require but does even better but fits our small very special State, that we be allowed to do so.

Basically, we are saying to every Member of the Senate who has given speeches over the last year that States can design programs better, we agree and let us do that. We are making sure that we violate no Federal law, that we have followed every Federal rule, but we be allowed to design something that fits our State.

Every single Senator, I am willing to wager, Mr. President, in this body, has given a speech saying, ''If we can do it better, allow us to do it, allow us to design it.''

Basically what the Senator from Vermont [Mr. JEFFORDS] and I are saying is that is what we want to do. So let us adopt this. This is no different than taking care of a unique situation for Alabama yesterday in the product liability bill. This takes care of Vermont. It hurts nobody, but it helps us.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Vermont. Let me advise the Senator, time has expired.

Mr. JEFFORDS. 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. CHAFEE. I have some time remaining; is that correct?

The PRESIDING OFFICER. That is correct, the Senator has 3 minutes 7 seconds.

Mr. CHAFEE. I will just use a couple minutes of that.

Mr. President, there are a couple of points I briefly want to make. The present situation is that it is against the Constitution of the United States to do what Vermont is suggesting. So what we have done is we have crafted an amendment which will help Vermont and all the other States in the Nation that have made these financial commitments, but it still says when all is said and done, that they cannot go against the Constitution in these other areas.

It is not correct to say that this is just a little something for Vermont. If this is adopted, there is no way in the world that we could keep flow control from being adopted universally across the Nation, because the Vermont case is what you might call a weak case.

So, Mr. President, if this amendment is adopted, then, I suspect, the whole effort to deal with this goes down the tube and then there will be no exceptions to the Constitution as provided.

So I am going to move to table the amendment, and I very much hope my colleagues will join with me.

Mr. President, I yield back the remainder of my time and move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 867, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from New York [Mr. D'AMATO], the Senator from Kansas [Mr. DOLE], and the Senator from Virginia [Mr. WARNER] are necessarily absent.

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

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 164 Leg.]

YEAS—46

Ashcroft	Faircloth	Kyl
Baucus	Frist	Lautenberg
Bennett	Gramm	Lieberman
Bond	Grams	Lott
Bradley	Grassley	Lugar
Breaux	Gregg	McCain
Brown	Hatch	McConnell
Burns	Hatfield	Moynihan
Chafee	Helms	Nickles
Coats	Hutchison	Packwood
Coverdell	Inhofe	Pell
Craig	Johnston	Pressler
Dodd	Kassebaum	
Domenici	Kempthorne	
Santorum	Smith	Thompson
Shelby	Thomas	Thurmond

NAYS—51

Abraham	Feinstein	Mikulski
Akaka	Ford	Moseley-Braun
Biden	Glenn	Murkowski
Bingaman	Gorton	Murray
Boxer	Graham	Nunn
Bryan	Harkin	Pryor
Bumpers	Heflin	Reid
Byrd	Hollings	Robb
Campbell	Inouye	Rockefeller
Cochran	Jeffords	Roth
Cohen	Kennedy	Sarbanes
Conrad	Kerrey	Simon
Daschle	Kerry	Simpson
DeWine	Kohl	Snowe
Dorgan	Leahy	Specter
Exon	Levin	Stevens
Feingold	Mack	Wellstone

NOT VOTING—3

D'Amato	Dole	Warner

So the motion to lay on the table the amendment (No. 867), as modified, was rejected.

Mr. FORD. Regular order, Mr. President.

The PRESIDING OFFICER. The question is on the amendment.

Mr. LEAHY. Mr. President, I ask unanimous consent we vitiate the request for the yeas and nays.

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

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

The amendment (No. 867), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. CHAFEE. Mr. President, I request now that we proceed to morning business.

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

RUSSIA SUMMIT

Mr. DOLE. Mr. President, President Clinton is now in Ukraine. I support his decision to visit Kiev. Economic and political reform in Ukraine are proceeding very well. There is strong bipartisan support for United States assistance to Ukraine. It is in the American national interest to strengthen our relations with Ukraine. I hope the President has a successful and productive summit with President Kuchman.

The report cards are now being filed on the Moscow Summit. As I said yesterday, I was disappointed at the lack of progress on the two key summit issues: Nuclear sales to Iran and the conflict in Chechnya. It seems pretty clear the American agenda at this summit did not fare well. My staff spoke to State Department and National Security Council officials yesterday afternoon. The White House provided my office with copies of all the joint statements from the Moscow Summit. To conclude that the summit made little progress in advancing American interests is not politics, and it is not partisan. It is simply a review of the facts.

On Iran, Russia did not agree to cancel its sale of nuclear reactors to Iran. If President Yeltsin cannot make the decision to stop the sale, I do not have great confidence that it will be made later at a lower level. With respect to the much-publicized concession on not selling advanced gas centrifuge technology, it seems clear this was floated as a bargaining chip. As recently as last Friday, I note the Washington Post headline: ''Russia denies plan to sell gas centrifuge to Iran.'' It seems this was a plan designed to be a concession from the start.

Just last week, when asked if a halt in the gas centrifuge sale would be enough, Secretary of State Christopher said, ''not at all. We would not be satisfied with that''. I agree with the Secretary's assessment. We should not be satisfied. The bottom line is Russia still intends to proceed with a sale of nuclear technology to the outlaw regime in Tehran. This flies in the face of the summit's joint statement on proliferation which pledges ''To work together closely to promote broad nonproliferation goals.''

On Chechnya, President Yeltsin rejected any effort to address the legitimate concerns of the international community over human rights violations. In President Yeltsin's statement about Chechnya, there is an unfortunate ring of former soviet leaders rejecting western concerns over human rights as meddling. And whatever the political leaders were saying in Moscow, the Russian army kept attacking. Literally within minutes of yesterday's press conference, Russian helicopters attacked Chechen civilian targets.

The situation in Chechnya also raises the issue of the flank limits in the Conventional Forces in Europe [CFE] Treaty. In the fall, if Russian forces are still in Chechnya, the Russian Government will be in violation of these flank limits. The Moscow summit did not result in any assurances of Russian compliance with the CFE limits.

On missile defenses, the administration continued down the same path of seeking Russian permission on the deployment of theater missile defenses—despite the fact that Russian insistence on providing nuclear technology to Iran increases the proliferation threat. The fact is that theater missile defenses are not prohibited by the cold-war era ABM Treaty. Moreover, the United States must not allow Russia to have a veto over matters of national security.

The summit also failed in what was not on the agenda—namely, Bosnia. As the two Presidents were meeting, Sarajevo was being heavily shelled. There was no U.N. response, no NATO response, and no summit response.

It is true that Russia agreed to join the partnership for peace at this summit—as they previously agreed to do last year, before abruptly changing their minds at the OSCE summit in Budapest. At this summit, Russia continued to express strong opposition to the expansion of NATO.

Mr. President, summit diplomacy has a long and distinguished history. Historically, summits have succeeded when the parties had clear agendas, pursued their interests consistently, and were ready, willing, and able to meet each others' concerns. And if agreement is not reached, history shows it is better to state the disagreements clearly rather than paper them over. In the case of the Moscow summit, it is clear that President Yeltsin was not in a position to address our concerns. We should admit that forthrightly and respond appropriately. Congress will respond by looking closely at all forms of aid to Russia—especially aid to the government. Certain types of aid such as democracy support, or Nunn-Lugar funding for nuclear clean up still promote important American interests. Other aid programs may not, and may be halted.

The United States must remain engaged with Russia. It was and is our hope that democracy and free market reforms will prosper. We hope that the Russian elections planned for this year and next year proceed on time—and that they are free and fair. But Russia is not our only strategic relationship—we have other interests in other areas. That is why I support the President's decision to visit Ukraine. That is why NATO expansion should not be subject to a Russian veto. And that is why we cannot allow Iran to become a nuclear weapons state.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, it does not require one to be a rocket scientist to realize that the U.S. Constitution forbids any President's spending even a dime of Federal tax money that has not first been authorized and appropriated by Congress—both and House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that ''Reagan ran up the Federal debt'' or that ''Bush ran it up,'' bear in mind that the Founding Fathers, two centuries before the Reagan and Bush presidencies, made it very clear that it is the constitutional duty of Congress to control Federal spending.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,856,766,568,058.09 as of the close of business Wednesday, May 10. This outrageous debt (which will become the debt of our children and grandchildren) averages out to $18,436.37 on a per capita basis.

PRESERVING MEDICARE FOR OUR SENIORS

Ms. MIKULSKI. Mr. President, I rise to speak about the Medicare Program and the need to protect it from drastic cuts. The Republicans have announced their plans to cut the Medicare budget by over $250 billion in order to fund tax cuts for the rich.

Let me start by saying that I want to make sure that we keep the care in Medicare. I believe that the basic values of honoring your father and your mother should be the anchors of our public policy.

I do not believe our seniors should have to pay almost $900 more in out of pocket health care costs each year. I do not believe that the typical Medicare beneficiary should have to see 40 to 50 percent of his or her Social Security cost-of-living adjustment eaten up by increases in Medicare cost sharing and premiums.

We cannot let this happen. We owe it to our mothers and fathers, and to our family members.

Last week I spoke at the White House Conference on Aging. It was an impressive gathering of 2,500 seniors and senior advocates from all over this Nation. Many of the delegates were current or former doctors, lawyers, administrators, business owners, nurses, social workers, gerontologists, and senior service providers.

The delegates were charged with coming up with a navigational chart to meet the needs of our seniors today and to take us into the 21st century.

The White House Conference on Aging came at a very crucial time in our history. We all know that our senior population is growing and growing rapidly. Demography is destiny. We must anticipate the future and what their needs are and what they will be.

At the end of the conference, the delegates voted on priorities. Ensuring the future of the Medicare Program was one of the top five priorities. More specifically, the conference stated that the United States should:

. . . reaffirm the covenant that it established with the American people 30 years ago with the enactment of Medicare and act to maintain and strengthen the program's structure and purpose, its fiscal solvency, and widespread public support.

. . . continue to protect older Americans and disabled Americans, especially those on low and fixed incomes with respect to health care affordability and access, giving special consideration to the burdens imposed by copayments, deductibles, and premiums.

. . . ensure that programmatic changes safeguard the viability of the Medicare trust funds.

. . . ensure that any changes to Medicare provide access to a standard package of benefits which includes affordable long term care, strengthens the program's financial well-being, preserves the social insurance nature of Medicare, enhances the quality of care and improves the program for beneficiaries within the broad context of health care reform

There is much talk about another contract with America, but I believe the real contracts we must honor are Medicare and Social Security. We must preserve the covenant that we established with our seniors and their families to provide them with health insurance for their old age. Seniors have worked hard all their lives, paid their dues, paid into the system.

We must remember who are seniors are. On May 8, we commemorated victory in Europe and the beginning of the end of World War II. Our seniors were part of the generation that saved Europe from tyranny and changed the course of history. We must never forget that.

We cannot forget them and we cannot forget who will be the next generation of seniors. They will be many of us. And the next generation after that. They will be our children and grandchildren. We must continue to ensure that all seniors now and into the next century have the resources they need for their health care. Without such resources I fear they will become impoverished, their children may become impoverished, and we as a country will become impoverished.

THE 45TH ANNIVERSARY OF THE LEADERSHIP CONFERENCE ON CIVIL RIGHTS

Mr. COHEN. Mr. President, in recognition of the 45th anniversary of the Leadership Conference on Civil Rights, I believe it is appropriate to reflect upon this country's history on the issue of civil rights and express some thoughts about the direction the country is heading today.

In 1950, when the Leadership Conference was first formed, we essentially had a system of racial apartheid in many parts of the country. It was illegal for black and white children to attend school together, it was illegal for black and white adults to marry. Black Americans were shut out of the political system—they were not permitted to serve on juries, run for office, or, in many cases, cast a ballot. There was no meaningful equal protection of the laws, especially the criminal laws. Blacks who dared to assert their political rights or buck the mores of the racial caste system, were beaten or lynched. The police and formal legal system always looked the other way. Blacks could not receive a fair trial in a court of law as racial prejudice clouded the normal American presumption that justice is blind.

Through Federal court litigation, and eventually legislative action by the U.S. Congress, many of these barriers were cast aside, the chains of Jim Crow were unlocked, and the Constitution's promise of equal opportunity began to become a reality. As the decades passed and progress was made on many fronts, other groups of American citizens—women, racial minorities, religious groups, and the physically disabled, to name a few—rose to assert the rights that accrue with American citizenship. Their claims have been simple, clear, and powerful: treat us

like everyone else in society is treated, give us the opportunities to succeed that other Americans are given as a matter of birthright, let us participate in the mainstream of American life.

So we have made progress. When in the past Jackie Robinson was spit upon and received death threats over the phone, today Michael Jordan can give genuine happiness to millions of Americans, of all creeds and colors, merely by deciding to trade in his baseball cleats for a pair of sneakers. When one of our country's greatest institutions, the U.S. Army, once had to be desegregated by Presidential decree, in modern times Colin Powell rose to lead that institution and now is one of our most popular public figures. When minorities were once threatened and intimidated from exercising the franchise, now hundreds of minorities hold public office throughout the country and dozens of minority legislators sit here in the U.S. Congress.

The Leadership Conference on Civil Rights has been at the forefront of this march of progress. The principles of equality, inclusion, and tolerance that it promotes are reflected in the structure of the organization, as it is comprised of 180 different groups representing people from all walks of life, all shades of skin color, and all denominations and ethnicities. The legislative achievements of the conference are monumental—not only for the importance of the bills on American life, but for the bipartisan support that they achieved. The Voting Rights Act Amendments of 1982, the Americans With Disabilities Act, and the Religious Freedom Restoration Act are but a few of the conference's noteworthy achievements.

But one cannot look back fondly at successes without also thinking about our past shortcomings as well. Here we stand, a generation after the civil rights revolution, and we must ask how history will judge us. Have we done all we could to make our society more just, opportunities more available, tolerance and understanding more pervasive, violence less prevalent? Have poverty, intolerance, and ignorance been marginalized or have our actions or omissions led to the marginalizations of the poor, the uneducated, and others occupying the bottom rung of society?

Any honest appraisal must conclude that our record is mixed. Progress has been made in many areas, but we are going backward in others. Our problems were once simple and clear issues of equal justice that could be solved merely by changing the law. Our current problems now bear on complex social conditions that few can explain and even fewer know how to solve.

There is also new unrest in the country that is manifesting itself in ugly ways. Extremists seek to place at odds peoples and communities that have been traditional and genuine allies. The ethos of tolerance, dialog, and reconciliation are being subverted by those who, appealing to baser instincts, seek to balkanize America. And remarkably, there are those who now want to move to a color-blind society, based on the make-believe view that racism and intolerance are things of the past and that our centuries of overt discrimination have had absolutely no bearing on the current condition of the least fortunate members of society. It is as if many believe that the Emancipation Proclamation and Civil Rights Acts were written at the time of the Magna Carta and the beating of Rodney King happened centuries, not just years, ago.

But rather than be discouraged in the face of our failures, and lament about the difficult challenges ahead, we must find hope in the progress that has been made and summon the resolve to redouble our efforts to remake our society to bring us closer to the ideals we hold dear. The work of the Leadership Conference is not done. We are a better society as a result of its 45 years of dedication to equality and we will be a better society due to its work in the future.

THE 50TH ANNIVERSARY OF V–E DAY

Mr. HEFLIN. Mr. President, on August 19, 1944, Parisians rose up in defiance of their German occupiers as Hitler ordered his army to destroy the city. His generals, however, delayed the order, and American and Free French Forces liberated Paris on August 25. Meanwhile, General Patton was racing eastward toward the German border and Rhine River. To the north, British Forces led by Field Marshall Montgomery swept into Belgium and captured Antwerp on September 4. On September 17, about 20,000 paratroopers dropped behind German lines to seize bridges in the Netherlands. But bad weather and other problems hampered the operation.

Adolf Hitler pulled his failing resources together for another assault. On December 16, 1944, German troops surprised and overwhelmed the Americans in Belgium and Luxembourg, but they lacked the troops and fuel to turn their thrust into a breakthrough. Within 2 weeks, the Americans stopped the German advance near Belgium's Meuse River. This offensive in the Ardennes Forest of Belgium and Luxembourg became known as the ''Battle of the Bulge,'' because of the bulging shape of the battleground as it appeared on a map. It was to be among the war's most bloody battles. Although Hitler's men knew they were beaten, it became clear that complete victory over Germany would have to wait until 1945.

Soviet Forces entered Poland, Romania, and Bulgaria in January 1945. The Germans had pulled out of Greece and Yugoslavia in the fall of 1944, But held out in Budapest, the capital of Hungary, until February 1945. Vienna fell to Soviet troops in April. By then, Soviet troops occupied nearly all of Eastern Europe, a sign of victory then, but, in retrospect, also an ominous harbinger of the nature of the post-World War II world.

The Allies began their final assault on Germany in early 1945. Soviet soldiers reached the Oder River, about 40 miles from Berlin, in January. Forces in the West occupied positions along the Rhine by early March. British and Canadian Forces cleared the Germans out of the Netherlands and swept into northern Germany as the Americans and French raced toward the Elbe River in central Germany. Hitler ordered his soldiers to fight to the death, but large numbers surrendered each day.

The capture of Berlin was left to the Soviets. By April 25, 1945, they had surrounded the city. From a bunker deep underground, Hitler ordered German soldiers to fight on. On April 30, he committed suicide. He remained convinced that his cause had been right, but that the German people had ultimately proven weak and unworthy of his rule.

Grand Adm. Karl Doenitz briefly succeeded Hitler as the leader of Germany, almost immediately arranging for Germany's surrender. On May 7, 1945, Col. Gen. Alfred Jodl, Chief of Staff of the German Armed Forces, signed a statement of unconditional surrender at General Eisenhower's headquarters in France. World War II in Europe had, at last, come to an end. Fifty years ago, the Allies declared May 8 ''V–E Day''—Victory in Europe Day. America could now concentrate all of its strength toward the battle still being waged in the Pacific, which would last for 3 more months.

Today, the world celebrates a victory that represented the triumph of good over unspeakable evil, and the promise of a peaceful future for a Europe battered and torn by the bloodiest war in its history. May 8 is particularly special this year, since it marks the 50th anniversary of the end of the European chapter of World War II.

As the Allies had advanced in Europe, they discovered the horrifying remnants of the Nazis' ''final solution.'' Hitler had ordered the imprisonment of Jews and members of other minority groups in concentration camps. The starving survivors of the death camps gave proof of the terrible suffering of those who had already died.

Today, we are familiar with those faces and pictures of death and destruction, but that familiarity has not led to understanding in many cases. We have the Holocaust Memorial Museum as a reminder of the past and as a warning to future generations of the grave dangers that are the ultimate fruits of hate, division, depravity. Victory in Europe Day, then, is also a time to reflect and to ask ourselves how such brutality could have been inflicted on the human race, and how it can be prevented from ever occurring again.

Hitler's rise to power was based upon a message of hate, of pitting one class

against another, of demonizing Jews and others. His was a message of division, of blaming others for one's problems. During the early 1930's, Hitler instituted a policy of elimination of political opponents, of ''enemies of the state.'' According to the statutes of the security police, Jews, politically active churches, Freemasons, politically dissatisfied people, members of the Black Front, and economic manipulators, among others, were singled out for persecution.

Hitler set down his political goals in his notorious book, ''Mein Kampf.'' His foreign policy plans revolved around the central aim of exterminating the Jews as the mortal enemy of the Aryan race. During the first stage, following the seizure of power, the ''cancerous democracy,'' as he called it, was to be abolished, and Jews, Bolsheviks, and Marxists were to be banished from the national community. Following the internal consolidation of the Reich, the German position in central Europe was to be secured step by step and then strengthened into world dominance.

While Hitler had fought the existing government aggressively prior to his imprisonment for high treason, during which he wrote ''Mein Kampf,'' he adopted a new tactic after his early release from jail. Power was to be won slowly and legally as he systematically and methodically built up the Nazi empire. He used the Reichstag fire of February 27, 1933, as an opportunity to replace the constitutional laws of the Weimar Republic by passing an emergency decree ''to protect the people and the state.'' This marked the beginning of the hounding and arresting of political opponents, especially those on the left. The public was subjected to propaganda on a grand scale, instructed ''to think nothing but German, to feel German, and to behave German.'' Germans were also placed under heavy surveillance by the police and secret agents.

Hitler was able to create the Nazi state by fanning the flames of paranoia, distrust, and fear. By making the Jews and others ''faceless rats'' devoid of humanity, he was able to make his henchmen commit acts which shock and offend our sensibilities as human beings. He was successful in making these groups scapegoats responsible for all of Germany's economic and social ills. Just as some today try to divide, demonize, and scapegoat, Hitler managed to unite his people through their hatred of common enemies.

Too often today, the solution to our problems seems to be to blame someone else—the poor, minorities, immigrants, and bureaucrats. The politics of blame is a basic tactic of those who preach intolerance and division, whether on the left or right. Hitler was perhaps history's most terrible and tragic example of what can result when the politics of blame and hate are allowed to fester and grow. Too often, people attempt to glorify themselves by tearing down those with whom they disagree and by pitting one group against another. We need a return to moderation, tolerance, responsibility, and compassion so that nothing approaching the Holocaust and the hatred which fostered it will ever be allowed to again scar humanity in such a way.

It is appropriate to take the time to not only celebrate V–E Day and reflect upon the roots of what led to World War II, but to also remember the selfless heroism of the 15 million Americans and the millions of other Allied servicemen who fought valiantly to preserve the democratic ideals that we so cherish. All risked their lives, and, sadly, some 407,000 Americans gave their lives to defend those ideals and the individual freedom and human rights upon which they are based.

Fifty years after V–E Day, the light of history has shone brightly on the complex and harrowing events of World War II. Much of what has been revealed makes us shudder, and we would just as soon it not be illuminated. But only by looking can we learn, and as each year passes, we realize more fully just how much we owe our veterans for their patriotism, bravery, and sacrifice in serving on the battlefields of Europe during World War II.

JENA BAND OF THE CHOCTAW INDIANS

Mr. JOHNSTON. Mr. President, over 90 years ago, a small poverty ridden community of Choctaw Indians who lived in the area around Jena, LA, walked for 9 months from their homes to Muskogee, OK, to testify before the Dawes Commission. Although that commission determined that the Jena Band were full-blooded native American Indians, entitled to land and services, lands were not yet ready for allotment. Consequently, the Jena Band returned to Louisiana empty-handed. Soon thereafter they were told by letter that they could claim such lands and benefits—but only if they returned to Oklahoma within 4½ months. This was impossible for them, they did not return, and therefore received no land or benefits to which they were rightfully entitled.

This story of promised benefits, land, and services has been repeated throughout the last 90 years. Each time the Jena Band has come close to receiving the recognition they deserve, some additional obstacle has been thrown in their way. Yet, despite this long history of broken promises and neglect the Jena have maintained their identity, their dignity, and their hope that the Federal Government will at long last live up to the commitments made to them so long ago in Muskogee.

On May 18, 1995, the Jena Band will finally celebrate the arrival of justice as the Assistant Secretary for Indian Affairs at the Department of the Interior, Ada Deer, signs the documents establishing a government-to-government relationship between the United States of America and the Jena Band of the Choctaw.

Mr. President, I have known the Jena through their chief, Jerry Jackson, as we have struggled together for many years to gain their rightful recognition. The Jena are proud of there heritage and of their community. I look forward to seeing the strengthening of their tribe and their cooperation with the surrounding communities in the years to come, and I ask my colleagues to join me in celebrating this long-awaited event.

CARE ANNIVERSARY

Mr. NUNN. Mr. President, during this year 1995 we are commemorating many anniversaries of the last days of World War II—of terrible battles, of the liberation of concentration camps with their unspeakable crimes against humanity, and of the final victories—but I rise today to congratulate one of the great humanitarian organizations that was born in the ashes of that great war.

CARE begins the celebration of its 50th year today, on the anniversary of the day when the first CARE package arrived in France. A coalition of organizations and individual Americans founded CARE—the Cooperative for American Remittances to Europe—on November 27, 1945, and the first CARE package was received in France on the following May 11. They set out to create a large and efficient distribution network, because they knew the huge scope of the needs in a Europe devastated by a long and destructive war.

That package was the beginning of the largest person-to-person relief effort of this century—perhaps of any century. Millions of Americans sent more than 100 million CARE packages of food, clothing, medicine, and other relief supplies to war survivors in desperate need. CARE packages provided the first food some Holocaust victims received after being released from the camps. Later, CARE packages brought West Berliners their first food after the 1949 blockade.

CARE was a unique American phenomenon—highly individual, extremely generous, idealistic and—against all odds—tremendously successful. Germans, Italians, and Japanese remember how stunned they were to receive gifts from people with whom they had been at war only a few months before. CARE packages not only eased the suffering of survivors trying to rebuild their lives and their countries, but helped to build the bridges between former enemies that made possible a more lasting peace.

Every single American President has been involved in the relief effort since President Harry Truman who sent the first 100 CARE packages to the bombed-out town of Le Havre, France. American cities and towns had CARE package drives, businesses put up displays encouraging people to send CARE packages, Hollywood stars, including Bob Hope, Gregory Peck, Marlene

Deitrich, Lauren Bacall, and Ingrid Bergman, joined in the effort that would make the CARE package a part of our language and history.

As Europe and Asia recovered from World War II, CARE adopted a new name—the Cooperative for Assistance and Relief Everywhere—and a new mission: to help the poorest of the world's poor.

Today CARE helps 30 million people in more than 60 developing countries each year to improve their lives through comprehensive disaster relief programs as well as assistance for long-term, sustainable development projects in agriculture, the environment, health, nutrition, population, and small business. In the years since that first package, CARE packages have helped more than 1 billion people in 121 countries around the world, sending more than $7 billion worth of assistance. The countries Americans helped 50 years ago have become our political and economic partners and many are now partners as well in providing CARE packages to others in need. CARE has 11 international offices in Europe and Japan, and has twice been nominated for a Nobel Prize.

The plain brown boxes stamped CARE have been a symbol of the best American spirit of generosity and hope to a hurting world for half a century. I am proud that CARE now is headquartered in Atlanta, GA, and proud of the wonderful work it has done throughout the world. This is an appropriate time for a new generation to learn about the real CARE package—not just goodies from home, but a package reflecting that same love and caring that reaches out in friendship to those in need.

Mr. President, as CARE begins its 50th anniversary celebration, I would urge that new generations—and their mothers, fathers, grandmothers, and grandfathers who have been sending those plain brown boxes stamped CARE all these years—to join in the effort to change lives and send a real CARE package.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 4:18 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1361. An act to authorize appropriations for fiscal year 1996 for the Coast Guard, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1361. An act to authorize appropriations for fiscal year 1996 for the Coast Guard, and for other purposes; to the Committee on Commerce, Science, and Transportation.

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–891. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a report relative to U.S. exports to South Korea; to the Committee on Banking, Housing, and Urban Affairs.

EC–892. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to provide for alternative means of acquiring and improving housing and supporting facilities for the armed forces and their families; to the Committee on Armed Services.

EC–893. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to amend title 49, United States Code (Transportation), to eliminate the requirement for preemployment alcohol testing in the mass transit, railroad, motor carrier and aviation industries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC–894. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the Superconducting Super Collider project; to the Committee on Energy and Natural Resources.

EC–895. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the safety of shipments of plutonium by sea; to the Committee on Environment and Public Works.

EC–896. A communication from the Chief Counsel of the Department of Justice, transmitting, pursuant to law, the annual report of the Foreign Claims Settlement Commission for 1993; to the Committee on Foreign Relations.

EC–897. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, a report relative to international agreements, other than treaties entered into by the United States within the 60-day period after May 4, 1995; to the Committee on Foreign Relations.

EC–898. A communication from the Director of the Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report relative to wiretap applications for calendar year 1994; to the Committee on the Judiciary.

EC–899. A communication from the Chairman of the U.S. Sentencing Commission, transmitting, a draft of proposed legislation to amend the Controlled Substances Act and the Controlled Substances Import and Export Act to equalize mandatory minimum penalties relating to similar crack and powder cocaine offenses; to the Committee on the Judiciary.

EC–900. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the Administration's report under the Freedom of Information Act for calendar year 1994; to the Committee on the Judiciary.

EC–901. A communication from the Chairman of the U.S. Sentencing Commission, transmitting, pursuant to law, amendments to the sentencing guidelines; to the Committee on the Judiciary.

EC–902. A communication from the General Counsel of the Department of Commerce, transmitting, a draft of proposed legislation to amend chapter 11 of title 35 to provide for early publication of patent applications, to amend chapter 14 of title 35 to provide provisional rights for the period of time between early publication and patent grant and to amend chapter 10 of title 35 to provide a prior art effect for published applications; to the Committee on the Judiciary.

EC–903. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the OPM's fiscal year 1994 report on the Federal Equal Opportunity Recruitment Program; to the Committee on Governmental Affairs.

EC–904. A communication from the Chairperson of the Department of the Navy Retirement Trust, transmitting, pursuant to law, reports relative to the 1992 annual pension report; to the Committee on Governmental Affairs.

EC–905. A communication from the HUD Secretary's Designee to the Federal Housing Finance Board, transmitting, pursuant to law, the Inspector General's report for the 6-month period ending March 31, 1995; to the Committee on Governmental Affairs.

EC–906. A communication from the Director, Federal Management Issues, General Accounting Office, transmitting, pursuant to law, a report entitled ''Government Corporations: Profiles of Recent Proposals''; to the Committee on Governmental Affairs.

EC–907. A communication from the Acting Director, Federal Management Issues, transmitting, pursuant to law, a report entitled ''Managing for Results: Experiences Abroad Suggest Insights for Federal Management Reforms''; to the Committee on Governmental Affairs.

EC–908. A communication from the Attorney General of the United States, transmitting, pursuant to law, the 1994 annual report on the Federal Prison Industries, Inc.; to the Committee on Governmental Affairs.

EC–909. A communication from the Chairperson of the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, a report relative to the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC–910. A communication from the Inspector General of the Environmental Protection Agency, transmitting, pursuant to law, the Agency's Superfund report for fiscal year 1994; to the Committee on Governmental Affairs.

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–103. A joint resolution adopted by the Council of the City of Kwethluk, Alaska relative to the Alaska National Interest Lands Conservation Act; to the Committee on Energy and Natural Resources.

POM–104. A resolution adopted by the Legislature of the State of Minnesota; to the Committee on Energy and Natural Resources.

''RESOLUTION NO. 2

''Whereas, the Clinton Administration and Congress are considering proposals to sell the Western Area Power Administration (WAPA), which provides low-cost power to municipal utilities, electric cooperatives, and state facilities in Minnesota; and

''Whereas, sale of WAPA could trigger an estimated $36,000,000 increase in annual power costs for customers of the municipal utilities at Ada, Adrian, Alexandria, Barnesville, Baudette, Benson, Breckenridge, Detroit Lakes, East Grand Forks, Elbow Lake, Fairfax, Fosston, Granite Falls, Halstad, Hawley, Henning, Jackson, Kandiyohi, Lake Park, Lakefield, Litchfield, Luverne, Madison, Marshall, Melrose, Moorhead, Mountain Lake, Nielsville, Olivia, Ortonville, Redwood Falls, Roseau, Sauk Centre, Sleepy Eye, Springfield, Staples, St. James, Stephen, Thief River Falls, Tyler, Wadena, Warren, Warroad, Westbrook, Willmar, Windom, and Worthington; and

''Whereas, sale of WAPA could trigger an estimated $20,000,000 increase in annual power costs for customers of the following rural electric cooperatives: Agralite, Beltrami, Brown County, Clearwater-Polk, Federated, Itasca-Mantrap, Kandiyohi, Lake Region, Lyon-Lincoln, McLeod, Meeker, Minnesota Valley, Nobles, North Star, PKM, Red Lake, Red River, Redwood, Renville-Sibley, Roseau, Runestone, South Central, Southwestern Minnesota, Stearns, Todd-Wadena, Traverse, and Wild Rice; and

''Whereas, sale of WAPA could trigger an estimated $1,000,000 increase in annual power costs for Fergus Falls State Hospital, Southwest Minnesota State University, and Willmar Regional Treatment Center; and

''Whereas, the cities, cooperatives, and state agencies that receive power from WAPA committed to the federal power program more than 40 years ago, and have relied on continued access to federal power in their long-range energy plans; and

''Whereas, the customers of WAPA's Eastern Pick Sloan facilities have repaid approximately 40 percent of the original investment in these facilities, with interest, and sale of the facilities would wipe out the customers' equity contribution; and

''Whereas, the customers of WAPA pay for the operation of the federal power facilities through their rates, the program places no drain on the federal treasury, and the program does not contribute to the federal deficit; and

''Whereas, in addition to producing electricity, WAPA's multipurpose power projects produce revenue for power sales which helps pay for irrigation, flood control, navigation, municipal and industrial water supply, wildlife enhancement, recreation, and salinity control; and no private party can step in and act as a surrogate for government in performing these functions; and

''Whereas, sale of these assets is extremely complex, due to the multipurpose nature of the projects, numerous legal and contractual problems, Indian, Mexican, and Canadian treaty provisions, and environmental concerns; and

''Whereas, the federal power program is one of our nation's greatest assets and it should be preserved; and

''Whereas, dismantling the federal power program is a short-sighted quick fix that will not benefit the nation in the long run: Now, therefore be it,

''*Resolved by the Legislature of the State of Minnesota,* That the President and the Congress of the United States should not pursue the sale of the Western Area Power Administration.

''*Be it further resolved,* That the Minnesota municipal utilities, cooperatives, and state facilities which receive federal power from the Western Area Power Administration should continue to receive their allocations of power at cost-based rates.

''*Be it further resolved,* That the Secretary of State of the State of Minnesota is directed to prepare copies of this memorial and transmit them to the President of the United States, the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, the chair of the Senate Committee on Energy and Natural Resources, the chair of the House Committee on Energy and Commerce, and Minnesota's Senators and Representatives in Congress.''

POM–105. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Energy and Natural Resources.

''SUBSTITUTE SENATE JOINT MEMORIAL 8015

''Whereas, the preservation and enhancement of wetlands is extremely important to the state of Washington to protect wildlife habitat and viable waterfowl nesting areas; and

''Whereas, the Federal Clean Water Act and the Endangered Species Act both place a high priority on the creation or restoration of wetland areas; and

''Whereas, the Centralia Mining Company is the largest surface coal mining operation in the state and is unique among surface mines because of its location in Western Washington, which incurs a relatively high rainfall and can support healthy rechargeable wetlands; and

''Whereas, the Centralia Mining Company has been diligent in its extraordinary reclamation efforts and concerns for the environment as exemplified in their honor of receiving the prestigious directors' award from the Office of Surface Mining, Department of the Interior, in 1991, and receiving a national award from the Office of Surface Mining for excellence in surface mining reclamation including the environmental benefits their wetlands play in enhancing natural wildlife and waterfowl habitat in 1994; and

''Whereas, Ducks Unlimited, the largest private wetland conservation organization in the world, has affirmed their support for the need for the deep lake-like systems, intermediate-sized marsh areas, smaller seasonal wetlands, riparian stringers, and other wetlands which have been created on the Centralia Mining Company property; and

''Whereas, the Centralia Mining Company location is in close proximity to the migration pattern of numerous species of ducks and geese; and

''Whereas, surface mining creates many opportunities for innovative final land uses during the ongoing reclamation process which could enable the development of new wetlands that can enhance fish and wildlife habitat as well as the development of recreational lakes for the enjoyment of Washington citizens; and

''Whereas, the Centralia Mining Company is regulated by the Department of the Interior, Office of Surface Mining, and the provisions of the Surface Mining Control and Reclamation Act; and

''Whereas, the Office of Surface Mining rules and regulations for land reclamation have been very stringent and restrictive and require former-mined areas to be returned to the same land contours as prior to being mined; and

''Whereas, there were limited wetland areas prior to the commencement of mining at the Centralia mine and if the regulations do not allow for a variance, then the mine would be obligated to eventually destroy certain wetland areas and lakes that have been created in the mining process; and

''Whereas, the Office of Surface Mining has recently been reevaluating their position regarding the retention and creation of wetlands in reclaiming mine areas;

''Now, therefore, Your Memorialists respectfully pray that the Office of Surface Mining continue to be encouraged to expand its effort to find ways to preserve wetlands of significant size and value that are created as a result of substantial surface mining activities and to amend its rules and regulations in order to recognize the climatic differences of surface mine operations in differing regions throughout the United States and to allow the states to encourage their local mining industries to take advantage of the unique opportunities to preserve and enhance wetlands for the benefit of wildlife, fisheries, and recreation: Now, therefore, be it

Resolved, That copies of this Memorial be immediately transmitted to the Honorable Bill Clinton, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, each member of Congress from the State of Washington, the Secretary of the United States Department of the Interior, and the Director of the Office of Surface Mining.''

POM–106. A resolution adopted by the Dakota Dunes Community Improvement District, Dakota Dunes, South Dakota relative to the Missouri River Master Water Control Manual; to the Committee on Environment and Public Works.

POM–107. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Environment and Public Works.

''SENATE CONCURRENT MEMORIAL 1004

''Whereas, a modern, well-maintained, efficient and interconnected system is vital to the economic growth, health and global competitiveness of this state and the entire nation; and

''Whereas, the highway network is the backbone of a transportation system for the movement of people, goods and intermodal connections; and

''Whereas, it is critical that highway transportation needs are addressed through appropriate transportation plans and program investments; and

''Whereas, the 1991 intermodal surface transportation efficiency act established the concept of a one hundred fifty-five thousand mile national highway system that includes the interstate system; and

''Whereas, on December 9, 1994, the United States department of transportation transmitted to Congress a one hundred fifty-nine thousand mile proposed national highway system that identified one hundred four ports, one hundred forty-three airports, one hundred ninety-one rail-truck terminals, three hundred twenty-one Amtrak stations and three hundred nineteen transit terminals; and

''Whereas, the 1991 intermodal surface transportation efficiency act requires that the national highway system and interstate maintenance funds not be released to the states if the national highway system is not approved by September 30, 1995; and

''Whereas, the uncertainty associated with the future of the national highway system precludes the possibility of this state effectively undertaking necessary, properly developed planning and programming activities.

''Wherefore your memorialist, the Senate of the State of Arizona, the House of Representatives concurring, prays:

''1. That the Congress of the United States enact legislation to approve and designate the national highway system no later than September 30, 1995 and to provide essential funding to this state and all other states for the maintenance, preservation and, where necessary, the improvement of the Congressionally designated national highway system.

''2. That the Secretary of State of the State of Arizona transmit copies of this Concurrent Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and to each Member of the Arizona Congressional Delegation.''

POM–108. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Environment and Public Works.

''HOUSE CONCURRENT MEMORIAL 2005

''Whereas, the United States Congress is currently attempting to formulate long-term solutions to the myriad environmental concerns facing our nation; and

''Whereas, numerous environmental laws, rules, regulations and policy directives create the risk of imminent loss of precious national resources; and

''Whereas, numerous environmental laws, rules, regulations and policy directives impede the ability of states and their subdivisions to provide vital government services to their citizens, threaten the survival of essential industries and jeopardize the health, safety and welfare of our nation's citizens; and

''Whereas, emergency legislation providing immediate short-term relief from federal environmental laws, rules, regulations and policy directives while the United States Congress crafts long-term solutions to our nation's environmental problems would allow the continued provision of government services and the survival of industries and would protect the health, safety and welfare of our nation's citizens until such time as long-term solutions are found.

''Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

''1. That the One Hundred Fourth Congress of the United States enact legislation that:

''(a) Places a moratorium on the issuance of new environmental rules, regulations and policy directives by the Environmental Protection Agency, the United States Department of the Interior, the United States Department of Agriculture, the United States Army Corps of Engineers, the National Marine Fisheries Service and the Council on Environmental Quality until such time as the Congress has formulated long-term solutions to the environmental concerns facing our nation.

''(b) Allows for the continued operation of current contracts and the continued provision of vital government services notwithstanding existing environmental laws, rules, regulations and policy directives until such time as the United States Congress has formulated long-term solutions to the environmental concerns facing our nation.

''(c) Allows timber harvests and sales in national and tribal forests to go forward up to the maximum quantities specified in current forest plans notwithstanding existing environmental laws, rules, regulations and policy directives until such time as the United States Congress has formulated long-term solutions to the environmental concerns facing our nation.

''2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the Speaker of the United States House of Representatives, the President of the United States Senate and to each Member of the Arizona Congressional Delegation.''

POM–109. A concurrent resolution adopted by the Legislature of the State of Arizona; to the Committee on Environment and Public Works.

''HOUSE CONCURRENT MEMORIAL 2002

''Whereas, current federal restrictions on the use of chlorofluorocarbons such as those found in the air conditioning process are based on unreliable and unsubstantiated ''scientific'' studies conducted by individuals utilizing propagandist scare tactics in support of their own co-called environmentalist agenda; and

''Whereas, by its very nature, research on the effects of chlorofluorocarbons fails to assess entirely the long-term impacts that the use of this class of compounds may have on the environment and particularly on the ozone. Observation of an alleged ''hole'' in the earth's ozone layer is a recent and unproven phenomenon, and short-term research cannot possibly predict with any degree of accuracy a potential threat that chlorofluorocarbons might pose to the environment. Indeed, studies on alleged ozone depletion do not indicate lasting repercussions resulting from the use of chlorofluorocarbons, nor that this occurrence is even a consequence of human activity; and

''Whereas, observations made by the scientific community regarding depletion of the ozone layer have failed to assign responsibility of this occurrence to any particular chemical, class of chemicals or chemical process. Furthermore, these studies have not conclusively shown there to be a continued threat to the ozone layer into the future, nor have they recommended a revision in public policy or social life-style regarding the use of chlorofluorocarbons; and

''Whereas, chlorofluorocarbons in the earth's atmosphere are minuscule when compared to the vastness of the ozone layer, and it is presumptuous to assume that they can substantially affect it. Any trivial benefits to be gained from prohibiting the use of chlorofluorocarbons do not warrant the economic and social costs resulting from such drastic and unnecessary measures.

''Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

''1. That the Members of the United States Congress and the officials of the Environmental Protection Agency immediately initiate efforts to repeal the federal ban on the use of chlorofluorocarbons.

''2. That the Secretary of State of the State of Arizona transmit copies of this Concurrent Memorial to each Member of the United States House of Representatives and the United States Senate and to the director of the Environmental Protection Agency.''

POM–110. A resolution adopted by the House of the Legislature of the State of Arkansas; to the Committee on Environment and Public Works.

''RESOLUTION

''Whereas, catastrophic natural disasters are occurring with greater frequency, a trend that is likely to continue for several decades, according to prominent scientists; and,

''Whereas, portions of Arkansas lie in the area of the New Madrid fault and are susceptible to earthquake damage; and,

''Whereas, the federal government has responded to disasters by appropriating relief funds which provide only short-term assistance to victims, but long-term burdens to taxpayers; and,

''Whereas, the increasing reliance on federal disaster relief has overshadowed the need to perform more comprehensive disaster planning and rely on private insurance for protection against disaster risks; and,

''Whereas, many Arkansans are not able to obtain adequate insurance coverage for the risk of natural disaster, particularly earthquake damage; Now therefore, be it

''*Resolved by the House of Representatives of the Eightieth General Assembly of the State of Arkansas*, That the House of Representatives hereby requests the United States Congress to pass legislation, in the 104th Congress, which would enable those who live in areas of high risk from natural disasters to assume more responsibility for their actions by insuring against such risks. We believe Congress should create a pooling mechanism for the spreading of disaster risk, in order to encourage the continued availability and affordability of private insurance.

''*Be it further resolved*, Upon approval of this Resolution, a copy hereof shall be transmitted by the Chief Clerk of the House of Representatives, to the President of the Senate and Speaker of the House of the United States Congress.''

POM–111. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on Environment and Public Works.

''SENATE JOINT RESOLUTION NO. 71

''Whereas, the Honorable James H. Quillen has served the good people of Tennessee's First Congressional District as their representative to the U.S. Congress for the past thirty-two years with the utmost in acumen, perspicacity, devotion and industry; and

''Whereas, as a member of the 88th U.S. Congress through the 104th U.S. Congress, James H. Quillen has distinguished himself as a true statesman and an exemplary elected official who can be relied upon to carry out the people's will expeditiously; and

''Whereas, throughout his outstanding legislative career, Congressman Quillen has proven himself to be a good friend and stalwart supporter of the courageous veterans who risked their lives in time of war to defend and preserve the many blessed freedoms our nation and our state enjoy today; and

''Whereas, Congressman James H. Quillen has contributed significantly to the quality and availability of health care in the Northeast Tennessee community; and

''Whereas, he was instrumental in securing passage of the legislative initiative known as the Teague-Cranston legislation, which legislation provided for the establishment of a number of new medical colleges in conjunction with already existing Veterans Affairs facilities; and

''Whereas, Congressman Quillen also secured the addition of Mountain Home Veterans Affairs Center to the list of facilities covered under the terms of the Teague-Cranston legislation; and

''Whereas, James H. Quillen was also instrumental in the establishment of the School of Medicine at East Tennessee State University, which now bears his name; and

''Whereas, he also worked assiduously to secure federal funding for the construction of the modern Veterans Affairs Medical Center at Mountain Home; and

''Whereas, because of the important role he played in the establishment of this stellar medical facility, it is most appropriate that the Mountain Home Veterans Affairs Medical Center should bear the honorable name of James H. Quillen: Now, therefore, be it

''*Resolved by the Senate of the Ninety-Ninth General Assembly of the State of Tennessee, the House of Representatives concurring,* That this General Assembly hereby most feverently urges and encourages the members of Tennessee's delegation to the U.S. Congress to introduce and work for the passage of legislation to redesignate the Mountain Home Veterans Affairs Medical Center as ''The James H. Quillen Veterans Affairs Medical Center'' at Mountain Home, Tennessee in honor of Congressman Quillen's superlative leadership and vision as a member of the U.S. Congress and his lifetime of meritorious service to his constituents in Northeast Tennessee.

''*Be it further resolved,* That the Chief Clerk of the Senate is directed to transmit a certified copy of this resolution to each member of Tennessee's congressional delegation; the Speaker and the Clerk of the U.S. House of Representatives; and the President and the Secretary of the U.S. Senate.''

POM–112. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Environment and Public Works.

''SENATE CONCURRENT RESOLUTION NO. 33

''Whereas, the Endangered Species Act originally was intended to protect threatened and endangered flora and fauna but has become a means to effect broader changes in land and water management; and

''Whereas, overdue for reauthorization by the Congress of the United States, the Endangered Species Act does not currently provide for adequate input by the states into the process of adding new species to the endangered species list; and

''Whereas, the United States Fish and Wildlife Service is poised to add the Arkansas River shiner to the endangered species list; and

''Whereas, the 74th Legislature of the State of Texas does not support the United States Fish and Wildlife Service's claim that the species is in danger of extinction in the foreseeable future because of habitat loss from the diversion of surface water, stream dewatering/depletion, water quality degradation, construction of impoundments, or possible inadvertent collection by the commercial bait fish industry or from competition with the introduced Red River shiner; and

''Whereas, this listing could effectively remove from the state, the cities, and local water districts control over the Ogallala Aquifer; Now, therefore, be it

''*Resolved,* That the 74th Legislature of the State of Texas hereby reject the suggestion by the United States Fish and Wildlife Service that it has failed to manage it natural resources in the Ogallala Aquifer in an environmentally conscious manner; and, be it further

''*Resolved,* That the 74th Legislature of the State of Texas hereby express its adamant opposition to the addition of the Arkansas River shiner to the endangered species list until such time as the Endangered Species Act has been reauthorized and amended by the Congress of the United States; and, be it further

''*Resolved,* That the 74th Legislature of the State of Texas hereby request the Secretary of Interior to direct the United States Fish and Wildlife Service to inform the governor, the lieutenant governor, the speaker of the house of representatives, the attorney general, and the Texas Parks and Wildlife Department, which is the state fish and wildlife agency, of any actions contemplated to further the process of listing the Arkansas River shiner as an endangered species; and, be it further

''*Resolved,* That the Texas Secretary of State forward official copies of this resolution to the Secretary of the Department of Interior of the United States, to the President of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all members of the Texas delegation to the congress.''

POM–113. A joint resolution adopted by the Legislature of the State of Washington; to the Committee on Environment and Public Works.

''HOUSE JOINT MEMORIAL 4028

''Whereas, the establishment of the National Highway System (NHS) is deemed necessary to ensure that our citizens are connected to the rest of the nation and the world, and that all citizens of our nation are connected to the natural resources, national parks, cities, and other points of national importance now and in the future; and

''Whereas, the provisions of the Intermodal Surface Transportation Efficiency Act (ISTEA) provide States with overall responsibility for NHS route and project selection; and

''Whereas, the planning and public participation provisions of the ISTEA ensure that Metropolitan Planning Organizations (MPO), other transportation agencies, and the general public have a significant role in the NHS program; and

''Whereas, an equitable process for designation of NHS routes as defined by the ISTEA and Federal Highway Administration (FHWA) rules and procedures has been established; and

''Whereas, the flexibility and transferability provisions in Section 1006 of the ISTEA, describing the NHS, enable States to address critical transportation needs identified in the MPO and State transportation planning processes; and

''Whereas, the FHWA has submitted their proposed designations to Congress; and

''Whereas, after September 30, 1995, no Federal funds made available for the National Highway System or the Interstate Maintenance program may be apportioned unless a law has been approved designating the National Highway System; Now therefore, Your Memorialists respectfully urge that Congress pass legislation approving the National Highway System (NHS) at the earliest date possible, but no later than September 30, 1995.

''*Be it resolved,* That copies of this Memorial be immediately transmitted to the President and the Secretary of the United States Senate, to the Speaker and the Clerk of the United States House of Representatives, and to each member of this state's delegation to Congress.''

POM–114. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Environment and Public Works.

''ENROLLED JOINT RESOLUTION NO. 3,

''Whereas, the Federal Government, through the United States Fish and Wildlife Service, and under the authority of the Endangered Species Act, is reintroducing wolves into Yellowstone National Park; and

''Whereas, wolves are predatory animals, and left with no population control, may pose a threat to wildlife and domestic livestock outside the boundaries of Yellowstone National Park; and

''Whereas, the Endangered Species Act, and its implementing regulations, will provide extensive protection of the wolves, even outside the boundaries of Yellowstone National Park, making adequate control of the wolf population impossible; and

''Whereas, Yellowstone National Park will provide ample food, space and protection in order to sustain a viable population of wolves and will also provide viewing opportunities for the general public; and

''Whereas, hunting of the wolves outside the boundaries of Yellowstone National Park will provide protection for resident wildlife populations and the livestock industry and will assist in keeping the wolves inside the boundaries of Yellowstone National Park; Now, therefore, be it

''*Resolved by the members of the Legislature of the State of Wyoming:*

''Section 1. That the United States Congress amend the Federal Endangered Species Act to expressly provide for the State of Wyoming to control the hunting and population of wolves found outside the boundaries of Yellowstone National Park.

''Section 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the Secretary of the Interior and to the Wyoming Congressional Delegation.''

POM–115. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Environment and Public Works.

''A LEGISLATIVE RESOLUTION

''Whereas, the United States Fish and Wildlife Service has been petitioned to include the black-tailed prairie dog (cynomys ludovicianus) to the list of candidates species to be listed as a threatened or endangered species pursuant to the Endangered Species Act of 1973; and

''Whereas, the black-tailed prairie dog (cynomys ludovicianus) is very prolific and has habitat over a large part of Wyoming public and private land; and

''Whereas, the prairie dog destroys all ground cover in its habitat; and

''Whereas, this destruction causes soil erosion leading to increased sediment in streams causing poor habitat for fish; and

''Whereas, this loss of ground cover is very detrimental to feed for livestock and wildlife. Now, therefore, be it

''*Resolved by the undersigned members of the Legislature of the State of Wyoming:*

''Section 1. The state of Wyoming will not tolerate the designation of the black-tailed prairie dog (cynomys ludovicianus) as a threatened or endangered species.

''Section 2. The United States Fish and Wildlife Service should deny any petition requesting the black-tailed prairie dog (cynomys ludovicianus) be further considered for listing as a threatened or endangered species under the Endangered Species Act of 1973.

''Section 3. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the Acting Director of the Wyoming Game and Fish Department, to the lead United States Fish and Wildlife Service Field Office for consideration of the referenced petition and to the Wyoming Congressional Delegation.''

POM–116. A joint resolution adopted by the Legislature of the State of Wyoming; to the Committee on Environment and Public Works.

''A LEGISLATIVE RESOLUTION

''Whereas, a modern, well maintained, efficient and interconnected transportation system is vital to the economic growth, the

health and the global competitiveness of the state of Wyoming and the entire nation; and

''Whereas, the highway network is the backbone of a transportation system for the movement of people, goods, and intermodal connections; and

''Whereas, it is critical to effectively address highway transportation needs through appropriate transportation plans and program investments; and

''Whereas, the 1991 Intermodal Surface Transportation Efficiency Act (ISTEA) established the concept of a 155,000 mile national highway system which includes the interstate system; and

''Whereas, on December 9, 1994, the United States department of transportation transmitted to Congress a 159,000 mile proposed national highway system which identified 104 port facilities, 143 airports, 191 rail-truck terminals, 321 Amtrak stations and 319 transit terminals; and

''Whereas, ISTEA requires that the national highway system and interstate maintenance funds not be released to the states if the system is not approved by September 30, 1995; and

''Whereas, the uncertainty associated with the future of the national highway system precludes the possibility of the state to effectively undertake the necessary, properly developed planning and programming activities; Now, therefore, be it

''Resolved by the members of the fifty-third Wyoming Legislature;

''Section 1. That the process for developing and approving the national highway system should be accelerated and that the Congress of the United States of America should pass legislation which approves and designates the national highway system no later than September 30, 1995.

''Section 2. That the Secretary of State of Wyoming transmit copies of this resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, to the Governor of the state of Wyoming and to the Wyoming Congressional Delegation.''

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. MCCAIN (for himself, Mr. LEVIN, Mr. ROTH, Mr. GLENN, and Mr. COHEN):

S. 790. A bill to provide for the modification or elimination of Federal reporting requirements; read the first time.

By Mr. COCHRAN (for himself and Mr. LOTT):

S. 791. A bill to provide that certain civil defense employees and employees of the Federal Emergency Management Agency may be eligible for certain public safety officers death benefits, and for other purposes; to the Committee on Governmental Affairs.

By Ms. MOSELEY-BRAUN (for herself, Mr. BURNS, and Mr. ROBB):

S. 792. A bill to recognize the National Education Technology Funding Corporation as a nonprofit corporation operating under the laws of the District of Columbia, to provide authority for Federal departments and agencies to provide assistance to such corporation, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SIMPSON (for himself, Mr. MOYNIHAN, and Mr. KYL):

S. 793. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from income tax for certain common investment funds; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. INOUYE, Mr. SANTORUM, Mr. CRAIG, Mr. COHEN, Mr. MACK, Mr. PRESSLER, Mr. BURNS, Mr. KERREY, Mr. GRAHAM, Mr. COATS, Mr. GORTON, Mr. PACKWOOD, Mr. CAMPBELL, Mr. DORGAN, Mr. MCCONNELL, Mr. THURMOND, Mr. DOLE, Mr. JEFFORDS, Mr. HELMS, Mr. BOND, Mr. GRASSLEY, Mrs. KASSEBAUM, Mr. HOLLINGS, Mr. JOHNSTON, Mr. INHOFE, Mr. ABRAHAM, Mrs. MURRAY, Ms. SNOWE, Mrs. FEINSTEIN, Mr. HATCH, Mr. NICKLES, Mr. HATFIELD, Mr. KEMPTHORNE, Mr. SPECTER, Mr. COCHRAN, Mr. PRYOR, Mr. DASCHLE, Mr. HEFLIN, Mr. COVERDELL, Mr. LOTT, and Mr. CONRAD):

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; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. COHEN:

S. 795. A bill for the relief of Pandelis Perdikis; to the Committee on the Judiciary.

By Mr. BOND (for himself and Mr. ASHCROFT):

S. 796. A bill to provide for the protection of wild horses within the Ozark National Scenic Riverways, Missouri, and prohibit the removal of such horses, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 797. A bill to provide assistance to States and local communities to improve adult education and family literacy, to help achieve the National Education Goals for all citizens, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. CONRAD (for himself, Mr. CHAFEE, Mr. JEFFORDS, Mr. BRADLEY, and Mr. ROCKEFELLER):

S. 798. A bill to amend title XVI of the Social Security Act to improve the provision of supplemental security income benefits, and for other purposes; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN (for himself, Mr. LEVIN, Mr. ROTH, Mr. GLENN, and Mr. COHEN):

S. 790. A bill to provide for the modification or elimination of Federal reporting requirements; read the first time.

FEDERAL REPORTS ELIMINATION AND SUNSET ACT

Mr. MCCAIN. Mr. President, on behalf of Senator LEVIN and myself, I'm pleased to introduce the Federal Reports Elimination and Sunset Act of 1995. This legislation would terminate or modify the statutory requirement for over 200 mandatory reports to Congress, and sunset most other mandatory reports after 4 years. This legislation would also require the President to identify which reports he feels are unnecessary or wasteful in his next budget submission of Congress, which will hopefully spur Congress to swiftly dispose of those specific reports.

This legislation is a combination of two separate bills that Senator LEVIN and I have previously introduced, both of which were passed by the Senate as amendments to S. 244, The Paperwork Reduction Act. The intent of the Federal Reports Elimination and Sunset Act is to end the needless expense of hundreds of millions of taxpayer dollars each year on many Federal reports that are of minor value to the Congress and our constituents.

Mr. President, by passing this legislation the Senate can help bring to an end one of Congress' most unessential and burdensome practices. Each year members of Congress add layer upon layer of onerous paperwork requirements upon Executive Branch agencies by mandating various reports. This problem has a very real and substantive cost to taxpayers in terms of wasting hundreds of millions of dollars, in addition to taking up untold numbers of work-hours by federal employees, and untold amounts of other agency resources that could be far better utilized in more worthy endeavors.

It is astounding that in 1993 the Congress required the Office of the President and Executive branch agencies to prepare over 5,300 reports! This is a problem that is reaching truly epic proportions of unnecessary and wasteful paper shuffling! This practice has been criticized by both Vice President Gore in his ''National Performance Review,'' and the Senate's members of the Joint Committee on the Organization of Congress. The Joint Committee stated that:

> These reports should not continue in perpetuity without some clear evidence that the report serves a useful policy purpose. The proliferation of mandatory agency reports has been a matter of wide concern in the Congress and in the Executive Branch.

Furthermore, in 1992 the GAO found that:

In the 101st Congress, a single House committee received over 800 reports from Federal agencies in response to mandates from the Congress;

Another 600 reports were sent to the same committee in the 102d Congress;

The Office of Management and Budget had to submit 38 reports to a single House committee just to comply with the 1990 Budget Reconciliation Act;

Are these reports necessary? Does Congress really need to force every Federal agency to keep a small army of bureaucrats on the payroll solely to satisfy its insatiable appetite for reports? I think the answer is clearly no, and I'm confident most people sincerely interested in reducing the size and cost of Government will agree.

While I firmly believe we should sunset most annual or semi-annual mandatory reporting requirements, I in no way wish to contend that there are not many reports required by Congress that are vitally important. The recurring flow of timely and accurate information from the executive branch to the Congress is essential to our oversight responsibilities as Members, and as a legislative body. However, I will strongly contend that the cumulative weight and cost of the reporting mandates we've enacted year after year has gotten totally out of hand.

The problem of foisting massive reporting requirements on Federal agencies is not only very real, it's extremely expensive. The Department of Agriculture alone spent over $40 million in taxpayers money in 1993 to produce the 280 reports it was required to submit to the Congress. That is astounding, Mr. President—$40 million in taxpayer dollars spent by a single department last year on reports mandated by the Congress. The Department of Agriculture isn't even the leader in this respect, however, because the Department of Defense has estimated that it must prepare 600 reports each year for Congress! At a time when our country is struggling to alleviate the burdens of the middle class and also address the urgent needs of our citizenry, this is an especially egregious waste of money.

Let's consider this startling cost of reports at the USDA in another context: the money the Congress forced the Department of Agriculture to fritter away on reporting mandates last year could have provided services to an additional 100,000 low-income women and children under the USDA's WIC program. Think about that, Mr. President; an additional 100,000 women and children could have been provided vital nutritional and health services with the funds the USDA had to spend researching and preparing hundreds of reports! That same $40 million could have enrolled another 10,000 disadvantaged children in Head Start, as well! Imagine what the cost to taxpayers was to produce the more than 5,300 reports that the Congress required of Federal agencies in 1993!

Furthermore, this problem is getting worse and worse with each passing year. The GAO stated that in 1970, the Congress mandated only 750 recurring reports from Federal agencies. Now we have spiralled well past 5,300, and the GAO determined that ''Congress imposes about 300 new requirements on Federal agencies each year!'' Clearly, Mr. President, the wasteful blizzard of paperwork that Vice President Gore criticized is becoming an avalanche, and it's time for the Senate to take decisive action to remedy it.

This legislation would terminate the statutory requirement for all annual or recurring congressionally-mandated reports four years after it is signed into law, with two specific exceptions. The reports to be exempted are those required under the Inspector Generals Act of 1978 and the Chief Financial Officers Act of 1990. The Inspector Generals Act requires the Congress to be advised of activities regarding investigations into waste, fraud, and abuse in Federal agencies; and the CFO Act requires agencies to provide financial information about their short and long-term management of agency resources.

I believe the reports required by these two laws are very important and merit continuation, and I also recognize that there are many other reports that my colleagues feel have great value because of the information they provide to Congress. Such reports can simply be reauthorized at any time in the 4 years before this legislation would sunset them.

I want to commend my colleague, Senator LEVIN, for his considerable contribution to this legislation. Senator LEVIN and his staff worked for months in developing a list of over 200 mandatory reports that should either be promptly eliminated or modified in order to lessen the burdens and costs that the Congress has placed on Federal agencies. The provisions of this bill that he developed will terminate the production of some of the most dubious examples of unnecessary paperwork shuffling by Federal agencies, and I thank him for his valuable work in this area. The combined impact of the legislation we are introducing today will certainly help remove the millstone of unnecessary and costly paperwork that Congress has hung around the neck of the Federal Government for too long.

Mr. President, I am very pleased that the chairman and ranking member of the Governmental Affairs Committee, Senator ROTH and Senator GLENN, respectively, are cosponsors of this legislation. I further want to thank both Senator ROTH and Senator GLENN for clearing this bill to be placed directly on the Senate Calendar upon introduction, so that no further action by the committee is necessary. I hope it will be passed by the full Senate in the near future.

Mr. LEVIN. Mr. President, I am pleased to introduce along with Senators MCCAIN, ROTH, GLENN, and COHEN the Federal Reports Elimination and Sunset Act of 1995, which eliminates and modifies over 200 outdated or unnecessary congressionally mandated reporting requirements and also places a sunset on those reports with an annual, semi-annual, or other regular periodic reporting requirement 4 years after the bill's enactment. The legislation is designed to improve the efficiency of agency operations by eliminating paperwork generated and staff time spent in producing unnecessary reports to Congress.

The legislation that we are introducing today is similar to the bill Senator COHEN and I introduced last year, and is the product of a thorough effort to identify those congressionally-mandated agency reporting requirements that have outlived their usefulness and now serve only as an unnecessary drain on agency resources—resources that could be devoted to more important program use. The Congressional Budget Office estimates that enactment of this legislation could result in savings of up to $5 to $10 million without even factoring in the savings from the sunset provision.

In 1985, when a previous Reports Elimination Act was passed, there were approximately 3,300 reporting requirements. The 1985 act affected only 23 of these reports. Today, there are over 5,300 reporting requirements. Some estimates of the annual cost of meeting these reporting requirements are as high as $240 million a year, and the GAO reports that Congress imposes close to 300 new requirements every year.

This bill is the product of an extensive process that started with recommendations from executive and independent agencies. Senator COHEN and I wrote to all 89 executive and independent agencies and asked that they identify reports required by law that they believe are no longer necessary or useful and, therefore, that could be eliminated or modified. We stressed the importance of a clear and substantiated justification for each recommendation made. We received responses from about 80 percent of the agencies. For the most part, the agencies made a serious effort to review and recommend a respectable number of reporting requirements for elimination.

We then went to the chairman and ranking member of each of the relevant Senate committees—for their review and comment—the recommendations made by the agencies under their respective jurisdictions. We also asked that the committees provide us with any additional recommendations for eliminations or modifications that they might have.

Many of the committees responded to the request. Those responses were generally supportive of the subcommittee's efforts and most contained only a few changes to the agency recommendations. Those changes were primarily requests by committees to retain reports under their jurisdiction because the information contained in the report is of use to the committee or, in some cases, of use to outside organizations.

After this extensive review and comment period, Senator COHEN and I introduced S. 2156, the Federal Reports Elimination and Modification Act, on May 25, 1994. As introduced, the bill contained nearly 300 recommendations for eliminations or modifications. Senators GLENN, ROTH, STEVENS, and MCCAIN cosponsored that bill. Shortly after the introduction of S. 2156, Senator COHEN and I again wrote to all the committees and asked for comments on the bill as introduced.

S. 2156 was unanimously approved by the Governmental Affairs Committee on August 2, 1994. Unfortunately, the Senate was unable to act on S. 2156 before the end of the 103d Congress. But I am more hopeful that both Houses of Congress will pass this very timely piece of legislation this year. In fact, in March 1995, the Senate agreed to include the language of this bill in the form of two separate amendments to the 1995 Paperwork Reduction Act, S. 244.

The amendments, however, were struck in conference. The chairman of the House Committee on Government Reform and Oversight agreed, however,

to support similar legislation in a free-standing bill.

Under this bill, 157 reports will be eliminated and 61 will be modified. The legislation also includes a modified version of Senator MCCAIN's sunset provision which will facilitate Congress's review of these reports. Rather than undergoing the same lengthy process of assessing the usefulness of each and every reporting requirement on a periodic basis, the sunset provision will eliminate those reports with a annual, semi-annual, or regular periodic reporting requirement 4 years after the bill's enactment, while allowing Members of Congress to re-authorize those reports it deems necessary in carrying out effective congressional oversight. The sunset provision does not apply to any reports required under the Inspector General Act of 1978 or the Chief Financial Officers Act of 1990.

Because the Senate had already passed similar legislation earlier this year, we will be seeking to place the bill directly on the calendar for the Senate's immediate consideration.

The enactment of this legislation is long overdue. Congressional staffers are being inundated with reports that are never read and are simply dropped into file cabinets or wastebaskets, never to be seen again. We are introducing this bipartisan legislation in the hopes that Congress will act quickly to plug this drain on needed resources caused by unnecessary and extraneous reporting requirements.

Mr. COHEN. Mr. President, I am pleased to be an original cosponsor of S. 790, the Federal Reports Elimination and Sunset Act of 1995, legislation to eliminate or modify over 200 statutory reporting requirements that have outlived their usefulness and sunset many others.

Senators LEVIN, MCCAIN, and I offered the text of this bill as two separate amendments, which were accepted by the Senate, during the debate on the Paperwork Reduction Act earlier this year. Because of the concerns of House conferees that the House Committees had not had adequate time to review the various reports targeted for elimination or sunset, the amendments were dropped in conference. The House conferees assured us, however, that the House would act quickly to take up separate legislation combining the two amendments.

The issue of eliminating unnecessary government reporting requirements is an area that Senator LEVIN and I have worked on for a number of years in our capacity as chairman and ranking minority member of the Governmental Affairs Subcommittee on Oversight of Government Management. The text of the amendment that Senator LEVIN and I offered to the Paperwork Reduction Act was based on legislation we introduced last Congress which CBO estimated would reduce agencies' reporting costs by $5 million to $10 million annually. The legislation was the product of more than a year's worth of discussions with Government agencies and congressional committees.

An example of the type of report this legislation will eliminate is an annual Department of Energy report on naval petroleum and oil shale reserves production. The same data in this report is included in the Naval Petroleum Reserves Annual Report. Other provisions of the bill will consolidate information to reduce the number of reports required. For example, the Department of Labor's annual report will be modified to include the Department's audited financial statements and, thereby, eliminate the need for a separate annual report for all money received and disbursed by the Department. Finally, the bill will also eliminate reports that are simply no longer necessary—reports that were useful at the time they were required but stopped serving a useful purpose and were kept on the books because no one was looking closely enough at them.

The bill also sunsets in 4 years reports made on a regular basis. Under the bill, the sunset will not apply to reports triggered by specific events such as a report to Congress required under the War Powers Act as a result of certain actions. The sunset will also not apply to reporting requirements required by the Inspector General Act or the Chief Financial Officers Act. The sunset provision will force Congress to periodically review mandated reporting requirements and reauthorize those that are still serving a valid purpose. The sunset is based on legislation introduced by Senator MCCAIN and will save additional taxpayers' dollars.

In closing, I believe this legislation is a reasonable approach to eliminating unnecessary reporting requirements and it is consistent with efforts by the Congress to reinvent Government and make it more efficient. The legislation is intended to reduce the paperwork burdens placed on Federal agencies, streamline the information that flows from these agencies to the Congress, and save millions of taxpayers' dollars. I hope the congress will act expeditiously to pass this legislation.

By Mr. COCHRAN (for himself and Mr. LOTT):

s. 791. A bill to provide that certain civil defense employees and employees of the Federal Emergency Management Agency may be eligible for certain public safety officers death benefits, and for other purposes; to the Committee on Governmental Affairs.

PUBLIC SAFETY OFFICERS BENEFITS ACT EXTENSION

● Mr. COCHRAN. Mr. President, today I am introducing legislation to extend coverage under the Public Safety Officers Benefits Act to employees of the Federal Emergency Management Agency [FEMA] and employees of State and local emergency management and civil defense agencies who are killed or disabled in the line of duty.

The Public Safety Officers Benefits Act provides benefits to eligible survivors of a public safety officer whose death is the direct result of a traumatic injury sustained in the line of duty. The act also provides benefits to those officers who are permanently and totally disabled as the direct result of a catastrophic personal injury sustained in the line of duty.

The act now covers State and local law enforcement officers and fire fighters, Federal law enforcement officers and fire fighters, and Federal, State, and local rescue squads and ambulance crews. However, an employee of a State or local emergency management, or civil defense agency, or an employee of FEMA, who is killed or permanently disabled performing his or her duty in responding to a disaster is not covered under the act.

The legislation I am introducing today will remedy this situation by extending the act to those employees. This will ensure that the survivors and family members of an employee killed in the line of duty will receive benefits and that an employee permanently and totally disabled as a result of injury sustained in the line of duty will also receive the benefits of the act.

During his confirmation hearing in the last Congress, FEMA Director James Lee Witt said that emergency management and civil defense employees put their lives on the line almost every time they respond to an event. Enactment of this legislation will provide them with some assurance that, should death or disabling injury result from the performance of their duty, their families will receive survivor benefits or they will receive disability benefits.

I hope my colleagues will carefully consider this legislation and join me in support of its enactment.●

By Ms. MOSELEY-BRAUN (for herself, Mr. BURNS, and Mr. ROBB):

S. 792. A bill to recognize the National Education Technology Funding Corporation as a nonprofit corporation operating under the laws of the District of Columbia, to provide authority for Federal departments and agencies to provide assistance to such corporation, and for other purposes; to the Committee on Labor and Human Resources.

THE NATIONAL EDUCATION TECHNOLOGY FUNDING CORPORATION ACT

Ms. MOSELEY-BRAUN. Mr. President, I introduce the National Education Technology Funding Corporation Act, legislation designed to connect public schools and public libraries to the information superhighway.

PUBLIC EDUCATION

Mr. President, if there is any objective that should command complete American consensus, it is to ensure that every American has a chance to succeed. That is the core concept of the American dream—the chance to achieve as much and to go as far as

your ability and talent will take you. Public education has always been a part of that core concept. In this country, the chance to be educated has always gone hand in hand with the chance to succeed.

Yet, as I have stated time and time again, education is more than a private benefit, it is also a public good. My experiences as a legislator have shown me that the quality of public education affects the entire community. Education prepares our work force to compete in the emerging global economy. It increases our productivity and competitive advantages in world markets. It also promotes our economy and the standard and quality of living for our people.

TECHNOLOGY

Nonetheless, I am convinced that it will be difficult if not impossible for us to prepare our children to compete in the emerging global economy unless we change the current educational system. If American students are to compete successfully with their foreign counterparts, systemic school reform must occur. And that means taking into account and addressing all aspects of the educational system.

Mr. President, the increased competition created by the emerging global economy requires teachers and students to transform their traditional roles in many ways. It requires teachers to act as facilitators in the classroom, guiding student learning rather than prescribing it. It also requires students to construct their own knowledge, based on information and data they manipulate themselves.

Technology can help teachers and students play the new roles that are being required of them. Technology can help teachers report and chart student progress on a more individualized basis. It can also allow them to use resources from across the globe or across the street to create different learning environment for their students without ever leaving the classroom. On the other hand, technology can allow students to access the vast array of material available electronically and to engage in the analysis of real world problems and questions.

FIRST GAO REPORT

A recent report released by the General Accounting Office concluded that our Nation's education technology infrastructure is not designed or sufficiently equipped to allow our children to take advantage of the benefits technology offers.

Last year, I asked the General Accounting Office [GAO] to conduct a comprehensive, nationwide study of the condition of our Nation's public schools. In responding to my request, the General Accounting Office surveyed a random sample of our Nation's 15,000 school districts and 80,000 public schools from April to December 1994. Based on responses from 78 percent of the schools sampled, GAO began preparing five separate reports on the condition of our Nation's public schools.

The first GAO report, which was released on February 1, 1995, examined the education infrastructure needs for our Nation's public elementary and secondary schools. As expected, this report made clear what most of us already knew; that our schools are deteriorating and we need to fix them. More specifically, the GAO report concluded that our Nation's public schools need $112 billion to restore their facilities to good overall condition.

SECOND GAO REPORT

The most recent GAO report, which was released on April 4, 1995, concluded that more than half of our Nation's public schools lack six or more of the technology elements necessary to reform the way teachers teach and students learn including: computers, printers, modems, cable TV, laser disc players, VCR's, and TV's.

In fact, the GAO report found that more of our Nation's schools do not have the education technology infrastructure necessary to support these important audio, video, and data systems. For example, their report states that: 86.8 percent of all public schools lack fiber-optic cable; 46.1 percent lack sufficient electrical wiring; 34.6 percent lack sufficient electrical power for computers; 51.8 percent lack sufficient computer networks; 60.6 percent lack sufficient conduits and raceways; 61.2 percent lack sufficient phonelines for instructional use; and 55.5 percent lack sufficient phonelines for modems.

LOCAL PROPERTY TAXES

Mr. President, these results are simply unacceptable. There is absolutely no reason why, in 1995, all of our Nation's children should not have access to the best education technology resources in the world.

The most recent GAO report did find that students in some schools are taking advantage of the benefits associated with education technology. For example, advanced chemistry students at Centennial High School in Champaign, IL, are developing experiments that allow them to move parts of molecules on their computer screens in response to their own computer commands. In one simulation, students watch the orbitals of electrons in reaction to imposed actions. Another simulation demonstrates the ionization of atoms—how the size of atoms changes when ions are added or subtracted.

The bottom line, however, is that we are still failing to provide all of our Nation's children with education technology resources like those being provided at Centennial High School because the American system of public education has forced local school districts to maintain our Nation's education infrastructure primarily with local property taxes.

For a long time, local school districts were able to meet that responsibility. Local property taxes, however, are now all too often an inadequate source of funding for public education. What is even worse is that this financing mechanism makes the quality of public education all too dependent on local property value.

As a result, the second GAO report found that, on average, only 8 percent of local school bond proceeds were spent on computers and telecommunications equipment. That is, for the average $6.5 million bond issue, only $155,600, or 2 percent was provided for the purchase of computers and only $381,100, or 6 percent for the purchase of telecommunications equipment.

Yet, most States continue to force local school districts to rely increasingly on local property taxes for public education, in general, and for education technology, in particular. In Illinois, for example, the local share of public education funding increased from 48 percent during the 1980–81 school year to 58 percent during the 1992–93 school year, while the State share fell from 43 to 34 percent during this same period.

The Federal Government must also accept a share of the blame for failing to provide our Nation's children with environments conducive to learning. The Federal Government's share of public education funding has fallen from 9.1 percent during the 1980–81 school year to 5.6 percent during the 1993–94 school year.

GOALS 2000

Mr. President, Congress passed the goals 2000: Educate America Act which President Clinton signed into law on March 31, 1994. I support this legislation because it promises to create a coherent, national framework for education reform founded on the national education goals. Nonetheless, I firmly believe that it is inherently unfair to expect our children to meet national performance standards if they do not have an equal opportunity to learn.

EDUCATION INFRASTRUCTURE ACT

That is why I introduced the Education Infrastructure Act last year. This legislation addresses the needs highlighted in the first GAO report by helping local school districts ensure the health and safety of students through the repair, renovation, alteration, and construction of school facilities. More specifically, this legislation authorizes the Secretary of Education to make grants to local school districts with at least a 15 percent child poverty rate and urgent repair, renovation, alteration, or construction needs.

INFORMATION SUPERHIGHWAY

Mr. President, President Clinton and Vice President Gore have taken leadership roles in addressing the needs highlighted in the most recent GAO report. On September 15, 1993, the information infrastructure task force created by the Vice President released its report—''National Information Infrastructure: Agenda for Action.'' This report urges the Federal Government to support the development of the information superhighway—the metaphor used to describe the evolving technology infrastructure that will link homes, businesses, schools, hospitals, and libraries

to each other and to a vast array of electronic information resources.

On this same day, President Clinton issued Executive Order 12864 which created the National Information Infrastructure Advisory Council to facilitate private sector input in this area.

Mr. President, a substantial portion of the information superhighway already exists. Approximately 94 percent of American households have telephone service, 60 percent have cable, 30 percent have computers, and almost 100 percent have radio and television. Local and long-distance telephone companies are currently investing heavily in fiber-optic cables that will carry greater amounts of information; cable companies are increasing their capacity to provide new services; and new wireless personal communications systems are under development. One prototype, the Internet, connects approximately 15–20 million people worldwide.

FEDERAL SUPPORT

Nonetheless, the results of the second GAO report suggest to me that the Federal Government must do more to help build the education portion of the national information infrastructure. Federal support for the acquisition and use of technology in elementary and secondary schools is currently fragmented, coming from a diverse group of programs and departments. Although the full extent to which the Federal Government currently supports investments in education technology at the precollegiate level is not known, the Office of Technology Assessment estimated in its report—''Power On!''—that the programs administered by the Department of Education provided $208 million for education technology in 1988.

COST OF TECHNOLOGY

There is little doubt that substantial costs will accompany efforts to bring education technologies into public schools in any comprehensive fashion. In his written testimony before the House Telecommunications and Finance Subcommittee on September 30, 1994, Secretary of Education, Richard Riley, estimated that it will cost anywhere from $3 to $8 billion annually to build the education portion of the national information infrastructure. The Office of Technology Assessment has also estimated that the cost of bringing the students to computer ratio down to 3-to-1 would cost $4.2 billion a year for 6 years.

NATIONAL EDUCATION TECHNOLOGY FUNDING CORPORATION

Mr. President, three leaders in the areas of education and finance came together recently to help public schools and public libraries meet these costs. On April 4, John Danforth, former U.S. Senator from Missouri, Jim Murray, past President of Fannie Mae, and Dr. Mary Hatwood Futrell, past President of the National Education Association, created the National Education Technology Funding Corporation.

As outlined in its articles of incorporation, the National Education Technology Funding Corporation will stimulate public and private investment in our Nation's education technology infrastructure by providing loans, loan guarantees, grants, and other forms of assistance to States and local school districts.

LEGISLATION

I am introducing the National Education Technology Funding Corporation Act today to help provide the seed money necessary to get this exciting, new private sector initiative off the ground. Rather than promoting our Nation's education technology infrastructure by creating another Federal program, this legislation would simply authorize Federal departments and agencies to make grants to the NETFC.

The National Education Technology Funding Corporation Act would not create the NETFC or recognize it as an agency or establishment of the U.S. Government; it would only recognize its incorporation as a private, nonprofit organization by private citizens. However, since NETFC would be using public funds to connect public schools and public libraries to the information Superhighway, my legislation would require NETFC to submit itself and its grantees to appropriate congressional oversight procedures and annual audits.

This legislation will not infringe upon local control over public education in any way. Rather, it will supplement, augment, and assist local efforts to support education technology in the least intrusive way possible by helping local school districts build their own on-ramps to the Information Superhighway.

Senator BURNS and Senator ROBB has endorsed this bill, and it has been endorsed by the National Education Association, the National School Boards Association, the American Library Association, the Council for Education Development and Research, and Organizations Concerned About Rural Education [OCRE].

CONCLUSION

Mr. President, I would like to conclude my remarks by urging my colleagues to help connect public schools and public libraries to the Information Superhighway by quickly enacting the National Education Technology Funding Corporation Act into law.

Mr. President, I ask unanimous consent that a copy 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. 792

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 ''National Education Technology Funding Corporation Act of 1995''.

SEC. 2. FINDINGS; PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) CORPORATION.—There has been established in the District of Columbia a private, nonprofit corporation known as the National Education Technology Funding Corporation which is not an agency or independent establishment of the Federal Government.

(2) BOARD OF DIRECTORS.—The Corporation is governed by a Board of Directors, as prescribed in the Corporation's articles of incorporation, consisting of 15 members, of which—

(A) five members are representative of public agencies representative of schools and public libraries;

(B) five members are representative of State government, including persons knowledgeable about State finance, technology and education; and

(C) five members are representative of the private sector, with expertise in network technology, finance and management.

(3) CORPORATE PURPOSES.—The purposes of the Corporation, as set forth in its articles of incorporation, are—

(A) to leverage resources and stimulate private investment in education technology infrastructure;

(B) to designate State education technology agencies to receive loans, grants or other forms of assistance from the Corporation;

(C) to establish criteria for encouraging States to—

(i) create, maintain, utilize and upgrade interactive high capacity networks capable of providing audio, visual and data communications for elementary schools, secondary schools and public libraries;

(ii) distribute resources to assure equitable aid to all elementary schools and secondary schools in the State and achieve universal access to network technology; and

(iii) upgrade the delivery and development of learning through innovative technology-based instructional tools and applications.

(D) to provide loans, grants and other forms of assistance to State education technology agencies, with due regard for providing a fair balance among types of school districts and public libraries assisted and the disparate needs of such districts and libraries;

(E) to leverage resources to provide maximum aid to elementary schools, secondary schools and public libraries; and

(F) to encourage the development of education telecommunications and information technologies through public-private ventures, by serving as a clearinghouse for information on new education technologies, and by providing technical assistance, including assistance to States, if needed, to establish State education technology agencies.

(b) PURPOSE.—The purpose of this Act is to recognize the Corporation as a nonprofit corporation operating under the laws of the District of Columbia, and to provide authority for Federal departments and agencies to provide assistance to the Corporation.

SEC. 3. DEFINITIONS.

For the purpose of this Act—

(1) The term ''Corporation'' means the National Education Technology Funding Corporation described in section 2(a)(1);

(2) the terms ''elementary school'' and ''secondary school'' have the same meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965; and

(3) the term ''public library'' has the same meaning given such term in section 3 of the Library Services and Construction Act.

SEC. 4. ASSISTANCE FOR EDUCATION TECHNOLOGY PURPOSES.

(a) AUTHORIZATION OF ASSISTANCE.—Each Federal department or agency is authorized to award grants or contracts, or provide gifts, contributions, or technical assistance, to the Corporation to enable the Corporation to carry out the corporate purposes described in section 2(a)(3).

(b) AGREEMENT.—In order to receive any assistance described in subsection (a) the Corporation shall enter into an agreement with the Federal department or agency providing such assistance, under which the Corporation agrees—

(1) to use such assistance to provide funding and technical assistance only for activities which the Board of Directors of the Corporation determines are consistent with the corporate purposes described in section 2(a)(3);

(2) to review the activities of State education technology agencies and other entities receiving assistance from the Corporation to assure that the corporate purposes described in section 2(a)(3) are carried out;

(3) that no part of the assets of the Corporation shall accrue to the benefit of any member of the Board of Directors of the Corporation, any officer or employee of the Corporation, or any other individual, except as salary or reasonable compensation for services;

(4) that the Board of Directors of the Corporation will adopt policies and procedures to prevent conflicts of interest;

(5) to maintain a Board of Directors of the Corporation consistent with section 2(a)(2);

(6) that the Corporation, and any entity receiving the assistance from the Corporation, are subject to the appropriate oversight procedures of the Congress; and

(7) to comply with—

(A) the audit requirements described in section 5; and

(B) the reporting and testimony requirements described in section 6.

(c) CONSTRUCTION.—Nothing in this Act shall be construed to establish the Corporation as an agency or independent establishment of the Federal Government, or to establish the members of the Board of Directors of the Corporation, or the officers and employees of the Corporation, as officers or employees of the Federal Government.

SEC. 5. AUDITS.

(a) AUDITS BY INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS.—

(1) IN GENERAL.—The Corporation's financial statements shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants who are members of a nationally recognized accounting firm and who are certified by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audits, and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons.

(2) REPORTING REQUIREMENTS.—The report of each annual audit described in paragraph (1) shall be included in the annual report required by section 6(a).

(b) AUDITS BY THE COMPTROLLER GENERAL OF THE UNITED STATES.—

(1) AUDITS.—The programs, activities and financial transactions of the Corporation shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General. The representatives of the Comptroller General shall have access to such books, accounts, financial records, reports, files and such other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audit, and the representatives shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. The representatives of the Comptroller General shall have access, upon request to the Corporation or any auditor for an audit of the Corporation under this section, to any books, financial records, reports, files or other papers, things, or property belonging to or in use by the Corporation and used in any such audit and to papers, records, files, and reports of the auditor used in such an audit.

(2) REPORT.—A report on each audit described in paragraph (1) shall be made by the Comptroller General to the Congress. The report to the Congress shall contain such comments and information as the Comptroller General may deem necessary to inform the Congress of the financial operations and condition of the Corporation, together with such recommendations as the Comptroller General may deem advisable. The report shall also show specifically any program, expenditure, or other financial transaction or undertaking observed or reviewed in the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made contrary to the requirements of this Act. A copy of each such report shall be furnished to the President and to the Corporation at the time such report is submitted to the Congress.

(c) AUDIT BY INSPECTOR GENERAL OF THE DEPARTMENT OF COMMERCE.—The financial transactions of the Corporation may also be audited by the Inspector General of the Department of Commerce under the same conditions set forth in subsection (b) for audits by the Comptroller General of the United States.

(d) RECORDKEEPING REQUIREMENTS; AUDIT AND EXAMINATION OF BOOKS.—

(1) RECORDKEEPING REQUIREMENTS.—The Corporation shall ensure that each recipient of assistance from the Corporation keeps—

(A) separate accounts with respect to such assistance;

(B) such records as may be reasonably necessary to fully disclose—

(i) the amount and the disposition by such recipient of the proceeds of such assistance;

(ii) the total cost of the project or undertaking in connection with which such assistance is given or used; and

(iii) the amount and nature of that portion of the cost of the project or undertaking supplied by other sources; and

(C) such other records as will facilitate an effective audit.

(2) AUDIT AND EXAMINATION OF BOOKS.—The Corporation shall ensure that the Corporation, or any of the Corporation's duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of any recipient of assistance from the Corporation that are pertinent to such assistance. Representatives of the Comptroller General shall also have such access for such purpose.

SEC. 6. ANNUAL REPORT; TESTIMONY TO THE CONGRESS.

(a) ANNUAL REPORT.—Not later than April 30 of each year, the Corporation shall publish an annual report for the preceding fiscal year and submit that report to the President and the Congress. The report shall include a comprehensive and detailed evaluation of the Corporation's operations, activities, financial condition, and accomplishments under this Act and may include such recommendations as the Corporation deems appropriate.

(b) TESTIMONY BEFORE CONGRESS.—The members of the Board of Directors, and officers, of the Corporation shall be available to testify before appropriate committees of the Congress with respect to the report described in subsection (a), the report of any audit made by the Comptroller General pursuant to this Act, or any other matter which any such committee may determine appropriate.

Mr. ROTH. Mr. President, I rise today in support of the legislation introduced by my colleague from Illinois. I applaud her for her vision and persistence in looking out for our Nation's most precious resource—our children, and I am pleased to join Senator MOSELY-BRAUN as an original cosponsor of the National Education Technology Funding Corporation Act.

During committee consideration of the telecommunications bill last year, I offered related legislation to ensure that every school and classroom in the United States has access to telecommunications and information technologies. I proposed an educational telecommunications and technology fund to support elementary and secondary school access to the information superhighway. Regrettably, last year's telecommunications bill was not taken up by the full Senate before adjournment.

The new telecommunications bill that recently passed the Commerce Committee has a provision, introduced by Senators SNOWE, ROCKEFELLER, and BOB KERREY, to make advanced telecommunications more affordable for schools. Specifically, the provision allows elementary and secondary schools, as well as libraries, to receive telecommunications services at affordable monthly rates. Currently, schools all over the country, including those in my own State of Virginia, are forced to pay business rates for access to the information superhighway. That means that schools are subsidizing residential customers.

Even with affordable monthly rates, many schools have limited or no technological infrastructure. They lack modern electrical wiring, a sufficient number of plugs, and access to wired or wireless technology that would allow them internal networking capabilities or connections to the Internet. The absence of this infrastructure leaves these schools without a technological on-ramp to the information superhighway. As a result, American children are left by the wayside.

This is where the National Education Technology Funding Corporation can play a critical role. We need a single efficient, expert entity that State and local authorities can approach for funding so they can join the Internet, participate in distance learning, investigate interactive computer learning, or explore other innovative technologies.

A private non-profit is a logical link between the public and commercial

sectors. It is often difficult for schools to identify where to go to request Federal funding for new technologies, or where to go simply to learn more about technology applications for schools. Also, there is much more than can be done to promote the use of technologies in schools and to encourage private investments and standards. I can think of no better way to meet all of these needs than a private corporation run by a board that includes representatives from States, from public schools and libraries, and from the private sector.

Many opponents of Federal efforts to improve educational technologies claim that the private stock will have adequate incentives to assist schools with educational technologies. Just leave it to the private sector, they argue. This is a very shortsighted viewpoint.

There is no question that the private sector is doing great things for America's schools—and libraries—in the area of educational technologies. Computers and software are frequently donated by private firms. Internet access is provided in some areas. Several weeks ago I visited Arlington County Central Library, just a few miles from here, which MCI had made a generous grant to the library to install public Internet workstations. As a result, this library will be one of the first public locations in northern Virginia to offer Internet access. More recently, my staff visited Chantilly High School in Fairfax County to witness a state-of-the-art Internet lab made possible by assistance from the cable company, Media General. These are important private sector initiatives that will hopefully be duplicated time and time again across the nation.

But there are problems with a let the free market reign approach. First, wealthier schools will receive a disproportionate benefit. Wealthier schools can afford advanced educational technologies. Corporations are more likely to provide equipment and internet access to schools that have already invested in related technologies. Corporations are more likely to offer services in urban or suburban areas that have good telecommunications infrastructures. Yet the rural schools gain the most from internet access, distance-learning, and a host of other educational technologies. It is rural schools that are in danger of rapidly losing ground to those schools with access to the new technologies. We have to put an end to the ever-growing bifurcation of our educational system. As set forth in this bill, the corporation would encourage equitable technology funding to all elementary and secondary schools.

The second problem is commonality. Although we don't want to constrain educational technology development by mandating Government standards, we don't want to create a smorgasbord of technologies that can't communicate with each other and can't be shared across school systems. The proposed corporation could play an invaluable role in making sure school technology efforts nationwide are not wasteful, incompatible, or duplicative.

The third problem is time. The technologies are here today. It is a relatively straightforward process to make an internet connection or to establish a video link or to learn the highly effective software now available for education. We shouldn't rely solely on the timetables of the private sector to field the technologies that exist today for preparing our children for the next century. The Educational Technology Corporation would play a key role in promoting the use of technologies in education, and could significantly accelerate their introduction into America's schools.

For those of our colleagues that have any doubts about the value of new educational technologies, I challenge them to sit down on a computer with internet access, and surf. They'll be visiting the largest, most up-to-date, and fastest-growing library in the world. You can chat with experts from across the globe. You can set up a video link with teachers at distant schools, using a small camera costing as little as $100. You can share data or results in a joint research effort spanning continents. You can take an electronic tour of the White House, or visit the so-called webb-site of a Member of Congress. You can even see images or molecules or galaxies. The possibilities are endless.

In discussions with school administrators, it becomes clear that students are fascinated by the internet and other educational technologies. Students that might otherwise be indifferent are eagerly pursuing new subjects and sharing their new-found knowledge with the global community of students. Simply put, the child with access will be at a distinct advantage and better prepared for future employment. We simply cannot afford to let our school systems slip behind those of our leading competitors when the technology is at our fingertips—a technology pioneered here in the United States. Mr. President, I urge my colleagues to support the most cost-effective education we can offer our Nation's children. I urge my colleagues to cosponsor the National Education Technology Funding Corporation Act.

By Mr. SIMPSON (for himself, Mr. MOYNIHAN, and Mr. KYL):

S. 793. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from income tax for certain common investment funds; to the Committee on Finance.

COMMON FUND LEGISLATION

Mr. SIMPSON. Mr. President, I rise today to join my good friends, Senator DANIEL PATRICK MOYNIHAN and Senator JON KYL, in introducing a bill to permit private and community foundations to pool investment assets into a ''common fund'' or cooperative organization. This legislation was twice passed by the Senate in 1992 as part of the comprehensive tax legislation ultimately vetoed by the President.

This bill would extend to foundations the same ''common fund'' model which has proven so successful for colleges and universities. The university common fund now manages over $10 billion—with more than 900 educational institutions participating.

Once established, a common fund for foundations would allow smaller foundations to increase their total return on investment and significantly reduce investment management fees by taking advantage of economies of scale. Both results have the same bottom line: Increased assets and income will then be available for private and community foundation grants to charitable groups.

Studies disclose that total investment returns earned by smaller foundations lag substantially behind those of many larger foundations. One major reason for this difference is that many of the best professional investment manages demand that new accounts to meet certain minimum size requirements. Smaller foundations often do not meet the minimum size.

Second, since management investment fees are based on percentages that decline as the size of the account increases, smaller foundations are less able to take advantage of economies of scale and cannot benefit from lower fee levels.

This bill would permit foundations to ''band together'' for investment purposes by providing tax-exempt status to common funds handling foundation investments. This would thus give foundation common funds the same tax treatment as educational institution common funds.

I feel this is a most appropriate response to a vexing problem. I urge your support.

By Mr. LUGAR (for himself, Mr. INOUYE, Mr. SANTORUM, Mr. CRAIG, Mr. COHEN, Mr. MACK, Mr. PRESSLER, Mr. BURNS, Mr. KERREY, Mr. GRAHAM, Mr. COATS, Mr. GORTON, Mr. PACKWOOD, Mr. CAMPBELL, Mr. DORGAN, Mr. MCCONNELL, Mr. THURMOND, Mr. DOLE, Mr. JEFFORDS, Mr. HELMS, Mr. BOND, Mr. GRASSLEY, Mrs. KASSEBAUM, Mr. HOLLINGS, Mr. JOHNSTON, Mr. INHOFE, Mr. ABRAHAM, Mrs. MURRAY, Ms. SNOWE, Mrs. FEINSTEIN, Mr. HATCH, Mr. NICKLES, Mr. HATFIELD, Mr. KEMPTHORNE, Mr. SPECTER, Mr. COCHRAN, Mr. PRYOR, Mr. DASCHLE, Mr. HEFLIN, Mr. COVERDELL, Mr. LOTT, and Mr. CONRAD):

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; to the Committee on Agriculture, Nutrition, and Forestry.

THE MINOR USE CROP PROTECTION ACT OF 1995

● Mr. LUGAR. Mr. President, I am pleased to introduce today the Minor Use Crop Protection Act of 1995 to help ensure the availability of minor use pesticides for farmers and an abundant and varied food supply for our Nation.

This legislation has gained broad bipartisan support as evidenced by the 41 Senators who have joined as original cosponsors. This strong show of support will help us move swiftly toward enactment of this bill.

Minor use pesticides are generally used on relatively small acreage or for regional pest or disease problems. Manufacturers incur a significant cost to develop scientific data to register or reregister these products and yet face a limited market potential once the pesticide is approved for use. Therefore, Minor use pesticides are not being supported or are being voluntarily canceled for economic, not safety reasons.

This situation has been exacerbated by the Environmental Protection Agency's pesticide reregistration requirements. A law enacted in 1988 required that all pesticides, and their uses, registered before November 1984, be reregistered.

Loss of minor use pesticides could cause substantial production problems for many fruit, vegetable, and ornamental crops. Farmers also fear that loss of minor use pesticides will put them at a competitive disadvantage with foreign producers who would still have access to the pesticides.

While this is an important industry, fruits and vegetables have also taken on a more important role in the diet of Americans. Health experts recommend increased consumption of fruits and vegetables. A reduction in the availability of these foods or an increased cost due to less production would have a disproportionate impact on the health of low income Americans, who spend a greater amount of their disposable income on food.

The bill offers several incentives for manufacturers to maintain and develop new safe and effective pesticides for minor uses without compromising food safety or adversely affecting the environment.

Here are some examples where this bill would have a positive impact. Last year fire blight posed a serious threat to apple and pear production in Washington State. This bill would help to encourage registration of new products to control fire blight. Exports are also impacted by this pest. Japan restricts the entry of apples from areas near those where fire blight occurs. Last year half of the acreage in the State initially eligible for exports was later denied due to fire blight.

In my home State of Indiana, alternatives are needed for Dimethenamid used for weed control for strawberries. The manufacturer has not reregistered this product for this use due to economic reasons. Obviously, Indiana is not a large strawberry producing State. However, strawberry growers there still do need products to control Lambsquarters and Johnsongrass which can lower yields and in some cases reduce quality.

In California, sodium orthophenolphenate [OPP] has been used for decay control in citrus packinghouses. OPP is used in very small amounts and the manufacturers will not be supporting this use since the costs of reregistration outweigh the annual sales volume. This bill could help provide funding for additional studies required for reregistration if growers wanted to band together to continue this use and would also help encourage the development of additional alternative minor use products.

This is an important issue for our Nation's farmers and consumers. I pledge timely consideration of this bill within the Senate Agriculture Committee. I urge my colleagues to join me in cosponsorship and support of this needed legislation.

I ask unanimous consent that the bill and a summary be printed in the RECORD.

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

S. 794

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''Minor Use Crop Protection Act of 1995''.

(b) REFERENCES TO FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT.—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 a section or other provision of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.).

SEC. 2. DEFINITION OF MINOR USE.

Section 2 (7 U.S.C. 136) is amended by adding at the end the following:

''(hh) MINOR USE.—The term 'minor use' means the use of a pesticide on an animal, on a commercial agricultural crop or site, or for the protection of public health if—

''(1)(A) in the case of the use of the pesticide on a commercial agricultural crop or site, the total quantity of acreage devoted to the crop in the United States is less than 300,000 acres; or

''(B) the Administrator, in consultation with the Secretary of Agriculture, determines that, based on information provided by an applicant for registration or a registrant—

''(i) the use does not provide a sufficient economic incentive to support the initial registration or continuing registration of a pesticide for the use; and

''(ii)(I) there are not a sufficient number of efficacious alternative registered pesticides available for the use; or

''(II) any 1 of the alternatives to the pesticide pose a greater risk to the environment or human health than the pesticide; or

''(III) the pesticide plays, or will play, a significant part in managing pest resistance; or

''(IV) the pesticide plays, or will play, a significant part in an integrated pest management program; and

''(2) the Administrator does not determine that, based on data existing on the date of the determination, the use may cause unreasonable adverse effects on the environment.''.

SEC. 3. EXCLUSIVE USE OF MINOR USE PESTICIDES.

Section 3(c)(1)(F)(i) (7 U.S.C. 136a(c)(1)(F)(i)) is amended—

(1) by striking ''(i) With respect'' and inserting ''(i)(I) With respect'';

(2) by striking ''a period of ten years following the date the Administrator first registers the pesticide'' and inserting ''the exclusive data use period determined under subclause (II)''; and

(3) by adding at the end the following:

''(II) Except as provided in subclauses (III) and (IV), the exclusive data use period under subclause (I) shall be 10 years beginning on the date the Administrator first registers the pesticide.

''(III) Subject to subclauses (IV), (V), and (VI), the exclusive data use period under subclause (II) shall be extended 1 year for each 3 minor uses registered after the date of enactment of this subclause and before the date that is 10 years after the date the Administrator first registers the pesticide, if the Administrator in consultation with the Secretary of Agriculture, determines that, based on information provided by an applicant for registration or a registrant—

''(aa) there are not a sufficient number of efficacious alternative registered pesticides available for the use; or

''(bb) any 1 of the alternatives to the pesticide pose a greater risk to the environment or human health than the pesticide; or

''(cc) the pesticide plays, or will play, a significant part in managing pest resistance; or

''(dd) the pesticide plays, or will play, a significant part in an integrated pest management program.

''(IV) Notwithstanding subclause (III), the exclusive data use period established under this clause may not exceed 13 years.

''(V) For purposes of subclause (III), the registration of a pesticide for a minor use on a crop grouping established by the Administrator shall be considered 1 minor use for each representative crop for which data are provided in the crop grouping.

''(VI) An extension under subclause (III) shall be reduced or terminated if the applicant for registration or the registrant voluntarily cancels the pesticide or deletes from the registration a minor use that formed the basis for the extension, or if the Administrator determines that the applicant or registrant is not actually marketing the pesticide for a minor use that formed the basis for the extension.''.

SEC. 4. TIME EXTENSIONS FOR DEVELOPMENT OF MINOR USE DATA.

(a) IN GENERAL.—Section 3 (7 U.S.C. 136a) is amended by adding at the end the following:

''(g) TIME EXTENSION FOR DEVELOPMENT OF MINOR USE DATA.—

''(1) SUPPORTED USE.—In the case of a minor use, the Administrator shall, on the request of a registrant and subject to paragraph (3), extend the time for the production of residue chemistry data under subsection (c)(2)(B) and subsections (d)(4), (e)(2), and (f)(2) of section 4 for data required solely to support the minor use until the final date under section 4 for submitting data on any other use established not later than the date of enactment of this subsection.

''(2) NONSUPPORTED USE.—

''(A) If a registrant does not commit to support a minor use of a pesticide, the Administrator shall, on the request of the registrant and subject to paragraph (3), extend the time for taking any action under subsection (c)(2)(B) or subsection (d)(6), (e)(3)(A), or (f)(3) of section 4 regarding the minor use until the final date under section 4 for submitting data on any other use established

not later than the date of enactment of this subsection.

''(B) On receipt of the request from the registrant, the Administrator shall publish in the Federal Register a notice of the receipt of the request and the effective date on which the uses not being supported will be deleted from the registration under section 6(f)(1).

''(3) CONDITIONS.—Paragraphs (1) and (2) shall apply only if—

''(A) the registrant commits to support and provide data for—

''(i) any use of the pesticide on a food; or

''(ii) any other use, if all uses of the pesticide are for uses other than food;

''(B)(i) the registrant provides a schedule for producing the data referred to in subparagraph (A) with the request for an extension;

''(ii) the schedule includes interim dates for measuring progress; and

''(iii) the Administrator determines that the registrant is able to produce the data referred to in subparagraph (A) before a final date established by the Administrator;

''(C) the Administrator determines that the extension would not significantly delay issuance of a determination of eligibility for reregistration under section 4; and

''(D) the Administrator determines that, based on data existing on the date of the determination, the extension would not significantly increase the risk of unreasonable adverse effects on the environment.

''(4) MONITORING.—If the Administrator grants an extension under paragraph (1) or (2), the Administrator shall—

''(A) monitor the development of any data the registrant committed to under paragraph (3)(A); and

''(B) ensure that the registrant is meeting the schedule provided under paragraph (3)(B) for producing the data.

''(5) NONCOMPLIANCE.—If the Administrator determines that a registrant is not meeting a schedule provided by the registrant under paragraph (3)(B), the Administrator may—

''(A) revoke any extension to which the schedule applies; and

''(B) proceed in accordance with subsection (c)(2)(B)(iv).

''(6) MODIFICATION OR REVOCATION.—The Administrator may modify or revoke an extension under this subsection if the Administrator determines that the extension could cause unreasonable adverse effects on the environment. If the Administrator modifies or revokes an extension under this paragraph, the Administrator shall provide written notice to the registrant of the modification or revocation.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 3(c)(2)(B) (7 U.S.C. 136a(c)(2)(B)) is amended by adding at the end the following:

''(vi) Subsection (g) shall apply to this subparagraph.''.

(2) Subsections (d)(4), (e)(2), and (f)(2) of section 4 (7 U.S.C. 136a–1) are each amended by adding at the end the following:

''(C) Section 3(g) shall apply to this paragraph.''.

(3) Subsections (d)(6) and (f)(3) of section 4 (7 U.S.C. 136a–1) are each amended by striking ''The Administrator shall'' and inserting ''Subject to section 3(g), the Administrator shall''.

(4) Section 4(e)(3)(A) (7 U.S.C. 136a–1(e)(3)(A)) is amended by striking ''If the registrant'' and inserting ''Subject to section 3(g), if the registrant''.

SEC. 5. MINOR USE WAIVER.

Section 3(c)(2) (7 U.S.C. 136a(c)(2)) is amended by adding at the end the following:

''(E) In the case of the registration of a pesticide for a minor use, the Administrator may waive otherwise applicable data requirements if the Administrator determines that the absence of the data will not prevent the Administrator from determining—

''(i) the incremental risk presented by the minor use of the pesticide; and

''(ii) whether the minor use of the pesticide would have unreasonable adverse effects on the environment.''.

SEC. 6. EXPEDITING MINOR USE REGISTRATIONS.

Section 3(c)(3) (7 U.S.C. 136a(c)(3)) is amended by adding at the end the following:

''(C)(i) As expeditiously as practicable after receipt, the Administrator shall review and act on a complete application that—

''(I) proposes the initial registration of a new pesticide active ingredient, if the active ingredient is proposed to be registered solely for a minor use, or proposes a registration amendment to an existing registration solely for a minor use; or

''(II) for a registration or a registration amendment, proposes a significant minor use.

''(ii) As used in clause (i):

''(I) The term 'as expeditiously as practicable' means the Administrator shall, to the greatest extent practicable, complete a review and evaluation of all data submitted with the application not later than 1 year after submission of the application.

''(II) The term 'significant minor use' means—

''(aa) 3 or more proposed minor uses for each proposed use that is not minor;

''(bb) a minor use that the Administrator determines could replace a use that was canceled not earlier than 5 years preceding the receipt of the application; or

''(cc) a minor use that the Administrator determines would avoid the reissuance of an emergency exemption under section 18 for the minor use.

''(iii) Review and action on an application under clause (i) shall not be subject to judicial review.

''(D) On receipt by the registrant of a denial of a request to waive a data requirement under paragraph (2)(E), the registrant shall have the full time period originally established by the Administrator for submission of the data, beginning on the date of receipt by the registrant of the denial.''.

SEC. 7. UTILIZATION OF DATA FOR VOLUNTARILY CANCELED CHEMICALS.

Section 6(f) (7 U.S.C. 136d) is amended by adding the following:

''(4) UTILIZATION OF DATA FOR VOLUNTARILY CANCELED CHEMICALS.—The Administrator shall process, review, and evaluate the application for a voluntarily canceled pesticide as if the registrant had not canceled the registration, if—

''(A) another application is pending on the effective date of the voluntary cancellation for the registration of a pesticide that is—

''(i) for a minor use;

''(ii) identical or substantially similar to the canceled pesticide; and

''(iii) for an identical or substantially similar use as the canceled pesticide;

''(B) the Administrator determines that the minor use will not cause unreasonable adverse effects on the environment; and

''(C) the applicant certifies that the applicant will satisfy any outstanding data requirement necessary to support the reregistration of the pesticide, in accordance with any data submission schedule established by the Administrator.''.

SEC. 8. MINOR USE PROGRAMS.

The Act is amended—

(1) by redesignating sections 30 and 31 (7 U.S.C. 136x and 136y) as sections 33 and 34, respectively; and

(2) by inserting after section 29 (7 U.S.C. 136w–4) the following:

''SEC. 30. ENVIRONMENTAL PROTECTION AGENCY MINOR USE PROGRAM.

''(a) ESTABLISHMENT.—The Administrator shall establish a minor use program in the Office of Pesticide Programs.

''(b) RESPONSIBILITIES.—In carrying out the program established under subsection (a), the Administrator shall—

''(1) coordinate the development of minor use programs and policies; and

''(2) consult with growers regarding a minor use issue, registration, or amendment that is submitted to the Environmental Protection Agency.

''SEC. 31. DEPARTMENT OF AGRICULTURE MINOR USE PROGRAM.

''(a) ESTABLISHMENT.—The Secretary of Agriculture shall establish a minor use program.

''(b) RESPONSIBILITIES.—In carrying out the program established under subsection (a), the Secretary shall coordinate the responsibilities of the Department of Agriculture related to the minor use of a pesticide, including—

''(1) carrying out the Inter-Regional Research Project Number 4 established under section 2(e) of Public Law 89–106 (7 U.S.C. 450i(e));

''(2) carrying out the national pesticide resistance monitoring program established under section 1651(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5882(d));

''(3) supporting integrated pest management research;

''(4) consulting with growers to develop data for minor uses; and

''(5) providing assistance for minor use registrations, tolerances, and reregistrations with the Environmental Protection Agency.

''SEC. 32. MINOR USE MATCHING FUND PROGRAM.

''(a) ESTABLISHMENT.—The Secretary of Agriculture, in consultation with the Administrator, shall establish and administer a minor use matching fund program.

''(b) RESPONSIBILITIES.—In carrying out the program, the Secretary shall—

''(1) ensure the continued availability of minor use pesticides; and

''(2) develop data to support minor use pesticide registrations and reregistrations.

''(c) ELIGIBILITY.—Any person that desires to develop data to support a minor use registration shall be eligible to participate in the program.

''(d) PRIORITY.—In carrying out the program, the Secretary shall provide a priority for funding to a person that does not directly receive funds from the sale of a product registered for a minor use.

''(e) MATCHING FUNDS.—To be eligible for funds under the program, a person shall match the amount of funds provided under the program with an equal amount of non-Federal funds.

''(f) OWNERSHIP OF DATA.—Any data developed through the program shall be jointly owned by the Department of Agriculture and the person that receives funds under this section.

''(g) STATEMENT.—Any data developed under this subsection shall be submitted in a statement that complies with section 3(c)(1)(F).

''(h) COMPENSATION.—Any compensation received by the Department of Agriculture for the use of data developed under this section shall be placed in a revolving fund. The fund shall be used, subject to appropriations, to carry out the program.

''(i) AUTHORIZATION FOR APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each fiscal year.''.

SEC. 9. CONFORMING AMENDMENTS TO FIFRA TABLE OF CONTENTS.

The table of contents in section 1(b) (7 U.S.C. prec. 121) is amended—

(1) by adding at the end of the items relating to section 2 the following new item:

''(hh) Minor use.'';

(2) by adding at the end of the items relating to section 3 the following new items:

''(g) Time extension for development of minor use data.
''(1) Supported data.
''(2) Nonsupported data.
''(3) Conditions.
''(4) Monitoring.
''(5) Noncompliance.
''(6) Modification or revocation.'';

(3) by adding at the end of the items relating to section 6(f) the following new item:

''(4) Utilization of data for voluntarily canceled chemicals.'';

and

(4) by striking the items relating to sections 30 and 31 and inserting the following new items:

''Sec. 30. Environmental Protection Agency minor use program.
''(a) Establishment.
''(b) Responsibilities.
''Sec. 31. Department of Agriculture minor use program.
''(a) Establishment.
''(b) Responsibilities.
''Sec. 32. Minor use matching fund program.
''(a) Establishment.
''(b) Responsibilities.
''(c) Eligibility.
''(d) Priority.
''(e) Matching funds.
''(f) Ownership of data.
''(g) Statement.
''(h) Compensation.
''(i) Authorization for appropriations.
''Sec. 33. Severability.
''Sec. 34. Authorization for appropriations.''.●

SUMMARY—MINOR USE CROP PROTECTION ACT OF 1995

Establishes a minor use definition. The use of a pesticide on an animal, or on a commercial agricultural crop or site, or for the protection of public health could qualify as a minor use if the total acreage of the crop is less than 300,000 acres or if the use does not provide sufficient economic incentive to the manufacturer to support its registration and it meets one of four ''public interest'' criteria. The four public interest criteria are that there are insufficient efficacious alternatives available for the use, or the alternatives pose a greater risk to the environment or human health, or the pesticide can help manage pest resistance problems or the pesticide would be part of an integrated pest management program.

The current 10 year exclusive use protection for registrants of new chemicals could be extended one year for each three minor uses which a manufacturer registers, up to a maximum of three additional years for nine or more minor uses registered by EPA. In order to receive the extension, new minor uses must be approved before the end of the original exclusive use period. One of the above four ''public interest'' criteria must also be met. Exclusive use is subject to review by EPA to ensure that new minor uses are being marketed.

The time necessary for the development of residue chemistry data for a minor use could be extended until the final study due date for data necessary to support the other registered uses being maintained by the registrant.

EPA may waive minor use data requirements in certain circumstances where EPA can otherwise determine the risk presented by the minor use and such risk is not unreasonable.

EPA is to review and act on minor use registration applications within 1 year if the active ingredient is to be registered solely for a minor use, or if there are three or more minor uses proposed for every non-minor use, or if the minor use would serve as a replacement for any use that has been canceled within 5 years of the application or if the approval of the minor use would avoid the reissuance of an emergency exemption.

If a minor use waiver of data requirements is submitted to EPA and subsequently denied, the registrant would be given the full time period for supplying the data to EPA.

As a transition measure, the effective date of the voluntary cancellation of minor uses by a registrant could coincide with the due date of the final study required in the reregistration process for those uses being supported by the registrant.

EPA can consider data from a pesticide which has been voluntarily canceled in support of another minor use registration that is identical or similar and for a similar use. The new registration must be submitted before the voluntary cancellation occurs. Any additional data needed would have to be supplied by the new applicant.

A minor use program within EPA's Office of Pesticide Programs would be established.

A minor use program within USDA would be established. This would include a minor use matching fund for the development of scientific data to support minor uses.

By Mr. BOND (for himself and Mr. ASHCROFT):

S. 796. A bill to provide for the protection of wild horses within the Ozark National Scenic Riverways, Missouri, and prohibit the removal of such horses, and for other purposes; to the Committee on Energy and Natural Resources.

OZARK WILD HORSE PROTECTION ACT

Mr. BOND. Mr. President, today I am joined by Senator ASHCROFT in introducing the Ozark Wild Horse Protection Act. Since 1990, the citizens in southeast Missouri have been engaged in a struggle with the Department of the Interior's National Park Service [NPS] to prevent a group of about 30 feral horses from being rounded up by the Government and relocated or slaughtered. On behalf of these Missouri citizens who have fought to protect these horses, Congressman BILL EMERSON has tirelessly led the fight to stop this action.

This legislation I introduce today is companion legislation to H.R. 238, introduced in the House by Congressman EMERSON on January 4, 1995. It prohibits the removal or assistance in the removal of, any free-roaming horses from the Ozark National Scenic Riverways [ONSR], except in the case of medical emergency or natural disaster.

Mr. President, unfortunately, this is yet another case where the bureaucrats think they know best and have blatantly disregarded the perspective, suggestions, and views of the local citizens. St. Louis, MO, conservationist and landowner Leo Drey noted that these horses were in the park long before the NPS and ''The horses probably spend more time loafing on our land than they do on the riverways. There's only a few of them and they don't congregate to the extent they do any serious trampling or damage.''

A Missouri citizen's group called the Missouri Wild Horse League, which is based in Eminence, MO, was created several years ago to protect the horses from the National Park Service. This group has roughly 3,000 members. Mr. President, that membership is more than six times the number of citizens who live in the league's headquarters city of Eminence, MO.

It has been the contention of the NPS that the 30 horses that roam the 71,000-acre site should be removed because their presence is in conflict with the management policies of the NPS and their activities threaten plant communities. We are talking about a site almost two times the size of the District of Columbia where the 30 horses roam. I suggest that the NPS would be hard pressed to even find the horses on roundup day.

In 1990, to prevent removal of a part of this area's heritage that the National Park Service is charged to preserve, 1,000 local citizens signed a petition to keep the wild horses in the ONSR. That same year, the Missouri Senate unanimously passed a resolution objecting to the removal of the horses. Still, the NPS ignored the importance of this local treasure to the people in this area.

Subsequently, citizens in Missouri filed suit and, in June of 1990, U.S. District Judge Stephen Limbaugh issued an injunction. The NPS would still not yield, appealing the ruling. They would not concede in their fight to impose the Federal Government's will on the public, notwithstanding the views of the local citizens, notwithstanding the views of the Missouri Senate, notwithstanding the views of Missouri representatives in Congress, and notwithstanding the decision of a U.S. district court judge. The NPS prevailed in the higher courts. That is why it is urgently needed for the Congress to intervene and prevent this Government-managed horse rustling.

At the request of Congressman EMERSON, former ONSR Superintendent Sullivan agreed to delay any roundup until there is opportunity to address this issue in the 104th Congress. While I appreciate this one concession on the part of the former superintendent, I find it inconceivable that the intransigence of former Superintendent Sullivan has brought this issue before the Secretary of the Interior, the U.S. Supreme Court, and now before the U.S. Congress. It is rare to find Federal field personnel as out of touch and acting with total disregard for local sentiment—that is typically reserved for their bosses in Washington.

Unfortunately, it is this form of raw arrogance that has the Federal Government in such low standing with the

American citizens—the notion that it is the olympians on the hill who know what's best for the peasants in the valley. At this juncture, I believe Congress has no other alternative but to pursue this matter as expeditiously as possible. The National Parks Subcommittee of the House Committee on Resources is scheduled to hold a hearing on May 18 to consider H.R. 238.

I congratulate Congressman EMERSON for keeping up the heat on this issue. Had he not, I expect the horses would already be gone. And, I fear that if we cannot expedite action on this bill, they will be gone.

By Mr. KENNEDY:

S. 797. A bill to provide assistance to States and local communities to improve adult education and family literacy, to help achieve the national education goals for all citizens, and for other purposes; to the Committee on Labor and Human Resources.

ADULT EDUCATION AND FAMILY LITERACY REFORM ACT

Mr. KENNEDY. Mr. President, today I am introducing, on behalf of the Clinton administration, the Adult Education and Family Literacy Reform Act of 1995. This measure will reform and improve literacy services for adults and families.

As the 1993 National Adult Literacy Survey showed, 20 percent of adults perform at or below the fifth-grade level in reading and math—far below the level needed for effective participation in the work force. And because parents' educational level is a strong predictor of children's academic success, the problem seriously affects children as well as adults.

Despite the clear need for better literacy services for adults, the current Federal program serves only a small percentage of those who need assistance. While many adults benefit from participation in the program, many others leave before they achieve any significant improvement in literacy.

Current adult education and family literacy programs are too diffuse. They divert human and financial resources from what should be the focus of all Federal literacy efforts—the provision of high-quality, results-oriented services.

The problem of illiteracy presents the country with a number of serious challenges ranging from the way men and women function in the workplace to whether parents are able to participate effectively in their children's education. The Adult Education and Family Literacy Reform Act uses a single stream of funding to States and localities to create a partnership designed around five broad principles—streamlining, flexibility, quality, targeting, and consumer choice.

The single funding stream recognizes the need to eliminate duplication and overlap in current programs. The bill is a 10-year authorization to encourage States to engage in long-range planning. It consolidates 12 existing programs which now have separate line items in the Federal budget

First, the Library Literacy Program, which provides small competitive grants supporting literacy programs in public libraries,

Second, Workplace Literacy Partnerships, which support partnerships of education agencies and employers that help employees develop basic skills,

Third, the Literacy Training for Homeless Adults, which funds projects for homeless adults in all States,

Fourth, the Literacy Program for Prisoners, a nationally competitive grant awarded to correctional education agencies,

Fifth, Even Start, which provides literacy training to parents of public schoolchildren,

Sixth, adult education State grants, which provide funds to State education agencies to support programs that assist educationally disadvantaged adults in developing basic skills,

Seventh, gateway grants, which fund at least one adult education project in a public housing authority in each State,

Eighth, State literacy resource centers, which support Statewide coordination and training,

Ninth, Literacy for Institutionalized Adults, which supports literacy projects for adults in State hospitals and correctional institutions,

Tenth, the set-aside for education coordination in title II of the Job Training Partnership Act, which serves eligible adults who have basic education needs,

Eleventh, the National Institute for Literacy, as interagency institute which provides Federal leadership in coordinating and improving literacy services, and

Twelfth, evaluation and technical assistance, which provides Federal aid for research and technical assistance.

The fiscal year 1995 appropriation for these programs is $488 million. The bill recommends a $490 million authorization for the consolidated programs for fiscal year 1996, and such sums as may be necessary in future years.

While consolidating many categorical programs, the proposal requires States to ensure that the needs of at-risk populations are met. Under the bill, States can continue to use libraries and the workplace as sites for literacy services. It requires States to assess the adult education and family literacy needs of hard-to-serve and most-in-need individuals, and to describe how the program will meet those needs. Targeting provisions of the bill also will ensure that local areas with high concentrations of individuals in poverty or low levels of literacy, or both, receive priority for Federal funds.

This legislation responds to the well-documented literacy problem in this country. I look forward to working closely with other Senators to achieve the bipartisan support we need in order to assist the large number of adults in this country who are ready, willing, and able to become more productive citizens and better parents. What they need now is a helping hand, and this message will give it to them.

I ask unanimous consent that the letter of transmittal, the text of the bill, and a section-by-section analysis of the bill may be included in the RECORD.

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

S. 797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the ''Adult Education and Family Literacy Reform Act of 1995.''

TITLE I—AMENDMENT TO THE ADULT EDUCATION ACT AMENDMENT

SECTION 1. The Adult Education Act (20 U.S.C. 1201 *et seq.*; hereinafter referred to as ''the Act'') is amended in its entirety to read as follows:

''SHORT TITLE; TABLE OF CONTENTS

''SEC. 101. (a) SHORT TITLE.—This Act may be cited as the 'Adult Education and Family Literacy Act'.

''(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

''TABLE OF CONTENTS

''FINDINGS; PURPOSE

''SEC. 2. (a) FINDINGS.—The Congress finds that:

''(1) Our Nation's well-being is dependent on the knowledge, skills, and abilities of all of its citizens.

''(2) Advances in technology and changes in the workplace are rapidly increasing the knowledge and skill requirements for workers.

''(3) Our social cohesion and success in combatting poverty, crime, and disease also depend on the Nation's having an educated citizenry.

''(4) The success of State and local educational reforms supported by the Goals 2000: Educate America Act and other programs that State and local communities are implementing requires that parents be well educated and possess the ability to be a child's first and most continuous teacher.

''(5) There is a strong relationship between educational attainment and welfare dependence. Adults with very low levels of literacy

are ten times as likely to be poor as those with high levels of literacy.

''(6) Studies, including the National Adult Literacy Survey, have found that more than one-fifth of American adults demonstrate very low literacy skills that make it difficult for them to enter high-skill, high-wage jobs, to assist effectively in their children's education, or to carry out their responsibilities as citizens.

''(7) National studies have also shown that existing federally supported adult education programs have assisted many adults in acquiring basic literacy skills, learning English, or acquiring a high school diploma (or its equivalent), and family literacy programs have shown great potential for breaking the intergenerational cycle of low literacy and having a positive effect on later school performance and high school completion, especially for children from low-income families.

''(8) Current adult education programs, however, are often narrowly focused on specific populations or methods of service delivery, have conflicting or overlapping requirements, and are not administered in an integrated manner, thus inhibiting the capacity of State and local officials to implement programs that meet the needs of individual States and localities.

''(9) The President's GI Bill for America's Workers, of which this Act is a key component, will help strengthen the capacity of States, educational institutions, and businesses, working together, to upgrade the skills and literacy levels of youth and adults.

''(10) The Federal Government can, through a performance partnership with States and localities based on clear State-developed goals and indicators, increased State and local flexibility, improved accountability and incentives for performance, and enhanced consumer choice and information, assist States and localities with the improvement and expansion of their adult education and family literacy programs.

''(11) The Federal Government can also assist States and localities by carrying out research, development, demonstration, dissemination, evaluation, capacity-building, data collection, professional development, and technical assistance activities that support State and local efforts to implement successfully services and activities that are funded under this Act, as well as adult education and family literacy activities supported with non-Federal resources.

''(b) PURPOSE.—(1) It is the purpose of this Act to create a performance partnership with States and localities for the provision of adult education and family literacy services so that, as called for in the National Education Goals, all adults who need such services will, as appropriate, be able to—

''(A) become literate and obtain the knowledge and skills needed to compete in a global economy and exercise the rights and responsibilities of citizenship;

''(B) complete a high school education;

''(c) become and remain actively involved in their children's education in order to ensure their children's readiness for, and success in, school.

''(2) This purpose shall be pursued through—

''(A) building on State and local education reforms supported by the Goals 2000: Educate America Act and other Federal and State legislation;

''(B) consolidating numerous Federal adult education and literacy programs into a single, flexible grant;

''(C) tying local programs to challenging State-developed performance goals that are consistent with the purpose of this Act;

''(D) holding States and localities accountable for achieving such goals;

''(E) building program quality though such measures as encouraging greater use of new technologies in adult education and family literacy programs and better professional development of educators working in those programs;

''(F) integrating adult education and family literacy programs with States' school-to-work opportunities systems, career preparation education services and activities, job training programs, early childhood and elementary school programs, and other related activities; and

''(G) supporting the improvement of State and local activities through nationally significant efforts in research, development, demonstration, dissemination, evaluation, capacity-building, data collection, professional development, and technical assistance.

''AUTHORIZATION OF APPROPRIATIONS

''SEC. 3. (a) STATE GRANTS FOR ADULT EDUCATION AND FAMILY LITERACY.—For the purpose of carrying out this Act there are authorized to be appropriated $490,487,000 for fiscal year 1996 and such sums as may be necessary for each of the fiscal years 1997 through 2005.

''(b) RESERVATIONS.—(1) Except as provided in paragraph (2), from the amount appropriated for any fiscal year under subsection (a), the Secretary may reserve—

''(A) not more than 5 percent to carry out section 202;

''(B) not more than 3 percent to carry out sections 201 and 203; and

''(C) not more than $5,000,000 for Even Start family literacy programs for migratory families and Indian families under section 104(c).

''(2) The Secretary may reserve funds under paragraph (1)(A) beginning in fiscal year 1998.

''TITLE I—ADULT EDUCATION AND FAMILY LITERACY

''PROGRAM AUTHORITY; PRIORITIES

''SEC. 101. (a) PROGRAM AUTHORIZED.—In order to prepare adults for family, work, citizenship, and job training, and adults and their children for success in future learning, funds under this title shall be used to support the development, implementation, and improvement of adult education and family literacy programs at the State and local levels.

''(b) PROGRAM PRIORITIES.—In using funds under this title, States and local recipients shall give priority to—

''(1) services and activities designed to ensure that all adults have the opportunity to achieve to challenging State performance standards for literacy proficiency, including basic literacy, English language proficiency, and completion of high school or its equivalent;

''(2) services and activities designed to enable parents to prepare their children for school, enhance their children's language and cognitive abilities, and promote their own career advancement; and

''(3) adult education and family literacy programs that—

''(A) are built on a strong foundation of research and effective educational practices;

''(B) effectively employ advances in technology, as well as learning in the context of family, work, and the community;

''(C) are staffed by well-trained instructors, counselors, and administrators;

''(D) are of sufficient intensity and duration for participants to achieve substantial learning gains;

''(E) establish strong links with elementary and secondary schools, postsecondary institutions, one-stop career centers, job-training programs, and social service agencies; and

''(F) offer flexible schedules and, when necessary, support services to enable people, including adults with disabilities or other special needs, to attend and complete programs.

''STATE GRANTS FOR ADULT EDUCATION AND FAMILY LITERACY

''SEC. 102. (a) STATE GRANT.—From the funds available for State grants under section 3 for each fiscal year, the Secretary shall, in accordance with section 111, make a grant to each State that has an approved State plan under section 106, to assist that State in developing, implementing, and improving adult education and family literacy programs within the State.

''(b) RESERVATION OF FUNDS.—From the amount awarded to a State for any fiscal year under subsection (a), the State—

''(1) may use up to 5 percent, or $80,000, whichever is greater, for the cost of administering its program under this title;

''(2) may use up to 10 percent for leadership activities under section 103;

''(3)(A) may, beginning in fiscal year 1998, use up to 5 percent for financial incentives or awards to one or more eligible recipients in recognition of—

''(i) exemplary quality of innovation in adult education or family literacy services and activities; or

''(ii) exemplary services and activities for individuals who are most in need of such services and activities, or are hardest to serve, such as adults with disabilities or other special needs; or

''(iii) both.

''(B) The incentives or awards made under subparagraph (A) shall be determined by the State through a peer review process, using the performance goals and indicators described in section 109 and, if appropriate, other criteria; and

''(4) shall use the remainder for subgrants to eligible applicants under section 107, except that at least 25 percent of the remainder shall be used for Even Start family literacy programs, under section 104, unless the State demonstrates in its State plan under section 106, to the satisfaction of the Secretary, that it will otherwise meet the needs of individuals in the State for family literacy programs in a manner that is consistent with the purpose of this Act.

''(c) FEDERAL SHARE.—(1) The Federal share of expenditures to carry out a State plan under section 106 shall be paid from the State's grant under subsection (a).

''(2) The Federal share shall be no greater than 75 percent of the cost of carrying out the State plan for each fiscal year, except that with respect to Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands the Federal share may be 100 percent.

''(3) The State's share of expenditures to carry out a State plan submitted under section 106 may be in cash or in kind, fairly evaluated, and may include only non-Federal funds that are used for adult education and family literacy activities in a manner that is consistent with the purpose of this Act.

''(d) Maintenance of Effort.—(1) A State may receive funds under this title for any fiscal year only if the Secretary finds that the aggregate expenditures of the State for adult education and family literacy by such State for the preceding fiscal year were not less than 90 percent of such aggregate expenditures for the second preceding fiscal year.

''(2) The Secretary shall reduce the amount of the allocation of funds under section 111 for any fiscal year in the exact proportion to which a State fails to meet the requirement of paragraph (1) by falling below 90 percent

of the aggregate expenditures for adult education and family literacy for the second preceding fiscal year.

''(3) The Secretary may waive the requirements of this subsection if the Secretary determines that a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous decline in the financial resource of the State.

''(4) No lesser amount of State expenditures under paragraphs (2) and (3) may be used for computing the effort required under paragraph (1) for subsequent years.

''STATE LEADERSHIP ACTIVITIES

''SEC. 103. (a) STATE LEADERSHIP.—Each State that receives a grant under section 102(a) for any fiscal year shall use funds reserved for State leadership under section 102(b)(2) to conduct activities of Statewide significance that develop, implement, or improve programs of adult education and family literacy, consistent with its State plan under section 106.

''(b) USES OF FUNDS.—States shall use funds under subsection (a) for one or more of the following—

''(1) professional development and training;

''(2) disseminating curricula for adult education and family literacy programs;

''(3) monitoring and evaluating the quality of, and improvement in, services and activities conducted with assistance under this title, including establishing performance goals and indicators under section 109(a), in order to assess program quality and improvement;

''(4) establishing State content standards for adult education and family literacy programs;

''(5) establishing challenging State performance standards for literacy proficiency;

''(6) promoting the integration of literacy instruction and occupational skill training, and linkages with employers;

''(7) promoting the use of and acquiring instructional and management software and technology;

''(8) establishing or operating State or regional adult literacy resource centers;

''(9) developing and participating in networks and consortia of States that seek to establish and implement adult education and family literacy programs that have significance to the State or region, and may have national significance; and

''(10) other activities of Statewide significance that promote the purposes of this Act.

''EVEN START FAMILY LITERACY PROGRAMS

''SEC. 104. (a) EVEN START GRANTS.—Each State that receives a grant under section 102(a) for any fiscal year shall use funds reserved under section 102(b)(4) to award subgrants to partnerships described in subsection (b)(5) to carry out Even Start family literacy programs.

''(b) PROGRAM ELEMENTS.—An Even Start family literacy program shall—

''(1) provide opportunities (including opportunities for home-based instructional services) for joint participation by parents or guardians (including parents or guardians who are within the State's compulsory school attendance age range, so long as a local educational agency provides, or ensures the availability of, their basic education), other family members, and children;

''(2) provide developmentally appropriate childhood education for children from birth through age seven;

''(3) identify and recruit families that are most in need of family literacy services, as indicated by low levels of income and adult literacy (including limited English proficiency), and such other need-related indicators as may be appropriate;

''(4) enable participants, including individuals with disabilities or other special needs, to succeed through services and activities designed to meet their needs, such as support services and flexible class schedules; and

''(5) except as provided in subsection (c), be operated by a partnership composed of—

''(A) one or more local educational agencies; and

''(B) one or more community-based organizations, institutions of higher education, private non-profit organizations, or public agencies (including correctional institutions or agencies) other than local educational agencies.

''(c) MIGRATORY AND INDIAN FAMILIES.—From funds reserved under section 3(b)(1)(C) for any fiscal year, the Secretary shall, under such terms and conditions as the Secretary shall establish, support Even Start family literacy programs through grants to, or cooperative agreements with—

''(1) eligible applicants under section 107(b) for migratory families; and

''(2) Indian tribes and tribal organizations for Indian families.

''STATE ADMINISTRATION

''SEC. 105. (a) DESIGNATED STATE AGENCY OR AGENCIES.—A State desiring to receive a grant under section 102(a) shall, consistent with State law, designate an education agency or agencies that shall be responsible for the administration of services and activities under this title, including—

''(1) the development, submission, and implementation of the State plan;

''(2) consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of programs assisted under this title, such as business, industry, labor organizations, and social service agencies; and

''(3) coordination with other State and Federal education, training, employment, and social service programs, and one-step career centers.

(b) STATE-IMPOSED REQUIREMENTS.—Whenever a State imposes any rule or policy relating to the administration and operation of programs funded by this title (including any rule or policy based on State interpretation of any Federal law, regulation, or guideline), it shall identify the rule or policy as a State-imposed requirement.

''STATE PLAN

SEC. 106. (A) Five-Year Plans.—(1) Except as provided in subsection (f), each State desiring to receive a grant under this title for any fiscal year shall submit to, or have on file with, the Secretary a five-year State plan in accordance with this section. Each State plan submitted to the Secretary shall be approved by the designated State agency or agencies under section 105(a).

''(2) The State may submit its State plan as part of a comprehensive plan that includes State plan provisions under one or more of the following statutes: section 14302 of the Elementary and Secondary Education Act of 1965; the Carl D. Perkins Career Preparation Education Act of 1995; the Goals 2000: Educate America Act; the Job Training Partnership Act, and the School-to-Work Opportunities Act of 1994.

''(b) PLAN ASSESSMENT.—In developing its State plan, and any revisions to the State plan under subsection (e), the State shall base its plan or revisions on a recent, objective assessment of—

''(1) the needs of individuals in the State for adult education and family literacy programs, including individuals most in need or hardest to serve (such as educationally disadvantaged adults and families, recent immigrants, individuals with limited English proficiency, incarcerated individuals, homeless individuals, recipients of public assistance, and individuals with disabilities);

''(2) the capacity of programs and providers to meet those needs, taking into account the priorities under section 101 and the State's performance goals under section 109(a).

''(c) PUBLIC PARTICIPATION.—In developing its State plan, and any revisions under subsection (e), the State shall consult widely with individuals, agencies, organizations, and institutions in the State that have an interest in the provision and quality of adult education and family literacy, including—

''(1) individuals who currently participate, or who want to participate, in adult education and family literacy programs;

''(2) practitioners and experts in adult education and family literacy, social services, and workforce development; and

''(3) representatives of business and labor.

''(d) PLAN CONTENTS.—The plan shall be in such form and contain such information and assurances as the Secretary may require, and shall include—

''(1) a summary of the methods used to conduct the assessment under subsection (b) and the findings of that assessment;

''(2) a description of how, in addressing the needs identified in the State's assessment, funds under this title will be used to establish adult education and family literacy programs, or improve or expand current programs, that will lead to high-quality learning outcomes, including measurable learning gains, for individuals in such programs;

''(3) a statement of the State's performance goals and indicators established under section 109, or, in the first plan, a description of how the State will establish such performance goals and indicators;

''(4) a description of the criteria the State will use to award funds under this title or eligible applicants under section 107, including how the State will ensure that its selection of applicants to operate programs assisted under this title will reflect the finds of program evaluations carried out under section 110(a);

''(5) a description of how the State will integrate services and activities under this Act, including planning and coordination of programs, with those of other agencies, institutions, and organizations involved in adult education and family literacy, such as the public school system, early childhood education programs, social service agencies, business, labor unions, libraries, institutions of higher education, public health authorities, vocational education and special education programs, one-stop career centers, and employment or training programs, in order to ensure effective us of funds and to avoid duplication of services;

''(6) a description of the leadership activities the State will carry out under section 103;

''(7) any comments the Governor may have on the State plan; and

''(8) assurances that—

''(A) the State will comply with the requirements of this Act and the provisions of the State plan;

''(B) the State will use such fiscal control and accounting procedures as are necessary for the proper and efficient administration of this title; and

''(C) programs funded under this title will be of such size, scope, and quality as to give realistic promise of furthering the purpose of this Act.

''(e) PLAN REVISIONS.—When changes in conditions or other factors require substantial modifications to an approved State plan, the designated State agency or agencies shall submit a revision to the plan to the Secretary. Such a revision shall be approved by the designated State agency or agencies.

''(C) programs funded under this title will be of such size, scope, and quality as to give realistic promise of furthering the purpose of this Act.

''(e) PLAN REVISIONS.—When changes in conditions or other facets require substantial modifications to an approved State plan, the designated State agency or agencies shall submit a revision to the plan to the Secretary. Such a revision shall be approved by the designated State agency or agencies.

''(f) PLANNING YEAR.—(1) For fiscal year 1996 only, a State may submit a one year State plan to the Secretary that either satisfies the specific requirements of this section or describes how the State will complete the development of its State plan with respect to those specific requirements within the following year. A State may use funds reserved under section 102(b)(2) to complete the development of its State plan.

''(2) A one year plan under this subsection shall—

''(A) be developed in accordance with subsection (c); and

''(B) contain the assurances described in subsection (d)(8).

''(3) In order to receive a grant under section 102(a) of fiscal year 1997, a State that submits a one year State plan under this subsection shall submit a four year State plan that covers fiscal year 1997 and the three succeeding fiscal years.

''(g) CONSULTATION.—The designated State agency or agencies shall—

''(1) submit the State plan, and any revision to the State plan, to the Governor for review and comment; and

''(2) ensure that any comments the Governor may have are included with the State plan, or revision, when the State plan, or revision, is submitted to the Secretary.

''(h) PLAN APPROVAL.—(1) The Secretary shall approve a State plan, or a revision to an approved State plan, if it meets the requirements of this section and is of sufficient quality to meet the purpose of this Act, and shall not finally disapprove a State plan, or a revision to an approved State plan, except after giving the State reasonable notice and an opportunity for a hearing.

''(2) The Secretary shall establish a peer review process to make recommendations regarding approval of State plans and revisions to the State plans.

''SUBGRANTS TO ELIGIBLE APPLICANTS

''SEC. 107. (a). AUTHORITY.—(1) From funds available under section 102(b)(4), States shall make subgrants to eligible applicants under subsection (b) to develop, implement, and improve adult education and family literacy programs within the State.

''(2) To the extent practicable, States shall make multi-year subgrants under this section.

''(b) ELIGIBILITY.—(1) Except as provided for subgrants for Even Start family literacy programs under section 104, the following entities shall be eligible to apply to the State for a subgrant under this section:

''(A) local education agencies

''(B) community-based organizations;

''(C) institutions of higher education;

''(D) public and private nonprofit agencies (including State and local welfare agencies, corrections agencies, public libraries, and public housing authorities); and

''(E) consortia of such agencies, organizations, institutions, or partnerships, including consortia that include one or more for-profit agencies, organizations, or institutions, if such agencies, organizations, or institutions can make a significant contribution to attaining the objectives of this Act.

''(2) Each State receiving funds under this title shall ensure that all eligible applicants described under subsection (b)(1) receive equitable consideration for subgrants under this section.

''APPLICATIONS FROM ELIGIBLE APPLICANTS

''SEC. 108. (a) APPLICATION.—Any eligible applicant under sections 104(a) or 107(b)(1) that desires a subgrant under this title shall submit an application to the State containing such information and assurances as the State may reasonably require, including—

''(1) a description of the applicant's current adult education and family literacy programs, if any;

''(2) a description of how funds awarded under this title will be spent;

''(3) a description of how the applicant's program will help the State address the needs identified in the State's assessment under section 106(b)(1);

''(4) the projected goals of the applicant with respect to participant recruitment, retention, and educational achievement, and how the applicant will measure and report to the State regarding the information required in section 110(a); and

''(5) any cooperative arrangements the applicant has with others (including arrangements with social service agencies, one-stop career centers, business, industry, and volunteer literacy organizations) that have been made to deliver adult education and family literacy programs.

''(b) FUNDING.—In determining which applicants receive funds under this title, the State shall—

''(1) give preference to those applicants that serve local areas with high concentrations of individuals in poverty or with low levels of literacy (including English language proficiency), or both;

''(2) consider—

''(A) the results of the evaluations required under section 110(a), if any; and

''(B) the degree to which the applicant will coordinate with and utilize other literacy and social services available on the community.

''STATE PERFORMANCE GOALS AND INDICATORS

''SEC. 109. (a) STATE-ESTABLISHED PERFORMANCE GOALS AND INDICATORS.—Any State desiring to receive a grant under section 102(a), in consultation with individuals, agencies, organizations, and institutions described in section 106(c), shall—

''(1) identify performance goals that define the level of student achievement to be attained by adult education and family literacy programs, and express such goals in an objective, quantifiable, and measurable form;

''(2) identify performance indicators that State and local recipients will use in measuring or assessing progress toward achieving such goals; and

''(3) by July 1, 1997, ensure that the State performances indicators include, at least—

''(i) achievement in linguistic skills, including English language skills;

''(ii) receipt of a high school diploma or its equivalent;

(iii) entry into a postsecondary school, job training program, employment, or career advancement; and

''(iv) successful transition of children to school.

''(b) TRANSITION.—Except as provided in subsection (a)(3), each State receiving funds under this title may continue to use the indicators of program quality it developed under section 331(a)(2) of the Adult Education Act as in effect before the date of enactment of the Adult Education and Family Literacy Reform Act of 1995, to the extent that they are consistent with the State's performance goals.

''(c) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to States regarding the development of the State's performance goals and indicators under subsection (a). Notwithstanding any other provision of law, the Secretary may use funds reserved under section 3(b)(1)(B) to provide technical assistance under this section.

''EVALUATION, IMPROVEMENT, AND ACCOUNTABILITY

''SEC. 110. (a) LOCAL EVALUATION.—Each recipient of a subgrant under this title shall biennially evaluate, using the performance goals and indicators established under section 109, the programs supported under this title and report to the State regarding the effectiveness of its programs in addressing the priorities under section 101 and the needs identified in the State assessment under section 106(b)(1).

''(b) IMPROVEMENT ACTIVITIES.—If a State determines, based on the applicable performance goals and indicators established under section 109 and the evaluations under subsection (a), that a subgrant recipient is not making substantial progress in achieving the purpose of this Act, the State may work jointly with the local recipient to develop an improvement plan. If, after not more than two years of implementation of the improvement plan, the State determines that the recipient is not making substantial progress, the State shall take whatever corrective action it deems necessary, which may include termination of funding or the implementation of alternative service arrangements, consistent with State law. The State shall take corrective action under the preceding sentence only after it has provided technical assistance to the recipient and shall ensure that any corrective action it takes allows for continued services and activities to the recipient's students.

''(c) STATE REPORT.—The State shall biennially report to the Secretary on the quality and effectiveness of the adult education and family literacy programs funded through its subgrants under this title, based on the performance goals and indicators under section 109(a) and the needs identified in the State assessment under section 106(b)(1).

''(d) TECHNICAL ASSISTANCE.—If the Secretary determines that the State is not properly implementing its responsibilities under subsection (b), or is not making substantial progress in meeting the purpose of this Act, based on its performance goals and indicators under section 109(a), the Secretary shall work with the State to implement improvement activities.

''(e) WITHHOLDING OF FEDERAL FUNDS.—If, after a reasonable time, but not earlier than one year after implementing activities described in subsection (d), the Secretary determines that the State is not making sufficient progress, based on its performance goals and indicators under section 109(a), the Secretary shall, after notice and opportunity for a hearing, withhold from the State all, or a portion, of the State's allotment under this title. The Secretary may use funds withheld under the preceding sentence to provide, through alternative arrangements, services and activities within the State that meet the purposes of this Act.

''ALLOTMENTS; REALLOTMENT

''SEC. 111. (a) ALLOTMENT TO STATES.—(1) Subject to subsection (b), from the funds available under section 102(a) for each fiscal year, the Secretary shall allot to each State—

''(A) a sum that bears the same ratio to one-half that amount as the number of individuals in the State who are 16 years of age or older and not enrolled, or required to be enrolled, in secondary school and who do not possess a high school diploma or its equivalent, bears to the number of such individuals in all the States; and

''(B) a sum that bears the same ratio to one-half that amount as the number of individuals in the State who are 18 years of age or older and who are living at or below poverty bears to the number of such individuals in all the States.

''(2)(A) The Secretary shall allot to the Commonwealth of Puerto Rico an amount equal to 2.95 percent of the funds available under section 102(a) for each fiscal year.

''(B) For the purpose of the subsection, the term 'State' shall be deemed to exclude the Commonwealth of Puerto Rico.

''(3) The numbers of individuals specified in paragraph (1) shall be determined by the Secretary on the basis of the latest estimates available to the Department that are satisfactory to the Secretary.

''(b) HOLD-HARMLESS.—(1) Notwithstanding any other provision of law and subject to paragraph (2)—

''(A) for fiscal year 1996, no State shall receive under title I of this Act less than 90 percent of the sum of the payments made to the State for the fiscal year 1995 for programs authorized by section 313 of the Adult Education Act, section 1202 of the Elementary and Secondary Education Act of 1965, and sections 202(c)(1)(C) and 262(c)(1)(C) of the Job Training Partnership Act, as they were in effect prior to the enactment of the Adult Education and Family Literacy Reform Act of 1995; and

''(B) for fiscal year 1997, no State shall receive under title I of this Act less than 90 percent of the amount it received under title I for fiscal year 1996.

''(2) If for any fiscal year the amount available for allotment under this section is insufficient to satisfy the provisions of paragraph (1), the Secretary shall ratably reduce the payments to all States for such services and activities as necessary.

''(c) REALLOTMENT.—If the Secretary determines that any amount of a State's allotment under this section for any fiscal year will not be required for carrying out the program for which such amounts has been allotted, the Secretary shall make such amount available for reallotment to one or more other States on a basis that the Secretary determines would best serve the purposes of this Act. Any amount reallotted to a State under this subsection shall be deemed to be part of its allotment for the fiscal year in which it is obligated.

''(d) REPORT.—The Secretary shall, by September 30, 2000—

''(1) conduct a study to determine the availability and reliability of statistical data on the number of immigrants and limited English proficient individuals in each State; and

''(2) report to the Congress on the feasibility and advisability of including such populations as factors in the formula under subsection (a)(1).

''TITLE II—NATIONAL LEADERSHIP

''NATIONAL LEADERSHIP ACTIVITIES

''SEC. 201. (a) AUTHORITY.—From the amount reserved under section 3(b)(1)(B) for any fiscal year, the Secretary is authorized to establish a program of national leadership and evaluation activities to enhance the quality of adult education and family literacy nationwide.

''(b) METHOD OF FUNDING. The Secretary may carry out national leadership and evaluation activities directly or through grants, contracts, and cooperative agreements.

''(c) USES OF FUNDS.—Funds used under this section may be used for—

''(1) research and development;

''(2) demonstration of model and innovative programs;

''(3) dissemination;

''(4) evaluations and assessments, including independent assessments of services and activities assisted under this Act and of the condition and progress of literacy in the United States;

''(5) capacity building at the State and local levels;

''(6) data collection;

''(7) professional development;

''(8) technical assistance; and

''(9) other activities designed to enhance the quality of adult education and family literacy nationwide.

''AWARDS FOR NATIONAL EXCELLENCE

''SEC. 202. The Secretary may, from the amount reserved under section 3(b)(1)(A) for any fiscal year after fiscal year 1997, and through a peer review process, make performance awards to one or more States that have—

''(1) exceeded in an outstanding manner their performance goals under section 109(a);

''(2) made exemplary progress in developing, implementing, or improving their adult education and family literacy programs in accordance with the priorities described in section 101; or

''(3) provided exemplary services and activities for those individuals within the State who are most in need of adult education and family literacy services, or are hardest to serve.

''NATIONAL INSTITUTE FOR LITERACY

''SEC. 203. (a) PURPOSE.—The National Institute for Literacy shall—

''(1) provide national leadership;

''(2) coordinate literacy services; and

''(3) be a national resource for adult education and family literacy, by providing the best and most current information available and supporting the creation of new ways to offer improved services.

''(b) ESTABLISHMENT.—(1) There shall be a National Institute for Literacy (in this section referred to as the ''Institute''). The Institute shall be administered under the terms of an interagency agreement entered into by the Secretary with the Secretary of Labor and the Secretary of Health and Human Services (in this section referred to as the ''Interagency Group''). The Secretary may include in the Institute any research and development center, institute, or clearinghouse established within the Department of Education whose purpose is determined by the Secretary to be related to the purpose of the Institute.

''(2) The Interagency Group shall consider the recommendations of the National Institute for Literacy Advisory Board (the 'Board') under subsection (e) in planning the goals of the Institute and in the implementation of any programs to achieve such goals. The daily operations of the Institute shall be carried out by the Director.

''(c) DUTIES.—(1) In order to provide leadership for the improvement and expansion of the system for delivery of literacy services, the Institute is authorized, to—

''(A) establish a national electronic data base of information that disseminates information to the broadest possible audience within the literacy and basic skills field, and that includes—

''(i) effective practices in the provision of literacy and basic skills instruction, including the integration of such instruction with occupational skills training;

''(ii) public and private literacy and basic skills programs and Federal, State,and local policies affecting the provision of literacy services at the national, State, and local levels;

''(iii) opportunities for technical assistance, meetings, conferences, and other opportunities that lead to the improvement of literacy and basic skills services; and

''(iv) a communication network for literacy programs, providers, social service agencies, and students;

''(B) coordinate support for the provision of literacy and basic skills services across Federal agencies and at the State and local levels;

''(C) coordinate the support of research and development on literacy and basic skills in families and adults across Federal agencies, especially with the Office of Educational Research and Improvement, and carry out basic and applied research and development on topics that are not being investigated by other organizations or agencies;

''(D) collect and disseminate information on methods of advancing literacy that show great promise;

''(E) work with the National Education Goals Panel, assist local, State, and national organizations and agencies in making and measuring progress towards the National Education Goals, as established by P.L. 103–227;

''(F) coordinate and share information with national organizations and associations that are interested in literacy and workforce development; and

''(G) inform the development of policy with respect to literacy and basic skills.

''(2) The Institute may enter into contracts or cooperative agreements with, or make grants to, individuals, public or private institutions, agencies, organizations, or consortia of such institution, agencies, or organizations to carry out the activities of the Institute. Such grants, contracts, or agreements shall be subject to the laws and regulations that generally apply to grants, contracts, or agreements entered into by Federal agencies.

''(d) LITERACY LEADERSHIP.—(1) The Institute may, in consultation with the Board, award fellowships, with such stipends and allowances that the Director considers necessary, to outstanding individuals pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation.

''(2) Fellowships awarded under this subsection shall be used, under the auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field of adult education or literacy, including the training of volunteer literacy providers at the national, State, or local level.

''(3) The Institute, in consultation with the Board, is authorized to award paid and unpaid internships to individuals seeking to assist in carrying out the Institute's mission and to accept assistance from volunteers.

''(e) NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD.—(1)(A) There shall be a National Institute for Literacy Advisory Board (the 'Board'), which shall consist of 10 individuals appointed by the President.

''(B) The Board shall comprise individuals who are not otherwise officers or employees of the Federal Government and who are representative of such entities as—

''(i) literacy organizations and providers of literacy services, including nonprofit providers, providers of English as a second language programs and services, social service organizations, and providers receiving assistance under this Act;

''(ii) businesses that have demonstrated interest in literacy programs;

''(iii) literacy students, including those with disabilities;

''(iv) experts in the area of literacy research;

''(v) State and local governments; and

''(vi) organized labor.

''(2) The Board shall—

''(A) make recommendations concerning the appointment of the Director and staff of the Institute; and

''(B) provide independent advice on the operation of the Institute.

''(3)(A) Appointments to the Board made after the date of enactment of the 'Adult Education and Family Literacy Reform Act of 1995' shall be for three-year terms, except that the initial terms for members may be established at one, two, or three years in order to establish a rotation in which one-third of the members are selected each year.

''(B) Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of that term. A member may serve after the expiration of that members' term until a successor has taken office.

''(4) The Chairperson and Vice Chairperson of the Board shall be elected by the members.

''(5) The Board shall meet at the call of the Chairperson or a majority of its members.

''(f) GIFTS, BEQUESTS, AND DEVISES.—(1) The Institute may accept, administer, and use gifts or donations of services, money, or property, whether real or personal, tangible or intangible.

''(2) The responsible official shall establish written rules setting forth the criteria to be used by the Institute in determining whether the acceptance of contributions of services, money, or property whether real or personal, tangible or intangible services would reflect unfavorably upon the ability of the Institute or any employee to carry out its responsibilities or official duties in a fair and objective manner, or would compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.

''(g) MAILS.—The Board and the Institute may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

''(h) STAFF.—The Interagency Group, after considering recommendations made by the Board, shall appoint and fix the pay of a Director.

''(i) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Institute may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for level IV of the Executive Schedule.

''(j) EXPERTS AND CONSULTANTS.—The Institute may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(k) REPORT.—The Institute shall submit a biennial report to the Interagency Group and the Congress.

''(1) FUNDING.—Any amounts appropriated to the Secretary, the Secretary of Labor, the Secretary of Health and Human Services, or any other department that participates in the Institute for purposes that the Institute is authorized to perform under this section may be provided to the Institute for such purposes.

''TITLE III—GENERAL PROVISIONS

''WAIVERS

''SEC. 301. (a)(1) REQUEST FOR WAIVER.—Any State may request, on its own behalf or on behalf of a local recipient, a waiver by the Secretary of Education, the Secretary of the Interior, or the Secretary of Labor, as appropriate, of one or more statutory or regulatory provisions described in subsection (c) in order to carry out adult education and family literacy programs under title I more effectively.

''(2) An Indian tribe or tribal organization may request a waiver by a Secretary described in subsection (a)(1), as appropriate, of one or more statutory or regulatory provisions described in subsection (c) in order to carry out an Even Start family literacy program under section 104(c) more effectively.

''(b) GENERAL AUTHORITY.—(1) Except as provided in subsection (d), a Secretary described in subsection (a)(1) may waive any requirement of a statute listed in subsection (c), or of the regulations issued under that statute, for a State that requests such a waiver—

''(A) if, and only to the extent that, the Secretary determines that such requirement impedes the ability of the State or a subgrant recipient under title I to carry out adult education and family literacy programs or activities in an effective manner;

''(B) if the State waives, or agrees to waive, any similar requirements of State law;

''(C) if, in the case of a statewide waiver, the State—

''(i) has provided all subgrant recipients of assistance under this title I in the State with notice of, and an opportunity to comment on, the State's proposal to request a waiver; and

''(ii) has submitted the comments of such recipients to the Secretary; and

''(D) if the State provides such information as the Secretary reasonably requires in order to make such determinations.

''(2) A Secretary shall act promptly on any request submitted under paragraph (1).

''(3) Each waiver approved under this subsection shall be for a period not to exceed five years, except that a Secretary may extend such period if the Secretary determines that the waiver has been effective in enabling the State to carry out the purpose of this Act.

''(c) EDUCATION PROGRAMS.—(1) The statutes subject to the waiver authority of the Secretary of Education under this section are—

''(A) this Act;

''(B) part A of title I of the Elementary and Secondary Education Act of 1965 (authorizing programs and activities to help disadvantaged children meet high standards);

''(C) part B of title II of the Elementary and Secondary Education Act of 1965 (Dwight D. Eisenhower Professional Development Program);

''(D) title VI of the Elementary and Secondary Education Act of 1965 (Innovative Education Program Strategies);

''(E) part C of title VII of the Elementary and Secondary Education Act of 1965 (Emergency Immigrant Education Program);

''(F) the School-to-Work Opportunities Act of 1994, but only with the concurrence of the Secretary of Labor; and

''(G) the Carl D. Perkins Career Preparation Education Act of 1995.

''(2) The Secretary of Interior may waive under this section the provisions of part B of the Education Amendments of 1978.

''(3) The statutes subject to the waiver authority of the Secretary of Labor under this section are—

''(A) the Job Training Partnership Act; and

''(B) the School-to-Work Opportunities Act of 1994, but only with the concurrence of the Secretary of Education.

''(d) WAIVERS NOT AUTHORIZED.—A Secretary may not waive any statutory or regulatory requirement of the programs listed in subsection (c) relating to—

''(1) the basic purposes or goals of the affected programs;

''(2) maintenance of effort;

''(3) comparability of services;

''(4) the equitable participation of students attending private schools;

''(5) parental participation and involvement;

''(6) the distribution of funds to States or to local recipients;

''(7) the eligibility of an individual for participation in the affected programs;

''(8) public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or

''(9) prohibitions or restrictions relating to the construction of buildings or facilities.

''(e) TERMINATION OF WAIVERS.—A Secretary shall periodically review the performance of any State or local recipient for which the Secretary has granted a waiver under this section and shall terminate such waiver if the Secretary determines that the performance of the State affected by the waiver has been inadequate to justify a continuation of the waiver, or the State fails to waive similar requirements of State law in accordance with subsection (b)(1)(B).

''DEFINITIONS

''SEC. 302. For the purpose of this Act:

''(1) the term 'adult' means an individual who is 16 years of age, or beyond the age of compulsory school attendance under State law, and who is not enrolled, or required to be enrolled, in secondary school;

''(2) the term 'adult education' means services or instruction below the college level for adults who—

''(A) lack sufficient education or literacy skills to enable them to function effectively in society; or

''(B) do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education;

''(3) the term 'community-based organization' means a private nonprofit organization that is representative of a community or significant segments of a community and that provides education, vocational rehabilitation, job training, or internship services and programs;

''(4) the term 'family literacy program' means a program that integrates adult education, parenting education, and early childhood education into a unified set of services and activities for low-income families that are most in need of such services and activities, and that is designed to help break the cycle of intergenerational poverty and undereducation;

''(5) the terms 'Indian tribes' and 'tribal organizations' have the meaning given such terms in section 3 of the Indian Self-Determination and Education Assistance Act;

''(6) the term 'individual of limited English proficiency' means an adult or out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language and—

''(A) whose native language is a language other than English; or

''(B) who lives in a family or community environment where a language other than English is the dominant language;

''(7) the term 'institution of higher education' means any such institution as defined by section 1201(a) of the Higher Education Act of 1965;

''(8) the term 'literacy' means an individual's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve one's goals, and develop one's knowledge and potential;

''(9) the term 'local educational agency' means a public board of education or other

public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, except that, if there is a separate board or other legally constituted local authority having administrative control and direction of adult education in public schools therein, such term means such other board or authority;

''(10) the term 'migratory family' means a family with a migratory child as defined in section 1309(2) of the Elementary and Secondary Education Act of 1965;

''(11) the term 'public housing authority' means a public housing agency, as defined in 42 U.S.C. 1437a(b)(6), that participates in public housing, as defined in 42 U.S.C. 1437a(b)(1).

''(12) except under section 301, the term 'Secretary' means the Secretary of Education; and

''(13) except as provided in section 111(a)(2)(B), the term 'State' means each of the 50 States and the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands.''.

TITLE II—EFFECTIVE DATE; TRANSITION

EFFECTIVE DATE

SEC. 201. This Act shall take effect on July 1, 1996.

TRANSITION

SEC. 202. Nothwithstanding any other provisions of law—

(1) upon enactment of the Adult Education and Family Literacy Reform Act of 1995, a State or local recipient of funds under the Adult Education Act, the Even Start Family Literacy Programs of the Elementary and Secondary Education Act of 1965, and sections 202(c)(1)(C) and 262(c)(1)(C) of the Job Training Partnership Act, as they were in effect prior to the enactment of the Adult Education and Family Literacy Reform Act of 1995, may use any such unexpended funds to carry out services and activities that are authorized by those statutes or the Adult Education and Family Literacy Act; and

(2) a State or local recipient of funds under the Adult Education and Family Literacy Act for the fiscal year 1996 may use such funds to carry out services and activities that are authorized by either such Act or were authorized by the Adult Education Act, the Even Start Family Literacy Programs of the Elementary and Secondary Education Act of 1965, and sections 202(c)(1)(A) and 262(c)(1)(C) of the Job Training Partnership Act, as they were in effect prior to the enactment of the Adult Education and Family Literacy Reform Act of 1995.

TITLE III—REPEALS OF OTHER ACTS

REPEALS

SEC. 301 (a) EVEN START.—Part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.) is repealed.

(b) NATIONAL LITERACY ACT.—The National Literacy Act of 1991 (20 U.S.C. 1201 et seq.) is repealed.

(c) GRANTS TO STATES FOR WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.—Part E of title X of the Higher Education Act of 1965 (20 U.S.C. 1135g) is repealed.

DEPARTMENT OF EDUCATION,
Washington, DC, May 8, 1995.

Hon. ALBERT GORE, JR.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed for consideration of the Congress is the ''Adult Education and Family Literacy Reform Act of 1995,'' the Administration's plan to create a comprehensive strategy for meeting our Nation's adult education and family literacy needs. Also enclosed is a section-by-section analysis summarizing the contents of the bill. I am sending an identical letter to the Speaker of the House.

As part of the G.I. Bill for America's Workers, the Administration is consolidating and restructuring nearly 70 separate programs into a streamlined system to empower youth and adults to acquire the education and skills they need for new and better jobs. The Adult Education and Family Literacy Reform Act is central to this goal.

Results from the 1993 National Adult Literacy Survey reveal a literacy crisis in this country. More than 20 percent of adults performed at or below a 5th-grade level in reading and math—far below the level needed for effective participation in the workforce. And because parents' educational level is a strong predictor of children's academic success, the effects of this crisis extend beyond adults to their children. Despite the obvious need for literacy services among our Nation's adults, the recent National Evaluation of Adult Education Programs found that the current Adult Education program serves only small percentage of adults in need of services and that, while many adults benefit from participation in the program, many leave before they achieve any literacy gains. Overall, the current configuration of adult education and family literacy programs is too diffuse and diverts human and financial resources from what should be the focus of all Federal literacy efforts: the provision of high-quality, results-oriented services.

The Administration recognizes that adults who need to improve their educational skills will be hindered in the workplace, and in promoting their children's progress in school, if they do not have access to adult education and family literacy programs that meet their needs. In response, the enclosed bill creates a performance partnership designed around give broad principles—streamlining, flexibility, quality, targeting, and consumer choice—described in detail below.

First, our strategy would streamline a dozen existing adult education and family literacy programs into a single State grant that has a clear purpose and is aimed at high standards. In addition, the enclosed bill would cut in half the number of State planning requirements. These changes would save States time and money and allow them to focus more attention on improving the quality of their programs.

Our second principle is flexibility. To place decision-making in the hands of the States, the bill would eliminate several restrictions on the use of funds, such as the current mandatory set-aside for services to institutionalized individuals, the requirement that States make ''Gateway Grants'' to public housing authorities, and the cap on State expenditures for adult secondary education. States could use Federal funds to support a range of services in the mix that they—not the Federal Government—determine would best meet the needs of adults in their States. These services would include parenting education, basic skills education, high school equivalency instruction, early childhood education, and English classes for adults who speak other languages.

Because the Even Start Family Literacy Program has shown exceptional promise as a family literacy model, the bill would set aside 25 percent of the funds available for subgrants for Even Start Family Literacy Programs. However, if a State is already meeting the family literacy needs of its residents through a program of comparable quality, the Secretary could modify or waive this requirement.

We have also built in other flexibility provisions. For example, a new waiver authority would permit States to request, for themselves or for the local service providers, waivers of statutory or regulatory provisions of related Federal programs, such as Part A of Title I of the Elementary and Secondary Education Act of 1965, the School-to-Work Opportunities Act of 1994, the Job Training Partnership Act, and the proposed Carl D. Perkins Career Preparation Education Act, in order to facilitate more effective implementation of adult education and family literacy programs.

Third, the Administration believes that strong accountability provisions must go hand-in-hand with increased flexibility and that, combined, these elements improve the overall quality of education programs. To this end, the bill would build on current accountability provisions in Adult Education and Even Start by requiring States to develop or modify their own performances goals and indicators and describe them in their State plans. States would use these goals and indicators to evaluate the effectiveness of local programs. The Department would assist States in developing their performance goals and indicators by providing technical assistance. If, after a reasonable period of time, and the opportunity for a hearing, the Secretary determines that a State is not making sufficient progress toward its performance goals, the bill would authorize the Secretary to withhold Federal funds.

Solid evaluation requirements are also key to building better programs. While the Adult Education Act requires States to evaluate annually 20 percent of their grant recipients, it neither requires nor encourages subgrantees to evaluate themselves. Our bill would require a biennial local evaluation, whose results local providers would describe in their applications for subgrants. States would then consider those results in awarding funds to applicants seeking to provide services in various localities.

The bill also includes incentives for exceptional State and local performance. The new Act would authorize the Secretary to use up to five percent of the appropriation to make National Excellence Awards to States with exemplary adult education and family literacy programs. States could also reward exemplary local programs by using up to five percent of their allotments for financial incentive awards.

The bill includes additional quality-enhancing provisions. A reservation of up to ten percent of State funds for leadership activities, including professional development and training, and the development, acquisition, and promotion of advanced technologies, would encourage program improvement. Research and development, evaluation, and demonstration of model and innovative programs would take place at the Federal level through the National Leadership authority. Such activities would expand our understanding of what works in adult education programs, thereby helping States to improve the effectiveness of their programs. The bill would also authorize the National Institute for Literacy to continue in its current role as a national resource on literacy issues.

Fourth, our bill would target funds to States and local areas with the greatest need

for adult education and family literacy services. A new funding formula would distribute 50 percent of the funds based on the adult education population (excluding in-school students) and 50 percent based on adults living in poverty. In making determinations regarding local applications, States would be required to give preference for funding to those applicants that serve local areas with the highest concentrations of individuals in poverty or with low levels of literacy, or both.

Our final principle is consumer choice. In addition to allowing States flexibility to choose the services they offer, the enclosed bill would also expand adult learners' choices. By encouraging States to establish strong links with one-stop career centers, job-training programs, and social service agencies, the Administration's bill would facilitate the dissemination of information about the availability, services, and student outcomes of adult education and literacy programs. As learners make more informed choices about the programs they enter, the likelihood of their success in adult education and family literacy programs should improve.

I encourage Congress to act swiftly on our bill. By creating a single funding stream to States, the bill responds to concerns regarding the potential duplication of adult education and literacy programs. In doing so, the bill consolidates separate discretionary programs for library literacy, workplace literacy, and literacy programs for prisoners and the homeless. Although the Administration's bill would eliminate many narrow, categorical programs, we have taken steps to ensure that needy populations and promising practices are emphasized in our proposal. The bill permits States to continue to use libraries and the workplace as sites for the provision of services. It also requires States to assess the adult education and family literacy needs of hard-to-serve and most-in-need individuals, such as the homeless and the incarcerated, and describe programs' capacity to meet those needs. Targeting provisions of the bill also would ensure that local areas with high concentrations of individuals in poverty or low levels of literacy, or both, receive priority for Federal funds.

The Office of Management and Budget advises that there is no objection to the submission of this proposal to Congress and that its adoption would be in accord with the program of the President.

Yours sincerely,

RICHARD W. RILEY,
The Secretary.

ADULT EDUCATION AND FAMILY LITERACY REFORM ACT OF 1995—SECTION-BY-SECTION ANALYSIS

TITLE I OF THE BILL—AMENDMENTS TO THE ADULT EDUCATION ACT

Section 101. Amendment. Section 101 of the bill would amend the Adult Education Act (''current law'') in its entirety, as described below.

In general, this amendment would consolidate the current Adult Education programs, eliminating the many separate and prescriptive categorical programs, and the Even Start program under Title I, Part B of the Elementary and Secondary Education Act of 1965 into a simplified, flexible, comprehensive, performance partnership between Federal and State and local providers of adult education and family literacy services. States would build on their accomplishments under current law and establish their own performance goals and indicators. The Federal Government would support State and local efforts with national leadership and evaluation activities, national performance awards to States, and waivers from specific statutory and regulatory rules.

Adult Education and Family Literacy Act (the ''Act'')

Section 1. Short title; table of contents. Section 1 of the Act would propose that the amended Adult Education Act be cited as the ''Adult Education and Family Literacy Act'' (''the Act''). This section would also set forth a table of contents for the Act.

Section 2. Declaration of policy, findings, and purpose. Section 2 of the Act would set forth the findings and purpose of the Act.

Subsection (a) would set forth congressional findings.

Subsection (b) would state that the purpose of the Act is to create a performance partnership with States and localities for the provision of adult education and family literacy services so that, as called for in the National Education Goals, all adults who need such services will, as appropriate, be able to: (1) become literate and obtain the knowledge and skills needed to compete in a global economy and exercise the rights and responsibilities of citizenship; (2) complete a high school education; (3) become and remain actively involved in their children's education in order to ensure their children's readiness for, and success in, school. This purpose would be pursued through: (1) building on State and and local education reforms supported by Goals 2000: Educate America Act and other Federal and State legislation; (2) consolidating numerous Federal adult education and literacy programs into a single, flexible grant; (3) tying local programs to challenging State-developed performance goals that are consistent with the purpose of this Act; (4) holding States and localities accountable for achieving such goals; (5) building program quality though such measures as encouraging greater use of technologies in adult education and family literacy programs and better professional development of educators working in those programs; (6) integrating adult education and family literacy programs with States' school-to-work opportunities systems, career preparation education services and activities, job training programs, early childhood and elementary school programs, and other related activities; and (7) supporting the improvement of State and local activities through nationally significant efforts in research, development, demonstration, dissemination, evaluation, capacity-building, data collection, professional development, and technical assistance.

Section 3. Authorization of appropriations. Section 3 of the Act would establish a ten-year authorization of appropriations for State and national programs. A ten-year authorization would facilitate stable growth and reform of the program.

Subsection (a) would authorize $490,487,000 for fiscal year 1996 and such sums as may be necessary for each of fiscal years 1997 through 20005 to carry out the Act. Subsection (b) would, from the amount appropriated in any fiscal year, authorize the Secretary to reserve not more than 3 percent to carry out sections 201 (national leadership activities) and 203 (National Institute for Literacy) of the Act, and not more than $5,000,000 for Even Start family literacy programs for migratory and Indian families under section 104(c) of the Act. Beginning in fiscal year 1998, the Secretary would also be authorized to reserve not more than 5 percent of section 202 (national performance awards).

TITLE I OF THE ACT—ADULT EDUCATION AND FAMILY LITERACY

Section 101. Priorities. Section 101 of the Act would require that, in order to prepare adults for family, work, citizenship, and job training, and adults and their children for success in future learning, funds under this title must be used to support the development, implementation, and improvement of adult education and family literacy programs at the State and local levels.

In using funds under the title, States and local recipients would be required to give priority to: (1) services and activities designed to ensure that all adults have the opportunity to achieve to challenging State performance standards for literacy proficiency, including basic literacy, English language proficiency, and completion of high school or its equivalent; (2) services and activities designed to enable parents to prepare their children for school, enhance their children's language and cognitive abilities, and promote their own career advancement; and (3) adult education and family literacy programs that are built on a strong foundation of research and effective educational practices; effectively employ advances in technology, as well as learning in the context of family, work, and the community; are staffed by well-trained instructors, counselors and administrators; are of sufficient intensity and duration for participants to achieve substantial learning gains; establish strong links with elementary and secondary schools, postsecondary institutions, one-stop career centers, job-training programs, and social service agencies; and offer flexible schedules and, when necessary, support services to enable people to attend and complete programs.

Section 102. State grants for adult education and family literacy. Section 102(a) of the Act would require the Secretary, from funds available for State grants under section 3 for each fiscal year and in accordance with section 111 of the Act, to make a grant to each State that has an approved State plan under section 106 of the Act, to assist that State in developing, implementing, and improving adult education and family literacy programs within the State.

Section 102(b) of the Act would authorize a State, from the amount awarded to it for any fiscal year under subsection (a), to use: (1) up to 5 percent, or $80,000, whichever is greater, for the cost of administering its program under this title; (2) up to 10 percent for leadership activities under section 103 of the Act; and (3) beginning in fiscal year 1998, 5 percent for financial incentives or awards to one or more eligible recipients in recognition of exemplary quality or innovation in adult education or family literacy services and activities, or exemplary services and activities for individuals who are most in need of such services and activities, or are hardest to serve, or both. Such incentives or awards would be determined by the State through a peer review process, using the performance goals and indicators described in section 108 and, if appropriate, other criteria.

Section 102(b) would also require that the remainder of the State's funds be used for subgrants to eligible applicants under section 107, except that at least 25 percent of such remainder would be required to be used for Even Start family literacy programs under section 104 of the Act, unless the State demonstrates in its State plan under section 106 of the Act, to the satisfaction of the Secretary, that it will otherwise meet the needs of individuals in the State for family literacy programs in a manner that is consistent with the purpose of this Act.

Section 102(c) of the Act would require that the Federal share of expenditures to carry out a State plan under section 106 of the Act be paid from the State's grant under subsection (a). However, such Federal share could be no greater than 75 percent of the cost of carrying out the State plan for each fiscal year, except that with respect to

Guam, American Samoa, the Virgin Islands, and the Northern Mariana Islands, the Federal share could be 100 percent. Section 102(c) of the Act would permit the State's share of expenditures in carrying out its State plan to be in cash or in kind, fairly evaluated, including only non-Federal funds that are used for adult education and family literacy activities in a manner that is consistent with the purpose of this Act.

Section 102(d) of the Act would require State-level maintenance of effort. Under subsection (d)(1), a State would be permitted to receive funds under the title for any fiscal year only if the Secretary finds that the aggregate expenditures of the State for adult education and family literacy by such State for the preceding fiscal year were not less than 90 percent of such aggregate expenditures for the second preceding fiscal year. The Secretary would be required to reduce the amount of the allocation of funds to a State, under section 102(a), for any fiscal year in the exact proportion to which a State falls below 90 percent of the aggregate expenditures for the second preceding fiscal year. Subsection (d)(3) would permit the Secretary to waive the maintenance-of-effort requirements if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a precipitous decline in the financial resource of the State. Subsection (d)(4) would state that no lesser amount of State expenditures under paragraphs (2) and (3) could be used for computing the effort required under subsection (d)(1) for subsequent years.

Section 103. State leaderships activities. Section 103 of the Act would require States to use their State leadership funds to conduct activities of Statewide significance that develop, implement, or improve programs of adult education and family literacy, consistent with the State plan under section 106. Such activities would include one or more of the following: (1) professional development and training; (2) disseminating curricula for adult education and family literacy programs; (3) monitoring and evaluating the quality of, and improvement in, services and activities conducted with assistance under this title, including establishing performance goals and indicators under section 109(a) of the Act, in order to assess program quality and improvement; (4) establishing State content standards for adult education and family literacy programs; (5) establishing challenging State performance standards for literacy proficiency; (6) promoting the integration of literacy instruction and occupational skill training, and linkages with employers; (7) promoting the use of and acquiring instructional and management software and technology; (8) establishing or operating State or regional adult literacy resource centers; (9) developing and participating in networks and consortia of States that seek to establish and implement adult education and family literacy programs that have significance to the State or region, and may have national significance; and (10) other activities of Statewide significance that promote the purposes of the Act.

Section 104. Even Start Family Literacy Programs. Section 104 of the Act would require each State that receives a grant under section 102(a) of the Act for any fiscal year to use the funds reserved under section 102(b)(4) of the Act (unless the State demonstrates to the Secretary that it will otherwise meet the needs of individuals in the State for family literacy programs) to award Even Start family literacy subgrants to partnerships composed of one or more local educational agencies and one or more community-based organizations, institutions of higher education, private non-profit organizations, or public agencies (other than local educational agencies). Such Even Start family literacy programs must: (1) provide opportunities (including home-based instructional services) for joint participation by parents or guardians (including parents or guardians who are within the State's compulsory school attendance age range, so long as a local educational agency provides, or ensures the availability of, their basic education), other family members, and children; (2) provide developmentally appropriate childhood education for children from birth through age seven; (3) identify and recruit families that are most in need of family literacy services, as indicated by low levels of income and adult literacy (including limited English proficiency), and such other need-related indicators as may be appropriate; and (4) enable participants to succeed through services and activities designed to meet their needs, such as support services and flexible class schedules.

From funds reserved under section 3(b)(1)(C) of the Act for any fiscal year, the Secretary would be required, under such terms and conditions as he or she establishes, to support Even Start family literacy programs through grants to, or cooperative agreements with, eligible applicants under section 107(b) of the Act for migratory families and with Indian tribes and tribal organizations for Indian families. Assistance to Indian tribes and tribal organizations for Indian families under this Act could be integrated with other programs under the Indian Employment Training and Related Services Demonstration Act of 1992.

Section 105. State Administration. Section 105 of the Act would require a State desiring to receive a grant under section 102(a) of the Act to designate, consistent with State law, an education agency or agencies that shall be responsible for the administration of services and activities under this title, including the development, submission, and implementation of the State plan; consultation with other appropriate agencies, groups, and individuals that are involved in, or interested in, the development and implementation of programs assisted under this title; and coordination with other State and Federal education and training programs.

Section 105(b) of the Act would require that whenever a State imposes any rule or policy relating to the administration and operation of programs funded by this title, it must identify the rule or policy as a State-imposed requirement.

Section 106. State Plan. Section 106(a) of the Act would require, except as provided in subsection (f), each State desiring to receive a grant under this title for any fiscal year to submit to, or have on file with, the Secretary a five-year State plan that is approved by the designated State agency or agencies under section 105(a) of the Act. A State may submit its State plan as part of a comprehensive plan that includes State plan provisions under one or more of the following statutes: section 14302 of the Elementary and Secondary Education Act of 1965; the Carl D. Perkins Career Preparation Education Act of 1995; the Goals 2000: Educate America Act; the Job Training Partnership Act; and the School-to-Work Opportunities Act of 1994.

Section 106(b) of the Act would require the State, in developing its State plan, and any revisions to the plan, to base its plan or revisions on a recent, objective assessment of: (1) the needs of individuals in the State for adult education and family literacy programs, including individuals most in need or hardest to serve; and (2) the capacity of programs and providers to meet those needs, taking into account the priorities under section 101 of the Act and the State's performance goals under section 109(a) of the Act.

Section 106(c) of the Act would require the State, in developing its State plan, and any revisions to the plan, to consult widely with individuals, agencies, organizations, and institutions in the State that have an interest in the provision and quality of adult education and family literacy.

Section 106(d) of the Act would require the State plan to be in such form and contain such information and assurances as the Secretary may require, and include: (1) a summary of the methods used to conduct the assessment under subsection (b) and the findings of that assessment; (2) a description of how, in addressing the needs identified in the State's assessment, funds under this title will be used to establish adult education and family literacy programs, or improve or expand current programs, that will lead to high-quality learning outcomes, including measurable learning gains, for individuals in such programs; (3) a statement of the State's performance goals and indicators established under section 109, or in the first such plan a description of how the State will establish such performance goals and indicators; (4) a description of the criteria the State will use to award funds under this title to eligible applicants under section 107, including a description of how the State will ensure that its selection of applicants to operate programs assisted under this title will reflect the findings of program evaluations carried out under section 110(a); (5) a description of how the State will integrate services and activities under this Act, including planning and coordination of programs, with those of other agencies, institutions, and organizations involved in adult education and family literacy in order to ensure effective use of funds and to avoid duplication of services; (6) a description of the leadership activities the State will carry out under section 103; and (7) any comments the Governor may have on the State plan. Section 106(d) of the Act would also require the State plan to provide assurances that: (1) the State will comply with the requirements of this Act and the provisions of the State plan; (2) the State will use such fiscal control and accounting procedures as are necessary for the proper and efficient administration of this title; and (3) programs funded under this title will be of such size, scope, and quality as to give realistic promise of furthering the purpose of this Act.

Section 106(e) of the Act would require the designated State agency or agencies, when changes in conditions or other factors require substantial modifications to an approved State plan, to submit a revision to the plan to the Secretary. Such a revision would have to be approved by the designated State agency or agencies.

Section 106(f) of the Act would authorize a State, for fiscal year 1996 only, to submit a one year State plan to the Secretary that either satisfies the specific requirements of this section or describes how the State will complete the development of its State plan with respect to those specific requirements within the following year. A State may use funds reserved under section 102(b)(2) to complete the development of its State plan. A one year State plan under this subsection would have to be developed in accordance with subsection (c); and contain the assurances described in subsection (d)(8). In order to receive a grant under section 102(a) for fiscal year 1997, a State that submits a one year State plan under this subsection would have to submit a four year State plan that covers fiscal year 1997 and the three succeeding fiscal years.

Section 106(g) of the Act would require the designated State agency or agencies to submit the State plan, and any revisions to the State plan, to the Governor for review and comment; and ensure that any comments the Governor may have are included with the State plan, or revision, when the State plan, or revision, is submitted to the Secretary.

Section 106(h) of the Act would require the Secretary to approve a State plan, or a revision to an approved State plan, if it meets the requirements of this section and is of sufficient quality to meet the purpose of this Act. The subsection would also prohibit the Secretary from finally disapproving a State plan, or a revision to an approved State plan, except after giving the State reasonable notice and an opportunity for a hearing. The Secretary would be required to establish a peer review process to make recommendations regarding approval of State plans and revisions to the State plans.

Section 107. Subgrants to eligible applicants. Section 107(a) of the Act would require States, from funds available under section 102(b)(4) of the Act, to make subgrants to eligible applicants to develop, implement, and improve adult education and family literacy programs within the State. To the extent practicable, States would make multi-year subgrants.

Under section 107(b), except for subgrants for Even Start family literacy programs under section 104, entities eligible to apply to the State for a subgrant would be: (1) local educational agencies; (2) community-based organizations; (3) institutions of higher education; (4) public and private nonprofit agencies (including State and local welfare agencies, corrections agencies, public libraries, and public housing authorities); and (5) consortia of such agencies, organizations, institutions, or partnerships, including consortia that include one or more for-profit agencies, organizations, or institutions, if such agencies, organizations, or institutions can make a significant contribution to attaining the objectives of the Act. Each State receiving funds under title I would be required to ensure that all the above-mentioned eligible applicants receive equitable consideration for subgrants under this section.

Section 108. Applications from eligible applicants. Section 108 of the Act would require any eligible applicant under sections 104(a) (Even Start partnerships) or 107(b)(1) (other eligible applicants) that desires a subgrant under title I to submit an application to the State containing such information and assurances as the State may reasonably require. Such information must include: (1) a description of the applicant's current adult education and family literacy programs, if any; (2) a description of how funds awarded under this title will be spent; (3) a description of how the applicant's program will help the State address the needs identified in the State's assessment under section 106(b)(1); (4) the projected goals of the applicant with respect to participant recruitment, retention, and educational achievement, and how the applicant will measure and report to the State regarding the information required in section 110(a); and (5) any cooperative arrangements the applicant has with others (including arrangements with social service agencies, one-stop career centers, business, industry, and volunteer literacy organizations) that have been made to deliver adult education and family literacy programs.

In determining which applicants receive funds under this title, section 108(b) of the Act would require the State to give preference to those applicants that serve local areas with the high concentrations of individuals in poverty, or with low levels of literacy (including English language proficiency), or both, and to consider the results of the evaluations required under section 110(a), if any, and the degree to which the applicant will coordinate with and utilize other literacy and social services available in the community.

Section 109. State performance goals and indicators. Section 109(a) of the Act would require any State desiring to receive a grant under section 102(a) of the Act, in consultation with individuals, agencies, organizations, and institutions described in section 106(c), to: (1) identify performance goals that define the level of student achievement to be attained in adult education and family literacy programs funded under title I, and express such goals in an objective, quantifiable, and measurable form; and (2) identify performance indicators that State and local recipients will use in measuring or assessing progress toward achieving such goals. By July 1, 1997, such performance indicators must include, at least: (1) achievement in linguistic skills, including English language skills; (2) receipt of a high school diploma or its equivalent; (3) entry into a postsecondary school, job training program, employment, or career advancement; and (4) successful transition of children to school.

Section 109(b) of the Act would authorize a State, except as provided in subsection (a)(3), to continue to use the indicators of program quality that it developed under section 331(a)(2) of current law, to the extent they are consistent with the State's performance goals.

Section 109(c) of the Act would require the Secretary to provide technical assistance to States regarding the development of such performance goals and indicators and authorize the Secretary to use funds reserved under section 3(b)(1)(B) of the Act to provide such technical assistance.

Section 110. Evaluation, improvement, and accountability. Section 110(a) of the Act would require each recipient of a subgrant under title I of the Act to evaluate biennially, using the performance goals and indicators established under section 109(a) of the Act, the programs supported under title I and report to the State regarding the effectiveness of its programs in addressing the priorities under section 101 and the needs identified in the State assessment under section 106(b)(1).

Section 110(b) of the Act would provide that if a State determines, based on the applicable performance goals and indicators and the evaluations under subsection (a), that a subgrant recipient is not making substantial progress in achieving the purpose of this Act, the State may, but is not required to, work jointly with the local recipient to develop an improvement plan. If, after not more than two years of implementation of the improvement plan, the State determines that the recipient is not making substantial progress, the State must take whatever corrective action it deems necessary, which may include termination of funding or the implementation of alternative service arrangements, consistent with the State law. The State could take such corrective action only after it provided technical assistance to the recipient and ensured that corrective action allowed for continued services and activities to the recipient's students. The State would have to report biennially to the Secretary on the quality and effectiveness of the adult education and family literacy programs funded through its subgrants under title I, based on the performance goals and indicators under section 109(a) and the needs identified in the State assessment under section 106(b)(1).

Section 110(d) of the Act would require that if the Secretary determines that the State is not properly implementing its responsibilities under subsection (b), or is not making substantial progress in meeting the purpose of this Act based on its goals and indicators under section 109, he or she must work with the State to implement improvement activities. If, after a reasonable time, but not earlier than one year after the State implements such activities, the Secretary determines that the State is not making sufficient progress, based on its performance goals and indicators, the Secretary would be required, after notice and opportunity for a hearing, to withhold from the State all, or a portion, of the State's allotment under this title. The Secretary would be given the authority to use funds withheld to provide, through alternative arrangements, services and activities within the State that meet the purposes of this Act.

Section 111. Allotments; reallocation. Section 111(a) of the Act would, subject to the hold-harmless provisions in subsection (b), from the funds available under section 102(a) for each fiscal year, require the Secretary to allot to each State: (1) a sum that bears the same ratio to one-half that amount as the number of individuals in the State who are 16 years of age or older and not enrolled, or required to be enrolled, in secondary school and who do not possess a high school diploma or its equivalent bears to the number of such individuals in all the States; and (2) a sum that bears the same ratio to one-half that amount as the number of individuals in the State who are 18 years of age or older and who are living at or below poverty bears to the number of such individuals in all the States. The Secretary would be required to allot to the Commonwealth of Puerto Rico an amount equal to 2.95 percent of the funds available under section 102(a) for each fiscal year. For the purpose of subsection (a), the term 'State' would be deemed to exclude the Puerto Rico. The numbers of individuals specified in paragraph (1) would be determined by the Secretary on the basis of the latest estimates available to the Department that are satisfactory to the Secretary.

Section 111(b)(1) of the Act would provide that, notwithstanding any other provision of law and subject to paragraph (2): (1) for fiscal year 1996, no State shall receive under title I of this Act less than 90 percent of the sum of the payments made to the State for the fiscal year 1995 for programs authorized by the section 313 of the Adult Education Act, section 1202 (Even Start) of the Elementary and Secondary Education Act of 1965, and sections 202(c)(1)(C) and 262(c)(1)(C) of the Job Training Partnership Act, as those statutes were in effect prior to the enactment of this bill; and (2) for fiscal year 1997, no State shall receive under Title I of this Act less than 90 percent of the amount it received under Title I for fiscal year 1996. Section 111(b)(2) of the Act would provide that, if for any fiscal year the amount available for allotment under this section is insufficient to satisfy the provisions of subsection (b)(1), the Secretary is to ratably reduce the payments to all States for such services and activities as necessary.

Section 111(c) of the Act would provide for reallotment of any unneeded portion of a State's allotment under subsection (a) for any fiscal year.

Section 111(d) of the Act would require the Secretary, by September 30, 2000, to conduct a study to determine the availability and reliability of statistical data on the number of immigrant and limited English proficient individuals in each State, and report to the Congress on the feasibility and advisability of including such population as a factor in the formula under subsection (a)(1).

TITLE II OF THE ACT—NATIONAL LEADERSHIP

Section 201. National Leadership Activities. Section 201 of the Act would authorize

the Secretary, from the amount reserved under section 3(b)(1)(B) of the Act for any fiscal year, to establish a program of national leadership and evaluation activities to enhance the quality of adult education and family literacy nationwide. The Secretary would be authorized to carry out such activities directly or through grants, contracts, and cooperative agreements. Funds under this section could be used for: (1) research and development; (2) demonstration of model and innovative programs; (3) dissemination; (4) evaluations and assessments, including independent assessments of services and activities assisted under this Act and of the condition and progress of literacy of the United States; (5) capacity building at the State and local levels; (6) data collection; (7) professional development; (8) technical assistance; and (9) other activities designed to enhance the quality of adult education and family literacy nationwide.

Section 202. Awards for National Excellence, Section 202 of the Act would authorize the Secretary, from the amount reserved under section 3(b)(1)(A) of the Act for any fiscal year after fiscal year 1997, and through a peer review process, to make performance awards to one or more States that have: (1) exceeded in an out-standing manner their performance goals established under section 109(a) the Act; (2) made exemplary progress in developing, implementing, or improving their adult education and family literacy programs in accordance with the priorities described in section 101 of the Act; or (3) provided exemplary services and activities for those individuals within the State who are most in need of adult education and family literacy services, or are hardest to serve.

Section 203. National Institute for Literacy. Section 203 of the Act would reauthorize the National Institute for Literacy (the ''Institute'').

Subsection (a) would clarify the purpose of the Institute by requiring it to: (1) provide national leadership; (2) coordinate literacy services; and (3) be a national resource for adult education and family literacy, by providing the best and most current information available and supporting the creation of new ways to offer improved services.

Subsection (b) would establish the Institute, to be administered by the terms of an interagency agreement entered into by the Secretaries of Education, Labor, and Health and Human Services (the ''Interagency Group''). The Secretary could include in the Institute any research and development center, institute, or clearinghouse established within the Department of Education whose purpose is determined by the Secretary to be related to the purpose of the Institute.

Under subsection (b), the Interagency Group would consider the recommendations of the National Institute for Literacy Advisory Board in planning the goals of the Institute and in implementing any programs to achieve such goals. The daily operations of the Institute would be carried out by the Director.

Subsection (c) would authorize the Institute to: (1) establish a national electronic data base that disseminates information to the broadest possible audience within the literacy and basic skills field; (2) coordinate support for the provision of literacy and basic skills services across Federal agencies and at the State and local levels; (3) coordinate the support of research and development on literacy and basic skills in families and adults across Federal agencies, especially with the Office of Educational Research and Improvement, and carry out basic and applied research and development on topics that are not being investigated by other organizations investigated by other organizations or agencies; (4) collect and disseminate information on methods of advancing literacy that show great promise; (5) work with the National Education Goals Panel in making and measuring progress towards the National Education Goals, as established by P.L. 103–227; (6) coordinate and share information with national organizations and associations that are interested in literacy and workforce development; and (7) inform the development of policy with respect to literacy and basic skills;

Subsection (c) would also authorize the Institute to enter into contracts or cooperative agreements with, or make grants to, individuals, public or private institutions, agencies, organizations, or consortia of such institutions, agencies, or organizations to carry out the activities of the Institute. Such grants, contracts, or agreements would be subject to the laws and regulations that generally apply to grants, contracts, or agreements entered into by Federal agencies.

Subsection (d) would authorize the Institute, in consultation with the Board, to award fellowships, with such stipends and allowances that the Director considers necessary, to outstanding individuals pursuing careers in adult education or literacy in the areas of instruction, management, research, or innovation. Such fellowships would have to be used, under the auspices of the Institute, to engage in research, education, training, technical assistance, or other activities to advance the field of adult education or literacy, including the training of volunteer literacy providers at the national, State, or local level. Subsection (d) would also authorize the Institute, in consultation with the Board, to award paid and unpaid internships to individuals seeking to assist in carrying out the Institute's mission and to accept assistance from volunteers.

Subsection (e) would establish the National Institute for Literacy Advisory Board (the 'Board'), consisting of 10 individuals appointed by the President who are not otherwise officers or employees of the Federal Government and who are representative of such entities as: (1) literacy organizations and providers of literacy services; (2) businesses that have demonstrated interest in literacy programs; (3) literacy students, including those with disabilities; (4) experts in the area of literacy research; (5) State and local governments; and (6) organized labor.

Subsection (e) would require the Board to: (1) make recommendations concerning the appointment of the Director and staff of the Institute; and (2) provide independent advice on the operation of the Institute. Subsection (e) would also provide for staggering the terms of appointment for Board members, filling vacancies on the Board, electing a Chairperson and Vice Chairperson of the Board by the members, and calling Board meetings.

Subsection (f) would authorize the Institute to accept, administer, and use gifts or donations of services, money, or property, whether real or personal, tangible or intangible. Subsection (f) would also require the responsible official to establish written rules setting forth the criteria to be used in determining whether the acceptance of such gifts or donations reflect unfavorably upon the ability of the Institute or any employee to carry out its responsibilities or official duties in a fair and objective manner, or compromise the integrity or the appearance of the integrity of its programs or any official involved in those programs.

Subsection (g) would authorize the Board and the Institute to use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

Subsection (h) requires the Interagency Group, after considering recommendations made by the Board, to appoint and fix the pay of a Director.

Subsection (i) would permit the Director and staff of the Institute to be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and to be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate of basic pay payable for level IV of the Executive Schedule.

Subsection (j) would allow the Institute to procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

Subsection (k) would require the Institute to submit a biennial report to the Interagency Group and the Congress.

Subsection (l) would permit any amounts appropriated to the Secretary of Education, the Secretary of Labor, the Secretary of Health and Human Services, or any other department that participates in the Institute for purposes that the Institute is authorized to perform under this section, to be provided to the Institute for such purposes.

TITLE III OF THE ACT—GENERAL PROVISIONS

Section 301. Waivers. Section 301 of the Act sets forth waiver provisions, in order to provide the flexibility States need to carry out adult education and family literacy programs.

Subsection (a)(1) provides that any State may request a waiver by the Secretary of Education, the Secretary of the Interior, or the Secretary of Labor, as appropriate, of one or more statutory or regulatory provisions in order to carry out adult education and family literacy programs under title I more effectively. Subsection (a) (2) provides that an Indian tribe or tribal organization may request a waiver by a Secretary described in subsection (a) (1), as appropriate, of one or more statutory or regulatory provisions described in subsection (c) in order to carry out an Even Start family literacy program under section 104(c) more effectively.

Subsection (b) would, with some exceptions, authorize a Secretary described in subsection (a) (1) to waive any requirement of any statute listed in subsection (c), or of the regulations issued under that statute. In both cases, the Secretary would be authorized to grant a waiver to a State that requests one: (1) if, and only to the extent that, the Secretary determines that the requirement impedes the State's or subgrant recipient's ability to carry out adult education and family literacy programs or activities in an effective manner; (2) if the State waives, or agrees to waive, any similar requirements of State law; (3) if, in the case of a statewide waiver, the State has provided all subgrant recipients of assistance under title I in the State with notice of, and an opportunity to comment on, the State's proposal to request a waiver and has submitted these comments to the Secretary; and (4) if the State provides such information as the Secretary reasonably requires in order to make such determinations.

Subsection (b) would require a Secretary to act promptly on any waiver request. This subsection would also provide that each waiver shall be for no longer than five years. However, a Secretary may extend the period if the Secretary determines that the waiver has been effective in enabling the State to carry out the purpose of the Act.

Subsection (c)(1) would list the following statutes as subject to waiver by the Secretary of Education: (1) this Act; (2) part A of title I of the Elementary and Secondary Education Act of 1965 (authorizing programs

and activities to help disadvantaged children meet high standards); (3) part B of title II of the Elementary and Secondary Education Act of 1965 (Dwight D. Eisenhower Professional Development program); (4) title VI of the Elementary and Secondary Education Act of 1965 (Innovative Education Program Strategies); (5) part C of title VII of the Elementary and Secondary Education Act of 1965 (Emergency Immigrant Education program); (6) the School-to-Work Opportunities Act of 1994, but only with the concurrence of the Secretary of Labor; and (7) the Carl D. Perkins Career Preparation Education Act of 1995.

Subsection (c) (2) would authorize the Secretary of the Interior to waive the provisions of part B of the Education Amendments of 1978.

Subsection (c) (3) would list the following statutes as subject to waiver by the Secretary of Labor: (1) the Job Training Partnership Act; and (2) the School-to-Work Opportunities Act of 1994, but only with the concurrence of the Secretary of Education.

It is not necessary to include Head Start programs in the waiver authority section of this bill, because there already exists sufficient authority in Head Start legislation for a wide range of collaborative and coordination efforts with adult education and family literacy programs.

Subsection (d) would prohibit the Secretary from waiving any statutory or regulatory requirement of the programs listed in subsection (c) that relate to: (1) the basic purposes or goals of the affected programs; (2) maintenance of effort; (3) comparability of services; (4) the equitable participation of students attending private schools; (5) parental participation and involvement; (6) the distribution of funds to States or to local recipients; (7) the eligibility of an individual for participation in the affected programs; (8) public health or safety, labor standards, civil rights, occupational safety and health, or environmental protection; or (9) prohibitions or restrictions relating to the construction of buildings or facilities.

Subsection (e) would require a Secretary to review periodically the performance of any State or local recipient for which the Secretary has granted a waiver and to terminate the waiver, if the Secretary determines that the performance of the State affected by the waiver or the State fails to waive similar requirements of State law.

Section 302. Definitions. Section 302 would define the terms ''adult,'' ''adult education,'' ''community-based organization,'' ''family literacy,'' ''Indian tribes'' and ''tribal organizations,'' ''individual of limited English proficiency,'' ''institution of higher education,'' ''literacy,'' ''local educational agency,'' ''migratory family,'' ''public housing authority,'' ''Secretary,'' and ''State'' for the purpose of the Act.

TITLE II OF THE BILL—EFFECTIVE DATES; TRANSITION

Section 201. Effective date. Section 201 of the bill would provide that the Adult Education and Family Literacy Reform Act of 1995 would take effect on July 1, 1996.

Section 202. Transition. Section 202 of the bill would provide that, notwithstanding any other provisions of law, upon enactment of this bill, a State or local recipient of funds under the Adult Education Act, the Even Start Family Literacy Programs of the Elementary and Secondary Education Act of 1965, and sections 202(c)(1)(C) and 262(c)(1)(C) of the Job Training Partnership Act, as they were in effect prior to the enactment of this bill, could use any unexpended funds to carry out services and activities that were authorized in by those statutes or by the Adult Education and Family Literacy Act. A State or local recipient of funds under this Act for fiscal year 1996 could use those funds to carry out services and activities that are authorized by either this Act or the Adult Education Act, the Even Start Family Literacy Programs of the Elementary and Secondary Education Act of 1965, and sections 202(c)(1)(C) and 262(c)(1)(C) of the Job Training Partnership Act, as they were in effect prior to the enactment of this bill.

TITLE III OF THE BILL—REPEAL OF OTHER ACTS

Section 301. Repeals. Section 301 of the bill would repeal Part B (Even Start) of title I of the Elementary and Secondary Education Act of 1965, the National Literacy Act of 1991, and Part E (Grants to States for Workplace and Community Transition Training for Incarcerated Youth Offenders) of title X of the Higher Education Act.

By Mr. CONRAD (for himself, Mr. CHAFEE, Mr. JEFFORDS, Mr. BRADLEY, and Mr. ROCKEFELLER):

S. 798. A bill to amend title XVI of the Social Security Act to improve the provisions of supplemental security income benefits, and for the purposes; to the Committee on Finance.

THE CHILDREN'S SSI ELIGIBILITY REFORM ACT

Mr. CONRAD. Mr. President, I rise today to introduce the Children's SSI Eligibility Reform Act.

As my colleagues know, the welfare reform bill passed by the House of Representatives attempted to address criticisms that have been leveled against the SSI program. But the House went too far.

SSI is the program of last resort for 850,000 children with severe disabilities who live in low income families. The cash assistance provided to these children's families enables them to meet the added costs the disability imposes on the family—whether those costs result from necessary modifications to the home; day care for siblings while the child in question receives therapy; basic necessities like food, shelter, clothing and utilities; transportation expenses in making frequent trips to a therapist or hospital; or the cost of foregoing one parent's income in order to care for a child with a disability. SSI also provides for the basic necessities of low income families, in order to maximize the likelihood that a child with a disability can remain at home.

But the SSI program is not without its faults. SSI as it relates to children has been poorly defined since its inception. There is concern that children who are not sufficiently disabled to merit assistance are making their way onto the SSI rolls. There have been allegations that some parents have coached their children to feign a disability in order to obtain benefits. And there is concern that SSI does nothing to promote the improvement of those children with disabilities who could improve with proper assistance.

Because of these issues and my concern that the House enacted an ill-conceived, sweeping proposal with insufficient data on its impact, I convened a series of psychiatric and disability experts to help me develop the Children's SSI Eligibility Reform Act. And I am extremely pleased that Senators CHAFEE, JEFFORDS and BRADLEY have joined me in this effort.

This is a bipartisan issue. Republicans and Democrats alike want to do the right thing when it comes to severely disabled children. That's why we should make every effort to repair the defects in the SSI program, but do so in a way that protects children with severe disabilities.

The House of Representatives, out of frustration with repeated reports of abuse under the program, went too far. The House wiped out the Individualized Functional Assessment that was developed to protect children with disabilities after the Supreme Court's Zebley decision. And as a result, the vast majority of the 250,000 children who currently receive SSI by virtue of the assessment would lose all benefits—both SSI cash benefits and Medicaid.

The proposal Senator CHAFEE, Senator JEFFORDS, Senator BRADLEY and I are introducing, on the other hand, takes a surgical approach to improving SSI. It targets the problems, not the kids.

But none of us can pretend that SSI reform will not eliminate some children from the rolls. Obviously, it will. Given that fact, our goal should be to remove those who should not be on the program in the first place.

In order to accomplish this, our proposal takes several approaches. First, it clarifies the purpose of the program, which critics argue was never sufficiently defined. It ensures that the purpose of SSI is not only covering the additional costs of caring for children with disabilities and maintaining them at home, but also providing basic necessities and enhancing the opportunity for these children to develop into independent adults.

Second, our proposal modifies SSI's medical listings and Individualized Functional Assessment to ensure that only children with severe disabilities are drawing SSI benefits.

This is not a modification I take lightly. Members of Congress, for the most part, must acknowledge our ignorance in making clinical diagnoses relating to mental illness and other disabilities. Any modifications we make to the diagnostic tools of clinicians should respect both what we know and do not know, so we do not harm innocent children.

Therefore, while our proposal modifies the medical listings and increases the level of severity required under the Individualized Functional Assessment, it also requires an evaluation of these changes by the Social Security Administration.

Mr. Chairman, much attention has been paid in this debate to children with mental disorders, and the degree to which they should be eligible for SSI.

I think we need to be very careful to avoid denying eligibility to someone who doesn't look disabled. And as much as we must reform this program

to insure its integrity, we must also avoid making decisions based only on anecdotal evidence. A child who may not ''look'' disabled to the average person may suffer from a severe disability that is just as costly for the family as a physically disabled child.

Let me give you an example from North Dakota. The mother of a 6-year-old child named Garrett recently visited my office.

When Garrett was 4, he was diagnosed with attention deficit hyperactivity disorder—ADHD. A medication was prescribed for him after he experienced a series of seizures. But the medication caused brain damage which has deprived Garrett of the ability to control his negative emotions.

Because Garrett has no neurological control, he is incapable of exercising choice in his actions and requires constant supervision. Garrett's aggressive disorders have resulted in harm to himself, the members of his family, and their home.

SSI not only has enabled the family to make household repairs when Garrett has damaged the house, but also to pay for day care for their younger daughter when Garrett's mother has had to take him to therapy. There is no day care for a youngster like Garrett.

Garrett is just one example of the kind of child who should not be removed from SSI. I am hopeful that this Congress will see fit to take a balanced approach to this issue to ensure that we clean up this program in a way that is tough, honest and fair.

Mr. President, in addition to making the changes to SSI that I have already mentioned, our proposal also:

Increases the use of standardized tests to make it virtually impossible for anyone to feign a disability;

Expands and better targets SSI continuing disability reviews;

Expands civil penalties for those who coach children to act inappropriately in order to receive benefits;

Graduates the level of benefits that families receive when they have more than one child on SSI;

Changes the SSI policy regarding retroactive lump sum benefits;

Requires parents to demonstrate that they have sought appropriate treatment to alleviate their child's disability; and several other important provisions.

Mr. President, while a great deal of time and effort has gone into developing this legislation, I would be the first to acknowledge that there may be room for improvement. For example, the Slattery Commission on Childhood Disability appears ready to recommend that Medicaid coverage continue for children who leave SSI because their condition improves, but need continued medical assistance to ensure their condition does not worsen. Although this provision is not in our bill, I believe it is one the Congress should consider.

I also want to call to my colleagues' attention a new report by the National Academy of Social Insurance entitled ''Restructuring the SSI Disability Program for Children and Adolescents.'' The Academy's study, conducted by a nonpartisan group of national experts, is an extremely thoughtful and comprehensive analysis of the approach Congress should take to reform SSI. And it contains many parallels to the legislation we are introducing today. The report recommends strengthening eligibility criteria, preserving the cash benefit, graduating the amount of benefits families receive when they have more than one child on SSI, encouraging measures to foster independence among those youngsters who can become independent, and several other items.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

[From National Academy of Social Insurance, May 8, 1995]

EXPERT GROUP RECOMMENDS STEPS TO RESTRUCTURE SUPPLEMENTAL SECURITY DISABILITY PROGRAM FOR CHILDREN, ADOLESCENTS

WASHINGTON, DC.—A nonpartisan group of national experts, responding to a study request from the House Ways and Means Committee in the 102nd Congress, said today that ''there is a strong rationale for the payment of cash benefits to families with disabled children, while suggesting specific steps to restructure the Supplemental Security Income (SSI) disability program whose future is currently being debated in the Congress.

The Committee on Childhood Disability of the National Academy of Social Insurance released its findings in a study entitled ''Restructuring the SSI Disability Program for Children and Adolescents.'' The study, one year in the making, also considered the views of 12 additional experts in government, academia, and the private sector who contribute to the Academy's Disability Policy Panel.

The population of children with disabilities is small, but significant, and varies depending on the definition of ''disability.'' The National Health Interview Survey estimates in 1991 that children who had a ''limitation in their major activity''—which means attending school for children age 5–17, or playing for younger children—numbered 2.7 million or 4.2 percent of children under 18. In December of 1994, there were 837,000 low-income children under 18 receiving SSI due to their disabilities.

Jerry Mashaw, the Panel chair and Sterling Professor of Law at Yale University, explained that ''cash payments must be seen in the context of needs for family support. There are myriad special burdens placed on families of children with severe disabilities. Cash support can ease those burdens, even if it cannot remove them. Low-income families, already at the margin, face particular difficulties meeting the added costs associated with their child's disability.''

The Committee, though clearly in support of cash benefits for disabled children, said that these benefits should be made ''only in appropriate cases'' and that they should not be excessive in the modest number of cases where families have more than one disabled child. Most importantly, they argued, ''the approach to the support of disabled children through the SSI program should be reoriented toward an emphasis on the medical recovery, physical and mental development and job readiness of children with disabilities.''

The rapid growth in SSI childhood disability awards between 1989 and 1993 has leveled off and actually declined in 1994. According to Mashaw, the growth appears to be a ''wave'' rather than a long term trend. The ''wave'' was attributed to four factors: updates of the listing of disabling childhood mental impairments in late 1990; implementation of a 1990 Supreme Court decision that expanded SSI eligibility criteria for children; legislatively mandated outreach activities by the Social Security Administration as well as efforts by States and private organizations to enroll eligible children in the SSI program; and an economic recession in 1990–91 that caused more families with disabled children to meet the program's low-income criteria.

The report also makes clear that allegations of widespread abuse have not been substantiated in any of the studies that have been done. The data show that children who receive SSI have very significant disabilities, and that those who are suspected of ''gaming the system'' are denied benefits. Further, the Social Security Administration has put in place rigorous new systems to investigate all such allegations and assure that benefits are not improperly paid.

The Academy's expert group identified five themes that define sound disability policy for children and adolescents:

Family preservation. ''The basic purpose of cash benefits is to support and preserve the capacity of families to care for their disabled children in their own homes.'' This can be done by providing for some of the additional, non-medical, but disability-related, costs of raising a disabled child; by compensating for some of the income lost because of the everyday necessities of caring for a disabled child; and by meeting the child's basic needs for food, clothing, and shelter.

''Without these supports,'' they argue, ''disabled children would be at a much greater risk of losing both a secure home environment and the opportunity for integration into community life, including the world of work.''

Strengthened eligibility criteria. The Committee urged that ''maladaptive behavior'' be eliminated as a separate ''functional domain'' for evaluating childhood mental disorders that qualify one for SSI. Further, they called for increased use of standardized tests to assess functioning for children with mental disorders. And, they called for revamping the ''individualized functional assessment'' required by the Supreme Court to make it a more accurate barometer of both physical and mental disabilities, that is not so closely tied to mental disorders.

The Committee said that ''new regulations should be developed expeditiously to strengthen the childhood eligibility criteria. At the same time, care should be taken not to repeat the tumult of the early 1980s, when radical retrenchment in Federal disability policy brought widespread individual hardship and judicial challenges. States were at first reluctant, and then refused, to implement the harsh policies because it left them with the burden of care for vulnerable populations whose Federal benefits were denied or terminated.

Limiting family benefits when there is more than one eligible child in the household. With appropriate exceptions for children who need round-the-clock nursing care or foster care, and for adopted special-needs children, SSI benefits for families with more than one disabled child should be limited to 1.5 times the individual benefit for two children and two times the benefit for three or more children, according to the Committee's recommendations. No disabled child should

lose Medicaid eligibility because of this limit on cash benefits.

Encourage a work track for teens with disabilities. At age 14, teenagers on SSI, together with their parents and special education advisors, should begin setting career goals and developing transition plans out of SSI and into financial independence whenever possible, according to the study group. While these children are pursuing their goals for work or further education after high school, they would have assurance of SSI benefits until they reached age 18, even if they began to demonstrate work skills.

Encourage energetic measures by States, localities, and the private sector to limit the period when cash support is needed for infants and young children with disabilities. Children's progress should be tracked and periodically reviewed to ensure that those who recover do not remain on the SSI disability rolls, and that those whose disabilities persist are linked to services appropriate to their changing needs as they grow older.

The Disability Policy Panel will issue a report providing a fundamental review of the Social Security Disability programs for adults later this fall. Today's report on children and the SSI disability program is available from the National Academy of Social Insurance. The Academy is a nonprofit, nonpartisan organization devoted to furthering knowledge and understanding of Social Security and related public and private social programs. The Disability Project is supported by The Pew Charitable Trusts, The Robert Wood Johnson Foundation, and corporate members of the Health Insurance Association of America that offer long-term disability insurance.

MAY 11, 1995.

Hon. KENT CONRAD,
U.S. Senate, Washington, DC.

DEAR SENATOR CONRAD: The undersigned national organizations are writing to express our full support for the bill you, Senator Chafee, Senator Jeffords and Senator Bradley are sponsoring, to make sensible reforms to the Supplemental Security Income (SSI) program for children with disabilities.

The SSI program is a lifeline for families who have children with disabilities. Over 900,000 children with severe impairments living in low-income families now receive cash benefits to meet their basic needs (which often cost more for children with disabilities), compensate for their extraordinary expenses, and offset loss of income because a parent must remain unemployed or underemployed to care for their child.

The SSI program for children has been maligned by allegations that parents are ''coaching'' their children to appear disabled and that SSA is qualifying children with mild impairments. The program has been intensively examined by the Social Security Administration, the HHS Office of Inspector General and the General Accounting Office. While they criticized some aspects of the program, they could not substantiate the allegations of widespread fraud or maladministration. Nevertheless, the House enacted legislation, H.R. 4, which throws 170,000 children off the program immediately, denies benefits to 400,000 others over the next five years, and replaces cash benefits to future eligible children with a vague set of services administered by the states. The House bill cuts by 35% estimated SSI spending for the children over the next five years.

Your bill represents sensible reform. It addresses the issues raised by the program's critics without decimating the program. It clarifies and raises the SSI eligibility standards, expands the definition of fraud to include ''coaching'' children to pass disability tests, requires periodic reviews to assure that children who are no longer disabled are removed from the program and improves incentives to encourage children to move toward independence.

We are happy to support your legislation and look forward to working with you to assure its passage in the Senate and ultimate enactment into law.

Sincerely,

Joseph Manes; Rhoda Schulzinger, Bazelon Center Mental Health Law; Martha Ford, The Arc; Al Guida, National Mental Health Association; on behalf of: American Academy of Child and Adolescent Psychiatry; American Association of Children's Residential Centers; American Association on Mental Retardation; American Association for Partial Hospitalization; American Association of Pastoral Counselors; American Association of Private Practice Psychiatrists; American Association of Psychiatric Services for Children; American Board of Examiners in Clinical Social Work; American Counseling Association; American Counseling Association; American Family Foundation; American Occupational Therapy Association; Orthopsychiatric Association; American Psychoanalytic Association; American Psychological Association; American Rehabilitation Association; Anxiety Disorders Association of America, Association of Mental Health Administrators; Bazelon Center for Mental Health Law; Corporation for the Advancement of Psychiatry; Cult Awareness Network; Epilepsy Foundation of America; Family Service America; Federation of Families for Children's Mental Health; International Association of Psychosocial Rehabilitation Services; Legal Action Center; National Association of Protection and Advisory Systems; National Association of Psychiatric Health Systems; National Association of Psychiatric Treatment for Children; National Association of School Psychologists; National Association of Social Workers; National Association of State Directors of Development Disabilities Services, Inc.; National Association of State Mental Health Program Directors; National Community Mental Healthcare Council; National Depressive and Manic Depressive Association; National Easter Seal Society; National Federation of Societies for Clinical Social Work; National Head Injury Foundation; National Mental Health Association; National Organization of State Associations for Children; National Organization for Rare Disorders; The Arc; United Cerebral Palsy Association; World Association of Psychosocial Rehabilitation.

Mr. CHAFEE. Mr. President, I am pleased today to join Senator CONRAD in introducing the Childhood SSI Eligibility Act. This legislation makes important reforms to the children's SSI program without completely dismantling this critical cash assistance program for low- income families with disabled children.

It is important to point out from the outset that, contrary to the many sensational stories we have seen in the press, 80 percent of children receiving SSI payments are severely disabled. They suffer from severe physical disabilities such as cystic fibrosis and cerebral palsy, or from significant developmental retardation. The other 20 percent have other mental impairments such as childhood autism or schizophrenia.

The families of such children need cash assistance in addition to medical services. In many of these cases, one parent must remain home with the child; in this case, the program serves as income replacement for a parent who must quit working. If these families were to lose their SSI cash benefits, many would not have the resources to care for their children at home resulting in a significant increase in institutionalization. Mr. President, if there is one thing we can all agree on it is that, whenever possible, children should remain at home with their families and in the community instead of in institutions. This legislation continues to make that possible.

The cash is also used for other critical supports, such as specially trained child care providers, specially equipped vehicles to transport children who use wheelchairs, home modifications and adaptations, special telecommunication services, and family support services.

Having said that, I also recognize that there are some problems with the children's SSI program, and that is why we are introducing legislation today. There has been rapid growth in the SSI program for children over the last 5 years. In 1989 the program was providing cash assistance to 300,000 children; by 1994 it was serving 890,000 children. During this same period the cost of the children's SSI program grew from $1.2 billion to $4.5 billion.

The growth in the program has now leveled out, but clearly, we need to ask ourselves why the program suddenly exploded and how we can prevent this from happening in the future. There are a couple of reasons for the sudden growth. First, the recession in the early 1990's resulted in many people falling into poverty, precipitating an increased need for government assistance. Second, in 1989 the Congress directed the Social Security Administration [SSA] to conduct outreach for the first time to potentially eligible families with children who have severe disabilities. Third, there was a change made to the mental impairment listings. And, finally, the 1990 Supreme Court decision, the so-called Zebley decision required SSA to change its childhood disability determination process to evaluate the child's level of functioning in addition to his or her medical condition. It was estimated at that time that 1 million additional children will meet the new criteria under Zebley.

We have all heard and read about the stories of parents gaming the system and coaching their children to act disabled in some fashion to qualify for SSI. And I do not question that some of this occurs. But is it rampant? The GAO finds no solid evidence of parents coaching their children, although it

does recommend that we take a serious look at certain aspects of the eligibility determination process. And that is what our legislation does.

First, the legislation tightens eligibility to ensure that only children with severe and persistent impairments, which substantially limit their ability to function, receive benefits. Second, it increases and better targets continuing disability reviews to ensure that only those who remain eligible actually continue to receive benefits. Third, it expands penalties for coaching children to act inappropriately in order to receive benefits. Finally, it imposes graduated payments for additional children, like other cash assistance programs such as AFDC.

Mr. President, I think this legislation is a fair and balanced approach. It acknowledges and corrects abuses in the system while reinforcing the purpose of the program: to enable children with disabilities to remain at home or in another appropriate and cost-effective setting and to cover the additional costs of caring for and raising such a child.

Who is this money serving? Children like Juan, a 9-year-old youngster in my home State of Rhode Island. Juan has been on SSI since birth, confined to a wheelchair and dependent on medical technology to survive. Without the cash assistance he receives under SSI, Juan's mother would be forced to put him into a residential facility at a cost of almost $200,000 per year. Compare this to the maximum SSI benefit of $438 a month. It seems to me that we are getting a pretty good deal, and that families like Juan's deserve every nickel they get.

The Finance Committee will be taking up this issue in the coming weeks as part of welfare reform. Many of my colleagues are familiar with the provision in the House-passed welfare reform bill which would eliminate cash assistance for all children unless they would be otherwise institutionalized. In my view, this should be rejected. I sincerely hope that my colleagues on the Finance Committee will consider the legislation we are introducing today as an alternative which provides effective reforms without removing disabled children from the rolls who are truly in need.

Mr. JEFFORDS. Mr. President, I rise today in support of Senator CONRAD'S Childhood Supplemental Security Income [SSI] Eligibility Reform Act. I am pleased to be an original cosponsor of this bill. I would like to begin by acknowledging and thanking my colleague Senator CONRAD for his hard work and dedication on drafting this bill to cure the problems in the children's SSI program. I am hopeful for this bill's quick consideration and adoption.

In the welfare reform bill passed earlier this year by our colleagues in the House, substantial changes were made in the children's SSI program. However, I believe that the House version of this bill fails to address the criticisms leveled towards this program while at the same time ensuring that the children and families that rely on and need these benefits receive them.

For example, a family I know of in Vermont has two young children with cystic fibrosis. They live in a very rural area of Vermont about 2 hours away from the specialty clinic and hospital they go to. This distance creates a constant expense of travel to this clinic and hospital. In addition, the medication costs for the two children are very high. The infant had growth problems related to malabsorption which required special formula. The older child had severe malabsorption that required surgery and requires subsequent close follow-up of his nutritional status.

The father of these children works full time, but has to take time off to attend the clinics with the children and to transport and visit them in the hospital. Some of the time off is unpaid because he has limited vacation time.

The children's mother had intended to return to work after they were born but cannot find a day care provider who is comfortable with the children's medical care needs. She undoubtedly would also have difficulty finding an employer who would allow her the necessary time off for appointments, hospitalizations, and so forth.

Mr. President, this family has a clear need for the Medicaid coverage and extra income that SSI provides. It is difficult to imagine how they could continue to provide the medical care that their children need without these benefits. They are a hard-working and tax-paying couple who struggle to do the best that they can for their children. The effect of the House bill on this family would be devastating, while our bill would ensure that this family that needs to receive these benefits would still receive them.

I believe that the bill being introduced today will meet both of these goals: preserve the essential parts of the children's SSI program, while, at the same time, addressing the concerns raised by its critics. I would now like to address the valid criticisms of the SSI program, and our specific solutions in the bill to these criticisms.

First, our bill will address the issue that SSI's purpose for children with disabilities was never sufficiently defined. By defining the program as maintaining children with disabilities in the most appropriate and cost effective setting, and enhancing such children's opportunities to develop into independent adults, our bill will combat the old once-disabled-always-disabled way of thinking.

This bill will also combat the current problem that children who are not severely disabled are drawing benefits. By tightening the SSI eligiibility requirements, our bill will ensure that children and families that truly need these benefits will be receiving them.

In addition, by increasing penalties to parents and guardians that knowingly and willfully coach children to act in ways that render them eligible for SSI, and requiring greater use of standardized testing, our bill will stem the practice of children who should be ineligible for benefits being found to be eligible for SSI.

Further, our bill will graduate payments to families for each additional child in the family receiving SSI benefits. This provision will ensure that families with multiple kids receiving SSI benefits will not be receiving the maximum benefit for each child.

Finally, our bill will help children receiving SSI benefits move toward self-sufficiency. I, for one, find this to be one of the most important provisions of the bill. By ensuring that we move people toward self-sufficiency, we are helping reduce the number of children receiving SSI benefits, while increasing the possibility that these individuals will not require future governmental support.

Mr. President, I believe that our bill changes what is wrong with the SSI program while maintaining legitimate benefits that children and their families rely on. We don't want to go back to a much more costly system that institutionalizes children rather than affording them an opportunity for productive and self-sufficient lives. Thus, I feel confident in stating that this bill will ensure that continued support of SSI benefits to families, like the one from Vermont I described earlier, while solving some of the problems currently plaguing the children's SSI system.

ADDITIONAL COSPONSORS

S. 234

At the request of Mr. CAMPBELL, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 234, a bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety laws, and for other purposes.

S. 240

At the request of Mr. DOMENICI, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 256

At the request of Mr. DOLE, the names of the Senator from Utah [Mr. HATCH] and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the

status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 302

At the request of Mrs. HUTCHISON, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 302, a bill to make a technical correction to section 11501(h)(2) of title 49, United States Code.

S. 383

At the request of Mr. WARNER, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 383, a bill to provide for the establishment of policy on the deployment by the United States of an antiballistic missile system and of advanced theater missile defense systems.

S. 440

At the request of Mr. WARNER, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 440, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 641

At the request of Mrs. KASSEBAUM, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 768

At the request of Mr. GORTON, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 768, a bill to amend the Endangered Species Act of 1973 to reauthorize the Act, and for other purposes.

S. 770

At the request of Mr. GORTON, his name was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

At the request of Mr. DOLE, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 770, supra.

AMENDMENTS SUBMITTED

THE INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT OF 1995

THOMPSON AMENDMENT NO. 756

(Ordered to lie on the table.)

Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill (S. 534) to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes; as follows:

On page 56, line 18, strike after ''delivered,'' through ''provision'' on line 21.

BAUCUS AMENDMENT NO. 757

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill, S. 534, supra; as follows:

On page 50, strike line 18 and insert the following: ''in which the generator of the waste has an ownership interest.''.

DODD (AND LIEBERMAN) AMENDMENT NO. 758

Mr. CHAFEE (for Mr. DODD, for himself and Mr. LIEBERMAN) proposed an amendment to the bill, S. 534, supra; as follows:

On page 62, line 4, after the words public service authority, add ''or its operator''.

ROTH (AND BIDEN) AMENDMENT NO. 759

(Ordered to lie on the table.)

Mr. ROTH (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by them to the bill, S. 534, supra; as follows:

On page 53, line 3, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

On page 53, line 4, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

On page 53, lines 7 and 8, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

On page 53, line 10, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

On page 56, lines 1 and 2 strike ''and each political subdivision of a State'' and insert '', political subdivision of a State, and public service authority''.

On page 56, line 12, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

On page 56, line 22, strike ''operation'' and insert ''existence''.

On page 57, line 4, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

On page 57, line 7, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

On page 57, line 21, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

CAMPBELL (AND OTHERS) AMENDMENT NO. 760

(Ordered to lie on the table.)

Mr. CAMPBELL (for himself, Mr. BROWN, and Mr. KEMPTHORNE) submitted an amendment intended to be proposed by them to the bill S. 534, supra; as follows:

On page 69, strike the quotation mark and period at the end of line 22.

On page 69, between lines 22 and 23, insert the following:

''(5) NO-MIGRATION EXEMPTIONS.—

''(A) IN GENERAL.—Ground water monitoring requirements may be suspended by the Director of an approved State for a landfill operator if the operator demonstrates that there is no potential for migration of hazardous constituents from the unit to the uppermost aquifer during the active life of the unit and the post-closure care period.

''(B) CERTIFICATION.—A demonstration under subparagraph (A) shall—

''(i) be certified by a qualified groundwater scientist and approved by the Director of an approved State.

''(C) GUIDANCE.—

''(i) IN GENERAL.—Not later than 6 months after the date of enactment of this paragraph, the Administrator shall issue a guidance document to facilitate and streamline small community use of the no migration exemption under this paragraph.

''(ii) CLARITY.—The guidance document described in clause (i) shall be written in clear terms designed to be understandable by officials of small communities without expert assistance.''.

BINGAMAN AMENDMENT NO. 761

Mr. BINGAMAN proposed an amendment to the bill, S. 534, supra; as follows:

At the appropriate place insert the following:

SEC. . BORDER STUDIES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Environmental Protection Agency.

(2) MAQUILADORA.—The term ''maquiladora'' means an industry located in Mexico along the border between the United States and Mexico.

(3) SOLID WASTE.—The term ''solid waste'' has the meaning provided the term under section 1004(27) of the Solid Waste Disposal Act (42 U.S.C. 6903(27)).

(b) IN GENERAL.—

(1) STUDY OF SOLID WASTE MANAGEMENT ISSUES ASSOCIATED WITH NORTH AMERICAN FREE-TRADE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator is authorized to conduct a study of solid waste management issues associated with increased border use resulting from the implementation of the North American Free Trade Agreement.

(2) STUDY OF SOLID WASTE MANAGEMENT ISSUES ASSOCIATED WITH UNITED STATES-CANADA FREE-TRADE AGREEMENT.—As soon as practicable after the date of enactment of this Act, the Administrator may conduct a similar study focused on border traffic of solid waste resulting from the implementation of the United States-Canada Free-Trade Agreement, with respect to the border region between the United States and Canada.

(c) CONTENTS OF STUDY.—A study conducted under this section shall provide for the following:

(1) A study of planning for solid waste treatment, storage, and disposal capacity (including additional landfill capacity) that would be necessary to accommodate the generation of additional household, commercial, and industrial wastes by an increased population along the border involved.

(2) A study of the relative impact on border communities of a regional siting of solid waste storage and disposal facilities.

(3) In the case of the study described in subsection (b)(1), research concerning methods of tracking of the transportation of—

(A) materials from the United States to maquiladoras; and

(B) waste from maquiladoras to a final destination.

(4) In the case of the study described in subsection (b)(1), a determination of the need for solid waste materials safety training for workers in Mexico and the United States within the 100-mile zone specified in the First Stage Implementation Plan Report for

1992–1994 of the Integrated Environmental Plan for the Mexico-United States Border, issued by the Administrator in February 1992.

(5) A review of the adequacy of existing emergency response networks in the border region involved, including the adequacy of training, equipment, and personnel.

(6) An analysis of solid waste management practices in the border region involved, including an examination of methods for promoting source reduction, recycling, and other alternatives to landfills.

(d) SOURCES OF INFORMATION.—In conducting a study under this section, the Administrator shall, to the extent allowable by law, solicit, collect, and use the following information:

(1) A demographic profile of border lands based on census data prepared by the Bureau of the Census of the Department of Commerce and, in the case of the study described in subsection (b)(1), census data prepared by the Government of Mexico.

(2) In the case of the study described in subsection (b)(1), information from the United States Customs Service of the Department of the Treasury concerning solid waste transported across the border between the United States and Mexico, and the method of transportation of the waste.

(3) In the case of the study described in subsection (b)(1), information concerning the type and volume of materials used in maquiladoras.

(4)(A) Immigration data prepared by the Immigration and Naturalization Service of the Department of Justice.

(B) In the case of the study described in subsection (b)(1), immigration data prepared by the Government of Mexico.

(5) Information relating to the infrastructure of border land, including an accounting of the number of landfills, wastewater treatment systems, and solid waste treatment, storage, and disposal facilities.

(6) A listing of each site in the border region involved where solid waste is treated, stored, or disposed of.

(7) In the case of the study described in subsection (b)(1), a profile of the industries in the region of the border between the United States and Mexico.

(e) CONSULTATION AND COOPERATION.—In carrying out this section, the Administrator shall consult with the following entities in reviewing study activities:

(1) With respect to reviewing the study described in subsection (b)(1), States and political subdivisions of States (including municipalities and counties) in the region of the border between the United States and Mexico.

(2) The heads of other Federal agencies (including the Secretary of the Interior, the Secretary of Housing, the Secretary of Health and Human Services, the Secretary of Transportion, and the Secretary of Commerce) and with respect to reviewing the study described in subsection (b)(1), equivalent officials of the Government of Mexico.

(f) REPORTS TO CONGRESS.—On completion of the studies under this section, the Administrator shall, not later than 2 years after the date of enactment of this Act, submit to the appropriate committees of Congress reports that summarize the findings of the studies and propose methods by which solid waste border traffic may be tracked, from source to destination, on an annual basis.

(g) BORDER STUDY DELAY.—The conduct of the study described in subsection (b)(2) shall not delay or otherwise affect completion of the study described in subsection (b)(1).

(h) FUNDING.—If any funding needed to conduct the studies required by this section is not otherwise available, the President may transfer to the Administrator, for use in conducting the studies, any funds that have been appropriated to the President under section 533 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3473) that are in excess of the amount needed to carry out that section. States that wish to participate in study will be asked to contribute to the costs of the study. The terms of the cost share shall be negotiated between the Environmental Protection Agency and the State.''.

COATS AMENDMENTS NOS. 762–765

(Ordered to lie on the table.)

Mr. COATS submitted four amendments intended to be proposed by him to the bill, S. 534, supra; as follows:

AMENDMENT NO. 762

On page 52, line 6, after ''State.'' insert ''A general reference to the receipt of waste outside the jurisdiction of the affected local government does not meet the requirement of the preceding sentence.''

AMENDMENT NO. 763

On page 34, line 4, after ''1993'' insert ''or calendar year 1994, whichever is less''.

AMENDMENT NO. 764

On page 48, strike lines 15 through 24 and insert the following:

''(2) HOST COMMUNITY AGREEMENT.—

''(A) ON OR AFTER DATE THAT IS 90 DAYS AFTER DATE OF ENACTMENT.—The term 'host community agreement', with respect to an agreement entered into on or after the date that is 90 days after the date of enactment of this section, means a written, legally binding document or documents executed by duly authorized officials of the affected local government that specifically authorizes a landfill or incinerator to receive specified amounts of municipal solid waste generated out of State.

''(B) BEFORE DATE THAT IS 90 DAYS AFTER DATE OF ENACTMENT.—

''(i) IN GENERAL.—The term 'host community agreement', with respect to an agreement entered into before the date that is 90 days after the date of enactment of this section—

''(I) means a written, legally binding document or documents executed by duly authorized officials of the affected local government specifically authorizing a landfill or incinerator to receive municipal solid waste generated out of State; but

''(II) does not include an agreement to pay host community fees for receipt of waste unless additional express authorization to receive out-of-State municipal solid waste is also included.

''(ii) TERMINOLOGY.—An agreement under clause (i) may use a term other than 'out-of-State', provided that any alternative term or terms evidence the approval or consent of the affected local government for receipt of municipal solid waste from sources or locations outside the State in which the landfill or incinerator is located or is proposed to be located.

AMENDMENT NO. 765

On page 35, strike line 3 and all that follows through page 36, line 12, and insert the following:

''(B) ADDITIONAL LIMIT FOR MUNICIPAL WASTE.—

''(i) IN GENERAL.—A State (referred to in this subparagraph as an 'importing State') may impose a limit under (in addition to or in lieu of any other limit imposed under this paragraph) on the amount of out-of-State municipal solid waste received at landfills and incinerators in the importing State.

''(ii) REQUIREMENTS.—A limit under clause (i) may be imposed only if each of the following requirements is met:

''(I) The limit does not conflict (within the meaning of clause (iii)) with any permit or host community agreement authorizing the receipt of out-of-State municipal solid waste.

''(II) The importing State has notified the Governor of the exporting State or States of the proposed limit at least 12 months before imposition of the limit.

''(III) The importing State has notified the Governor of the exporting State or States of the proposed limit at least 90 days before enforcement of the limit.

''(IV) The percentage reduction in the amount of out-of-State municipal solid waste that is received at each facility in the importing State at which a limit is established under clause (i) is uniform for all such facilities.

''(iii) CONFLICT.—A limit referred to in clause (ii)(I) shall be treated as conflicting with a permit or host community agreement if—

''(I) the permit or host community agreement establishes a higher limit; or

''(II) the permit or host community agreement does not establish any limit,

on the amount of out-of-State municipal solid waste that may be received annually at a landfill or incinerator that is the subject of the permit or host community agreement.

''(iv) LIMIT STATED AS PERCENTAGE.—

''(I) IN GENERAL.—A limit under clause (i) shall be stated as a percentage of the amount of out-of-State municipal solid waste generated in the exporting State and received at landfills and facilities in the importing State during calendar year 1993.

''(II) AMOUNT.—For any calendar year, the percentage amount of a limit under clause (i) shall be as specified in the following table:

"Calendar year:	Applicable Percentage:
1996	85
1997	75
1998	65
1999	55
after 1999	50.

HUTCHISON AMENDMENT NO. 766

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 534, supra, as follows:

On page 64, line 6, strike the word ''may'' and insert the word ''shall.''

ROTH (AND BIDEN) AMENDMENTS NOS. 767–768

(Ordered to lie on the table.)

Mr. ROTH (for himself and Mr. BIDEN) submitted two amendments intended to be proposed by them to the bill, S. 534, supra; as follows:

AMENDMENT NO. 767

On page 66, between lines 17 and 18 insert the following:

''(j) PUBLIC SERVICE AUTHORITIES.—For all purposes of this title, a reference to a political subdivision shall include reference to a public service authority.

AMENDMENT NO. 768

On page 56, line 22, strike ''operation'' and insert ''existence''.

KYL AMENDMENT NO. 769

Mr. KYL proposed an amendment to the bill, S. 534, supra; as follows:

On page 57, strike line 16 and all that follows through page 58, line 22, and insert the following:

''(4) CONTINUED EFFECTIVENESS OF AUTHORITY DURING AMORTIZATION OF FINANCING.—

''(A) IN GENERAL.—With respect to each designated waste management facility or facilities, or Public Service Authority, authority may be exercised under this section only—

''(i) until the date on which payments under the schedule for payment of the capital costs of the facility concerned, as in effect on May 15, 1994, are completed; and

''(ii) so long as all revenues (except for revenues used for operation and maintenance of the designated waste management facility or facilities, or Public Service Authority) derived from tipping fees and other fees charged for the disposal of waste at the facility concerned are used to make such payments.

''(B) REFINANCING.—Subparagraph (A) shall not be construed to preclude refinancing of the capital costs of a facility, but if, under the terms of a refinancing, completion of the schedule for payment of capital costs will occur after the date on which completion would have occurred in accordance with the schedule for payment in effect on May 15, 1994, the authority under this section shall expire on the earlier of—

''(i) the date specified in subparagraph (A)(i); or

''(ii) the date on which payments under the schedule for payment, as in effect after the refinancing, are completed.

''(C) Any political subdivision of a State exercising flow control authority pursuant to subsection (c) may exercise such authority under this section only until completion of the original schedule for payment of the capital costs of the facility for which permits and contracts were in effect, obtained or submitted prior to May 15, 1994.''

SNOWE (AND COHEN) AMENDMENT NO. 770

(Ordered to lie on the table.)

Ms. SNOWE (for herself and Mr. COHEN) submitted an amendment intended to be proposed by them to the bill, S. 534, supra; as follows:

On page 58, line 5, strike ''original facility'' and insert ''facility (as in existence on the date of enactment of this section)''.

SNOWE (AND COHEN) AMENDMENT NO. 771

(Ordered to lie on the table.)

Ms. SNOWE (for herself and Mr. COHEN) submitted an amendment intended to be proposed by them to the bill, S. 534, supra; as follows:

On page 56, lines 18 through 21, strike ''the substantial construction of which facilities was performed after the effective date of that law, ordinance, regulation, or other legally binding provision and''.

SPECTER AMENDMENT NO. 772

(Ordered to lie on the table.)

Mr. SPECTER submitted an amendment intended to be proposed by him to the bill, S. 534, supra; as follows:

On line 23 on page 56, after ''1994'' insert the following: ''; or

''(C) is imposed to direct the flow of municipal solid waste to existing publicly-financed resource recovery facilities (as defined in section 1004(24) of this Act) which were constructed prior to January 1, 1975 and were in operation as of May 15, 1994''.

FAIRCLOTH AMENDMENT NO. 773

Mr. CHAFEE (for Mr. FAIRCLOTH) proposed an amendment to the bill, S. 534, supra; as follows:

On page 59, after line 20, insert the following:

''(6) FLOW CONTROL ORDINANCE.—Notwithstanding anything to the contrary in this section, but subject to subsection (j), any political subdivision which adopted a flow control ordinance in November 1991, and designated facilities to receive municipal solid waste prior to April 1, 1992, may exercise flow control authority until the end of the remaining life of all contracts between the political subdivision and any other persons regarding the movement or delivery of municipal solid waste or voluntarily relinquished recyclable material to a designated facility (as in effect May 15, 1994). Such authority shall extend only to the specific classes or categories of municipal solid waste to which flow control authority was actually applied on or before May 15, 1994. The authority under this subsection shall be exercised in accordance with section 4012(b)(4).

JEFFORDS AMENDMENT NO. 774

(Ordered to lie on the table.)

Mr. JEFFORDS submitted an amendment intended to be proposed by him to the bill, S. 534, supra; as follows:

On page 64, between lines 2 and 3, insert the following:

''(f) STATE SOLID WASTE DISTRICT AUTHORITY.—A solid waste district of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if—

''(1) the solid waste district is currently required to initiate a recyclable materials recycling program in order to meet a municipal solid waste reduction goal of at least 30 percent by the year 2000, and uses revenues generated by the exercise of flow control authority strictly to implement programs to manage municipal solid waste, other than development of incineration; and

''(2) prior to May 15, 1994, the solid waste district—

''(A) was responsible under State law for the management and regulation of the storage, collection, processing, and disposal of solid wastes within its jurisdiction;

''(B) was authorized by State statute (enacted prior to January 1, 1990) to exercise flow control authority, and subsequently adopted the authority through a law, ordinance, regulation, contract, franchise, or other legally binding provision; and

''(C) was required by State statute (enacted prior to January 1, 1992) to develop and implement a solid waste management plan consistent with the State solid waste management plan, and the district solid waste management plan was approved by the appropriate State agency prior to September 15, 1994.

LAUTENBERG AMENDMENT NO. 775

Mr. LAUTENBERG proposed an amendment to the bill S. 534, supra; as follows:

On page 58, strike line 23 and all that follows through page 59, line 20, and insert the following:

''(5) ADDITIONAL AUTHORITY.—

''(A) APPLICATION OF PARAGRAPH.—This paragraph applies to a State or political subdivision of a State that, on or before January 1, 1984—

''(i) adopted regulations under State law that required the transportation to, and management or disposal at, waste management facilities in the State, of—

''(I) all solid waste from residential, commercial, institutional, or industrial sources (as defined under State law); and

''(II) recyclable material voluntarily relinquished by the owner or generator of the recyclable material; and

''(ii) as of January 1, 1984, had implemented those regulations in the case of every political subdivision of the State.

''(B) AUTHORITY.—Notwithstanding anything to the contrary in this section (including subsection (j)), a State or political subdivision of a State described in subparagraph (A) may continue to exercise flow control authority (including designation of waste management facilities in the State that meet the requirements of subsection (c)) for all classes and categories of solid waste that were subject to flow control on January 1, 1984.

DORGAN AMENDMENT NO. 776

(Ordered to lie on the table.)

Dr. DORGAN submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

On page 50, strike line 22 and all that follows through page 51, line 2.

WARNER AMENDMENTS NOS. 777–779

(Ordered to lie on the table.)

Mr. WARNER submitted three amendments intended to be proposed by him to the bill S. 534, supra; as follows:

AMENDMENT NO. 777

On page 53, line 10, insert ''or operated'' after ''identified''.

AMENDMENT NO. 778

On page 58, line 20, strike ''and'' and insert ''or''.

AMENDMENT NO. 779

On page 65, line 6, insert ''or related landfill restoration'' after ''services''.

McCONNELL AMENDMENT NO. 780

(Ordered to lie on the table.)

Mr. McCONNELL submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

At the end of the amendment add the following:

TITLE III—STATE OR REGIONAL SOLID WASTE PLANS

SEC. 301. FINDING.

Section 1002(a) of the Solid Waste Disposal Act (42 U.S.C. 6901(a)) is amended—

(1) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(2) by adding at the end the following:

''(5) that the Nation's improved standard of living has resulted in an increase in the amount of solid waste generated per capita, and the Nation has not given adequate consideration to solid waste reduction strategies.''.

SEC. 302. OBJECTIVE OF SOLID WASTE DISPOSAL ACT

Section 1003(a) of the Solid Waste Disposal Act (42 U.S.C. 6902(a)) is amended—

(1) by striking the period at the end of paragraph (10);

(2) by striking the period at the end of paragraph (11) and inserting ''; and''; and

(3) by adding at the end the following:

''(12) promoting local and regional planning for—

''(A) effective solid waste collection and disposal; and

''(B) reducing the amount of solid waste generated per capita through the use of solid waste reduction strategies.''.

SEC. 303. NATIONAL POLICY.

Section 1003(b) of the Solid Waste Disposal Act (42 U.S.C. 6902(b)) is amended by inserting ''solid waste and'' after ''generation of''.

SEC. 304. OBJECTIVE OF SUBTITLE D OF SOLID WASTE DISPOSAL ACT.

Section 4001 of the Solid Waste Disposal Act (42 U.S.C. 6941) is amended by inserting ''promote local and regional planning for effective solid waste collection and disposal and for reducing the amount of solid waste generated per capita through the use of solid waste reduction strategies, and'' after ''objectives of this subtitle are to''.

SEC. 305. GUIDELINES FOR STATE PLANS.

Section 4002(b) of the Solid Waste Disposal Act (42 U.S.C. 6942(b)) is amended by striking ''eighteen months after the date of enactment of this section'' and inserting ''18 months after the date of enactment of the Interstate Transportation of Municipal Solid Waste Act of 1995''.

SEC. 306. DISCRETIONARY STATE PLAN PROVISIONS.

Section 4003 of the Solid Waste Disposal Act (42 U.S.C. 6943) is amended by adding at the end the following:

''(e) DISCRETIONARY PLAN PROVISIONS RELATING TO SOLID WASTE REDUCTION GOALS, LOCAL AND REGIONAL PLANS, AND ISSUANCE OF SOLID WASTE MANAGEMENT PERMITS.—A State plan submitted under this subtitle may include, at the option of the State, provisions for—

''(1) establishment of a State per capita solid waste reduction goal, consistent with the goals and objectives of this subtitle, under which the State may disapprove a local or regional plan or deny a solid waste management permit that is inconsistent with those goals and objectives; and

''(2) establishment of a program relating solid waste management permits issued by the State in accordance with sections 4004 and 4005 to local and regional plans developed in accordance with section 4006 and approved by the State, under which the State may—

''(A) deny a permit for the reason that the permit is inconsistent with a local or regional plan;

''(B) issue a permit despite inconsistency with a local plan if—

''(i) the plan does not adequately provide for the current and projected solid waste management needs of the persons within the planning area; or

''(ii) issuance of the permit is necessary to meet the solid waste management needs of persons outside the planning area but within the State's jurisdiction;

''(C) deny a permit despite consistency with a local plan if the plan is inconsistent with a State per capita solid waste reduction goal established under paragraph (1); and

''(D) allow local and regional plans to ban or restrict the importation of solid waste (except hazardous waste, and except solid waste imported in accordance with a host community agreement for which the State issued a permit prior to January 1, 1994) from outside the planning area if the current and projected solid waste management needs of the persons within the planning area have been met by solid waste management facilities identified in the plan, whether within or outside the planning area.''.

SEC. 307. PROCEDURE FOR DEVELOPMENT AND IMPLEMENTATION OF STATE PLANS.

Section 4006(b) of the Solid Waste Disposal Act (42 U.S.C. 6946(b)) is amended ''and discretionary plan provisions'' after ''minimum requirements''.

COATS AMENDMENT NO. 781

(Ordered to lie on the table.)

Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

On page 43, between lines 14 and 15 insert the following:

''(d) DENIAL OF PERMIT BASED ON A NEEDS DETERMINATON.—The Governor of a State may deny a permit for a solid waste management facility on the basis of a needs determination in the permitting process if State law enacted or regulation adopted prior to May 15, 1994, specifically authorizes a denial on that basis.

MOYNIHAN AMENDMENT NO. 782

(Ordered to lie on the table.)

Mr. MOYNIHAN submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

On page 60 strike lines 6 through 12 and insert the following:

''(B) prior to May 15, 1994, the political subdivision committed to the designation of the particular waste management facilities or public service authority to which municipal solid waste is to be transported or at which municipal solid waste is to be disposed of under that law, ordinance, regulation, plan, or legally binding provision.

COHEN (AND SNOWE) AMENDMENTS NOS. 783–84

(Ordered to lie on the table.)

Mr. COHEN (for himself and Ms. SNOWE) submitted two amendments intended to be proposed by them to the bill S. 534, supra; as follows:

AMENDMENT NO. 783

On page 55, between lines 10 and 11 insert the following:

''(5) PUT OR PAY AGREEMENT.—(1) The term 'put or pay agreement' means an agreement that obligates or otherwise requires a State or political subdivision to—

''(A) deliver a minimum quantity of municipal solid waste to a waste management facility; and

''(B) pay for that minimum quantity of municipal solid waste even if the stated minimum quantity of municipal solid waste is not delivered within a required period of time.

''(2) For purposes of the authority conferred by subsections (b) and (c), the term 'legally binding provision of the State or political subdivision' includes a put or pay agreement that designates waste to a waste management facility that was in operation on or before December 31, 1988.

''(3) The entering into of a put or pay agreement shall be considered to be a designation (as defined in subsection (a)(1)) for all purposes of this title.

AMENDMENT NO. 784

On page 55, between lines 10 and 11, insert the following:

''(5) PUT OR PAY AGREEMENT.—(1) The term 'put or pay agreement' means an agreement that obligates or otherwise requires a State or political subdivision to—

''(A) deliver a minimum quantity of municipal solid waste to a waste management facility; and

''(B) pay for that minimum quantity of municipal solid waste even if the stated minimum quantity of municipal solid waste is not delivered within a required period of time.

''(2) For purposes of the authority conferred by subsections (b) and (c), the term 'legally binding provision of the State or political subdivision' includes a put or pay agreement that designates waste to a waste management facility that was in operation on or before December 31, 1988 and that requires an aggregate tonnage to be delivered to the facility during each operating year by the political subdivisions which have entered put or pay agreements designating that waste management facility.

''(3) The entering into of a put or pay agreement shall be considered to be a designation (as defined in subsection (a)(1)) for all purposes of this title.

ROTH (AND BIDEN) AMENDMENT NO. 785

(Ordered to lie on the table.)

Mr. ROTH (for himself and Mr. BIDEN) submitted an amendment intended to be proposed by them to the bill S. 534, supra; as follows:

On page 56, line 23, strike ''1994.'' and insert ''1994, or were in operation prior to May 15, 1994, and were temporarily inoperative on May 15, 1994.''

MURRAY AMENDMENT NO. 786

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill S. 534, supra; as follows:

On page 64, between lines 2 and 3, insert the following:

''(f) STATE-MANDATED SOLID WASTE MANAGEMENT PLANNING.—A political subdivision of a State may exercise flow control authority for municipal solid waste, construction and demolition debris, and for voluntarily relinquished recyclable material that is generated within its jurisdiction if State legislation enacted prior to January 1, 1990 mandated the political subdivision to plan for the management of solid waste generated within its jurisdiction, and if prior to January 1, 1990 the State delegated to its political subdivisions the authority to establish a system of solid waste handling, and if prior to May 15, 1994:

(1) the political subdivision has, in accordance with the plan adopted pursuant to such State mandate, obligated itself through contract (including a contract to repay a debt) to utilize existing solid waste facilities or an existing system of solid waste facilities; and

(2) the political subdivision has undertaken a recycling program in accordance with its adopted waste management plan to meet the State's solid waste reduction goal of fifty percent; and

(3) significant financial commitments have been made to implement the plan cited above.

DEWINE AMENDMENT NO. 787

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

At the appropriate place insert the following:

''( ) AUTHORITY TO RESTRICT OUT-OF-STATE CONSTRUCTION AND DEMOLITION DEBRIS.—

''(1) LIST.—On or before June 1, 1997, the Administrator shall publish a list disclosing

the amount of construction and demolition debris exported by each State in calendar year 1996.

''(2) AUTHORITY.—A State (referred to in this subsection as an 'importing State') may impose a limit on the amount of out-of-State construction and demolition debris received at landfills and incinerators in the importing State.

''(3) LIMIT STATED AS PERCENTAGE.—

''(A) IN GENERAL.—A limit under paragraph (1) shall be stated as a percentage of the amount of out-of-State construction and demolition debris generated in the exporting State and received at landfills and facilities in the importing State during calendar year 1996.

''(B) AMOUNT.—For any calendar year, the percentage amount of a limit under subparagraph (A) shall be as specified in the following table:

"Calendar year:	Applicable Percentage:
1998	100
1999	100
2000	100
2001	95
2002	90
2003	85
2004	80
2005	75
2006	70
2007	65
2008	60
2009	55
after 2009	50.

''(4) CONSTRUCTION AND DEMOLITION DEBRIS.—In this subsection, the term 'construction and demolition debris' means debris resulting from construction, remodeling, repair, or demolition of structures, other than such debris that—

''(A) is commingled with municipal solid waste (which such commingled debris is included within the meaning of 'municipal solid waste'); or

''(B) the generator of the debris has determined to be contained in accordance with paragraph (6).

''(54) OUT-OF-STATE CONSTRUCTION AND DEMOLITION DEBRIS.—In this subsection, the term 'out-of-State construction and demolition debris' means, with respect to any State, construction and demolition debris generated outside the State. Nothing in this paragraph shall be construed to interfere with a treaty to which the United States is a party.

''(6) CONTAMINATED DEBRIS.—

''(A) DETERMINATION.—For the purpose of determining whether debris is contaminated for the purpose of paragraph (4), the generator of the waste shall conduct representative sampling and analysis of the debris, the result of which shall be submitted to the affected local government for recordkeeping purposes only, unless not required by the affected local government.

''(B) DISPOSAL.—Debris that has been determined to be contaminated under paragraph (1) shall be disposed of in a landfill that meets, at a minimum, the requirements of this subtitle.''

''(7) ANNUAL REPORTS.—Submissions and annual reports under subsection (a)(6) shall include the amount of construction and demolition debris received.

HATFIELD AMENDMENT NO. 788

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

At the end of the amendment, insert the following new title:

TITLE ____—

SEC. ___01. SHORT TITLE.

This title may be cited as the ''National Beverage Container Reuse and Recycling Act of 1995''.

SEC. ___02. FINDINGS.

Congress finds the following:

(1) The failure to reuse and recycle empty beverage containers represents a significant and unnecessary waste of important national energy and material resources.

(2) The littering of empty beverage containers constitutes a public nuisance, safety hazard, and aesthetic blight and imposes upon public agencies, private businesses, farmers, and landowners unnecessary costs for the collection and removal of the containers.

(3) Solid waste resulting from the empty beverage containers constitutes a significant and rapidly growing proportion of municipal solid waste and increases the cost and problems of effectively managing the disposal of the waste.

(4) It is difficult for local communities to raise the necessary capital to initiate comprehensive recycling programs.

(5) The reuse and recycling of empty beverage containers would help eliminate unnecessary burdens on individuals, local governments, and the environment.

(6) Several States have previously enacted and implemented State laws designed to protect the environment, conserve energy and material resources, and promote resource recovery of waste by requiring a refund value on the sale of all beverage containers.

(7) The laws referred to in paragraph (6) have proven inexpensive to administer and effective at reducing financial burdens on communities by internalizing the cost of recycling and litter control to the producers and consumers of beverages.

(8) A national system for requiring a refund value on the sale of all beverage containers would act as a positive incentive to individuals to clean up the environment and would—

(A) result in a high level of reuse and recycling of the containers; and

(B) help reduce the costs associated with solid waste management.

(9) A national system for requiring a refund value on the sale of all beverage containers would result in significant energy conservation and resource recovery.

(10) The reuse and recycling of empty beverage containers would eliminate unnecessary burdens on the Federal Government, local and State governments, and the environment.

(11) The collection of unclaimed refunds from a national system of beverage container recycling would provide the resources necessary to assist comprehensive reuse and recycling programs throughout the United States.

(12) A national system of beverage container recycling is consistent with the intent of the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.).

(13) The provisions of this title are consistent with the goals established by the Administrator of the Environmental Protection Agency in January 1988. The goals include a national goal of 25 percent source reduction and recycling by 1992, coupled with a substantial slowing of the projected rate of increase in waste generation by the year 2000.

SEC. ___03. AMENDMENT OF SOLID WASTE DISPOSAL ACT.

(a) IN GENERAL.—The Solid Waste Disposal Act is amended by adding at the end thereof the following new subtitle:

"Subtitle K—Beverage Container Recycling

"SEC. 12001. DEFINITIONS.

As used in this subtitle:

''(1) BEVERAGE.—The term 'beverage' means beer or other malt beverage, mineral water, soda water, wine cooler, or a carbonated soft drink of any variety in liquid form intended for human consumption.

''(2) BEVERAGE CONTAINER.—The term 'beverage container' means a container—

''(A) constructed of metal, glass, or plastic (or a combination of the materials);

''(B) having a capacity of up to one gallon of liquid; and

''(C) that is or has been sealed and used to contain a beverage for sale in interstate commerce.

''(3) BEVERAGE DISTRIBUTOR.—The term 'beverage distributor' means a person who sells or offers for sale in interstate commerce to beverage retailers beverages in beverage containers for resale.

''(4) BEVERAGE RETAILER.—The term 'beverage retailer' means a person who purchases from a beverage distributor beverages in beverage containers for sale to a consumer or who sells or offers to sell in commerce beverages in beverage containers to a consumer.

''(5) CONSUMER.—The term 'consumer' means a person who purchases a beverage container for any use other than resale.

''(6) REFUND VALUE.—The term 'refund value' means the amount specified as the refund value of a beverage container under section 12002.

''(7) UNBROKEN BEVERAGE CONTAINER.—The term 'unbroken beverage container' shall include a beverage container opened in a manner in which the container was designed to be opened. A beverage container made of metal or plastic that is compressed shall constitute an unbroken beverage container if the statement of the amount of the refund value of the container is still readable.

''(8) WINE COOLER.—The term 'wine cooler' means a drink containing less than 7 percent alcohol (by volume)—

''(A) consisting of wine and plain, sparkling, or carbonated water; and

''(B) containing a non-alcoholic beverage, flavoring, coloring material, fruit juice, fruit adjunct, sugar, carbon dioxide, or preservatives (or any combination thereof).

"SEC. 12002. REQUIRED BEVERAGE CONTAINER LABELING.

''Except as otherwise provided in section 12007, no beverage distributor or beverage retailer may sell or offer for sale in interstate commerce a beverage in a beverage container unless there is clearly, prominently, and securely affixed to, or printed on, the container a statement of the refund value of the container in the amount of 10 cents. The Administrator shall promulgate regulations establishing uniform standards for the size and location of the refund value statement on beverage containers. The 10 cent amount specified in this section shall be subject to adjustment by the Administrator, as provided in section 12008.

"SEC. 12003. ORIGINATION OF REFUND VALUE.

''For each beverage in a beverage container sold in interstate commerce to a beverage retailer by a beverage distributor, the distributor shall collect from the retailer the amount of the refund value shown on the container. With respect to each beverage in a beverage container sold in interstate commerce to a consumer by a beverage retailer, the retailer shall collect from the consumer the amount of the refund value shown on the container. No person other than a person described in this section may collect a deposit on a beverage container.

"SEC. 12004. RETURN OF REFUND VALUE.

''(a) PAYMENT BY RETAILER.—If a person tenders for refund an empty and unbroken beverage container to a beverage retailer who sells (or has sold at any time during the 3-month period ending on the date of tender)

the same brand of beverage in the same kind and size of container, the retailer shall promptly pay the person the amount of the refund value stated on the container.

''(b) PAYMENT BY DISTRIBUTOR.—

''(1) IN GENERAL.—If a person tenders for refund an empty and unbroken beverage container to a beverage distributor who sells (or has sold at any time during the 3-month period ending on the date of tender) the same brand of beverage in the same kind and size of container, the distributor shall promptly pay the person—

''(A) the amount of the refund value stated on the container, plus

''(B) an amount equal to at least 2 cents per container to help defray the cost of handling.

''(2) TENDERING BEVERAGE CONTAINERS TO OTHER PERSONS.—This subsection shall not preclude any person from tendering beverage containers to persons other than beverage distributors.

''(c) AGREEMENTS.—

''(1) IN GENERAL.—Nothing in this subtitle shall preclude agreements between distributors, retailers, or other persons to establish centralized beverage collection centers, including centers that act as agents of the retailers.

''(2) AGREEMENT FOR CRUSHING OR BUNDLING.—Nothing in this subtitle shall preclude agreements between beverage retailers, beverage distributors, or other persons for the crushing or bundling (or both) of beverage containers.

''SEC. 12005. ACCOUNTING FOR UNCLAIMED REFUNDS AND PROVISIONS FOR STATE RECYCLING FUNDS.

''(a) UNCLAIMED REFUNDS.—At the end of each calendar year, each beverage distributor shall pay to each State an amount equal to the sum by which the total refund value of all containers sold by the distributor for resale in that State during the year exceeds the total sum paid during that year by the distributor under section 12004(b) to persons in the State. The total amount of unclaimed refunds received by any State under this section shall be available to carry out pollution prevention and recycling programs in the State.

''(b) REFUNDS IN EXCESS OF COLLECTIONS.—If the total amount of payments made by a beverage distributor in any calendar year under section 12004(b) for any State exceeds the total amount of the refund values of all containers sold by the distributor for resale in the State, the excess shall be credited against the amount otherwise required to be paid by the distributor to that State under subsection (a) for a subsequent calendar year, designated by the beverage distributor.

''SEC. 12006. PROHIBITIONS ON DETACHABLE OPENINGS AND POST-REDEMPTION DISPOSAL.

''(a) DETACHABLE OPENINGS.—No beverage distributor or beverage retailer may sell, or offer for sale, in interstate commerce a beverage in a metal beverage container a part of which is designed to be detached in order to open the container.

''(b) POST-REDEMPTION DISPOSAL.—No retailer or distributor or agent of a retailer or distributor may dispose of any beverage container labeled pursuant to section 12002 or any metal, glass, or plastic from the beverage container (other than the top or other seal thereof) in any landfill or other solid waste disposal facility.

''SEC. 12007. EXEMPTED STATES.

''(a) IN GENERAL.—

''(1) EXEMPTION.—Sections 12002 through 12005 and sections 12008 and 12009 shall not apply in any State that—

''(A) has adopted and implemented requirements applicable to all beverage containers sold in the State if the Administrator determines the requirements to be substantially similar to the provisions of sections 12002 through 12005 and sections 12008 and 12009 of this subtitle; or

''(B) demonstrates to the Administrator that, for any period of 12 consecutive months following the date of enactment of this subtitle, the State achieved a recycling or reuse rate for beverage containers of at least 70 percent.

''(2) TERMINATION OF EXEMPTION.—If at anytime following a determination by the Administrator under paragraph (1)(B) that a State has achieved a 70 percent recycling or reuse rate, the Administrator determines that the State has failed, for any 12-consecutive month period, to maintain at least a 70 percent recycling or reuse rate of beverage containers, the Administrator shall notify the State that, on the expiration of the 90-day period following the notification, sections 12002 through 12005 and sections 12008 and 12009 shall apply with respect to the State until a subsequent determination is made under paragraph (1)(A) or a demonstration is made under paragraph (1)(B).

''(b) DETERMINATION OF TAX.—No State or political subdivision thereof that imposes a tax on the sale of any beverage container may impose a tax on any amount attributable to the refund value of the container.

''(c) EFFECT ON OTHER LAWS.—Nothing in this subtitle is intended to affect the authority of any State or political subdivision thereof—

''(1) to enact or enforce (or continue in effect) any law concerning a refund value on containers other than beverage containers; or

''(2) to regulate redemption and other centers that purchase empty beverage containers from beverage retailers, consumers, or other persons.

''SEC. 12008. REGULATIONS.

''(a) IN GENERAL.—Not later than 12 months after the date of enactment of this subtitle, the Administrator shall prescribe regulations to carry out this subtitle.

''(b) BEVERAGE RETAILER.—The regulations shall include a definition of the term 'beverage retailer' for any case in which beverages in beverage containers are sold to consumers through beverage vending machines.

''(c) ADJUSTMENT FOR INFLATION.—The regulations shall adjust the 10 cent amount specified in section 12002 to account for inflation. The initial adjustment shall become effective on the date that is 10 years after the date of enactment of this subtitle, and additional adjustments shall become effective every 10 years thereafter.

''SEC. 12009. PENALTIES.

''Any person who violates any provision of section 12002, 12003, 12004, or 12006 shall be subject to a civil penalty of not more than $1,000 for each violation. Any person who violates any provision of section 12005 shall be subject to a civil penalty of not more than $10,000 for each violation.

''SEC. 12010. EFFECTIVE DATE.

''Except as provided in section 12008, this subtitle shall take effect on the date that is 2 years after the date of enactment of this subtitle.''.

(b) TABLE OF CONTENTS.—The table of contents for the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding at the end thereof the following new items:

''SUBTITLE K—BEVERAGE CONTAINER RECYCLING

''Sec. 12001. Definitions.
''Sec. 12002. Required beverage container labeling.
''Sec. 12003. Origination of refund value.
''Sec. 12004. Return of refund value.
''Sec. 12005. Accounting for unclaimed refunds and provisions for State recycling funds.
''Sec. 12006. Prohibitions on detachable openings and post-redemption disposal.
''Sec. 12007. Exempted States.
''Sec. 12008. Regulations.
''Sec. 12009. Penalties.
''Sec. 12010. Effective date.''.

SMITH (AND OTHERS) AMENDMENT NO. 789

Mr. SMITH (for himself, Mr. CHAFEE, and Mr. BAUCUS) proposed an amendment to the bill S. 534, supra; as follows:

On page 38, line 18, strike the phrase ''the Administrator has determined''.

On page 39, after line 8, insert the following: ''For purposes of developing the list required in this Section, the Administrator shall be responsible for collating and publishing only that information provided to the Administrator by States pursuant to this Section. The Administrator shall not be required to gather additional data over and above that provided by the States pursuant to this Section, nor to verify data provided by the States pursuant to this Section, nor to arbitrate or otherwise entertain or resolve disputes between States or other parties concerning interstate movements of municipal solid waste. Any actions by the Administrator under this Section shall be final and not subject to judicial review.''

On page 38, after the ''.'' on line 16 insert the following: ''States making submissions referred to in this Section to the Administrator shall notice these submissions for public review and comment at the State level before submitting them to the Administrator.''

On page 33, line 20, strike ''(6)(D)'' and insert ''(6)(C)''.

On page 34, line 13, strike ''determined'' and insert ''listed''.

On page 34, line 13, strike ''(6)(E)'' and insert ''(6)(C)''.

On page 36, line 16, strike ''(6)(E)'' and insert ''(6)(C)''.

On page 50, strike line 18 and insert the following: ''in which the generator of the waste has an ownership interest.''.

D'AMATO AMENDMENTS NOS. 790–814

(Ordered to lie on the table.)

Mr. D'AMATO submitted 25 amendments intended to be proposed by him to the bill S. 534, supra; as follows:

AMENDMENT NO. 790

At the appropriate place insert the following:

( ) SEVERABILITY.—

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

AMENDMENT NO. 791

On page 35, line 5, insert the phrase ''or permits authorizing receipt of out-of-State municipal solid waste'' after the word ''agreements''.

On page 37, line 22, insert the phrase ''not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste'' before the world ''shall''.

On page 38, line 3, delete ''July 1'' and insert ''May 1''.

On page 38, line 8, insert the phrase ''at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste'' after the word ''State''.

On page 38, line 19, insert the phrase ''to landfills or incinerators not covered by host-community agreements or permits authorizing receipt of out-of-State municipal solid waste'' before the word ''in''.

AMENDMENT NO. 792

On page 64, at line 3, insert the following and reletter all subsequent paragraphs:

(f) STATE-AUTHORIZED SERVICES AND LOCAL PLAN ADOPTION.—A political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the other or generator of the material that is generated within its jurisdiction if, prior to May 15, 1994, the political subdivision—

(1) has been authorized by State statute to exercise flow control authority and had implemented the authority through a law, ordinance, regulation, contract, or other legally binding provision; and

(2) had adopted a local solid waste management plan pursuant to State statute; and

(3) had incurred significant financial expenditures for the planning, site selection, design, permitting, construction or acquisition of the facilities proposed in its local solid waste management plan.

AMENDMENT NO. 793

On page 60, delete from line 23 to page 61, line 2, and replace with the following:

(C) REVENUE BONDS.—Prior to May 15, 1994, revenue bonds were presented for sale to specifically provide revenue for the site selection, permitting or acquisition for construction of the facility.

On page 61, after line 8, add the following:

(E) FINANCIAL EXPENDITURES.—Prior to May 15, 1994, the State or political subdivision had executed revenue or general obligation bonds or other financial instruments (such as lines of credit and bond anticipation notes) to provide for the site selection, permitting, or acquisition for construction of the facility.

AMENDMENT NO. 794

On page 64, after line (2), add a new subdivision (4) as follows and reletter the remaining subdivisions accordingly:

(f) STATE-AUTHORIZED FLOW CONTROL.—A political subdivision of a State may exercise flow control for municipal solid waste and recyclable material that is generated within its jurisdiction if, prior to May 15, 1994 the political subdivision had been authorized by State statute to exercise flow control authority.

AMENDMENT NO. 795

Page 64, line 3, insert the following as letter (f) and reletter subsequent paragraphs accordingly:

(f) STATE-AUTHORIZED SERVICES AND LOCAL PLAN ADOPTION.—A political subdivision of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if, prior to May 15, 1994, the political subdivision—

(1) had been authorized by State statute which specifically named the political subdivision to exercise flow control authority and had implemented the authority through a law, ordinance, regulation, contract, or other legally binding provision; and

(2) had adopted a local solid waste management plan pursuant to State statute and was required by State statute to adopt such plan in order to submit a complete permit application to construct a new solid waste management facility proposed in such plan; and

(3) had presented for sale a revenue or general obligation bond to provide for the site selection, permitting, or acquisition for construction of new facilities identified and proposed in its local solid waste management plan; and

(4) includes a municipality or municipalities required by State law to adopt a local law or ordinance to require that solid waste which has been left for collection shall be separated into recyclable, reusable or other components for which economic markets exist; and

(5) is in a State that has aggressively pursued closure of substandard municipal landfills, both by regulatory action and under statute designed to protect deep flow recharge areas in counties where potable water supplies are derived from sole source aquifers.

AMENDMENT NO. 796

On page 61, after line 8, insert the following:

(E) SIGNIFICANT EXPENDITURE.—The political subdivision had, prior to May 15, 1994, expended or committed to expending at least 50 percent of the cost of a comprehensive solid waste management system, and had relied on flow control authority for the completion of the system and payment of obligations incurred for the establishment of the system.

AMENDMENT NO. 797

On page 61, after line 8, insert the following:

(E) SIGNIFICANT EXPENDITURE.—The political subdivision had, prior to May 15, 1994, expended or committed to expending at least 75 percent of the cost of a comprehensive solid waste management system, and had relied on flow control authority for the completion of the system and payment of obligations incurred for the establishment of the system.

AMENDMENT NO. 798

On page 35, line 9, replace ''1993'' with ''1994''.

AMENDMENT NO. 799

On page 46, line 19, before ''or'' add '', to authorize, require, or result in the violation or failure to perform the terms of a written, legally binding contract entered into before enactment of this section,''

AMENDMENT NO. 800

On page 39, line 8, replace ''June 1'' with ''September 1''.

AMENDMENT NO. 801

On page 38, lines 14 and 15, delete ''the identity of the generator''.

AMENDMENT NO. 802

On page 36, line 21, after ''waste'', add ''A limit or prohibition shall be treated as violating and inconsistent with a host community agreement or permit if the agreement or permit establishes a higher limit or does not establish any limit.''

AMENDMENT NO. 803

On page 33, line 1, delete immediately upon date of enactment of this section'' and insert ''beginning January 1, 1996''.

AMENDMENT NO. 804

Starting on page 34, delete line 5 through page 35, line 2, and renumber the remainder of the paragraphs accordingly.

AMENDMENT NO. 805

Delete from page 34, line 5 through page 35, line 22 and replace with the following:

''(3)(i) Except as provided in paragraph (4), no State may export to landfills or incinerators in any 1 State, more than the following amounts of municipal solid waste:

''(I) In calendar year 1996, 95 percent of the amount exported to the State in calendar year 1993.

''(II) In calendar years 1997 through 2002, 95 percent of the amount exported to the State in the previous year.

''(III) In calendar year 2003, and each succeeding year, the limit shall be 50% of the amount exported in 1993.''

On page 36, line 14, delete ''and (B)''.

On page 37, line 22, insert the phrase ''not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste'' before the word ''shall''.

On page 38, line 3, delete ''July 1'' and insert ''May 1''.

On page 38, line 8, insert the phrase ''at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste'' after the word ''State''.

Delete page 38, line 17 through page 39, line 6 and replace with the following:

''(C) LIST.—The Administrator shall publish a list of importing States and the out-of-State municipal solid waste received from each State at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste.''

AMENDMENT NO. 806

Delete from page 34, line 5 through page 35, line 22 and replace with the following:

''(3)(i) Except as provided in paragraph (4), no State may export to landfills or incinerators in any 1 State, more than the following amounts of municipal solid waste:

''(I) In calendar year 1996, 92 percent of the amount exported to the State in calendar year 1993.

''(II) In calendar years 1997 through 2002, 92 percent of the amount exported to the State in the previous year.

''(III) In calendar year 2003, and each succeeding year, the limit shall be 50% of the amount exported in 1993.''

On page 36, line 14, delete ''and (B)''.

On page 37, line 22, insert the phrase ''not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste'' before the word ''shall''.

On page 38, line 3, delete ''July 1'' and insert ''May 1''.

On page 38, line 8, insert the phrase ''at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste'' after the word ''State''.

Delete page 38, line 17 through page 39, line 6 and replace with the following:

''(C) LIST.—The Administrator shall publish a list of importing States and the out-of-State municipal solid waste received from each State at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste.''

AMENDMENT NO. 807

Delete from page 34, line 5, through page 35, line 22 and replace with the following:

''(3)(i) Except as provided in paragraph (4), no State may export to landfills or incinerators in any 1 State, more than the following amounts of municipal solid waste.

(I) In calendar year 1996, 91 percent of the amount exported to the State in calendar year 1993;

(II) In calendar years 1997 through 2002, 91 percent of the amount exported to the state in the previous year;

(III) In calendar year 2003, and each succeeding year, the limit shall be 50% of the amount exported in 1993.

On page 36, line 14, delete ''and (B)''

On page 37, line 22, insert the phrase ''not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste'' before the word ''shall''.

On page 38, line 3, delete ''July 1'' and insert ''May 1''.

On page 38, line 8, insert the phrase ''at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste'' after the word ''State''.

Delete page 38, line 17, through page 39, line 6 and replace with the following:

''(C) LIST.—The Administrator shall publish a list of importing states and the out-of-state municipal solid waste received from each State at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste.''

AMENDMENT NO. 808

Delete from page 34, line 5, through page 35, line 22 and replace with the following:

''(3)(i) Except as provided in paragraph (4), no State may export to landfills or incinerators in any 1 State, more than the following amounts of municipal solid waste.

(I) In calendar year 1996, 93 percent of the amount exported to the State in calendar year 1993;

(II) In calendar years 1997 through 2002, 93 percent of the amount exported to the state in the previous year;

(III) In calendar year 2003, and each succeeding year, the limit shall be 50% of the amount exported in 1993.

On page 36, line 14, delete ''and (B)''.

On page 37, line 22, insert the phrase ''not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste'' before the word ''shall''.

On page 38, line 3, delete ''July 1'' and insert ''May 1''.

On page 38, line 8, insert the phrase ''at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste'' after the word ''State''.

Delete page 38, line 17 through page 39, line 6 and replace with the following:

''(C) LIST.—The Administrator shall publish a list of importing states and the out-of-state municipal solid waste received from each State at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste.''

AMENDMENT NO. 809

Delete from page 34, line 5, through page 35, line 22 and replace with the following:

''(3)(i) Except as provided in paragraph (4), no State may export to landfills or incinerators in any 1 State, more than the following amounts of municipal solid waste.

(I) In calendar year 1996, 94 percent of the amount exported to the State in calendar year 1993,

(II) In calendar years 1997 through 2002, 94 percent of the amount exported to the state in the previous year;

(III) In calendar year 2003, and each succeeding year, the limit shall be 50% of the amount exported in 1993.

On page 36, line 14, delete ''and (B)''

On page 37, line 22, insert the phrase ''not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste'' before the word ''shall''

On page 38, line 3, delete ''July 1'' and insert ''May 1''.

On page 38, line 8, insert the phrase ''at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste'' after the word ''State''

Delete page 38, line 17, through page 39, line 6 and replace with the following:

''(C) LIST.—The Administrator shall publish a list of importing states and the out-of-state municipal solid waste received from each State at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste.''

AMENDMENT NO. 810

Delete from page 34, line 5, through page 35, line 22 and replace with the following:

''(3)(i) Except as provided in paragraph (4), no State may export to landfills or incinerators in any 1 State, more than the following amounts of municipal solid waste.

(I) In calendar year 1996, 94 percent of the amount exported to the State in calendar year 1993;

(II) In calendar years 1997 through 2002, 90 percent of the amount exported to the state in the previous year;

(III) In calendar year 2003, and each succeeding year, the limit shall be 50% of the amount exported in 1993.

On page 36, line 14, delete ''and (B)''

On page 37, line 22, insert the phrase ''not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste'' before the word ''shall''

On page 38, line 3, delete ''July 1'' and insert ''May 1''.

On page 38, line 8, insert the phrase ''at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste'' after the word ''State''

Delete page 38, line 17, through page 39, line 6 and replace with the following:

''(C) LIST.—The Administrator shall publish a list of importing states and the out-of-state municipal solid waste received from each State at landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste.''

AMENDMENT NO. 811

Replace from page 34, line 18, through page 35, line 2, with the following:

(i) 3,500,000 tons of municipal solid waste in each of calendar years 1996 and 1997

(ii) 3,000,000 tons of municipal solid waste in each of calendar years 1998 and 1999

(iii) 2,500,000 tons of municipal solid waste in each of calendar years 2000 and 2001

(iv) 2,000,000 tons of municipal solid waste in each of calendar years 2002 and each year thereafter.

On page 38, delete from line 22 to page 39, line 6, and replace with the following:

(i) 3,500,000 tons in 1996;

(ii) 3,500,000 tons in 1997;

(iii) 3,000,000 tons in 1998;

(iv) 3,000,000 tons in 1999;

(v) 2,500,000 tons in 2000;

(vi) 2,500,000 tons in 2001;

(vii) 2,000,000 tons in 2002 and each year thereafter.

AMENDMENT NO. 812

On page 34, line 9, delete ''prohibit or''.

AMENDMENT NO. 813

On page 34, lines 9 and 10, delete ''prohibit or limit the amount'' and insert ''restrict levels of imports to reflect the appropriate level as specified in (i) through (v)''.

AMENDMENT NO. 814

Insert the following at the appropriate place:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Comprehensive Iran Sanctions Act of 1995''.

SEC. 2. CONGRESSIONAL FINDINGS.

(a) IRAN'S VIOLATIONS OF HUMAN RIGHTS.—The Congress makes the following findings with respect to Iran's violations of human rights:

(1) As cited by the 1991 United Nations Special Representative on Human Rights, Amnesty International, and the United States Department of State, the Government of Iran has conducted assassinations outside of Iran, such as that of former Prime Minister Shahpour Bakhtiar for which the Government of France issued arrest warrants for several Iranian governmental officials.

(2) As cited by the 1991 United Nations Special Representative on Human Rights and by Amnesty International, the Government of Iran has conducted revolutionary trials which do not meet internationally recognized standards of fairness or justice. These trials have included such violations as a lack of procedural safeguards, trial times of 5 minutes or less, limited access to defense counsel, forced confessions, and summary executions.

(3) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran systematically represses its Baha'i population. Persecutions of this small religious community include assassinations, arbitrary arrests, electoral prohibitions, and denial of applications for documents such as passports.

(4) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran suppresses opposition to its government. Political organizations such as the Freedom Movement are banned from parliamentary elections, have their telephones tapped and their mail opened, and are systematically harassed and intimidated.

(5) As cited by the 1991 United Nations Special Representative on Human Rights and Amnesty International, the Government of Iran has failed to recognize the importance of international human rights. This includes suppression of Iranian human rights movements such as the Freedom Movement, lack of cooperation with international human rights organizations such as the International Red Cross, and an overall apathy toward human rights in general. This lack of concern prompted the Special Representative to state in his report that Iran had made ''no appreciable progress towards improved compliance with human rights in accordance with the current international instruments''.

(6) As cited by Amnesty International, the Government of Iran continues to torture its political prisoners. Torture methods include burns, arbitrary blows, severe beatings, and positions inducing pain.

(b) IRAN'S ACTS OF INTERNATIONAL TERRORISM.—The Congress makes the following findings, based on the records of the Department of State, with respect to Iran's acts of international terrorism:

(1) As cited by the Department of State, the Government of Iran was the greatest supporter of state terrorism in 1992, supporting over 20 terrorist acts, including the bombing of the Israeli Embassy in Buenos Aires that killed 29 people.

(2) As cited by the Department of State, the Government of Iran is a sponsor of radical religious groups that have used terrorism as a tool. These include such groups as Hezballah, HAMAS, the Turkish Islamic Jihad, and the Popular Front for the Liberation of Palestine-General Command (PFLP–GC).

(3) As cited by the Department of State, the Government of Iran has resorted to international terrorism as a means of obtaining political gain. These actions have included not only the assassination of former Prime Minister Bakhitiar, but the death sentence imposed on Salman Rushdie, and the assassination of the leader of the Kurdish Democratic Party of Iran.

(4) As cited by the Department of State and the Vice President's Task Force on Combatting Terrorism, the Government of Iran has long been a proponent of terrorist actions against the United States, beginning with the takeover of the United States Embassy in Tehran in 1979. Iranian support of extremist groups have led to the following attacks upon the United States as well:

(A) The car bomb attack on the United States Embassy in Beirut killing 49 in 1983 by the Hezballah.

(B) The car bomb attack on the United States Marine Barracks in Beirut killing 241 in 1983 by the Hezballah.

(C) The assassination of the president of American University in 1984 by the Hezballah.

(D) The kidnapping of all American hostages in Lebanon from 1984–1986 by the Hezballah.

SEC. 3. TRADE EMBARGO.

(a) IN GENERAL.—Except as provided in subsection (d), effective on the date of enactment of this Act, a total embargo shall be in force on trade between the United States and Iran.

(b) COVERED TRANSACTIONS.—As part of such embargo the following transactions are prohibited:

(1) CURRENCY TRANSACTIONS.—Any transaction in the currency exchange of Iran.

(2) CREDIT TRANSACTIONS.—The transfer of credit or payments between, by, through, or to any banking institution, to the extent that such transfers or payments involve any interest of Iran or a national thereof.

(3) IMPORTATION OF CURRENCY OR SECURITIES.—The importing from, or exporting to, Iran of currency or securities.

(4) TRANSACTIONS IN PROPERTY.—Any acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or any transaction involving, any property in which Iran or any national thereof has any interest; by any person, or with respect to any property, subject to the jurisdiction of the United States.

(5) EXPORTS.—The licensing for export to Iran, or for export to any other country for reexport to Iran, by any person subject to the jurisdiction of the United States of any item or technology controlled under the Export Administration Act of 1979, the Arms Export Control Act, or the Atomic Energy Act of 1954.

(c) EXTRATERRITORIAL APPLICATION.—In addition to the transactions described in subsection (b), the trade embargo imposed by this Act prohibits any transaction described in paragraphs (1) through (4) of that subsection when engaged in by a United States national abroad.

(d) EXCEPTIONS.—The authority granted to the President by this section does not include the authority to regulate or prohibit, directly or indirectly, the following:

(1) COMMUNICATIONS.—Any postal, telegraphic, telephonic, or other personal communication, which does not involve a transfer of anything of value.

(2) HUMANITARIAN ASSISTANCE.—Donations, by persons subject to the jurisdiction of the United States, of articles, such as food, clothing, medicine, medical supplies, instruments, or equipment intended to be used to relieve human suffering, except to the extent that the President determines that such donations are in response to coercion against the proposed recipient or donor.

(3) INFORMATION AND INFORMATIONAL MATERIALS.—The importation from Iran, or the exportation to Iran, whether commercial or otherwise, regardless of format or medium of transmission, of any information or informational materials, including but not limited to, publications, films, posters, phonograph records, photographs, microfilms, microfiche, tapes, compact discs, CD ROMs, artworks, and news wire feeds. The exports exempted from regulation or prohibition by this paragraph do not include those which are otherwise controlled for export under section 5 of the Export Administration Act of 1979, or under section 6 of such Act to the extent that such controls promote the nonproliferation or antiterrorism policies of the United States, or with respect to which acts are prohibited by chapter 37 of title 18, United States Code.

(e) PENALTIES.—Any person who violates this section or any license, order, or regulation issued under this section shall be subject to the same penalties as are applicable under section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to violations of licenses, orders, or regulations under that Act.

(f) APPLICATION TO EXISTING LAW.—This section shall apply notwithstanding any other provision of law or international agreement.

SEC. 4. IMPOSITION OF SANCTIONS ON PERSONS ENGAGING IN TRADE WITH IRAN.

(a) DETERMINATION BY THE PRESIDENT.—

(1) IN GENERAL.—The President shall impose the sanctions described in subsection (b) if the President determines in writing that, on or after the date of enactment of this Act, a foreign person has, with requisite knowledge, engaged in trade with Iran in any goods or technology (as defined in section 16 of the Export Administration Act of 1979).

(2) PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.—The sanctions shall be imposed pursuant to paragraph (1) on—

(A) the foreign person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person;

(C) any foreign person that is a parent or subsidiary of that person if that parent or subsidiary with requisite knowledge engaged in the activities which were the basis of that determination; and

(D) any foreign person that is an affiliate of that person if that affiliate with requisite knowledge engaged in the activities which were the basis of that determination and if that affiliate is controlled in fact by that person.

(b) SANCTIONS.—

(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, as follows:

(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(2).

(B) EXPORT SANCTION.—The United States Government shall not issue any license for any export by or to any person described in subsection (a)(2).

(2) EXCEPTIONS.—The President shall not be required to apply or maintain the sanctions under this section—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(ii) if the President determines in writing that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines in writing that such articles or services are essential to the national security under defense coproduction agreements;

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

(C) to—

(i) spare parts which are essential to United States products or production;

(ii) component parts, but not finished products, essential to United States products or production; or

(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(D) to information and technology essential to United States products or production; or

(E) to medical or other humanitarian items.

(c) SUPERSEDES EXISTING LAW.—The provisions of this section supersede the provisions of section 1604 of the Iran-Iraq Arms Non-Proliferation Act of 1992 (as contained in Public Law 102-484) as such section applies to Iran.

SEC. 5. OPPOSITION TO MULTILATERAL ASSISTANCE.

(a) INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution described in paragraph (2) to oppose and vote against any extension of credit or other financial assistance by that institution to Iran.

(2) The international financial institutions referred to in paragraph (1) are the International Bank for Reconstruction and Development, the International Development Association, the Asian Development Bank, and the International Monetary Fund.

(b) UNITED NATIONS.—It is the sense of the Congress that the United States Permanent Representative to the United Nations should oppose and vote against the provision of any assistance by the United Nations or any of its specialized agencies to Iran.

SEC. 6. WAIVER AUTHORITY.

The provisions of sections 3, 4, and 5 shall not apply if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has substantially improved its adherence to internationally recognized standards of human rights;

(2) has ceased its efforts to acquire a nuclear explosive device; and

(3) has ceased support for acts of international terrorism.

SEC. 7. REPORT REQUIRED.

Beginning 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall transmit to the appropriate congressional committees a report describing—

(1) the nuclear and other military capabilities of Iran; and

(2) the support, if any, provided by Iran for acts of international terrorism.

SEC. 8. DEFINITIONS.

As used in this Act:

(1) ACT OF INTERNATIONAL TERRORISM.—The term ''act of international terrorism'' means an act—

(A) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(B) which appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committees on Banking, Housing and Urban Affairs and Foreign Relations of the Senate and the Committees on Banking and Financial Services and International Relations of the House of Representatives.

(3) FOREIGN PERSON.—The term ''foreign person'' means—

(A) an individual who is not a United States national or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other nongovernment entity which is not a United States national.

(4) IRAN.—The term ''Iran'' includes any agency or instrumentality of Iran.

(5) NUCLEAR EXPLOSIVE DEVICE.—The term ''nuclear explosive device'' means any device, whether assembled or disassembled, that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT).

(6) DEFINITION.—For purposes of this subsection, the term ''requisite knowledge'' means situations in which a person ''knows'', as ''knowing'' is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd–2).

(7) UNITED STATES.—The term ''United States'' means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(8) UNITED STATES NATIONAL.—The term ''United States national'' means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States;

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity; and

(C) any foreign subsidiary of a corporation or other legal entity described in subparagraph (B).

BREAUX AMENDMENTS NOS. 815–818

(Ordered to lie on the table.)

Mr. BREAUX submitted five amendments intended to be proposed by him to the bill S. 534, supra; as follows:

AMENDMENT NO. 815

At the appropriate place, insert the following:

SEC. . STUDY OF INTERSTATE WASTE TRANSPORT.

(a) DEFINITIONS.—In this section:

(1) HAZARDOUS WASTE.—The term ''hazardous waste'' has the meaning provided in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(2) SEWAGE SLUDGE.—The term ''sewage sludge''—

(A) means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works; and

(B) includes—

(i) domestic septage;

(ii) scum or a solid removed in a primary, secondary, or advanced wastewater treatment process; and

(iii) material derived from sewage sludge (as otherwise defined in this paragraph); but

(C) does not include—

(i) ash generated during the firing of sewage sludge (as otherwise defined in this paragraph) in a sewage sludge incinerator; or

(ii) grit or screening generated during preliminary treatment of domestic sewage in a treatment works.

(3) SLUDGE.—The term ''sludge'' has the meaning provided in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(b) STUDY.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct a study, and report to Congress on the results of the study, to determine—

(1) the quantity of sludge (including sewage sludge) and hazardous waste that is being transported across State lines; and

(2) the ultimate disposition of the transported sludge and waste.

AMENDMENT NO. 816

Beginning on page 49, strike line 14 and all that follows through page 51, line 17, and insert the following:

tics, leather, rubber, hazardous waste, sewage sludge, or other combustible or noncombustible materials such as metal or glass (or any combination thereof). The term 'municipal solid waste' does not include—

''(A) any solid waste, including contaminated soil and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604 or 9606) or a corrective action taken under this Act;

''(B) any metal, pipe, glass, plastic, paper, textile, or other material that has been separated or diverted from municipal solid waste (as otherwise defined in this paragraph) and has been transported into a State for the purpose of recycling or reclamation;

''(C) any solid waste that is—

''(i) generated by an industrial facility; and

''(ii) transported for the purpose of treatment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or is located on property owned by the generator of the waste, or is located on property owned by a company with which the generator is affiliated;

''(D) any solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation;

''(E) any industrial waste that is not identical to municipal solid waste (as otherwise defined in this paragraph) with respect to the physical and chemical state of the industrial waste, and composition, including construction and demolition debris;

''(F) any medical waste that is segregated from or not mixed with municipal solid waste (as otherwise defined in this paragraph); or

''(G) any material or product returned from a dispenser or distributor to the manufacturer for credit, evaluation, or possible reuse.

''(5) The term 'compliance' means a pattern or practice of adhering to and satisfying standards and requirements promulgated by the Federal or a State government for the purpose of preventing significant harm to human health and the environment. Actions undertaken in accordance with compliance schedules for remediation established by Federal or State enforcement authorities shall be considered compliance for purposes of this section.

''(6) SEWAGE SLUDGE.—The term 'sewage sludge'—

''(A) means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works; and

''(B) includes—

''(i) domestic septage;

''(ii) scum or a solid removed in a primary, secondary, or advanced wastewater treatment process; and

''(iii) material derived from sewage sludge (as otherwise defined in this paragraph); but

''(C) does not include—

''(i) ash generated during the firing of sewage sludge (as otherwise defined in this paragraph) in a sewage sludge incinerator; or

''(ii) grit or screenings generated during preliminary treatment of domestic sewage in a treatment works.''

AMENDMENT NO. 817

On page 49, line 14, after ''rubber,'' insert ''hazardous waste,''.

AMENDMENT NO. 818

Beginning on page 49, strike line 14 and all that follows through page 51, line 17, and insert the following: tics, leather, rubber, sewage sledge, or other combustible or noncombustible materials such as metal or glass (or any combination thereof). The term 'municipal old waste' does not include—

''(A) any solid waste identified or listed as a hazardous waste under section 3001;

''(B) any solid waste, including contaminated solid and debris, resulting from a response action taken under section 104 or 106 of the Comprehensive Environmental Response. Compensation, and Liability Act of 1980 (42 U.S.C. 9604 OR 9606) or a corrective action taken under this Act;

''(C) any metal, pipe, glass, plastic, paper, textile, or other material that has been separated or diverted from municipal solid waste (as otherwise defined in this paragraph) and has been transported into a State for the purpose of recycling or reclamation;

''(D) any solid waste that is—

''(i) generated by an industrial facility; and

''(ii) transported for the purpose of treatment, storage, or disposal to a facility that is owned or operated by the generator of the waste, or is located on property owned by the generator of the waste, or is located on property owned by a company with which the generator is affiliated;

''(E) any solid waste generated incident to the provision of service in interstate, intrastate, foreign, or overseas air transportation;

''(F) any industrial waste that is not identical to municipal solid waste (as otherwise defined in this paragraph) with respect to the physical and chemical state of the industrial waste, and composition, including construction and demolition debris;

''(G) any medical waste that is segregated from or not mixed with municipal solid waste (as otherwise defined in this paragraph); or

''(H) any material or product returned from a dispenser or distributor to the manufacturer for credit, evaluation, or possible reuse.

''(5) The term 'compliance' means a pattern or practice of adhering to and satisfying standards and requirements promulgated by the Federal or a State government for the purpose of preventing significant harm to human health and the environment. Actions undertaken in accordance with compliance schedules for remediation established by Federal or State enforcement authorities shall be considered compliance for purposes of this section.

''(6) SEWAGE SLUDGE.—The term 'sewage sludge'—

''(A) means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works; and

''(B) includes—

''(i) domestic septage;

''(ii) scum or a solid removed in a primary, secondary, or advanced wastewater treatment process; and

''(iii) material derived from sewage sludge (as otherwise defined in this paragraph); but

''(C) does not include—

''(i) ash generated during the firing of sewage sludge (as otherwise defined in this paragraph) in a sewage sludge incinerator; or

''(ii) grit or screenings generated during preliminary treatment of domestic sewage in a treatment works.

LIEBERMAN AMENDMENT NO. 819

(Ordered to lie on the table).

Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

On pages 62–63, strike lines 24–25, and lines 1–3.

BIDEN AMENDMENT NO. 820

(Ordered to lie on the table.)

Mr. BIDEN submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

On page 56, line 23, strike ''1994.'' and insert ''1994, or were in operation prior to May 15, 1994 and were temporarily inoperative on May 15, 1994,''.

BAUCUS AMENDMENT NO. 821

(Ordered to lie on the table.)

Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

Beginning on page 33, line 9, strike all through page 46, line 19, and insert the following:

''(a) RESTRICTION ON RECEIPT OF OUT-OF-STATE WASTE.—(1) IN GENERAL.—(A) Except as provided in subsections (b) and (e), effective January 1, 1996, a landfill or incinerator in a State may not receive for disposal or incineration any out-of-State municipal solid waste unless the owner or operator of such landfill or incinerator has entered into a host community agreement or obtained a permit authorizing receipt of out-of-State municipal solid waste prior to enactment of this section, or obtains a host community agreement pursuant to this subsection.

''(2) Except as provided in paragraph (4), immediately upon the date of publication of the list required in paragraph (6)(D) and notwithstanding the absence of a request in writing by the affected local government, a Governor, in accordance with paragraph (5), may limit the quantity of out-of-State municipal solid waste received for disposal at each landfill or incinerator covered by the exceptions provided in subsection (b) that is subject to the jurisdiction of the Governor, to an annual amount equal to or greater than the quantity of out-of-State municipal solid waste received for disposal at such landfill or incinerator during calendar year 1993.

''(3)(A) Except as provided in paragraph (4), immediately upon the date of publication of the list required in paragraph (6)(E), and notwithstanding the absence of a request in writing by the affected local government, a Governor, in accordance with paragraph (5), may prohibit or limit the amount of out-of-State municipal solid waste disposed of at any landfill or incinerator covered by the exceptions in subsection (b) that is subject to the jurisdiction of the Governor, generated in any State that is determined by the Administrator under paragraph (6)(E) as having exported, to landfills or incinerators not covered by host community agreements or permits authorizing receipt of out-of-State municipal solid waste, more than—

''(i) 3,500,000 tons of municipal solid waste in calendar year 1996;

''(ii) 3,000,000 tons of municipal solid waste in each of calendar years 1997 and 1998;

''(iii) 2,500,000 tons of municipal solid waste in each of calendar years 1999 and 2000;

''(iv) 1,500,000 tons of municipal solid waste in each of calendar years 2001 and 2002; and

''(v) 1,000,000 tons of municipal solid waste in calendar year 2003 and each year thereafter.

''(B)(i) No State may export to landfills or incinerators in any 1 State that are not covered by host community agreements more than the following amounts of municipal solid waste:

''(I) In calendar year 1996, the greater of 1,400,000 tons or 90 percent of the amount exported to the State in calendar year 1993.

''(II) In calendar year 1997, the greater of 1,300,000 tons or 90 percent of the amount exported to the State in calendar year 1996.

''(III) In calendar year 1998, the greater of 1,200,000 tons or 90 percent of the amount exported to the State in calendar year 1997.

''(IV) In calendar year 1999, the greater of 1,100,000 tons or 90 percent of the amount exported to the State in calendar year 1998.

''(V) In calendar year 2000, 1,000,000 tons.

''(VI) In calendar year 2001, 800,000 tons.

''(VII) In calendar year 2002 or any calendar year thereafter, 600,000 tons.

''(ii) The Governor of an importing State may take action to restrict levels of imports to reflect the appropriate level of out-of-State municipal solid waste imports if—

''(I) the Governor of the importing State has notified the Governor of the exporting State and the Administrator, 12 months prior to taking any such action, of the importing State's intention to impose the requirements of this section;

''(II) the Governor of the importing State has notified the Governor of the exporting State and the Administrator of the violation by the exporting State of this section at least 90 days prior to taking any such action; and

''(III) the restrictions imposed by the Governor of the importing State are uniform at all facilities.

''(C) The authority provided by subparagraphs (A) and (B) shall apply for as long as a State exceeds the permissible levels as determined by the Administrator under paragraph (6)(E).

''(4)(A) A Governor may not exercise the authority granted under this section if such action would result in the violation of, or would otherwise be inconsistent with, the terms of a host community agreement or a permit issued from the State to receive out-of-State municipal solid waste.

''(B) Except as provided in paragraph (3), a Governor may not exercise the authority granted under this section in a manner that would require any owner or operator of a landfill or incinerator covered by the exceptions provided in subsection (b) to reduce the amount of out-of-State municipal solid waste received from any State for disposal at such landfill or incinerator to an annual quantity less than the amount received from such State for disposal at such landfill or incinerator during calendar year 1993.

''(5) Any limitation imposed by a Governor under paragraph (2) or (3)—

''(A) shall be applicable throughout the State;

''(B) shall not directly or indirectly discriminate against any particular landfill or incinerator within the State; and

''(C) shall not directly or indirectly discriminate against any shipments of out-of-State municipal solid waste on the basis of place of origin and all such limitations shall be applied to all States in violation of paragraph (3).

''(6) ANNUAL STATE REPORT.—

''(A) IN GENERAL.—Within 90 days after enactment of this section and on April 1 of each year thereafter the owner or operator of each landfill or incinerator receiving out-of-State municipal solid waste shall submit to the affected local government and to the Governor of the State in which the landfill or incinerator is located, information specifying the amount and State of origin of out-of-State municipal solid waste received for disposal during the preceding calendar year. Within 120 days after enactment of this section and on July 1 of each year thereafter each State shall publish and make available to the Administrator, the Governor of the State of origin and the public, a report containing information on the amount of out-of-State municipal solid waste received for disposal in the State during the preceding calendar year.

''(B) CONTENTS.—Each submission referred to in this section shall be such as would result in criminal penalties in case of false or misleading information. Such information shall include the amount of waste received, the State of origin, the identity of the generator, the date of the shipment, and the type of out-of-State municipal solid waste.

''(C) LIST.—The Administrator shall publish a list of States that the Administrator has determined have exported out-of-State in any of the following calendar years an amount of municipal solid waste in excess of—

''(i) 3,500,000 tons in 1996;

''(ii) 3,000,000 tons in 1997;

''(iii) 3,000,000 tons in 1998;

''(iv) 2,500,000 tons in 1999;

''(v) 2,500,000 tons in 2000;

''(vi) 1,500,000 tons in 2001;

''(vii) 1,500,000 tons in 2002;

''(viii) 1,000,000 tons in 2003; and

''(ix) 1,000,000 tons in each calendar year after 2003.

The list for any calendar year shall be published by June 1 of the following calendar year.

''(D) SAVINGS PROVISION.—Nothing in this subsection shall be construed to preempt any State requirement that requires more frequent reporting of information.

''(7) Any affected local government that intends to enter into a host community agreement after the date of enactment of this section, shall prior to taking such action—

''(A) notify the Governor, contiguous local governments, and any contiguous Indian tribes;

''(B) publish notice of the action in a newspaper of general circulation at least 30 days before taking such action;

''(C) provide an opportunity for public comment in accordance with State law, including at least 1 public hearing; and

''(D) following notice and comment, take formal action on any proposed request or action at a public meeting.

''(8) Any owner or operator seeking a host community agreement after the date of enactment of this subsection shall provide to the affected local government the following information, which shall be made available to the public from the affected local government:

''(A) A brief description of the planned facility, including a description of the facility size, ultimate waste capacity, and anticipated monthly and yearly waste quantities to be handled.

''(B) A map of the facility site that indicates the location of the facility in relation to the local road system and topographical and hydrological features and any buffer zones and facility units to be acquired by the owner or operator of the facility.

''(C) A description of the existing environmental conditions at the site, and any violations of applicable laws or regulations.

''(D) A description of environmental controls to be utilized at the facility.

''(E) A description of the site access controls to be employed, and roadway improvements to be made, by the owner or operator, and an estimate of the timing and extent of increased local truck traffic.

''(F) A list of all required Federal, State, and local permits.

''(G) Any information that is required by State or Federal law to be provided with respect to any violations of environmental laws (including regulations) by the owner and operator, the disposition of enforcement proceedings taken with respect to the violations, and corrective measures taken as a result of the proceedings.

''(H) Any information that is required by State or Federal law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

''(b) EXCEPTIONS TO AUTHORITY TO PROHIBIT OUT-OF-SATE MUNICIPAL SOLID WASTE.—(1) The prohibition on the disposal of out-of-State municipal solid waste in subsection (a)(1) shall not apply to landfills and incinerators in operation on the date of enactment of this section that—

''(A) received during calendar year 1993 documented shipments of out-of-State municipal solid waste; and

''(B)(i) in the case of landfills, are in compliance with all applicable Federal and State laws and regulations relating to operation, design and location standards, leachate collection, ground water monitoring, and financial assurance for closure and post-closure and corrective action; or

''(ii) in the case of incinerators, are in compliance with the applicable requirements of section 129 of the Clean Air Act (42 U.S.C. 7429) and applicable State laws and regulations relating to facility design and operations.

''(C) before the date of enactment of this section, the owner or operator entered into a host community agreement or received a permit specifically authorizing the owner or operator to accept at the landfill or incinerator municipal solid waste generated outside the State in which it is or will be located.''

''(2) A Governor may not prohibit the disposal of out-of-State municipal solid waste pursuant to subsection (a)(1) facilities described in this subsection that are not in compliance with applicable Federal and State laws and regulations unless disposal of municipal solid waste generated within the State at such facilities is also prohibited.

''(3) The owner or operator of a landfill or incinerator that is exempt under this subsection from the prohibition in subsection (a)(1) shall provide to the State and affected local government, and make available for inspection by the public in the affected local community, a copy of the host community agreement or permit referenced in subparagraph (C). The owner or operator may omit from such copy or other documentation any proprietary information, but shall ensure that at least the following information is apparent; the volume of out-of-State municipal solid waste received; the place of origin of the waste, and the duration of any relevant contract.

''(c) ADDITIONAL AUTHORITY TO LIMIT OUT-OF-STATE MUNICIPAL SOLID WASTE.—(1) In any case in which an affected local government is considering entering into, or has entered into, a host community agreement and the disposal or incineration of out-of-State municipal solid waste under such agreement would preclude the use of municipal solid waste management capacity described in paragraph (2), the Governor of the State in which the affected local government is located may prohibit the execution of such host community agreement with respect to that capacity.

''(2) The municipal solid waste management capacity referred to in paragraph (1) is that capacity—

''(A) that is permitted under Federal or State law;

''(B) that is identified under the State plan; and

''(C) for which a legally binding commitment between the owner or operator and another party has been made for its use for disposal or incineration of municipal solid waste generated within the region (identified under section 4006(a)) in which the local government is located.

''(d) COST RECOVERY SURCHARGE.—

''(1) AUTHORITY.—A State described in paragraph (2) may adopt a law and impose and collect a cost recovery charge on the processing or disposal of out-of-State municipal solid waste in the State in accordance with this subsection.

''(2) APPLICABILITY.—The authority to impose a cost recovery surcharge under this subsection applies to any State that on or before April 3, 1994, imposed and collected a special fee on the processing or disposal of out-of-State municipal solid waste pursuant to a State law.

''(3) LIMITATION.—No such State may impose or collect a cost recovery surcharge from a facility on any out-of-State municipal solid waste that is being received at the facility under 1 or more contracts entered into after April 3, 1994, and before the date of enactment of this section.

''(4) AMOUNT OF SURCHARGE.—The amount of the cost recovery surcharge may be no greater than the amount necessary to recover those costs determined in conformance with paragraph (6) and in no event may exceed $1.00 per ton of waste.

''(5) USE OF SURCHARGE COLLECTED.—All cost recovery surcharges collected by a State covered by this subsection shall be used to fund those solid waste management programs administered by the State or its political subdivision that incur costs for which the surcharge is collected.

''(6) CONDITIONS.—(A) Subject to subparagraphs (B) and (C), a State covered by this subsection may impose and collect a cost recovery surcharge on the processing or disposal within the State of out-of-State municipal solid waste if—

''(i) the State demonstrates a cost to the State arising from the processing or disposal within the State of a volume of municipal solid waste from a source outside the State;

''(ii) the surcharge is based on those costs to the State demonstrated under clause (i) that, if not paid for through the surcharge, would otherwise have to be paid or subsidized by the State; and

''(iii) the surcharge is compensatory and is not discriminatory.

''(B) In no event shall a cost recovery surcharge be imposed by a State to the extent that the cost for which recovery is sought is otherwise paid, recovered, or offset by any other fee or tax assessed against or voluntarily paid to the State or its political subdivision in connection with the generation, transportation, treatment, processing, or disposal of solid waste.

''(C) The grant of a subsidy by a State with respect to entities disposing of waste generated within the State does not constitute discrimination for purposes of subparagraph (A)(iii).

''(7) DEFINITIONS.—As used in this subsection:

''(A) The term 'costs' means the costs incurred by the State for the implementation of its laws governing the processing or disposal of municipal solid waste, limited to the issuance of new permits and renewal of or modification of permits, inspection and compliance monitoring, enforcement, and costs associated with technical assistance, data management, and collection of fees.

''(B) The term 'processing' means any activity to reduce the volume of solid waste or alter its chemical, biological or physical state, through processes such as thermal treatment, bailing, composting, crushing, shredding, separation, or compaction.

''(e) SAVINGS CLAUSE.—Nothing in this section shall be interpreted or construed—

''(1) to have any effect on State law relating to contracts to authorize, require, or result in the violation or failure to perform the terms of a written, legally binding contract entered into before enactment of this section during the life of the contract as determined under State law; or

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DODD AMENDMENT NO. 822

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

In the committee substitute on page 62, line 14, strike ''and'', and all that follows through line 3 on page 63, and insert the following:

''or

''(iii) entered into contracts with the operator of a solid waste facility selected by an operating committee composed of local political subdivisions created pursuant to State law to deliver or cause to be delivered to the facility substantially all of the disposable municipal solid waste that is generated or collected by or within the control of the political subdivision, which imposed flow control pursuant to a law, ordinance, regulation, or other legally binding provision and where outstanding revenue bonds were issued on behalf of the operating committee for waste management facilities;

''(B) prior to May 15, 1994, the public service authority or operating committee composed of local political subdivisions created pursuant to State law—

''(i) issued or had issued on its behalf, the revenue bonds for the construction of municipal solid waste facilities to which the political subdivision's municipal solid waste is transferred or disposed; and

''(ii) commenced operation of the facilities.''

SMITH AMENDMENTS NOS. 823–824

(Ordered to lie on the table.)

Mr. SMITH submitted two amendments intended to be proposed by him to the bill S. 534, supra; as follows:

AMENDMENT NO. 823

On page 56, lines 18 through 21, strike ''the substantial construction of which facilities was performed after the effective date of that law, ordinance, regulation, or other legally binding provision and''.

AMENDMENT NO. 824

On page 56, strike lines 10 through 13 and insert the following:

''(A)(i) had been exercised prior to May 15, 1994, and was being implemented on May 15, 1994, pursuant to a law, ordinance, regulation, or other legally binding provision of the State or political subdivision; or

''(ii) had been exercised prior to May 15, 1994, but implementation of such law, ordinance, regulation, or other legally binding provi-''.

WELLSTONE AMENDMENTS NOS. 825–826

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed by him to the bill S. 534, supra; as follows:

AMENDMENT NO. 825

On page 56, strike lines 18 through 21 and insert in lieu thereof the following: ''material is to be delivered, or the substantial construction of which facilities was performed after the effective date of that law, ordinance, regulation, or other legally binding provision, and

(c)''.

AMENDMENT NO. 826

On page 59, between lines 20 and 21, insert the following:

''(6) For the purposes of (1), ''was being implemented on May 15, 1994'' includes provisions that would have been in implementation on such date but for any court decision finding that such provisions unconstitutionally interfere with interstate commerce or but for the voluntary decision of a State or its political subdivision to suspend implementation because of the existence of such court decision or decisions.''.

SMITH AMENDMENTS NOS. 827–828

(Ordered to lie on the table.)

Mr. SMITH submitted two amendments intended to be proposed by him to the bill S. 534, supra; as follows:

AMENDMENT NO. 827

On page 67, strike the period and quotation mark at the end of line 2.

On page 67, between lines 2 and 3, insert the following:

''(k) TITLE NOT APPLICABLE TO LISTED FACILITIES.—Notwithstanding any other provision of this title, the authority to exercise flow control shall not apply to any facility that—

''(1) on the date of enactment of this Act, is listed on the National Priorities List under the comprehensive Environmental, Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.); or

''(2) as of May 15, 1994, was the subject of a pending proposal by the Administrator of the Environmental Protection Agency to be listed on the National Priorities List.''.

AMENDMENT NO. 828

On page 60, strike lines 1 through 5 and insert the following:

''(A)(i) the law, ordinance, regulation, or other legally binding provision specifically provides for flow control authority for municipal solid waste generated within its boundaries; and

''(ii) such authority was exercised prior to May 15, 1995, and was being implemented on May 15, 1994.''.

DOMENICI AMENDMENT NO. 829

(Ordered to lie on the table.)

Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

On page 69, line 22, strike ''.''

On page 69, between lines 22 and 23, insert the following new provision:

''(5) FURTHER REVISIONS OF GUIDELINES AND CRITERIA.—Not later than April 9, 1997, the Administrator shall promulgate revisions to the guidelines and criteria promulgated under this title to allow states to promulgate alternate design, operating, landfill gas and groundwater monitoring, financial assurance, and closure requirements for landfills which receive 20 tons or less of solid waste per day based on an annual average and are located in areas receiving 20 inches or less of annual precipitation, provided that such alternate requirements are sufficient to protect human health and the environment.''.

DEWINE AMENDMENTS NOS. 830–834

(Ordered to lie on the table.)

Mr. DEWINE submitted five amendments intended to be proposed by him to the bill S. 534, supra; as follows:

AMENDMENT NO. 830

On page 43, between lines 14 and 15, insert the following:

''(d) ADDITIONAL AUTHORITY TO LIMIT OUT-OF-STATE MUNICIPAL SOLID WASTE BY IMPOSING A PERCENTAGE LIMITATION.—

''(1) STATE LAW.—A State may by law provide that a State permit for a new landfill or incinerator shall include a percentage limitation on the total quantity of out-of-State municipal solid water that may be received at the landfill or incinerator.

''(2) REQUIREMENTS.—A percentage limitation imposed under paragraph (1)—

''(A) shall be uniform for all landfills or incinerators for which a permit is required under State law; and

''(B) shall not discriminate against out-of-State municipal solid waste based on the State of origin unless the waste is received under an agreement entered into under section 1005(b) pursuant to which the State and 1 or more other States (referred to in this subsection as an 'exporting State') have agreed on a different percentage limitation for specific facilities for municipal solid waste from any such exporting State.

''(3) MAJOR MODIFICATIONS.—This subsection shall apply to a permit (or permit amendment) for a major modification of a landfill or incinerator in the same manner as it applies to a permit for a new landfill or incinerator if the landfill or incinerator was not authorized to receive out-of-State municipal waste pursuant to a host community agreement prior to the date of enactment of this section.

AMENDMENT NO. 831

On page 42, line 19, after ''Waste,'' insert the following: ''by requiring use of municipal solid waste management capacity under a host community agreement''.

AMENDMENT NO. 832

On page 43, line 15, strike ''(d)'' and insert ''(e)''.

AMENDMENT NO. 833

On page 46, line 16, strike ''(e)'' and insert ''(f)''.

AMENDMENT NO. 834

On page 47, line 5, strike ''(f)'' and insert ''(g)''.

KEMPTHORNE AMENDMENTS NOS. 835–848

(Ordered to lie on the table.)

Mr. KEMPTHORNE submitted 14 amendments intended to be proposed by him to the bill S. 534, supra; as follows:

AMENDMENT NO. 835

On page 40, lines 19 and 20, after the word, ''site'', strike the following: ''and any violations of applicable laws or regulations''.

AMENDMENT NO. 836

On page 39, line 8, strike the word, ''June'', and in lieu thereof insert the word, ''September''.

AMENDMENT NO. 837

On page 38, line 14, after the word, ''received,'' strike everything through the end of the sentence and in lieu thereof insert the following: ''the State of origin and the date of shipment.''.

AMENDMENT NO. 838

On page 33, line 11, strike the words, ''immediately upon the date of enactment of this section,'' and in lieu thereof insert the words, ''beginning January 1, 1996.''

AMENDMENT NO. 839

On page 52, line 6, add the following new subsection:

( ) APPLICATION.—The provisions of this section shall not apply to prohibit or limit receipt of out-of-State municipal solid waste at any landfill or incinerator that meets both of the following conditions:

(A) The facility has been granted a permit under State law to receive municipal solid waste for combustion or disposal; and

(B) The State or its political subdivision within which the facility is located has exercised any flow control authority provided under other provisions of this subtitle to prohibit or limit the receipt by the facility of municipal solid waste that is generated within the State or its political subdivision.

AMENDMENT NO. 840

On page 45, lines 15 and 16, after the word, ''tax'', strike the words, ''assessed against or voluntarily''; on lines 16 and 17, after the word, ''subdivision'', insert the following: '', or to the extent that the amount of the surcharge is offset by voluntarily agreed payments to a State or its political subdivision''.

AMENDMENT NO. 841

On page 52, line 3, after the word, ''it'', strike the words, ''clearly and affirmatively states'', and in lieu thereof insert the words, ''reasonably evidences''.

AMENDMENT NO. 842

On page 45, line 19, after the number, ''3001'', add the following words, ''or waste regulated under the Toxic Substances and Control Act (15 U.S.C. 2601 et seq.)''.

AMENDMENT NO. 843

On page 48, lines 22 and 23, after the word, ''additional'', strike the word, ''express'' and in lieu thereof insert the word, ''specific''.

AMENDMENT NO. 844

On page 46, line 19, after the word, ''contracts'', insert the following: '', or to authorize, require, or result in the violation or failure to perform the terms of a written, legally binding contract entered into before enactment of this section''.

AMENDMENT NO. 845

On page 44, line 44, line 8, strike the words, ''enactment of this section'' and in lieu thereof insert the words, ''adoption of a State law authorized by this subsection''.

AMENDMENT NO. 846

On page 43, line 23, after the word, ''on'', strike the words, ''or before''.

AMENDMENT NO. 847

On page 36, line 21, add the following new sentence: ''A limit or prohibition shall be treated as a violation of and inconsistent with a host community agreement or permit if the agreement or permit establishes a higher limit or does not establish any limit.''.

AMENDMENT NO. 848

On page 35, line 5, after the word ''agreements'', insert the words, ''or permits authorizing receipt of out-of-State municipal solid waste''.

LEVIN AMENDMENTS NOS. 849–858

(Ordered to lie on the table.)

Mr. LEVIN submitted 10 amendments intended to be proposed by him to the bill S. 534, supra; as follows:

AMENDMENT NO. 849

On page 49, line 3, after ''of the State.'' strike all that follows through line 8.

AMENDMENT NO. 850

On page 56, line 23, after ''1994'' insert '', or, (C) was used by the political subdivision to finance resource recovery or waste reduction programs.''

AMENDMENT NO. 851

On page 60, lines 7 and 8, strike ''a waste management facility'' and insert ''1 or more waste management facilities''.

AMENDMENT NO. 852

On page 53, lines 17 and 18 and insert ''to 1 or more designated waste management facilities or facilities for recyclable material''.

AMENDMENT NO. 853

On page 63, line 24, strike ''and'' and insert ''or''.

AMENDMENT NO. 854

On page 63, line 22, strike ''significant''.

AMENDMENT NO. 855

On page 63, line 11, strike ''operation of solid waste facilities to serve the''.

AMENDMENT NO. 856

On page 63, line 16, strike ''30'' and insert ''25''.

AMENDMENT NO. 857

On page 56, line 18, after ''delivered,'' insert ''or''.

AMENDMENT NO. 858

On page 59, line 1, strike ''1984'' and insert ''1989''.

FEINSTEIN AMENDMENT NO. 859

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 534, supra; as follows:

On page 64, line 3, insert the following as subsection (f) and reletter subsequent subsections accordingly:

(f) Notwithstanding the provisions of this section, a political subdivision which, upon date of enactment of this section, is mandated by state law to divert 25 percent, by January 1, 1995, and 50 percent, by January 1, 2000, of all solid waste generated within its jurisdiction from landfill and resource recovery facilities through source reduction, recycling, and composting activities, may enter into a contract, franchise or agreement with, or issue a license or permit to, a public or private entity by which the public or private entity is exclusively or nonexclusively authorized to provide a solid waste management activity. Such state or political subdivision may as a condition in such contract, agreement, license or permit, require the public or private entity to deliver the solid waste or voluntarily relinquished recyclable material to a waste management facility identified by the state or political subdivision in such contract, agreement, license or permit. Any such contract, franchise or agreement, regardless of its effective date, and any such license or permit, regardless of when issued, shall be considered to be a reasonable regulation of commerce and shall not be considered to be an undue burden on or to otherwise impair, restrain, or discriminate against interstate commerce. For purposes of this subsection, the term ''solid waste'' shall mean solid waste as defined under the law, in existence on the date of enactment of this subsection, of the state.

DODD AMENDMENT NO. 860

(Ordered to lie on the table.)

Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 534, supra; as follows:

In the Committee substitute, on page 62, line 14, strike ''and'', and all that follows through line 3 on page 63, and insert the following:

''or

''(iii) entered into contracts with the operator of a solid waste facility selected by an operating committee composed of local political subdivisions created pursuant to state law to deliver or cause to be delivered to the facility substantially all of the disposable municipal solid waste that is generated or collected by or within the control of the political subdivision, which imposed flow control pursuant to a law, ordinance, regulation, or other legally binding provision and where outstanding revenue bonds were issued on behalf of the operating committee for waste management facilities;

''(B) prior to May 15, 1994, the public service authority or operating committee composed of local political subdivisions created pursuant to state law—

''(i) issued or had issued on its behalf, the revenue bonds for the construction of municipal solid waste facilities to which the political subdivision's municipal solid waste is transferred or disposed; and

''(ii) commenced operation of the facilities.

''(2) DURATION OF AUTHORITY.—Authority under this subsection may be exercised by a political subdivision qualifying under paragraph (1)(A)(ii) or paragraph (1)(A)(iii) only until the expiration of the contract or the life of the bond, whichever is earlier.

MURKOWSKI AMENDMENTS NO. 861 AND 862

Mr. CHAFEE (for Mr. MURKOWSKI) proposed two amendments to the bill S. 534, supra; as follows:

AMENDMENT NO. 861

On page 19, line 19, before ''would be infeasible'' insert ''or unit that is located in or near a small, remote Alaska village''.

AMENDMENT NO. 862

On page , line , before ''would be infeasible'' insert ''or unit that is located in or near a small, remote Alaska village''.

PRYOR AMENDMENT NO. 863

(Order to lie on the table.)

Mr. PRYOR submitted an amendment intended to be proposed by him to an amendment intended to be proposed by Mr. KEMPTHORNE to bill S. 534, supra; as follows:

On page 64, between lines 2 and 3, insert the following:

''(f) INCLUSION OF CERTAIN ADDITIONAL STATES AND POLITICAL SUBDIVISIONS.—Notwithstanding any other provision of this title, flow control authority granted under this title may be exercised by a State or political subdivision that, prior to May 15, 1994, adopted a flow control measure or measures, individually or collectively, that required the delivery of flow-controllable solid waste to a proposed or existing waste management facility.

LEVIN (AND ABRAHAM) AMENDMENT NO. 864

(Ordered to lie on the table.)

Mr. LEVIN (for himself and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to the bill S. 534, supra; as follows:

On page 33, strike line 9 and all that follows through line 17, and insert the following:

''(a) RESTRICTION ON RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE.—

''(1) IN GENERAL.—

''(A) AUTHORIZATION.—Effective 90 days after enactment, a landfill or incinerator in a State may not receive for disposal or incineration any out-of-State municipal solid waste unless the owner or operator of the landfill or incinerator obtains explicit authorization (as part of a host community agreement) from the affected local government to receive the waste.

''(B) REQUIREMENTS FOR AUTHORIZATION.—An authorization under subparagraph (A) shall—

''(i) be granted by formal action at a meeting;

''(ii) be recorded in writing in the official record of the meeting; and

''(iii) remain in effect according to its terms.

''(C) DISCRETIONARY TERMS AND CONDITIONS.—An authorization under subparagraph (A) may specify terms and conditions, including an amount of out-of-State waste that an owner or operator may receive and the duration of the authorization.

''(D) NOTIFICATION.—Promptly, but not later than 90 days after an authorization is granted, the affected local government shall notify the Governor, contiguous local governments, and any contiguous Indian tribes of an authorization under subparagraph (A).

''(2) INFORMATION.—Prior to seeking an authorization to receive out-of-State municipal solid waste under paragraph (1), the owner or operator of the facility seeking the authorization shall provide (and make readily available to the Governor, each contiguous local government and Indian tribe, and any other interested person for inspection and copying) the following information:

''(A) A brief description of the facility, including, with respect to both the facility and any planned expansion of the facility, the size, ultimate waste capacity, and the anticipated monthly and yearly quantities of (expressed in terms of volume) waste to be handled.

''(B) A map of the facility site disclosing—

''(i) the location of the site in relation to the local road system and topography and hydrogeological features; and

''(ii) any buffer zones or facility units to be acquired by the owner or operator.

''(C)(i) A description of the then-current environmental characteristics of the site and of ground water use in the area (including identification of private wells and public drinking water sources).

''(ii) A discussion of alterations that may be necessitated by, or occur as a result of, the facility.

''(D) A description of—

''(i) environmental controls typically required to be used on the site (pursuant to permit requirements), including run-on and runoff management, air pollution control devices, source separation procedures (if any), methane monitoring and control, landfill covers, liners or leachate collection systems, and monitoring programs; and

''(ii) any waste residuals generated by the facility, including leachate or ash, and the planned management of the residuals.

''(E) A description of site access controls to be employed, and roadway improvements to be made, by the owner or operator, and an estimate of the timing and extent of increased local truck traffic.

''(F) A list of all required Federal, State, and local permits.

''(G) Estimates of the personnel requirements of the facility, including information regarding the probable skill and education levels required for jobs at the facility, which, to the extent practicable, distinguishes between employment statistics for preoperational levels and those for postoperational levels.

''(H) Any information that is required by Federal or State law to be provided with respect to—

''(i) any violations of environmental laws (including regulations) by the owner, the operator, or any subsidiary of the owner or operator;

''(ii) the disposition of enforcement proceedings taken with respect to the violations; and

''(iii) corrective action and rehabilitation measures taken as a result of the proceedings.

''(I) Any information that is required by Federal or State law to be provided with respect to gifts and contributions made by the owner or operator.

''(J) Any information that is required by Federal or State law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

''(3) NOTIFICATION.—Prior to taking formal action with respect to granting authorization to receive out-of-State municipal solid waste pursuant to this subsection, an affected local government shall—

''(A) notify the Governor, contiguous local governments, and any contiguous Indian tribes;

''(B) publish notice of the action in a newspaper of general circulation at least 30 days before holding a hearing and again at least 15 days before holding the hearing, unless State law provides for an alternate form of public notification; and

''(C) provide an opportunity for public comment in accordance with State law, including at least 1 public hearing.

BREAUX AMENDMENTS NOS. 865–866

(Ordered to lie on the table.)

Mr. BREAUX submitted two amendments intended to be proposed by him to the bill S. 534, supra; as follows:

AMENDMENT NO. 865

At the appropriate place, insert the following:

SEC. . STUDY OF INTERSTATE SLUDGE TRANSPORT.

(a) DEFINITIONS.—In this section:

(1) SEWAGE SLUDGE.—The term ''sewage sludge''—

(A) means solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works; and

(B) includes—

(i) domestic septage;

(ii) scum or a solid removed in a primary, secondary, or advanced wastewater treatment process; and

(iii) material derived from sewage sludge (as otherwise defined in this paragraph); but

(C) does not include—

(i) ash generated during the firing of sewage sludge (as otherwise defined in this paragraph) in a sewage sludge incinerator; or

(ii) grit or screenings generated during preliminary treatment of domestic sewage in a treatment works.

(2) SLUDGE.—The term ''sludge'' has the meaning provided in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(b) STUDY.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct a study, and report to Congress on the results of the study, to determine—

(1) the quantity of sludge (including sewage sludge) that is being transported across State lines; and

(2) the ultimate disposition of the transported sludge.

AMENDMENT NO. 866

At the appropriate place, insert the following:

SEC. . STUDY OF INTERSTATE HAZARDOUS WASTE TRANSPORT.

(a) DEFINITION OF HAZARDOUS WASTE.—In this section, the term ''hazardous waste'' has the meaning provided in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).

(b) STUDY.—Not later than 3 years after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall conduct a study, and report to Congress on the results of the study, to determine—

(1) the quantity of hazardous waste that is being transported across State lines; and

(2) the ultimate disposition of the transported waste.

JEFFORDS (AND LEAHY) AMENDMENT NO. 867

Mr. JEFFORDS proposed an amendment to the bill S. 534, supra; as follows:

On page 64, between lines 2 and 3, insert the following:

''(f) STATE SOLID WASTE DISTRICT AUTHORITY.—A solid waste district of a State may exercise flow control authority for municipal solid waste and for recyclable material voluntarily relinquished by the owner or generator of the material that is generated within its jurisdiction if—

''(1) the solid waste district is currently required to initiate a recyclable materials recycling program in order to meet a municipal solid waste reduction goal of at least 30 percent by the year 2000, and uses revenues generated by the exercise of flow control authority strictly to implement programs to manage municipal solid waste, other than development of incineration; and

''(2) prior to May 15, 1994, the solid waste district—

''(A) was responsible under State law for the management and regulation of the storage, collection, processing, and disposal of solid wastes within its jurisdiction;

''(B) was authorized by State statute (enacted prior to January 1, 1990) to exercise flow control authority, and subsequently adopted the authority through a law, ordinance, regulation, contract, franchise, or other legally binding provision; and

''(C) was required by State statute (enacted prior to January 1, 1992) to develop and implement a solid waste management plan consistent with the State solid waste management plan, and the district solid waste management plan was approved by the appropriate State agency prior to September 15, 1994.

MOYNIHAN AMENDMENT NO. 868

Mr. CHAFEE (for Mr. MOYNIHAN) proposed an amendment to the bill S. 534, supra; as follows:

On page 60, line 7, strike the word ''a'' and insert ''the particular''.

On page 60, line 8, strike the word ''facility'' and insert in its place ''facilities or public service authority''.

On page 60, line 15, strike the word ''facility'' and insert in its place ''facilities or public service authority''.

CAMPBELL (AND OTHERS) AMENDMENT NO. 869

Mr. CHAFEE (for Mr. CAMPBELL for himself, Mr. BROWN, and Mr. KEMPTHORNE) proposed an amendment to the bill S. 534, supra; as follows:

On page 69, strike the quotation mark and period at the end of line 22.

On page 69, between lines 22 and 23, insert the following:

''(5) NO-MIGRATION EXEMPTION.—

''(A) IN GENERAL.—Ground water monitoring requirements may be suspended by the Director of an approved State for a landfill operator if the operator demonstrates that there is no potential for migration of hazardous constituents from the unit to the uppermost acquifer during the active life of the unit and the post-closure care period.

''(B) CERTIFICATION.—A demonstration under subparagraph (A) shall—

''(i) be certified by a qualified groundwater scientists and approved by the Director of an approved State.

''(C) GUIDANCE.—

''(i) IN GENERAL.—Not later than 6 months after the date of enactment of this paragraph, the Administrator shall issue a guidance document to facilitate small community use of the no migration exemption under this paragraph.

DODD (AND LIEBERMAN) AMENDMENT NO. 870

Mr. CHAFEE (for Mr. DODD, for himself and Mr. LIEBERMAN) proposed an

amendment to the bill S. 534, supra; as follows:

On page 55, line 8, add

''(B) other body created pursuant to State law or'',

Redesignate ''(B)'' as ''(C)''.

On page 62 line 1 insert after ''authority'', ''or on its behalf by a State entity''.

On page 62 line 17 insert after ''bonds'', ''or had issued on its behalf by a State entity''.

On page 62 line 24 strike all through page 63 line 3, and insert the following, ''the authority under this subsection shall be exercised in accordance with section 4012(b)(4).''.

ROTH (AND BIDEN) AMENDMENT NO. 871

Mr. CHAFEE (for Mr. ROTH, for himself and Mr. BIDEN) proposed an amendment to the bill S. 534, supra; as follows:

On page 53, line 3, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

On page 53, line 4, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

On page 53, lines 7 and 8, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

On page 53, line 10, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

On page 56, lines 1 and 2, strike ''and each political subdivision of a State'' and insert '', political subdivision of a State, and public Service authority''.

On page 56, line 12, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

On page 57, line 4, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

On page 57, line 7, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

On page 57, line 21, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

BIDEN (AND ROTH) AMENDMENT NO. 872

Mr. CHAFEE (for Mr. BIDEN for himself and Mr. ROTH) proposed an amendment to the bill S. 534, supra; as follows:

On page 56, line 23, strike ''1994.'' and insert ''1994, or were in operation prior to May 15, 1994 and were temporarily inoperative on May 15, 1994,''.

SMITH (AND OTHERS) AMENDMENT NO. 873

Mr. CHAFEE (for Mr. SMITH for himself, Mr. THOMAS, Mr. COHEN, Mrs. HUTCHISON, and Ms. SNOWE) proposed an amendment to the bill S. 534, supra; as follows:

On page 56, lines 18 through 21, strike ''the substantial construction of which facilities was performed after the effective date of that law, ordinance, regulation, or other legally binding provision and''.

On page 67, strike the period and quotation mark at the end of line 2.

On page 67, between lines 2 and 3, insert the following:

''(k) TITLE NOT APPLICABLE TO LISTED FACILITIES.—Notwithstanding any other provision of this title, the authority to exercise flow control shall not apply to any facility that—

''(1) on the date of enactment of this Act, is listed on the National Priorities List under the comprehensive Environmental, Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.): or

''(2) as of May 15, 1994, was the subject of a pending proposal by the Administrator of the Environmental Protection Agency to be listed on the National Priorities List.''.

SMITH (AND WELLSTONE) AMENDMENT NO. 874

Mr. CHAFEE (for Mr. SMITH for himself and Mr. WELLSTONE) proposed an amendment to the bill S. 534, supra; as follows:

On page 56, strike lines 10 through 13 and insert the following:

''(A)(i) had been exercised prior to May 15, 1994, and was being implemented on May 15, 1994, pursuant to a law, ordinance, regulation, or other legally binding provision of the State or political subdivision; or

''(ii) had been exercised prior to May 15, 1994, but implementation of such law, ordinance, regulation, or other legally binding provision of the State or political subdivision was prevented by an injunction, temporary restraining order, or other court action, or was suspended by the voluntary decision of the State or political subdivision because of the existence of such court action.

On page 60, strike lines 1 through 5 and insert the following:

''(A)(i) the law, ordinance, regulation, or other legally binding provision specifically provides for flow control authority for municipal solid waste generated within its boundaries; and

''(ii) such authority was exercised prior to May 15, 1995, and was being implemented on May 15, 1994.

SNOWE (AND COHEN) AMENDMENT NO. 875

Mr. CHAFEE (for Ms. SNOWE for herself and Mr. COHEN) proposed an amendment to the bill S. 534, supra; as follows:

On page 58, line 5, strike ''original facility'' and insert ''facility (as in existence on the date of enactment of this section)''.

PRYOR AMENDMENT NO. 876

Mr. CHAFEE for (Mr. PRYOR) proposed an amendment to the bill S. 534, supra; as follows:

On page 61, between lines 7 and 8, insert the following:

''(d) FORMATION OF SOLID WASTE MANAGEMENT DISTRICT TO PURCHASE AND OPERATE EXISTING FACILITY.—Notwithstanding subsection (b)(1) (A) and (B), a solid waste management district that was formed by a number of political subdivisions for the purpose of purchasing and operating a facility owned by 1 of the political subdivisions may exercise flow control authority under subsection (b) if—

''(1) the facility was fully licensed and in operation prior to May 15, 1994;

''(2) prior to April 1, 1994, substantial negotiations and preparation of documents for the formation of the district and purchase of the facility were completed;

''(3) prior to May 15, 1994, at least 80 percent of the political subdivisions that were to participate in the solid waste management district had adopted ordinances committing the political subdivisions to participation and the remaining political subdivisions adopted such ordinances within 2 months after that date; and

''(3) the financing was completed, the acquisition was made, and the facility was placed under operation by the solid waste management district by September 21, 1994.

COHEN (AND SNOWE) AMENDMENT NO. 877

Mr. CHAFEE (for Mr. COHEN for himself and Ms. SNOWE) proposed an amendment to the bill S. 534, supra; as follows:

On page 55, between lines 10 and 11 insert the following:

''(5) PUT OR PAY AGREEMENT.—(1) The term 'put or pay agreement' means an agreement that obligates or otherwise requires a State or political subdivision to—

''(A) deliver a minimum quantity of municipal solid waste to a waste management facility; and

''(B) pay for that minimum quantity of municipal solid waste even if the stated minimum quantity of municipal solid waste is not delivered within a required period of time.

''(2) For purposes of the authority conferred by subsections (b) and (c), the term 'legally binding provision of the State or political subdivision' includes a put or pay agreement that designates waste to a waste management facility that was in operation on or before December 31, 1988 and that requires an aggregate tonnage to be delivered to the facility during each operating year by the political subdivisions which have entered put or pay agreements designating that waste management facility.

''(3) The entering into of a put or pay agreement shall be considered to be a designation (as defined in subsection (a)(1)) for all purposes of this title.''

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, May 11, 1995, at 9:30 a.m. in open session to receive testimony on the national security implications of lowered export controls on dual-use technologies and U.S. defense capabilities.

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

COMMITTEE ON FINANCE

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Thursday, May 11, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on Medicare solvency.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, May 11, 1995, at 9:30 a.m., to hold a hearing to receive testimony on the Smithsonian Institution: Management Guidelines for the Future.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. CHAFEE. Mr. President, the Committee on Veterans' Affairs would

like to request unanimous consent to hold a hearing on the reorganization of the Veterans Health Administration, and the requirement of 38 U.S.C. 510(b) for the Department of Veterans Affairs to provide 90 days' notice to the Congress before an administrative reorganization may take effect. The hearing will be held on May 11, 1995, at 10 a.m., in room 418 of the Russell Senate Office Building.

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

SPECIAL COMMITTEE ON AGING

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Thursday, May 11, at 9:30 a.m. to hold a hearing on the topic of long-term care financing.

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

SUBCOMMITTEE ON DISABILITY POLICY

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Disability Policy of the Committee on Labor and Human Resources be authorized to meet for a hearing on the Individuals with Disabilities Education Act, during the session of the Senate on Thursday, May 11, 1995, at 10 a.m.

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

SUBCOMMITTEE ON IMMIGRATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Immigration of the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, May 11, 1995, at 2:30 p.m. to hold a hearing on Immigration and Naturalization Service oversight.

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

SUBCOMMITTEE ON INTERNATIONAL OPERATIONS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the International Operations Subcommittee of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 11, 1995, at 3 p.m. to hear testimony on the reorganization and revitalization of America's foreign affairs institutions.

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

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Near Eastern and South Asian Affairs Subcommittee of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 11, 1995, at 10 a.m. to hear testimony on U.S. assistance programs in the Middle East.

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

SUBCOMMITTEE ON READINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet at 2:30 p.m. on Thursday, May 11, 1995, in open session, to receive testimony on Environmental, Military Construction and BRAC Programs in review of S. 727, the National Defense Authorization Act for 1996.

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

SUBCOMMITTEE ON SUPERFUND, WASTE CONTROL, AND RISK ASSESSMENT

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Waste Control, and Risk Assessment be granted permission to conduct an oversight hearing Thursday, May 11, at 1:30 p.m., regarding the Comprehensive Environmental Response, Compensation, and Liability Act.

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

SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND GOVERNMENT

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Terrorism, Technology, and Government Information for the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, May 11, 1995, at 9:30 a.m. to hold a hearing on mayhem manuals and the internet.

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

ADDITIONAL STATEMENTS

TRIBUTE TO LEE TODD

● Mr. McCONNELL. Mr. President, I rise today to recognize the career of Mr. Lee Todd, who is working hard to make Lexington, KY, a major stop on the information highway. Lee is president and CEO of DataBeam, one of the State's few high-technology companies.

Lee grew up in Earlington, KY, where at age 14 he became the best pool shooter in town. Lee credits his early years in the western Kentucky town with helping make him who he is today. In a recent article in Blugrass magazine, Lee says ''I think every kid needs something to feel good about, to develop self esteem. For some kids it was athletics. For me, it was pool.''

After graduating from high school, Lee attended Murray State University, but after 2 years he transferred to the University of Kentucky. After receiving his diploma, Lee moved to Boston and attended M.I.T., where he earned his M.S. and Ph.D in electrical engineering. It was also in Boston that he met his wife, Patsy.

The Todds returned home to the Bluegrass State after graduation. They settled in Lexington, and Lee got a job in the Electrical Engineering Department at the University of Kentucky. He taught at U.K. for 9 years, and during that time he was honored with several teaching awards, including the coveted U.K. Alumni Association Great Teacher Award.

Lee caught ''entrepreneur fever'' at M.I.T, where he was awarded with six patents for advancements in picture tube technology. These patents helped lead to the development of DataBeam. In 1993, DataBeam introduced FarSite, the first software-driven computer conference room system. This high-technology allows a document to be viewed at the same time on different computer screens at different locations throughout the country.

DataBeam, which was given the Outstanding Small Business Award in 1988, is currently focusing on partnerships. The company recently added software giant Microsoft to its list of partners, which already includes AT&T, MCI, and Motorola.

Lee believes that by improving education and by helping to create a high-technology industry, Kentucky will have a brighter future. He founded and chairs the Kentucky Science, and Technology Counsel, which developed a hands-on learning package for elementary schoolchildren. This program is now used in about 60 percent of the elementary schools across the State.

Mr. President, I ask my colleagues to join me in recognizing this outstanding Kentuckian for his many accomplishments. I am confident that Mr. Todd will continue to invest in the future of Kentucky, as he has done so graciously in the past.●

POLITICAL TRANSITION IN CHINA

● Mr. BAUCUS. Mr. President, on March 23, the Congressional Economic Leadership Institute, in conjunction with the Congressional Competitiveness Caucus, held a discussion of China as that nation begins a political transition.

The meeting was led by three China experts: former United States Ambassador to China, Jim Lilley; Nigel Holloway, Washington correspondent of the Far Eastern Economic Review; and Drew Liu, executive director of the China Institute.

Called ''China After Deng,'' this vigorous discussion highlighted some of the outstanding issues in Chinese internal affairs and the United States-China relationship. I commend it to my colleagues who wish to gain a deeper understanding of these issues.

The panelists agreed, in the words of Drew Liu, that ''China is perhaps entering the most crucial period of transition.''

Mr. Holloway expressed another theme by urging ''constructive engagement,'' since the United States and the West generally ''need to keep drawing China out, into the wider world, and help to prevent its becoming a merchantilist military state.''

Ambassador Lilley put these points in context by noting that basic long-term economic and political trends within China are positive and leading toward a more economically and militarily powerful nation, and that the range of United States interests in the relationship with China is very broad.

I want to compliment the institute for organizing this useful discussion, and I ask that the transcript be printed in the RECORD.

The transcript follows:

CHINA AFTER DENG

PANELISTS

Ambassador James R. Lilley, Director of Asian Studies, American Enterprise Institute.

Nigel Holloway, Washington Correspondent, Far Eastern Economic Review.

Drew Liu, Executive Director, China Institute.

MODERATORS

U.S. Senator Max Baucus.

Congressman Jim Kolbe.

Rep. JIM KOLBE. We're here to look at a very timely topic and one in which there is a great deal of interest in the United States—the subject of China in the era after Deng Xiaoping.

It's my pleasure this morning to introduce my Senate colleague and good friend, Max Baucus. Senator Baucus has been involved with the Competitiveness Forum for a long time—in fact, since it was begun in 1987. He is a member of the Trade Subcommittee of the Senate Finance Committee; he's also ranking member of the Senate Environment Committee. As I think many of you know, he has taken a very strong and personal interest in the subject of China over the years. Please join me in welcoming, to introduce our panel this morning, the senior Senator from Montana, Max Baucus. Max:

Sen. MAX BAUCUS. Thank you, Jim. Thank you all for coming out this morning. We have three very distinguished guests this morning to help us discuss the future of China as that nation enters an era of political transition. In politics and security, China is critical to every major Asian security issue—from the conflict between India and Pakistan, to the Spratly Islands, to the Korean peninsula and on up north to the Russian Far East. It holds a permanent seat with a veto in the United Nations Security Council and, of course, China is a nation of 1.2 billion people with one of the world's largest armies.

In commerce, China is already one of the world's largest economies and international traders. Its trading power will increase even more after 1997. While China is our fastest growing export market, its issues—copyrights and patents; market-access for Montana wheat-producers; World Trade Organization membership; and trade deficits—show that China is also one of our most difficult trade policy challenges.

In environmental policy, China will very soon become the largest contributor to global warming. Its rapid coastal development, growing fishing fleet, and reliance on coal for power generation, all pose immensely difficult questions. And, of course, since Tiananmen Square in 1989, almost no foreign-policy issue has been as controversial or as divisive here in the United States as has human rights in China.

Internally, China faces high inflation, widespread corruption, and a declining standard-of-living in rural and inland regions relative to urban and coastal areas. At the National People's Congress last week, people as diverse as Prime Minister Li Peng and dissident petitioners identified these as problems threatening the stability of the country.

And what should we, the United States, expect in the next few years? What policies are likely to get results? Conversely, what actions will create a backlash? Difficult questions—and we have had heated debates over them since 1989. But I think everyone will agree the U.S. would benefit from a deeper understanding of trends and possible future developments in China. The CELI has brought together a panel of three long-time observers who can help us arrive at that understanding. They are:

The Honorable Jim Lilley. Jim is one of our country's most accomplished diplomats and Chinese scholars. He, of course, was the Ambassador of China during the Bush Administration and previously served as Ambassador to Korea. An internationally respected commentator on Chinese Affairs and U.S. China policy, he is now a Scholar-in-residence at the American Enterprise Institute.

Nigel Holloway, a long time observer of Chinese and Asian affairs. Mr. Holloway is the Washington correspondent for the Far Eastern Economic Review, which for decades has been the most respected Journal of East Asian business and politics.

And Drew Liu, Executive Director of the China Institute. The China Institute, established here in Washington by Wong Jung Tao on his release from prison last year, links China's most respectable intellectual dissidents on research on political and economic trends in China.

Each panelist will speak for a few minutes on what he sees as a major trend in China's economic and political development as we enter this transition era. Then we'll take questions. Thank you all for coming. Let's give a big warm welcome to our guest. [Applause.] Jim, I think you're first.

Ambassador JIM LILLEY. Well, that's quite a challenge. Let me just anecdote the first. I asked three people about the future of China—not romantics or visionaries, but people that basically do business there. One was a Korean fat cat who has invested probably three-quarters of a billion dollars in China and is investing more. And I said Chairman, how do you see China? He looked at me and he went like this [gesturing]—he said headaches, terrible headaches. But also, he said, long-term good.

Secondly, I talked to a Hong Kong businessman, just last night. And I said, where do you see it? He said, ''I have just bought one-quarter of a billion dollars of property in Hong Kong and I see a long-term rise because I am in the business of making money. The one thing I avoid is having anything to do with princely, high-cadre kids, economically. Socially they're fine—but don't touch them any other way.'' But he said, ''I'm putting my money where my mouth is—investing in the future of Hong Kong.''

The third person was a Department of Commerce representative who speaks beautiful Chinese. He said Commerce is quadrupling its staff in Shanghai, hiring 22 new locals; it's going to become the base of operations, almost paralleling our operation in Beijing. In other words, the United States Government is putting its people where it's mouth is, and they are going to build a center in Shanghai. This on a bet on the future of China's economy. I'm not saying the U.S. Government is always right. But I'm saying this is where they are going to make their action.

Let's move into the situation of China. Just briefly, I'll touch on three zones which are the obvious ones—political, military, economic.

First, militarily: Senator Baucus has touched on the places in Asia where China is an indispensable player. On the Korean peninsula, the stakes are very high; we are in a game of chicken and brinkmanship this very weekend. Strategically, the Chinese are basically with us. But they play a different game, one with Chinese characteristics. They don't want to see Kim Joy Il with nuclear weapons and long-range missiles. Nor do they want to see instability on the peninsula. Probably better than anybody, the Chinese know what a really weird, strange regime Kim Joy Il runs. They're done good work in the past; they've also been ambiguous in certain areas. But, to get a solution, the Chinese have to be a player, and we have to play with them. Because when we work with China, North Korea tends to give; when we split with China, they take advantage of it.

Second, the South China Sea. Perhaps you saw the piece in the Outlook section of the Washington Post this weekend? China is playing a long-term game of taking over the South China Sea—no question about that. It's going to happen, not in this century perhaps, but in the next century. It is not going to be necessarily large or violent, but more of a creeping takeover. This is spelled out in their internal documents. They are modernizing their military with this objective in mind. Jiang Zemin mentioned this in effect at the National People's Congress. So you shouldn't be confused.

What you have a genuine argument over is: Can they do it? Are they able to do it? With economic growth, will China spend its money on unproductive military activity that puts them in confrontation with the rest of Asia and possibly with the world's most powerful instrument, the United States Seventh Fleet? They've got to calculate very carefully and intelligently—which is precisely what they are doing. But they have ambitions, there's little question.

The third area, of course, is the Taiwan Straits. There's a great deal of gong-banging, stage-acting and posturing: Both sides trying to use the Americans against the other side—a very old game. Please don't get sucked in. The Chinese and Taiwanese are working very, very closely to straighten things out—when they really put their mind to it. But it's much more fun for each one to use the Americans to bash the other side. So be careful here. We hope it isn't next year's issue. This year, the issue is intellectual-property rights; last year, it was MFN and human rights. Next year, is it going to be Taiwan? Let's not make it Taiwan. Let's work ourselves out of this one—and we can if we don't let the Chinese use us.

Finally, the economic situation—obviously a mixed bag. China has an excellent growth record. Reserves are up a hundred percent. The trade balance has gone from 12 billion negative last year to five billion plus this year. But China also has 150 million surplus laborers, along with real problems in getting some sort of a financial code—a taxation code that functions. You see progress, but it's shaky. So apply the same business judgment you would in any such country: Know your partner, know the local market situation, get a good contract, deal with the people in power to get things done. This all applies to China. There is no quick fix.

The good news I see coming out of the National People's Congress that just finished is—don't get me wrong on this one, don't caricature my position, but—a slow movement towards the rule of law. There are differences in the Chinese system about how this should be done, and how fast. But the arguments they are having are arguments we, as Americans, can comprehend: Subsidies to state-owned enterprises. Subsidies to agriculture. How you manage the distribution of money internally—how much you put into the state sector and how much you keep out in the free-market sector. Arguments about the rules governing property, bankruptcy, and central banking. And I see progress on most of these fronts.

But the most encouraging sign is a degree of autonomy coming out of the Chinese themselves. You find one-third of the people voting against a candidate for Vice-Premier.

You certainly have people showing their displeasure at Li Peng's work report—very few, but they show it. You, see across-the-board, the Chinese representative bodies, usually overstaffed, beginning to move in the direction of some kind of an independent posture—where they can exercise a function over the party people. What I think it boils down to, over the long haul, is the rule of law versus the rule of man. A very deep issue in Chinese history, it is not easily solved—but the issue emerged in this National People's Congress. And I think that probably is the most promising sign in China today. Thank you. [Applause.]

NIGEL HOLLOWAY. Thank you very much. I'd like to thank the Institute very much for inviting me to this pulpit. First of all, I want to say that this is the first time that I've actually spoken about China's future in this way. I'm a journalist, probably as many of you are—so, we have something in common. But I maybe can see things in a slightly different way from the specialist. I have obviously traveled in China several times. I lived in Hong Kong for three-and-a-half years. And I've written about Asia as a whole since 1982.

I want to start by emphasizing the magnitude of what's happening in China today. Living standards have been doubling every five years or so—something that has never happened in a country larger than 100 million people. What an extraordinary change taking place with one-fifth of the world's population. (Of course, India is starting to go through the same transition—but it's different in India.)

Second point: In China, we have a Marxist superstructure, superimposed on a capitalist substructure. This is a recipe for tension, dislocation and conflict in the long term. You tend to compare it with Russia, where political opening preceded economic reform—and we can see where Russia is today. The Chinese transition, running the opposite way, is almost as difficult. China's leadership is ''riding the capitalist tiger'' like the capitalist governments in eastern Europe after the second world war were riding the communist tiger—and they were swallowed up. (The only country that succeeded in pulling it off was Singapore, in the late 1950s, where Lee Kuan Yew managed to stifle the communist tiger.)

In China's case today the tiger, of course, is the capitalist system. Deng and his cohorts know they have to delivery the goods. But the goods contain the seeds of their own destruction, namely the destruction of the communist system. The stock market, its shareholders, these are people with stakes in an economic system antagonistic to the political superstructure. This could be resolved gradually without major conflicts. It could also, of course, lead to another revolution.

The third factor is the leadership transition itself. We are going through another unprecedented situation for China, with nobody of a similar stature or credentials to replace Deng—so we are heading into an open country with no real road map. The first stages of the transition has already taken place: Deng has fully retired. I don't think he has been a factor for about a year now since the military appointments, made about a year ago. He is not playing a role like Lee Kuan Yew, still a major factor in Singapore politics.

What precedents do we have for the situation in China under a collective leadership? We have the inauspicious one, of course, of Yugoslavia after Tito—obviously there are major differences between the situation of Yugoslavia and that in China. Perhaps a better precedent is Vietnam: Since the death of Ho Chi Minh, there has been a fairly stable collective leadership. But Vietnam, of course, faces the same structural problems that China does long-term.

Nobody knows of course, what will happen in China, just as nobody knows who's going to win next year's presidential election here. But it's even harder to predict where China will be next year because it's so opaque. Talking to specialists, which is basically what I do, I get most of this second-hand. But the consensus is that China will move to a sort of authoritarian-capitalist model. That I think is what it's aiming for—rather like Singapore, a prospect the United States and the west can perhaps deal with. Singapore is a free-trading nation firmly in the Western camp but also with significant political differences. But Singapore is a very small island nation and China is a completely different kettle of fish. Could we live with a Singapore-style China?

Another question: Will China break up after the demise of Deng Xiaoping. Again, the consensus among specialists is that this is very unlikely. But one of the points they make is how the interest groups—the interest-group politics really running China now—is like the woven weft of a textile. Pull out one strand, and the textile will not fragment—because there are so many overlapping interests. For example, the military regions China is divided into do not exactly match the economic territory—they overlap. Another example is how the regional military command is rotated on a regular basis so they can't build local systems. At any rate, the consensus is China is unlikely to break up in the next 10 years.

What should American policy be towards China? Constructive engagement is certainly the right objective. The United States and the west need to keep drawing China out, into the wider world, and help to prevent its becoming a mercantilist military state. This is absolutely the right objective. Also, because the United States has such a wide array of interests in dealing with China, it should lay those out, and take a very hard look at where its priorities lie, rather than veering in one direction or another.

So I think the changes that are obviously taking place in U.S.-China policy over the last year have been in the right direction. This is absolutely the right way to go. The U.S. cannot bottle up China, nor should it. If it can help integrate China fully into world affairs, this will be one of the greatest achievements of the 21st Century. This requires an extremely deft handling to avoid the confusion we had a month ago when, in short order, we had conflict over intellectual-property rights, a dramatic reduction in MFN tariffs to China, and questions over the U.S. stance on China's application to the WTO. In the midst of all of this, we also had Hazel O'Leary in Beijing touting the contracts. It was confusing for China—and confusing for Americans too. I mean, what is American policy towards China? So it requires a very careful explanation: ''We have this array of differing interests—but these are the ones that are important.''

The shift in the U.S. stance towards China's WTO membership application is right—the U.S. is right to call for the toughest possible terms on China's application. China will probably become a member of the WTO by the end of the year, and that's the very best development. But I think it will be largely on the west terms rather than on China's.

If you look at all different aspects of China's relationships with the world and what Jim Lilley was saying about the rule of law, I sense a subtheme: China has to play by western rules if it wants to be a global player—whether it's arm sales, trade, and so on. And I think that the U.S. is right to stress that in all international forums.

I'd also like to make a plea that the U.S. should at every appropriate opportunity stress its strongest possible commitment to Hong Kong's long-term autonomy. As we've seen over the last few years, there's been a significant erosion in both the Chinese and, I must confess, the British attitude towards what was agreed on paper in the joint declaration. This is a source of serious concern. And the United States should stress during said meetings with Lu Ping, the senior representative of Beijing on Hong Kong affairs, that the U.S. has a strong interest in Hong Kong's economic and political autonomy.

I'd also like to agree with Jim Lilley that the U.S. must avoid pushing the Taiwan card too far. This has obviously been the major danger, I think, since the Republican victories in the election last year, and needs to be watched very carefully. That's my final point. Thank you.

DREW LIU. Thank you, Senator Baucus. Thank you, Congressman Kolbe. And I would like to thank also the Institute for this opportunity.

China is perhaps entering the most crucial period of transition, and many of the changes have taken place over last dozen years or so. Those changes are fundamental and from bottom-up. And so China has entered the threshold of fundamental change. What is the background, the nature of the forces, behind this change?

First, I would like to emphasize the crisis China is facing. In the political area, as everybody is aware, China is facing a crisis of transition, with a crack on the top echelon. And it's reflected especially in this People's Congress Session: Complaints and grievances from the lower echelon, and from local officials, are aimed against the center. And, in both political and economic areas—a linking point—you have this corruption issue. It is economical as well as political. The Chinese system is unable to contain corruption, which is very much hated by the Chinese populace.

In economics, the problem of the system is more fundamental than at first glance. The whole structure of communist state ownership has been very much undermined. But the new system has not been established during this transition. The transition is from the one kind of a planning system to the market system—and you have this plundering of the public funds, and public property, by officials. There is no law—it's a jungle. You [in America] talk about Ivan Boesky; in China today, everybody is Ivan Boesky. The Chinese people perceive this as very unfair, [a profound] injustice. Certainly in the social arena, you have hundreds of millions of people migrating from the rural area, from the inner provinces, to the southeast provinces. And these are the sign posts, in the Chinese history of big trouble, confirming a dynasty's end. The Ching dynasty was very much ended in that way—migration was part of the reason.

So there are three major scenarios. First is the continuation of dictatorship, the single-party model, maybe. Second is the opening of a political system and gradual transformation into democracy. The third one we could see is social unrest. The [inaudible word] of the Chinese society and maybe the breaking-up of China.

I would think the first scenario is growing less likely because of the lack of a strong man to hold China together—a Deng Xiaoping, a figure like that. With the power base in both military and party, and the state's bureaucratic system and in the Chinese political culture, the demand is for some kind of strong man to hold it together. It's like a reverse pyramid: One man at the bottom, everything is on top. The bottom goes away, and then you have the collapse. The current leadership of Jiang Zemin is less

capable of playing the same kind of integrating role as Deng Xiaoping. And [Chinese society lacks] the tradition of politics. Once in transition, divisions multiply. So continuation of the dictatorship is also unlikely. In all systems, the social forces formed during the reform process have been unable to be controlled.

The second scenario is the deep social unrest. But we think the biggest opportunity [occurring with this scenario would be] the gradual transition to a constitutional democracy. And let me say how I envision this could happen. At the China Institute, we do studies, mainly in the integrated area of theory in the practice. And we try to combine the vision blueprinting with actual process of change. What we find is that China's change in progress, towards political openness and the signs towards democratization, is always the result of a muddling through. It's not designed. it's not planned. It's not in anybody's mind.

As a result, many consequences are unintended. The different interest groups need to reposition themselves—but they don't have commonly accepted rules of the game. The process of democracy could be introduced into this situation—even though people may not be aware of the consequences. For instance, the mechanism of free elections, the mechanism of checks and balances, and the mechanism of [an impartial] monitoring device—all could be gradually introduced into the process.

Now secondly, it's not a moral process, like [in America]. Here, it's the ideal—you know the Founding Fathers, you know about universal rights. In China, it's not like that; it's really a process of people. ''See, this is we have to do. This [set of democratic mechanisms] is a way we can compromise without going total chaos [and risking] civil war.''

So, in this [potential] process, what is the position and role of the western world? How is this important process linked to the western world in general and the U.S. in particular? Shift the angle a little bit to say the importance of the U.S./China relation in the immediate future. It's very paradoxical and, I mean—there's no China policy. Perhaps it shouldn't be a ''China policy''—because of the two fundamental paradoxes in dealing with China. One is to deal with China on an international level—where you treat China as a society, as a state, as a collective. The other is the China of individuals.

Let me offer an example: On intellectual-property rights, we have monitored events, the process, very closely. Then we receive responses from different sectors among the Chinese—and I was surprised. Because, from our point of view, it is fair for China to abide by international standards. But I draw your attention to the internal Chinese response to this whole issue—to demonstrate why U.S. policy has to deal not only with China as a state and a collective, but also reach beyond that level, to the more individual level.

The Chinese look at intellectual-property rights, as the government crack down, and many Chinese businessmen think it's unfair—even though, from outside, we look at it as fair. Why is it unfair? Because in China there are more pressing issues—like fake medicine. Hundreds of people die as a result of fake medicine. One report in the Chinese media about hundreds dying—from fake wine made from industrial alcohol. People drink it and go blind. Things like that are more pressing issues than intellectual property. [America wants the Chinese] government to, you know, select intellectual-property rights and push them very hard. What the Chinese populace see is the government caving in to the interest of the foreigners—without taking care of the serious domestic issues.

One more thing about pressing China. When we look at an event, the nationalism is always in the back of mind. Some of the same complaints of national because of this disparity between the two systems. So what do you perceive the fair—''justice'' in the global and international perspective, we perceive as injustice and defeat into some other forces that may not be productive. I'm trying to add perspective; I'm not saying specifically do this or do that. I offer an angle on China's present position in the system—incompatible with the democratic and market system on one hand; and, on the other hand, wanting to enter into the world community.

So the political transformation, the liberalization, democratization are really the key to the future of the U.S./China relations in the long-term may not, you know like a very pressing issue, tomorrow in the media. But it's like the under current that we will carry the problems or your [inaudible word] into a specific problem into U.S./China relations. If China is not going democratic, and that is very unlikely I would say. THe Chinese will observe the law of the, observe the general international accepted standards only by the doing system to be compatible, and then you can have a more better and more productive relationship. Thank you very much.

Sen. BAUCUS. I'll take the liberty of asking the first questions. A lot of discussion so far has been about the United States relationship to China. I would just like to turn the tables and ask our panelists: How the Chinese see us? I mean, do they see us as being fair or unfair? You mentioned that we're pushing intellectual property protection, for example, to the local people. Say, gee that's not according to our priorities in China. But do the businessmen in China or the Chinese leadership recognize or don't know the United States has a legitimate beef after all. And perhaps they should follow the United States in trying to protect intellectual property. Or, on the other hand, are they just using local conditions as a cover to not do what they know they should do? My basic point is: What's the Chinese leadership perception of the United States? For example, is this nation seen as relevant around the world these days? And, if we're relevant, where are we relevant to how they see their future? Jim, I'll give you that one.

JIM LILLEY. I think the main fear in China with regard to U.S. attitude is that the U.S. looking for a boogie man or looking for an enemy, after Russia, to settle on China and will adopt the sort of containment policy which ever way you would like to put it that was adopted towards the Soviet Union. And so that's, I think, one of the major reason why the constructive-engagement policy is the right one to draw China out to avoid the impression that United States is trying to encircle China and contain it.

JIM KOLBE. Well I listened last night at a dinner to the Minister for, Director of, Administrator for Hong Kong affairs in China described the commitment that China has to maintaining the rules of law as he puts it and the agreement that was reached with Britain over the transition of Hong Kong to China. And I'm wondering if any of our speakers, this morning's panelist would comment on the issue of how important is the transition to Chinese rule in Hong Kong. What will the rest of the world be watching in this transition and what do you think we can expect as this transition takes place?

DREW LIU. Hong Kong issue is a very touchy issue in the sentiment of the Chinese mentality because it would cause the Chinese a humiliating defeat. But Hong Kong is also a very hot—like what we say in Chinese, a hot potato: You hold it, you want to eat it, but it's hot. And there is paradox, of course: Hong Kong is resources for the foreign currency and, on the other hand, Hong Kong is the stronghold of liberal ideas, and may help to spread political instability. In reacting to that, how will the Chinese government deal with Hong Kong?

I see several possibilities. I think the most likely response is to contain Hong Kong. Right now, there's easier traffic form Hong Kong to China and then, if Chinese government step in, it most probably would maintain Hong Kong's current system: Let Hong Kong still play the role it has been playing. On the other hand, in order to prevent Hong Kong's penetration, especially in the media, China would make it more difficult for people to travel from Hong Kong to China and from China to Hong Kong. And I think that seeing this as one possible solution shows the mentality of the Chinese leadership.

So what we are suggesting is, Hong Kong is really constructing, of course, opening wider China's market, marketization and giving China the stimulus to go further in marketing reform, abolishing the kind of state-controlled ownership structure. And on the other hand, it can gradually bring, you know alternatives, some models, examples of how to live and operate in a more democratic, more efficient society.

So we propose that the following institutions, especially cultural institutions, may go into Hong Kong right now and then enlarge their activities—especially with regard to the linkages inside China. For instance, educational projects. You know, many cultural things may not be political—nonpolitical, I would say. You know, purely educational, but by doing this, by joint venture, joint project, then Hong Kong and China can be linked. If they try to cut off Hong Kong from China after 1997 in administrative ways, then China's internal education would also suffer loss and damage. This is a very crucial time in Hong Kong, definitely, it is very, very important for the future of China. Thank you.

JIM LILLEY [inaudible words] is basically allow free market forces to go and strangle the political process in the cradle. And they have a lot of sympathy from Chinese in Hong Kong who think this western bourgeois democracy is really not applicable. So I think you've got somewhat of an economy there in terms. Bob, you know the formula very well: Let the free-market process work in Hong Kong. Keep it the goose laying the golden eggs. Have commercial rule of law in Hong Kong. Persist it for 50 years—but do not allow the political process to work and to contaminate China. That is the formula they have—yes, their formula. I'm talking about how the Chinese view Hong Kong.

The question came up last night, as the Congressman knows. Somebody asked our distinguished visitor why he didn't deal with the democratic party in Hong Kong, the dissenters. And what he said in his very cogent and very frank way is this: The basic law of Hong Kong calls for freedom of press, freedom of assembly, freedom of da-da, da-da, da-da—he sounded like Jefferson. Of course, everybody knows that isn't what happens. And if, the basic law says very clearly, we're going to have a fully elected, [inaudible word] in Hong Kong. So what are you worried about?

The fact is, course, that most people say the Hong Kong process works just fine, but scattered angry people keep pushing a ''bourgeois democracy'' that doesn't really make much sense. ''They are all trained in England. They talk English better than we do. They don't really represent the grassroots.'' Fact is, these people keep getting most of the votes. There is a feeling out in Hong Kong that they really do deserve democracy. And there are people voting for Martin Lee

and Company. [Inaudible words.] They're voting for them. It's a rather positive sign.

MODERATOR: Okay.

Sen. BINGAMAN. I wanted to ask about our trade, growing trade imbalance with China. As I see it, the first year of the Bush administration, we had about a $3 million trade deficit with China. This year, this last year, we had about a $28 billion trade deficit with China. And China has only began to export: As a share of their gross national product, China is not near, doesn't devote near as much of their economy to export manufacture as do other industrial countries. So the potential for increased manufacture for export is great. I see this growing geometrically over the next five to 10 years and, in the next century, a greater U.S. trade deficit with China than we have with Japan today—with no way to turn that around. This will hamper our ability to produce or maintain manufacturing jobs in this country. I would be interested as to whether I am right or wrong in that prediction, and if there is some solution other than continued handwringing and teeth-gnashing.

JIM LILLEY. I'll take a crack at it. That is what Mickey Kantor's trips were all about. I don't think Mickey is sitting in a corner gnashing his teeth—he's going to the Chinese and saying: Open your market. I think this is all about China getting into GATT and WTO. This is why they want to come in as a developing nation. Fifteen percent, 22 percent tariffs, developed nation, fifteen percent. Three thousand items are put on the block. They've got to protect inefficient dinosaurs in the state-owned enterprise sector. They are frightened of what GATT and WTO will do to them. So we can face up to this problem the way we faced it in other areas where it has worked—Taiwan and Korea. It hasn't worked in Japan, unfortunately, because of their closed system. But we have been able to close some of these trade gaps by persistently demanding they pay royalties on intellectual properties—our strong suit, where we can export a great deal.

As Jack Valenti said, our exports in the entertainment industry are one of our largest exports. In some sectors of China we are comparatively effective. So you go after those. I'm talking about power. I'm talking about aircraft. I'm talking about automobiles. I'm talking about electronics. The Americans have to get in there and compete as strong as any nation in the world. We aren't going to win the China market by getting quotas or trying to force them into some sort of managed-trade arrangement. You get the Chinese to come across and change their trade surplus with us by opening their market. I think this is what Kantor is trying to do, and we should support it 100 percent. We are beginning to make some progress on this. But it's going to be a long hard road.

MALE VOICE. The question that has come to my mind is the degree to which the other countries—let's say Europe, Japan and others—are using our MFN position really [inaudible words], and are saying to China: No WTO membership until you open up and so forth. I agree that Japan and the others are taking advantage of us by working with the Chinese leadership.

JIM LILLEY. I think, Senator, you make a very good point. The Europeans and Japanese love to hold our coats while we go in and slug it out with the Chinese. We finally get the agreement, then they all follow to take advantage of it. Let me make a contrast. On human rights, it was totally bilateral. Nobody else had anything to do with our position. And this is what undercut us, or it's one big reason. The business community did not support us. No nation in the world supported us. They said, ''What a bunch of goofballs. We're going to pick up the pieces of the American effort.'' But, on GATT and WTO, we got a lot of support; on IPR, we got a lot of support. They aren't as aggressive as we are, the don't have their Mickey Kantors—but they did come in. And they are going to support us to a degree on this. Of course, most of them are intellectual-property right violators too! So, there's all sort of hypocrisy mixed into this arrangement.

But it seems to me that in WTO and IPR, we are on solid ground with our friends, but as usual, Senator, the Americans have to take the lead.

MALE VOICE. [Inaudible words.]

MALE VOICE. Pardon.

MALE VOICE. [Inaudible word.]

JIM LILLEY. Well, I supposed what we try to do, at least we tried to do this when I was in GATT, is arrange tougher conditions on the Chinese. We would working with EC. And one of the, rather, I suppose I'm talking too much again. Through the EC and directly, we used to say to the Chinese: ''You know, Taiwan's an applicant too. And they are meeting all of the standards of GATT, WTO. If you drag your feet, it could be possible that Taiwan would get it first.'' This was a very sobering influence, I think. It works about once or twice—that's all. And then you've got to get better tactics to work on it.

But the more usual argument, and you get European support on this, is if you don't shape up, you aren't going to get the technology you want. An the do lust for technology, they want the best—that's all you hear from the Chinese. So this is where you put the brakes on. We don't have COCOM anymore, but some sort of an arrangement with our allies. The Chinese are very dependent upon Europe and Japan to get some sort of common policy for when they violate too much by ''going their own way,'' as people say, you can bring to bear collective pressure.

This approach worked very well in 1990 when I was in China. We worked very closely with Japan, the Europeans, Canadians, Australians, New Zealanders—to exert leverage. Because in the international bank, let me just make one point, China is very dependent on higher [inaudible word] loans. They are the biggest recipients in the world. It's two to three billion dollars a year. It may not sound like much. But it is crucial when matched with a third yen loan package from Japan, and most every nation from the United States. Don't use it as a club publicly, but quietly and effectively, through diplomatic channels.

NIGEL HOLLOWAY. I just want to say that the trade imbalance within the U.S. and China is really quite extraordinary. U.S. exports to China are less than $10 billion and China's exports here approach $40 billion. A lot of it has to do with the restructuring that is going on. The question then is, is Chin going to become another Japan, the capitalist but closed market. My hunch is it will not—because the corporate structure in China is evolving very different from that in Japan. Japan has these [inaudible word] networks of companies that basically collude through long-term equity arrangements. But the Chinese don't do business that way. I think that's something to bear in mind.

What we really have, as Jim says, is a market-access question. China is starting to open its market. If you look at the market within China, there are enormous barriers for one province trying to trade with another. They basically compete with each other, and stumble over each other, and try and prevent goods from one province going into another. And this is the area where the World Bank is especially keen to see major changes. And I think it's also one the U.S. should focus increasingly on: If it can pry open China's market, this will be the biggest factor in increasing democratization in China.

Sen. BAUCUS. Stand up please. Thank you.

QUESTION. [Inaudible.]

JIM LILLEY. I'm glad you asked for clarification, because there may be some misunderstanding. I'm not saying the United States will stay out of this thing. We are involved up to here. We have something called the Taiwan Relations Act, which is the law of the land. We also have an increasingly strong relationship with China. What I resent very much is lobbying groups and foreign ministry tantrums towards the United States to try to get us to become their point man on beating up on the other side. That's what I don't like. We've got a lot of leverage in this deal and I think we should use it—because both of them really need us in this one.

But don't get trapped into a Chinese ''tong war'' on it. Keep you powder dry. Keep managing it carefully. Don't make a great big announcement of a Taiwan policy review and beat the gong saying this some sort of a big deal, when it turns out to be a big fat zero and everybody knows it—the Chinese become furious at the policy review and the Taiwanese are disappointed. Much better to keep your mouth shut and work a little bit quietly on this thing as it is run by all of the other administrations.

By the same token, you have to be careful in terms of Chinese sensitivities on this. You also have to be careful in the Taiwan process, but as I was saying to Bob Kupp earlier, we have been pushing democracy in China for about 35 years. I used to beat upon the Taiwan government regularly about getting the dissidents out and letting the Taiwanese back in, letting the political process work. We succeeded. And now you've got a flourishing democracy, a chaotic democracy, and even fist-fighting in the legislative halls.

JIM LILLEY. On the other hand, for the United States to begin stumbling around in the thicket of Taiwan domestic policies, watch your step. The responsible businessmen and politicians in Taiwan know the limits of what they can do. And they know that breaking with China is not in their interest. But this doesn't stop demagogues and others from raising hell on the basis of political strategy. On the other side, on China's side, if I hear ''sacred sovereignty'' one more time, I think I'll vomit. I've gotten into a lot of trouble by noting how it sounds like Gunboat Diplomacy from the 19th century. ''It's what you Chinese hate the worst. Don't talk about [engaging in] it yourself; don't start practicing it. Don't start flexing your muscles and saying if we don't get what we want, we're going to use force. This doesn't make any sense.''

The irony is that China and Taiwan are getting along extremely well—solving problem after problem. Taiwan just hosted the highest-ranking Chinese delegation in history and many, many leading figures in the political, economic and cultural realms deal with their Chinese friends. You have Taiwan businessmen going over there to spend four hours with Jiang Zemin giving him advice on how to make a new central bank. You've got people from Taiwan going over there and reorganizing all of their deep ports—a major priority in China. You got them keeping the whole economy bustling. Of course, there's speculation, a few nasty little elements of it, but it increases the growth rate.

So all I can say to America is: Be careful you don't, somehow or another in the next year or so, get trapped into this ugly little war or this ugly little fracas they are trying to create. It's not in our interest to do so.

Sen. BAUCUS. Any questions?

VOICE. [Inaudible words.]

NIGEL HOLLOWAY. Yeah. Let me just give you three principles of what's happening in China right now. You have three things. You have what we call persistent feudalism, which is Confucianism—no, chaos collectively. This feudalism is part of the Chinese structure. This mixes in with decaying socialism. And this is socialism's ingrown privilege, a party privilege. Third, you have rapid capitalism. You have corruption, nepotism and growth. They all jam together in today's China.

If you have this growth and if you have feudalism, and if you have this decaying socialism, what results is great disparties of wealth between provinces, et cetera. And the millions of people begin to move towards the productive areas. It's very hard to control because these people live in camps. They have three and four children. They pay no attention to birth control or the national policy. It drives the Chinese wild—who, of course, have some rather draconian methods to keep things down. Basically, I think they have been very successful in keeping control of the population—but it's not very pretty to look at. They think it's crucial to the control of the situation.

What they are trying to do now in a very, very concerted effort is beginning to move investment capitalism into the hinterlands, but they've got to make it competitively attractive, and that's hard to do. They recognize the problem; they recognize it's very serious. It's right at the heart of how you reform state-owned enterprises. Because the conservatives are saying, keep the money flowing. Others say let them go bankrupt and take care of this thing through other means. And it ends up as gridlock in many cases. But, at least, I think they are acutely aware of the problem and are trying to deal with it.

Sen. BAUCUS. You have time for one more question.

QUESTION. [Inaudible words.]

DREW LIU. We touch on the topic of the trade imbalance as China opens up its market. And I would like to say something more about the fundamental problem, the system problem, the structural problem. One of the things is transparency of the legal system. And if you don't have transparency—when the local government, you know, the sector cannot break their own laws—this instantly creates barriers. For instance, on the WTO: The center wants to enter the WTO. The local, some of the local wants to enter the center also, but not without some incentive. But there's some problem in it. That is how to guarantee the Chinese abide by these laws and the standards. And, there are loopholes, you know, that are unpredictable. Our future in China comes without a well established legal system, without transparency and due process.

And the second thing is the political system. For instance, entering the WTO, whether China can do it or not politically, is a question. If, in entering the WTO, the center enforces the regulations—you know, opening its market—then maybe thirty percent of the state-owned workers will be unemployed. A great political problem and a great risk to the Chinese leadership. But are you going to take the risk or not take the risk? And what if the risk becomes threatening and then it [the new policy] reverses in some way. Much uncertainty links to the internal process of the Chinese system.

JIM LILLEY. Okay. I just want to make one comment on agriculture. A terrible problem for China is that agricultural land is shrinking; the harvest is not good. They are going to import more and more grain. It's going to be a big problem and so I would say your agriculture-export possibilities are considerable. Some estimates have China importing as much as 100 million tons of grain by the next century; they have made some bad converting mistakes in terms of agricultural land, industrial land. The solution, people say, is what they call village- and township-enterprises: Basically capitalistic, they are put into the countryside, are use surplus agriculture labor to create small consumer items. But they've gone about increasing agriculture production by importing chemical fertilizers, by developing their own plants. It's really very, very difficult for them. And I see a big market for agricultural products.

Sen. BAUCUS. Okay. We have no more time! Let's give a great round of applause to our panelists: Drew Liu, Nigel Holloway and Jim Lilley. Bob mentioned a packet of information which I think will be very interesting for everyone. I encourage you to go pick up a copy as you leave. I want to thank CELI very much for hosting this event—I want another soon. Thank you.●

DECISION TO EXTEND NPT INDEFINITELY

● Mr. PELL. Mr. President, international efforts to curb the spread of nuclear weapons were given a tremendous boost today with the decision by more than 170 nations to extend indefinitely the Nuclear Non-Proliferation Treaty. The U.S. Arms Control Agency and Ambassadors Ralph Earle II and Thomas Graham, Jr., deserve our deep appreciation.

The decision by the participants in the NPT extension conference demonstrates their willingness to trust us and the other nuclear powers to continue with the effort in SALT and START to reduce our strategic nuclear arsenals, to strive eagerly and effectively to bring about an end to nuclear testing, and to be unflagging in efforts to spare the world from nuclear war and the threat of nuclear war. We have today incurred a renewed obligation to prove to those who trust us that their trust is not misplaced.●

TRIBUTE TO INTERNATIONAL HERITAGE HALL OF FAME INDUCTEES

● Mr. LEVIN. Mr. President, I would like to recognize the accomplishments of four distinguished community leaders from the Detroit area. These four individuals will be inducted tonight, Thursday, May 11, 1995, into the International Heritage Hall of Fame housed at Cobo Center. The inductees have been selected for outstanding service to their respective ethnic groups and the community at large.

The International Institute of Metropolitan Detroit has been working since 1919 to assist immigrants who have arrived in the Detroit metropolitan area. The inductions of the four 1995 honorees will bring the membership in the Hall of Fame, which began in 1984, to 56. The inductees are U.S. Circuit Court Judge Damon J. Keith, the late Daniel F. Stella, Dr. Helen T. Suchara, and Mrs. Barbara C. VanDusen.

U.S. Circuit Judge Damon Keith is a former president of the Detroit Housing Commission and former chairman of the Michigan Civil Rights Commission. An African-American, Keith has served as a Federal judge since 1967 and was chief judge of the U.S. District Court for Eastern Michigan from 1975 to 1977. He is a graduate of West Virginia State College, the Howard University Law School, and Wayne State University School of Law. He also holds honorary doctorates from those 3 institutions and 24 other colleges and universities. He has held numerous civic positions including national chairman of the Judicial Conference Committee on the Bicentennial of the U.S. Constitution, chairman of the Citizens Council for Michigan Public Universities, and general cochair of the United Negro College Fund.

Daniel Stella was president for 10 years of Friends of the International Institute. An Italian-American who died last July, Stella was instrumental in the establishment of the Hall of Fame and an active promoter of relations between Detroit and its sister city, Toyota, Japan. Mr. Stella was also a partner in the Detroit law firm of Dykema Gossett. He was a graduate of the Harvard Law School, the College of Holy Cross, and the London School of Economics and Political Science, and a member of the Michigan and California bars, among others. He was a director of the Detroit and Windsor Japan-American Society and a member of the Association for Asian Studies, American Citizens for Justice, the Michigan Oriental Arts Society, and the Founders Society and Friends of Asian Art of the Detroit Institute of Arts. Mr. Stella also served in Vietnam with the U.S. Navy Judge Advocate General's Corps.

Helen Suchara, a retired educator, last served as director of the Office of Student Teaching at Wayne State University. A Polish-American, she was a Peace Corps volunteer in Poland from 1990 to 1992 and has begun a new career in public service since her retirement. She holds positions on the Madonna College Social Work Advisory Board and the board of regents of Saginaw Valley State University. She received bachelor's and master's degrees from Wayne State University and a doctorate from Columbia University. She taught at WSU, Columbia, the University of Delaware, the University of Virginia, and Wheelock College in Boston, and earlier in public schools in Detroit and Howell, MI. She has worked on the boards of the International Institute and Friends of the International Institute. She has also worked in affiliation with the Polish-American Congress of Michigan Scholarship Committee, the Catholic Social Services of Wayne County, the Michigan Elementary School Curriculum Committee, and the Dominican Sisters of Oxford Formation Committee.

Barbara VanDusen is a member of the executive committee of Detroit

Symphony Orchestra Hall and cochair of the Greater Detroit Inter-faith Roundtable of the National Conference of Christians and Jews. An English-American who also has Cornish, Irish, Dutch, and Scottish heritage, she is the widow of Richard VanDusen, former chairman of the Greater Detroit Chamber of Commerce. Holder of a 1949 bachelor's degree from Smith College, she has also been involved in numerous community organizations as a trustee of the Community Foundation for Southeastern Michigan and as a member of the governing boards of the Michigan Nature Conservancy and the World Wildlife Fund.

I know my Senate colleagues and the people of Michigan join me in congratulating these distinguished members of the metropolitan Detroit community. Their commitment to their communities and to public service is an example to us all. We thank them for their extraordinary efforts.●

TRIBUTE TO THE VOLUNTEERS OF HOSPICE CARE, INC.

● Mr. LIEBERMAN. Mr. President, I rise today to acknowledge the volunteers of Hospice Care and their longtime commitment to care for people with life-threatening illnesses. Founded in 1981, Hospice Care, Inc., of Connecticut has been providing patients and their families with medical care and other support services that are crucial during difficult times. For over a decade these highly trained volunteers, along with the organization's professionals, have provided more than 2,000 patients and their loved ones with home care, inpatient care, and assistance whenever needed. Volunteers are also involved in administrative work, public awareness, fundraising, and act on the board of directors.

Many of the volunteers have been dedicated to the organization since its founding and will continue to give their time and energy to help their fellow residents of Connecticut. With their hard work and dedication they have provided important medical and moral support to those who are ill or suffer from the loss of a loved one. Through their selfless behavior the volunteers of Hospice Care Inc. have positively influenced the lives of many members of their communities.

I am proud to acknowledge the success and commitment of Hospice Care's volunteers. They have shown what can be achieved with private initiative and have thereby contributed to the welfare of Connecticut.●

COMMENDING REBECCA S. FINLEY

● Ms. MIKULSKI. Mr. President, I am delighted today to bring to the attention of my colleagues the installation next month of Rebecca S. Finley, Pharm.D, M.S., as the president of the American Society of Health-System Pharmacists at the society's 52d annual meeting in Philadelphia.

ASHP is the 30,000-member national professional association that represents pharmacists who practice in hospitals, health maintenance organizations, long-term facilities, home care agencies, and other components of health care systems.

Early in her career, Dr. Finley made the professional commitment to practice, research, write, and teach pharmacy in the challenging field of clinical oncology. She currently directs the section of pharmacy services and is associate professor of oncology at the University of Maryland Cancer Center in Baltimore. She holds an appointment as associate professor in the department of clinical pharmacy at the university's school of pharmacy.

Dr. Finley received her bachelor of science and doctor of pharmacy degrees from the University of Cincinnati and a master of science in institutional pharmacy from the University of Maryland.

On behalf of my colleagues, Mr. President, I want to extend my best wishes to Dr. Finlay in her tenure as president of ASHP. I look forward to working with her and the society on health care issues in the years to come.●

NOMINATION OF JOHN M. DEUTCH, OF MASSACHUSETTS, TO BE DIRECTOR OF CENTRAL INTELLIGENCE

● Mr. MOYNIHAN. Mr. President, I thank my gallant friend from Nebraska. I rise in support of the position he has taken and also that of the distinguished chairman of the committee, the Senator from Pennsylvania.

In the 103d Congress and then the 104th, I offered legislation that would basically break up the existing Central Intelligence Agency and return its component parts to the Department of Defense and the Department of State. This in the manner that the Office of Strategic Services was divided and parceled out at the end of World War II.

I had hoped to encourage a debate on the role of intelligence and of secrecy in American society. That debate has taken place. Some of the results, I think, can be seen in the nomination of a distinguished scientist and public servant, John Deutch, to this position.

This could not have been more clear in his testimony. He made a point, self-evident we would suppose, but not frequently to be encountered in a pronouncement of a potential DCI. He said:

> Espionage does not rest comfortably in a democracy. Secrecy, which is essential to protect sources and methods, is not welcome in an open society. If our democracy is to support intelligence activities, the people must be confident that our law and rules will be respected.

It may have come as a surprise—although it ought not to have—in recent months and weeks, to find how many persons there are in this country who do not have confidence that our laws and rules will be respected; who see the Government in conspiratorial modes, directed against the people in ways that could be of huge consequence to Americans.

Richard Hofstadter referred to this disposition when he spoke of ''The Paranoid Style in American Politics.'' Thus, for example, the widespread belief that the CIA was somehow involved in the assassination of President Kennedy.

It is important to understand how deep this disposition is in our society. In 1956, even before Hofstadter spoke of it, Edward A. Shils of the University of Chicago—a great, great, social scientist, who has just passed away—published his book, ''The Torment of Secrecy,'' in which he wrote:

> The exfoliation and intertwinement of the various patterns of belief that the world is dominated by unseen circles of conspirators, operating behind our backs, is one of the characteristic features of modern society.

Such a belief was very much a feature of the Bolshevik regime that took shape in Russia in 1917 and 1918. Hence the decision to help found and fund in the United States a Communist Party, part of which would be clandestine. The recent discovery in the archives in Moscow that John Reed received a payment of 1,008,000 rubles in 1920. As soft money, that would be a very considerable sum today.

It is said that organizations in conflict become like one other. There is a degree to which we have emulated the Soviet model in our own intelligence services. A very powerful essay on this matter has just been written by Jefferson Morley in the Washington Post under the headline ''Understanding Oklahoma'' in an article entitled ''Department of Secrecy: The Invisible Bureaucracy That Unites Alienated America in Suspicion.''

I would refer also to Douglas Turner this weekend in the Buffalo News. I spoke of these concerns in an earlier statement on the Senate floor entitled ''The Paranoid Style in American Politics,'' which I ask unanimous consent be printed in the RECORD.

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

(See exhibit 1.)

Mr. MOYNIHAN. Mr. President, what we have today is so much at variance with what was thought we would get. Allen Dulles was very much part of the foundation of postwar intelligence, having been in the OSS, serving with great distinction in Switzerland during World War II. Peter Grose, in his new biography, ''Gentleman Spy: The Life of Allen Dulles,'' recounts the testimony Dulles gave before the Senate Armed Services Committee on April 25, 1947, as we were about to enact the National Security Act of 1947 which created a small coordinating body, the Central Intelligence Agency.

> Personnel for a central intelligence agency, he argued, ''need not be very numerous * * *. The operation of the service must be neither flamboyant nor overshrouded with

the mystery and abracadabra which the amateur detective likes to assume.'' In a lecturing tone, he tried to tell the Senators how intelligence is actually assembled.

''Because of its glamour and mystery, overemphasis is generally placed on what is called secret intelligence, namely the intelligence that is obtained by secret means and by secret agents. * * * In time of peace the bulk of intelligence can be obtained through overt channels, through our diplomatic and consular missions, and our military, naval and air attaches in the normal and proper course of their work. It can also be obtained through the world press, the radio, and through the many thousands of Americans, business and professional men and American residents of foreign countries, who are naturally and normally brought in touch with what is going on in those countries.

''A proper analysis of the intelligence obtainable by these overt, normal, and aboveboard means would supply us with over 80 percent, I should estimate, of the information required for the guidance of our national policy.''

Mr. President, that did not happen. Instead, we entered upon a five-decade mode of secret analysis, analysis withheld from public scrutiny, which is the only way we can verify the truth of a hypothesis in natural science or in the social sciences.

The result was massive miscalculation. Nicholas Eberstadt in his wonderful new book, ''The Tyranny of Numbers,'' writes ''It is probably safe to say that the U.S. Government's attempt to describe the Soviet economy has been the largest single project in social science research ever undertaken.'' He said this in 1990, in testimony before the Committee on Foreign Relations. ''The largest single project in social science research ever undertaken,'' It was a calamity.

No one has been more forthright in this regard than Adm. Stansfield Turner in an article in Foreign Affairs at about that time. He said when it came to predicting the collapse of the Soviet Union, the corporate view of the intelligence community missed by a mile.

I can remember in the first years of the Kennedy administration meeting with Walt Rostow, chairman of the policy planning staff in the Department of State. As regards the Soviet Union, he said he was not one of those ''6 percent forever people.'' But there it was, locked into our analysis. That is what the President knew.

In Richard Reeves' remarkable biography of John F. Kennedy, he records that the Agency told the President that by the year 2000 the GNP of the Soviet Union would be three times that of the United States. Again, that is what the President knew. Any number of economists might have disagreed. The great conservative theorists, Friedman, Hayek, Stigler, would never have thought any such thing. Important work done by Frank Holzman, at Tufts, and the Russian Research Center at Harvard disputed what little was public. But to no avail. The President knew otherwise, and others did not know what it was he knew.

The consequence was an extraordinary failure to foresee the central geo political event of our time. A vast overdependence on military and similar outlays that leave us perilously close to economic instability ourselves.

I would like to close with a letter written me in 1991 by Dale W. Jorgenson, professor of economics at the Kennedy School of Government, in which he said:

I believe that the importance of economic intelligence is increasing greatly with the much-discussed globalization of the U.S. economy. However, the cloak-and-dagger model is even more inappropriate to our new economic situation than it was to the successful prosecution of the Cold War that has just concluded. The lessons for the future seem to me to be rather transparent. The U.S. Government needs to invest a lot more in international economic assessments. * * * (I)t should reject the CIA monopoly model and try to create the kind of intellectual competition that now prevails between CBO and OMB on domestic policy, aided by Brookings, AEI [American Enterprise Institute], the Urban Institute, the Kennedy School, and many others.

That is wise counsel. I have the confidence that John Deutch, as a scientist, will understand it. I am concerned, however, that the administration will not.

Mancur Olson, in his great book, ''The Rise and Decline of Nations'', asked: Why has it come about that the two nations whose institutions were destroyed in World War II, Germany and Japan, have had the most economic success since? Whereas Britain, not really much success at all; the United States—yes, but. He came up with a simple answer. Defeat wiped out all those choke points, all those rents, all those sharing agreements, all those veto structures that enable institutions to prevent things from happening. And we are seeing it in this our own Government today, 5 years after the Berlin wall came down. Nothing changes, or little changes.

Recall that 3 years before the wall came down the CIA reported that per capita GDP was higher in East Germany than in West Germany. I hope I take no liberty that I mentioned this once to Dr. Deutch and added, ''Any taxi driver in Berlin could have told you that was not so.'' Dr. Deutch replied, ''Any taxi driver in Washington.'' A most reassuring response.

Mr. President, I thank the Senator from Texas for her graciousness for allowing me to speak when in fact in alternation it would have been her turn.

EXHIBIT 1

[From the Congressional Record, Apr. 25, 1995]

THE PARANOID STYLE IN AMERICAN POLITICS

Mr. MOYNIHAN. Mr. President, as we think and, indeed, pray our way through the aftermath of the Oklahoma City bombing, asking how such a horror might have come about, and how others might be prevented, Senators could do well to step outside the chamber and look down the mall at the Washington Monument. It honors the Revolutionary general who once victorious, turned his army over to the Continental Congress and retired to his estates. Later, recalled to the highest office in the land, he served dutifully one term, then a second but then on principle not a day longer. Thus was founded the first republic, the first democracy since the age of Greece and Rome.

There is not a more serene, confident, untroubled symbol of the nation in all the capital. Yet a brief glance will show that the color of the marble blocks of which the monument is constructed changes about a quarter of the way up. Thereby hangs a tale of another troubled time; not our first, just as, surely, this will not be our last.

As befitted a republic, the monument was started by a private charitable group, as we would now say, the Washington National Monument Society. Contributions came in cash, but also in blocks of marble, many with interior inscriptions which visitors willing to climb the steps can see to this day. A quarter of the way up, that is. For in 1852, Pope Pius IX donated a block of marble from the temple of Concord in Rome. Instantly, the American Party, or the Know-Nothings (''I know nothing,'' was their standard reply to queries about their platform) divined a Papist Plot. An installation of the Pope's block of marble would signal the Catholic Uprising. A fevered agitation began. As recorded by Ray Allen Billington in The Protest Crusade, 1800–1860:

''One pamphlet, The Pope's Strategem: ''Rome to America!'' An Address to the Protestants of the United States, against placing the Pope's block of Marble in the Washington Monument (1852), urged Protestants to hold indignation meetings and contribute another block to be placed next to the Pope's 'bearing an inscription by which all men may see that we are awake to the hypocrisy and schemes of that designing, crafty, subtle, far seeing and far reaching Power, which is ever grasping after the whole World, to sway its iron scepter, with bloodstained hands, over the millions of its inhabitants.' ''

One night early in March, 1854, a group of Know-Nothings broke into the storage sheds on the monument grounds and dragged the Pope's marble off towards the Potomac. Save for the occasional ''sighting'', as we have come to call such phenomena, it has never to be located since.

Work on the monument stopped. Years later, in 1876, Congress appropriated funds to complete the job, which the Corps of Engineers, under the leadership of Lieutenant Colonel Thomas I. Casey did with great flourish in time for the centennial observances of 1888.

Dread of Catholicism ran its course, if slowly. (Edward M. Stanton, then Secretary of War was convinced the assassination of President Lincoln was the result of a Catholic plot.) Other manias followed, all brilliantly describe in Richard Hofstadter's revelatory lecture ''the Paranoid Style in American Politics'' which he delivered as the Herbert Spencer Lecture at Oxford University within days of the assassination of John F. Kennedy. Which to this day remains a fertile source of conspiracy mongering. George Will cited Hofstadter's essay this past weekend on the television program ''This Week with David Brinkley.'' He deals with the same subject matter in a superb column in this morning's Washington Post which has this bracing conclusion.

''It is reassuring to remember that paranoiacs have always been with us, but have never defined us.''

I hope, Mr. President, as we proceed to consider legislation, if that is necessary, in response to the bombing, we would be mindful of a history in which we have often overreached, to our cost, and try to avoid such an overreaction.

We have seen superb performance of the FBI. What more any nation could ask of an

internal security group I cannot conceive. We have seen the effectiveness of our State troopers, of our local police forces, fire departments, instant nationwide cooperation which should reassure us rather than frighten us.

I would note in closing, Mr. President, that Pope John Paul II will be visiting the United States this coming October.

NATIVE AMERICAN PROGRAMS AUTHORIZATION ACT

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar No. 51, S. 510.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 510) to extend the authorization for certain programs under the Native American Programs Act of 1974, 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 Committee on Indian Affairs with an amendment to strike out all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. AUTHORIZATIONS OF CERTAIN APPROPRIATIONS UNDER THE NATIVE AMERICAN PROGRAMS ACT OF 1974.

(a) SECTION 816.—Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) in subsection (a), by striking ''for fiscal years 1992, 1993, 1994, and 1995.'' and inserting ''for each of fiscal years 1996, 1997, 1998, and 1999.'';

(2) in subsection (c), by striking ''for each of the fiscal years 1992, 1993, 1994, 1995, and 1996,'' and inserting ''for each of fiscal years 1996, 1997, 1998, and 1999,''; and

(3) in subsection (e) by striking ''$2,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, 1996, and 1997.'' and inserting ''such sums as may be necessary for each of fiscal years 1996, 1997, 1998, and 1999.''.

(b) SECTION 803A(f)(1).—Section 803A(f)(1) of such Act (42 U.S.C. 2991b–1(f)(1)) is amended by striking ''for each of the fiscal years 1992, 1993, and 1994, $1,000,000'' and inserting ''such sums as may be necessary for each of fiscal years 1996 through 1999,''.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the committee substitute amendment be agreed to, that the bill be deemed read a third time, passed, and that the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

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

So the bill (S. 510), as amended, was deemed read for the third time, and passed as follows:

S. 510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATIONS OF CERTAIN APPROPRIATIONS UNDER THE NATIVE AMERICAN PROGRAMS ACT OF 1974.

(a) SECTION 816.—Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) in subsection (a), by striking ''for fiscal years 1992, 1993, 1994, and 1995.'' and inserting ''for each of fiscal years 1996, 1997, 1998, and 1999.'';

(2) in subsection (c), by striking ''for each of the fiscal years 1992, 1993, 1994, 1995, and 1996,'' and inserting ''for each of fiscal years 1996, 1997, 1998, and 1999,''; and

(3) in subsection (e), by striking ''$2,000,000 for fiscal year 1993 and such sums as may be necessary for fiscal years 1994, 1995, 1996, and 1997.'' and inserting ''such sums as may be necessary for each of fiscal years 1996, 1997, 1998, and 1999.''.

(b) SECTION 803A(f)(1).—Section 803A(f)(1) of such Act (42 U.S.C. 2991b–1(f)(1)) is amended by striking ''for each of the fiscal years 1992, 1993, and 1994, $1,000,000'' and inserting ''such sums as may be necessary for each of fiscal years 1996 through 1999,''.

MEASURE INDEFINITELY POSTPONED—SENATE CONCURRENT RESOLUTION 9

Mr. CHAFEE. Mr. President, I ask unanimous consent that calendar No. 37, Senate Concurrent Resolution 9, be indefinitely postponed.

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

MEASURE READ THE FIRST TIME—S. 790

Mr. CHAFEE. Mr. President, I understand that S. 790 introduced earlier today by Senators MCCAIN and LEVIN is at the desk.

The PRESIDING OFFICER. The Senator is correct.

Mr. CHAFEE. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 790) to provide for the modification or elimination of the Federal Reporting Requirements.

Mr. CHAFEE. I now ask for its second reading.

The PRESIDING OFFICER. Is there objection?

Mr. FORD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The bill will be read the second time on the next legislative day.

EXECUTIVE SESSION

Mr. CHAFEE. Mr. President, I request that the Senate go into executive session.

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

REMOVAL OF INJUNCTION OF SECRECY—CONVENTION ON NUCLEAR SAFETY (TREATY DOCUMENT NO. 104–6)

Mr. CHAFEE. Mr. President, I ask unanimous consent that the injunction of secrecy be removed from the Convention of Nuclear Safety, Treaty Document Number 104–6, transmitted to the Senate by the President today; and the treaty considered as having been read the first time; referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and ordered that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Convention on Nuclear Safety done at Vienna on September 20, 1994. This Convention was adopted by a Diplomatic Conference convened by the International Atomic Energy Agency (IAEA) in June 1994 and was opened for signature in Vienna on September 20, 1994, during the IAEA General Conference. Secretary of Energy O'Leary signed the Convention for the United States on that date. Also transmitted for the information of the Senate is the report of the Department of State concerning the Convention.

At the September 1991 General Conference of the IAEA, a resolution was adopted, with U.S. support, calling for the IAEA secretariat to develop elements for a possible International Convention on Nuclear Safety. From 1992 to 1994, the IAEA convened seven expert working group meetings, in which the United States participated. The IAEA Board of Governors approved a draft text at its meeting in February 1994, after which the IAEA convened a Diplomatic Conference attended by representatives of more than 80 countries in June 1994. The final text of the Convention resulted from that Conference.

The Convention establishes a legal obligation on the part of Parties to apply certain general safety principles to the construction, operation, and regulation of land-based civilian nuclear power plants under their jurisdiction. Parties to the Convention also agree to submit periodic reports on the steps they are taking to implement the obligations of the Convention. These reports will be reviewed and discussed at review meetings of the Parties, at which each Party will have an opportunity to discuss and seek clarification of reports submitted by other Parties.

The United States has initiated many steps to deal with nuclear safety, and has supported the effort to develop this Convention. With its obligatory reporting and review procedures, requiring Parties to demonstrate in

international meetings how they are complying with safety principles, the Convention should encourage countries to improve nuclear safety domestically and thus result in an increase in nuclear safety worldwide. I urge the Senate to act expeditiously in giving its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 11, 1995.*

ORDERS FOR FRIDAY, MAY 12, 1995

Mr. CHAFEE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9:30 a.m. on Friday, May 12, 1995; that following the prayer the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume consideration of S. 534 the Solid Waste Disposal Act.

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

Mr. CHAFEE. I ask unanimous consent that Members have until 10 a.m. to file second-degree amendments to S. 534.

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

Mr. CHAFEE. I ask unanimous consent that the cloture vote on the committee substitute occur at 10 a.m. on Friday, and that the mandatory quorum under rule XXII be waived.

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

PROGRAM

Mr. CHAFEE. For the information of all Senators, the Senate will resume consideration of the Solid Waste Disposal Act tomorrow. A cloture vote will occur on the committee substitute at 10 a.m. Senators should be on notice that it is the hope of the leader to complete action on this bill on Friday. Also the leader may want to consider Calendar No. 92, H.R. 483, the Medicare select bill. Therefore, votes will occur throughout Friday's session of the Senate.

Mr. FORD. Mr. President, will the distinguished acting floor leader yield for a question?

Mr. CHAFEE. I certainly will.

Mr. FORD. Since he is the floor manager of the bill, regardless of whether cloture is voted tomorrow or not, what amendments and how many would he think we might have? Does he have a ballpark figure? There are a good many amendments that have been filed. I wonder. Most of them are germane.

Mr. CHAFEE. I think the bidding has changed since this last vote. I would expect tomorrow we would have several votes in the morning rather rapidly, I hope. Just call them up.

Mr. FORD. That might be a little hard to do, call them up and vote on them or move to table.

Mr. CHAFEE. I hope that they will be brought up.

As I say, the situation has changed since this last vote. If we had prevailed on this last vote, I would have thought we would be able to finish tomorrow by 2 o'clock, something like that. Now, the situation has changed, so it is a little difficult to say. All I can say is we will move these amendments along as fast as we can.

Mr. FORD. I understand there might be some Senators leaving at an early hour tomorrow and it might not be appropriate to have these votes when they would miss so many.

I wonder if, after cloture, we may have one or two and that might end it for the day, but I see the heads are shaking, so you do not want me to know that tonight.

Mr. CHAFEE. It is not a question of not wanting the Senator to know. If we told him something, it would be from ignorance, I am afraid.

In any event, it would be my hope that we could finish tomorrow at a decent hour, but I am not so sure based on that last vote we had.

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate resume the pending business.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 534) to amend the Solid Waste Disposal Act to provide authority for States to limit the interstate transportation of municipal solid waste, and for other purposes.

The Senate continued with the consideration of the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, I would like to seek the chairman's clarification of the relationship between the flow-control provisions of S. 534 and existing State law. Section 4012(i)(2) of the bill before the Senate states that ''[n]othing in the section shall be construed to authorize a political subdivision of a State to exercise flow control authority granted by this section in a manner that is inconsistent with State law.''

Am I correct that this language would restrict a local government from exercising flow control if an existing State statute does not grant such authority to a local government, such as section 15.1–28.01 of the Code of Virginia (1950), as amended?

Mr. ROBB. I share the concerns of my senior colleague. In Virginia, local governments and private industry have worked over the years to develop a fair compromise to provide for an effective integrated waste management system. It is not our intention to have this legislation interfere with that balance.

Mr. SMITH. The Senators from Virginia are correct. This legislation is not intended to expand a local government's flow-control authority beyond that permitted under existing State law.

Mr. CHAFEE. Mr. President, I have a series of amendments that have been agreed to. I will send them to the desk successively.

AMENDMENT NO. 861

(Purpose: To allow exemption from certain requirements of units in small, remote Alaska villages)

Mr. CHAFEE. The first is an amendment by Senator MURKOWSKI. I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. MURKOWSKI, proposes an amendment numbered 861.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 69, line 19, before ''would be infeasible'' insert ''or unit that is located in or near a small, remote Alaska village''.

Mr. BAUCUS. Mr. President, we have examined this amendment and we have no objection to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 861) was agreed to.

AMENDMENT NO. 868

Mr. CHAFEE. Mr. President, I send an amendment to the desk and ask for its immediate consideration. This amendment is proposed by Senator MOYNIHAN.

The amendment has the agreement of both sides.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. MOYNIHAN, proposes an amendment numbered 868.

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

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

The amendment is as follows:

On page 60, line 7, strike the word ''a'' and insert ''the particular''.

On page 60, line 8, strike the word ''facility'' and insert in its place ''facilities or public service authority''.

On page 60, line 15, strike the word ''facility'' and insert in its place ''facilities or public service authority''.

Mr. BAUCUS. Mr. President, this amendment has been examined on this side and we are in agreement with it.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 868.

The amendment (No. 868) was agreed to.

AMENDMENT NO. 869

(Purpose: To authorize the administrator to exempt a landfill operator from ground water monitoring requirements in circumstances in which there is no chance of ground water contamination)

Mr. CHAFEE. Mr. President, I send to the desk an amendment on behalf of Senator CAMPBELL, cosponsored by Senators BROWN, and KEMPTHORNE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. CAMPBELL, for himself, Mr. BROWN, and Mr. KEMPTHORNE, proposes an amendment numbered 869.

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

The PRESIDING OFFICER. Without objection it is so ordered.

The amendment is as follows:

On page 69, strike the quotation mark and period at the end of line 22.

On page 69, between lines 22 and 23, insert the following:

''(5) NO-MIGRATION EXEMPTION.—

''(A) IN GENERAL.—Ground water monitoring requirements may be suspended by the Director of an approved State for a landfill operator if the operator demonstrates that there is no potential for migration of hazardous constituents from the unit to the uppermost aquifer during the active life of the unit and the post-closure care period.

''(B) CERTIFICATION.—A demonstration under subparagraph (A) shall—

''(i) be certified by a qualified groundwater scientist and approved by the Director of an approved State.

''(C) GUIDANCE.—

''(i) IN GENERAL.—Not later than 6 months after the date of enactment of this paragraph, the Administrator shall issue a guidance document to facilitate small community use of the no migration exemption under this paragraph.

Mr. BAUCUS. Mr. President, I have examined the amendment and it is acceptable.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 869.

The amendment (No. 869) was agreed to.

AMENDMENT NO. 870

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. DODD, for himself, and Mr. LIEBERMAN, proposes an amendment numbered 870.

Mr. CHAFEE. 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 55, line 8, add:

''(B) other body created pursuant to State law, or'',

Redesignate ''(B)'' as ''(C)''.

On page 62, line 1, insert after ''authority'' ''or on its behalf by a State entity''.

On page 62, line 17, insert after ''bonds'' ''or had issued on its behalf by a State entity''.

On page 62, line 24, strike all through page 63, line 3, and insert the following: ''The authority under this subsection shall be exercised in accordance with section 4012(b)(4).''.

Mr. BAUCUS. Mr. President, I ask the clerk, is this the amendment that begins ''On page 55, line 8 add''?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAUCUS. I have examined the amendment and find it acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 870) was agreed to.

Mr. BAUCUS. Mr. President, I ask unanimous consent that Senator LIEBERMAN be added as an original cosponsor to the Dodd amendment.

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

AMENDMENT NO. 871

(Purpose: To make clear that flow control authority is provided to public service authorities and modify the condition for exercise of flow control authority)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. ROTH, for himself and Mr. BIDEN, proposes an amendment numbered 871.

Mr. CHAFEE. 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 53, line 3, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

On page 53, line 4, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

On page 53, lines 7 and 8, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

On page 53, line 10, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

On page 56, lines 1 and 2, ''and each political subdivision of a State'' and insert '', political subdivision of a State, and public service authority''.

On page 56, line 12, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

On page 57, line 4, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

On page 57, line 7, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

On page 57, line 21, strike ''or political subdivision'' and insert '', political subdivision, or public service authority''.

Mr. BAUCUS. Mr. President, I also have examined this amendment and find it acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 871) was agreed to.

AMENDMENT NO. 872

(Purpose: To modify the condition for exercise of flow control authority)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. BIDEN, for himself and Mr. ROTH, proposes an amendment numbered 872.

Mr. CHAFEE. 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 56, line 23, strike ''1994.'' and insert ''1994, or were in operation prior to May 15, 1994 and were temporarily inoperative on May 15, 1994,''.

Mr. BAUCUS. Mr. President, we find this amendment acceptable.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 872.

The amendment (No. 872) was agreed to.

AMENDMENT NO. 873

(Purpose: To protect communities that enacted flow control ordinances after substantial construction of facilities but before May 15, 1994)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. SMITH, for himself, Mr. THOMPSON and Mr. COHEN, proposes an amendment numbered 873.

Mr. CHAFEE. 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 56, lines 18 through 21, strike ''the substantial construction of which facilities was performed after the effective date of that law, ordinance, regulation, or other legally binding provision and''.

On page 67, strike the period and quotation mark at the end of line 2.

One page 67, between lines 2 and 3, insert the following:

''(k) TITLE NOT APPLICABLE TO LISTED FACILITIES.—Notwithstanding any other provision of this title, the authority to exercise flow control shall not apply to any facility that—

''(1) on the date of enactment of this Act, is listed on the National Priorities List under the comprehensive Environmental, Response, Compensation and Liability Act (42 U.S.C. 9601 et seq.): or

''(2) as of May 15, 1994, was the subject of a pending proposal by the Administrator of the Environmental Protection Agency to be listed on the National Priorities List.''.

Mr. BAUCUS. We find this amendment acceptable.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 873) was agreed to.

AMENDMENT NO. 874

(Purpose: To modify the conditions on exercise of flow control authority)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. SMITH, for himself and Mr. WELLSTONE, proposes an amendment numbered 874.

Mr. CHAFEE. 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 56, strike lines 10 through 13 and insert the following:

''(A)(i) had been exercised prior to May 15, 1994, and was being implemented on May 15, 1994, pursuant to a law, ordinance, regulation, or other legally binding provision of the State or political subdivision; or

''(ii) had been exercised prior to May 15, 1994, but implementation of such law, ordinance, regulation, or other legally binding provision of the State or political subdivision was prevented by an injunction, temporary restraining order, or other court action, or was suspended by the voluntary decision of the State or political subdivision because of the existence of such court action.

On page 60, strike lines 1 through 5 and insert the following:

''(A)(i) the law, ordinance, regulation, or other legally binding provision specifically provides for flow control authority for municipal solid waste generated within its boundaries; and

''(ii) such authority was exercised prior to May 15, 1995, and was being implemented on May 15, 1994.

Mr. BAUCUS. Mr. President, we accept the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 874) was agreed to.

AMENDMENT NO. 875

(Purpose: To clarify the intent of the provision relating to the duration of flow control authority)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Ms. SNOWE, for herself and Mr. COHEN, proposes an amendment numbered 875.

Mr. CHAFEE. 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 58, line 5, strike ''original facility'' and insert ''facility (as in existence on the date of enactment of this section)''.

Mr. BAUCUS. Mr. President, is this the amendment which begins ''On page 58, line 5, strike 'original facility' '' ?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAUCUS. I thank the Chair. We accept this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 875) was agreed to.

AMENDMENT NO. 876

(Purpose: To provide for the case of a formation of a solid waste management district for the purchase and operation of an existing facility)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. PRYOR, proposes an amendment numbered 876.

Mr. CHAFEE. 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 61, between lines 7 and 8, insert the following:

''(d) FORMATION OF SOLID WASTE MANAGEMENT DISTRICT TO PURCHASE AND OPERATE EXISTING FACILITY.—Notwithstanding subsection (b)(1)(A) and (B), a solid waste management district that was formed by a number of political subdivisions for the purpose of purchasing and operating a facility owned by 1 of the political subdivisions may exercise flow control authority under subsection (b) if—

''(1) the facility was fully licensed and in operation prior to May 15, 1994;

''(2) prior to April 1, 1994, substantial negotiations and preparation of documents for the formation of the district and purchase of the facility were completed;

''(3) prior to May 15, 1994, at least 80 percent of the political subdivisions that were to participate in the solid waste management district had adopted ordinances committing the political subdivisions to participation and the remaining political subdivisions adopted such ordinances within 2 months after that date;and

''(4) the financing was completed, the acquisition was made, and the facility was placed under operation by the solid waste management district by September 21, 1994.

Mr. BAUCUS. Mr. President, I urge the adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 876) was agreed to.

AMENDMENT NO. 877

(Purpose: To make clear that entering into a put or pay agreement satisfies the requirement of a legally binding provision and a designation of a facility)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for Mr. COHEN, for himself and Ms. SNOWE, proposes an amendment numbered 877.

Mr. CHAFEE. 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 55, between lines 10 and 11 insert the following:

''(5) PUT OR PAY AGREEMENT.—The term 'put or pay agreement' means an agreement that obligates or otherwise requires a State or political subdivision to—

''(A) deliver a minimum quantity of municipal solid waste to a waste management facility; and

''(B) pay for that minimum quantity of municipal solid waste even if the stated minimum quantity of municipal solid waste is not delivered within a required period of time.

''(2) For purposes of the authority conferred by subsections (b) and (c), the term 'legally binding provision of the State or political subdivision' includes a put or pay agreement that designates waste to a waste management facility that was in operation on or before December 31, 1988 and that requires an aggregate tonnage to be delivered to the facility during each operating year by the political subdivisions which have entered put or pay agreements designating that waste management facility.

''(3) The entering into of a put or pay agreement shall be considered to be a designation (as defined in subsection (a)(1)) for all purposes of this title.''

Mr. BAUCUS. Mr. President, I have examined it and agreed with it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 877) was agreed to.

ADDITIONAL COSPONSORS

Mr. CHAFEE. Mr. President, I ask that Senators HUTCHISON and SNOWE be added as cosponsors to amendment No. 873, which was previously adopted.

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

Mr. BAUCUS. Mr. President, I want to compliment the chairman of the committee, as well as the Presiding Officer, the chairman of a relevant subcommittee, for being very active on this bill. We have made a lot of progress today and particularly this evening. I think it is a good omen, and I hope we can wrap up this bill expeditiously tomorrow. So, once again, I compliment the chairman of the committee and the chairman of the subcommittee.

Mr. CHAFEE. Mr. President, let me just say that without the forceful drive of the ranking member, we would not be this far. So on behalf of myself and of the occupant of the chair, the distinguished chairman of the subcommittee, I thank the ranking member for all of his support in making this possible.

I, too, hope that tomorrow we can finish what we have here. It may be that we can. Certainly, we are going to try.

We are going to come in at 9:30, and there is a vote on cloture at 10. Regardless of the outcome of that vote, I hope we can continue working to see if we cannot finish all of this. If we cannot finish, at least maybe we can get agreements so there will be voting at a set time on whatever date the leader chooses. But it is my goal, and I know it is the goal of the chairman of the subcommittee and the ranking member, to finish this bill quickly. There is always the threat that if we do not get it through, the leader will pull it down, as he has other business we have to attend to.

So I thank the ranking member for all of his support.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. CHAFEE. If there is no further business to come before the Senate, I ask that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 9:13 p.m., recessed until Friday, May 12, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 11, 1995:

DEPARTMENT OF AGRICULTURE

KARL N. STAUBER, OF MINNESOTA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE DANIEL A. SUMNER, RESIGNED.

IN THE ARMY

THE FOLLOWING U.S. ARMY RESERVE OFFICERS FOR PROMOTION TO THE GRADES INDICATED IN THE RESERVE OF THE ARMY OF THE UNITED STATES, UNDER THE PROVISIONS OF SECTIONS 3371, 3384 AND 12203(A), TITLE 10, UNITED STATES CODE:

To be major general

BRIG. GEN. JOHN T. CROWE, 000–00–0000.
BRIG. GEN. CHARLES A. INGRAM, 000–00–0000.
BRIG. GEN. HERBERT KOGER, JR., 000–00–0000.
BRIG. GEN. CALVIN LAU, 000–00–0000.
BRIG. GEN. BRUCE G. MACDONALD, 000–00–0000.

To be brigadier general

COL. LLOYD D. BURTCH, 000–00–0000.
COL. ROBERT L. LENNON, 000–00–0000.
COL. RAYMOND E. GANDY, JR., 000–00–0000.
COL. ROBERT W. SMITH III, 000–00–0000.
COL. HARRY E. BIVENS, 000–00–0000.
COL. KENNETH P. BERGQUIST, 000–00–0000.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE U.S. ARMY, WITHOUT SPECIFICATION OF BRANCH COMPONENT, AND IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED IN ACCORDANCE WITH ARTICLE II, SECTION 2, CLAUSE 2 OF THE CONSTITUTION OF THE UNITED STATES, AS DEAN OF THE ACADEMIC BOARD, UNITED STATES MILITARY ACADEMY, A POSITION ESTABLISHED UNDER TITLE 10, UNITED STATES CODE, SECTION 4335:

DEAN OF THE ACADEMIC BOARD

To be permanent brigadier general

COL. FLETCHER M. LAMKIN, JR., 000–00–0000, U.S. ARMY.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. BRENT M. BENNITT, U.S. NAVY, 000–00–0000.

THE FOLLOWING NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

IN THE ARMY

To be lieutenant colonel

ABBOTT, SCOTT L., 000–00–0000
ACOSTA, JESSE T., 000–00–0000
ADAMAKOS, GEORGE L., 000–00–0000
ADKINS, DONALD M., 000–00–0000
ADLER, PETER J., 000–00–0000
AGEE, COLLIN A., 000–00–0000
AIELLO, JAMES P., 000–00–0000
AKLEY, SUSAN E., 000–00–0000
ALDERETE, GREGORY L., 000–00–0000
ALDERMAN, MARC I., 000–00–0000
ALFORD, KENNETH L., 000–00–0000
*ALICEA, FRANCISCO J., 000–00–0000
ALLMENDINGER, PERRY, 000–00–0000
ALLMON, THOMAS A., 000–00–0000
ALLOR, PETER G., 000–00–0000
ALLYN, DANIEL B., 000–00–0000
ALSPACH, WILLIAM A., 000–00–0000
ALVAREZ, CHARLES, 000–00–0000
ALVAREZ, ROBERT, 000–00–0000
ANDERSON, DAVID L., 000–00–0000
ANDERSON, DONNIE P., 000–00–0000
ANDERSON, JOSEPH, 000–00–0000
ANDERSON, NICHOLAS, 000–00–0000
ANDERSON, SARA F., 000–00–0000
ANDERSON, WELSEY B., 000–00–0000
*ANDREORIO, STEPHEN, 000–00–0000
ANDREWS, KRISTOPHER, 000–00–0000
ANDREWS, SANDRA S., 000–00–0000
ANGELOSANTE, JAMES, 000–00–0000
ANTLEY, BILLY W., 000–00–0000
ANTRY, ROBERTA A., 000–00–0000
APPLEGET, JEFFREY A., 000–00–0000
ARATA, STEPHEN A., 000–00–0000
ARGO, HARRY M., 000–00–0000
ARMOUR, DAVID T., 000–00–0000
ARMSTRONG, KEITH A., 000–00–0000
ARNDT, F.J., 000–00–0000
ARROYONIEVES, JOSE, 000–00–0000
ARTHUR, JOHN E., 000–00–0000
*AUSTIN, BENNY B., 000–00–0000
AUSTIN, STEPHEN D., 000–00–0000
BAHR, MARK S., 000–00–0000
BAKER, DOUGLAS S., 000–00–0000
BAKER, GEORGE R., 000–00–0000
BALTAZAR, THOMAS P., 000–00–0000
BANNER, GREGORY T., 000–00–0000
BARBER, JESSE L., 000–00–0000
BARNER, FRANCHESTEE, 000–00–0000
BARNETTE, MARK F., 000–00–0000
BARRETO, DANIEL, 000–00–0000
BARRETT, BRUCE J., 000–00–0000
BARTON, DOUGLAS A., 000–00–0000
BASSETT, WILLIAM E., 000–00–0000
BASSETT, JEFFREY L., 000–00–0000
BATTEN, BRUCE W., 000–00–0000
BAUGHMAN, DANIEL M., 000–00–0000
BAUGHMAN, JEFFREY A., 000–00–0000
BAYLESS, ROBERT M., 000–00–0000
BEALE, CAROLYN M., 000–00–0000
BEALE, JOHNNIE L., 000–00–0000
BEANLAND, THOMAS J., 000–00–0000
BEASLEY, DANIEL G., 000–00–0000
BEATTY, ROBERT J., 000–00–0000
BECNEL, WADE B., 000–00–0000
BELLINI, MARK A., 000–00–0000
BELT, BRUCE D., 000–00–0000
BENITO, RICKY, 000–00–0000
BENNETT, THOMAS B., 000–00–0000
BENNETT, WILLIAM W., 000–00–0000
BERBERICK, RAYMOND, 000–00–0000
BETTEZ, MICHAEL G., 000–00–0000
BEYER, RENAE M., 000–00–0000
BIANCA, DAMIAN P., 000–00–0000
BIANCO, STEPHEN G., 000–00–0000
BIERWIRTH, ROY C., 000–00–0000
BILL, GARY F., 000–00–0000
BILLINGS, TONY R., 000–00–0000
BISACRE, MICHAEL D., 000–00–0000
BLACK, KENNETH B., 000–00–0000
*BLACKBURN, THOMAS P., 000–00–0000
BLAINE, JOHN M., 000–00–0000
BLAKELY, TERRY A., 000–00–0000
BLAKEMAN, KEITH E., 000–00–0000
BLANK, JAMES E., 000–00–0000
BLASHACK, CATHERINE, 000–00–0000
BLEAKLEY, ALBERT M., 000–00–0000
BLECKMAN, DALE M., 000–00–0000
BLEIMEISTER, ROBERT, 000–00–0000
BLOECHL, TIMOTHY D., 000–00–0000
BLOISE, JAMES E., 000–00–0000
BLUE, THOMAS G., 000–00–0000
BOATNER, MICHAEL E., 000–00–0000
BONDS, MARCUS, 000–00–0000
BONE, JOHN J., JR., 000–00–0000
BONEBRAKE, DOUGLAS, 000–00–0000
BONESTEEL, RONALD M., 000–00–0000
BONNER, DOUGLAS C., 000–00–0000
BONSELL, JOHN A., 000–00–0000
BOOZER, JAMES C., 000–00–0000
BORNICK, BRUCE K., 000–00–0000
BOSHEARS, STEVEN R., 000–00–0000
BOSLEY, LARRY L., 000–00–0000
BOURGAULT, RICHARD, 000–00–0000
BOWERS, BOBBY S., 000–00–0000
BOWERS, WILLIAM E., 000–00–0000
BOWLES, KEVIN L., 000–00–0000
BOWMAN, MICHAEL, 000–00–0000
BOWMAN, ROBERT E., 000–00–0000
BOYD, JANE A., 000–00–0000
BOZEK, GREGORY J., 000–00–0000
BRADLEY, DARRYL M., 000–00–0000
BRAY, BRITT E., 000–00–0000
BRESLIN, CHARLES B., 000–00–0000
BRIGGS, RALPH W., 000–00–0000
BRODERSEN, STEPHEN, 000–00–0000
BRODEUR, MARC P., 000–00–0000
BROKAW, NINA L., 000–00–0000
BROOKS, RICHARD W., 000–00–0000
BROSSART, THOMAS M., 000–00–0000
BROWN, ARMOR D., 000–00–0000
BROWN, DAVID W., 000–00–0000
BROWN, INEZ C., 000–00–0000
BROWN, JOSEPH A., 000–00–0000
BROWN, LAWRENCE H., 000–00–0000
BROWN, MATTHEW J., 000–00–0000
BROWN, REX E., 000–00–0000
BROWN, RONNIE L., 000–00–0000
BRUMFIELD, CALVIN D., 000–00–0000
BRYANT, KATHERINE M., 000–00–0000
BRYDGES, BRUCE E., 000–00–0000
BRYNICK, MARK T., 000–00–0000
BRYSON, RUTH E., 000–00–0000
BUCHNER, MICHAEL S., 000–00–0000
BUCK, STEPHEN D., 000–00–0000
BUFFKIN, RONALD M., 000–00–0000
BUITRAGO, JOSE A., 000–00–0000
BUNDE, VICTOR A., 000–00–0000
BUNTING, TIMOTHY L., 000–00–0000
BURKE, JOHN D., 000–00–0000
BURKE, KEVIN J., 000–00–0000
BURKHART, TIMOTHY J., 000–00–0000
BURLESON, BRUCE B., 000–00–0000
BUZAN, MILTON T., 000–00–0000
BYRNES, RONALD B., 000–00–0000
BUYS, DAVID L., 000–00–0000
CALL, MARK K., 000–00–0000
CALLAWAY, CHARLES T., 000–00–0000
CAMP, LOIS F., 000–00–0000
CAMPBELL, RICHARD D., 000–00–0000
CAMPBELL, STEPHEN T., 000–00–0000
CAMPISI, PETER C., 000–00–0000
CAMPOS, LIONEL G., 000–00–0000
CANNON, PATRICK M., 000–00–0000
CAPRANO, REBECCA H., 000–00–0000
CAPSTICK, PAUL R., 000–00–0000
CARDARELLI, MICHAEL, 000–00–0000
CARDENAS, WILLIAM G., 000–00–0000
CARDINAL, BEVERLY S., 000–00–0000
CAREY, THOMAS J., 000–00–0000
CARNEY, ROBERT L., 000–00–0000
CARPENTER, ANTONIO, 000–00–0000
CARPENTER, SHERRY L., 000–00–0000
CARROLL, DOUGLAS E., 000–00–0000
CARROLL, DEKKETH W., 000–00–0000
CARROLL, LANCE S., 000–00–0000
CARTER, FREDERICK L., 000–00–0000
CASON, TONY W., 000–00–0000
CERVONE, MICHAEL B., 000–00–0000
CHALLANS, TIMOTHY L., 000–00–0000
CHANEY, RONALD H., 000–00–0000
CHAPEL, DIANA M., 000–00–0000
CHASTAIN, RICHARD L., 000–00–0000
CHEEK, GARY H., 000–00–0000
CHIN, MING G., 000–00–0000
CHRANS, DONALD E., 000–00–0000
CHRISTENSEN, JOHN A., 000–00–0000
CLARK, BENJAMIN R., 000–00–0000
CLARK, DAVID A., 000–00–0000
CLARK, EARL M., 000–00–0000
CLARK, WALTER L., 000–00–0000
CLAY, MICHAEL D., 000–00–0000
CLAY, STEVEN E., 000–00–0000
CLEGG, JAMES D., 000–00–0000
CLEMENT, DAVID L., 000–00–0000
CLEMONS, JOHN L., JR., 000–00–0000
CLEPPER, FRANCIS D., 000–00–0000
CLIFTON, WILLIAM R., 000–00–0000
COCKER, LOUIS F., 000–00–0000
COLBERT, PATRICK L., 000–00–0000
COLEMAN, GIFFORD, 000–00–0000
COLLETTI, FRANCIS A., 000–00–0000
COLLINS, ALFRED C., 000–00–0000
COLLINS, JACK, 000–00–0000
COLLYAR, LYNN A., 000–00–0000
CONLEY, JOE E., 000–00–0000
CONNER, DALE R., 000–00–0000
CONWAY, RANDALL G., 000–00–0000
COOPER, KEITH L., 000–00–0000
COPELAND, WILLIAM H., 000–00–0000
CORBETT, STEVEN R., 000–00–0000
CORDES, MICHAEL A., 000–00–0000
CORLEY, MICHAEL J., 000–00–0000
COTTER, GERARD J., 000–00–0000
COTTON, EDMUND W., 000–00–0000
COURTNEY, EDWIN L., 000–00–0000
COX, KENDALL P., 000–00–0000
CRITES, STEVEN J., 000–00–0000
CROSBY, WILLIAM T., 000–00–0000
CROSS, JESSE R., 000–00–0000
CROSSLEY, RICHARD J., 000–00–0000
*CROSSONWILLIAMS, M.E., 000–00–0000
CROWSON, MARK S., 000–00–0000
CRUMP, LEONARD A., JR., 000–00–0000
CRUTCHFIELD, BRENDA, 000–00–0000
CRUZE, HOYT A., 000–00–0000
CUGNO, RONALD J., 000–00–0000
CUMMINGS, WINFRED S., 000–00–0000

CURTIS, DWIGHT D., 000–00–0000
CYPHER, ERICKSON D., 000–00–0000
CZEPIGA, STEVEN M., 000–00–0000
DAILEY, DENISE F., 000–00–0000
DALLAS, WILLIAM B., 000–00–0000
DALTON, JAMES B., 000–00–0000
DANCZYK, GARY M., 000–00–0000
DARCY, PAUL A., 000–00–0000
DARROCH, DAVID L., 000–00–0000
DAVIS, DIANA L., 000–00–0000
DAVIS, HENRY J., 000–00–0000
DAVIS, KEVIN A., 000–00–0000
DAVIS, MARK J., 000–00–0000
DAVIS, MICHAEL L., 000–00–0000
DAVIS, RICHARD A., 000–00–0000
DAVIS, STEVEN L., 000–00–0000
DAY, KAREN K., 000–00–0000
DEAN, JOHN C., 000–00–0000
DEFFERDING, MICHAEL, 000–00–0000
DEGRAFF, CHRISTIAN, 000–00–0000
DEKANICH, WILLIAM M., 000–00–0000
DELZELL, GAIL E., 000–00–0000
DEMAYO, MICHAEL F., 000–00–0000
DEMING, JAMES F., 000–00–0000
DEROBERTIS, PETER S., 000–00–0000
DEVERILL, SHANE M., 000–00–0000
DEVLIN, ROBERT J., 000–00–0000
DEYOUNG, MICHAEL W., 000–00–0000
DIBB, KEVIN L., 000–00–0000
DIDONATO, DAVID M., 000–00–0000
DIEHL, GREGORY D., 000–00–0000
DIEMER, MANUEL A., 000–00–0000
DIETRICK, KEVIN M., 000–00–0000
DIMITROV, GEORGE V., 000–00–0000
*DIODONET, HECTOR, 000–00–0000
DISALVO, PHILIP J., 000–00–0000
DISSINGER, FREDERIC, 000–00–0000
DOLINISH, GERALD A., 000–00–0000
DONAHER, WILLIAM F., 000–00–0000
DONALDSON, BRUCE J., 000–00–0000
DOOLEY, JOHN M., 000–00–0000
DORMAN, GOODE G., 000–00–0000
DOUGLAS, KATHY L., 000–00–0000
DOWLING, EDMUND A., 000–00–0000
DRAGON, RANDAL A., 000–00–0000
DRAKE, WAYNE, 000–00–0000
DRATCH, SCOTT R., 000–00–0000
DRUMMOND, WILLIAM T., 000–00–0000
DRZEMIECKI, MARK E., 000–00–0000
DUDLEY, REX E., 000–00–0000
DUEMLER, RICHARD F., 000–00–0000
DUFFY, MATTHEW J., 000–00–0000
DUFFY, MICHAEL E., 000–00–0000
DUFFY, SHARON R., 000–00–0000
DUFFY, WILLIAM R., 000–00–0000
DUNCAN, RAYMOND J., 000–00–0000
DUPAS, LAWRENCE L., 000–00–0000
DURR, PETER P., 000–00–0000
EARLY, DREW N., 000–00–0000
EARNEST, CLAY B., 000–00–0000
EATON, GEORGE B., 000–00–0000
EAYRE, TIMOTHY E., 000–00–0000
EBEL, WILLIAM E., 000–00–0000
EHRMANTRAUT, SCOTT, 000–00–0000
EISEL, GEORGE W., 000–00–0000
ELDRIDGE, CHARLES R., 000–00–0000
ELEDUI, WILLIAM E., 000–00–0000
ELLER, GARY D., 000–00–0000
ELLIS, BRYAN W., 000–00–0000
ELLIS, DAVID R., 000–00–0000
*EMBREY, WALLACE E., 000–00–0000
ENGEBRETSON, STEVEN, 000–00–0000
ENGLAND, MARK A., 000–00–0000
ENGLERT, MARVIN A., 000–00–0000
ESHELMAN, MARK J., 000–00–0000
EVANS, CALVIN E., 000–00–0000
EVANS, GEORGE S., 000–00–0000
EVANS, PHILIP M., 000–00–0000
FAGAN, WILLIAM J., 000–00–0000
FAILLE, ROBERT C., 000–00–0000
FAIN, JOHN R., 000–00–0000
FEIERSTEIN, MARK D., 000–00–0000
FERRELL, DONALD M., 000–00–0000
FINKE, JON E., 000–00–0000
FIX, ROBERT G., 000–00–0000
FLANAGAN, MICHAEL S., 000–00–0000
FLESER, WILLIAM C., 000–00–0000
FLETCHER, EDWARD A., 000–00–0000
FLUEGEMAN, STEPHEN, 000–00–0000
FLUEVOC, JEAN E., 000–00–0000
FLYNN, MICHAEL T., 000–00–0000
FOLEY, EDWARD J., 000–00–0000
FONTANELLA, SHARON, 000–00–0000
FORD, CHARLES K., 000–00–0000
FORRESTER, PATRICK, 000–00–0000
FOSTER, JAMES C., 000–00–0000
FOSTER, STEPHEN L, 000–00–0000
FOWLER, JAMES M., 000–00–0000
FOX, MICHAEL E., 000–00–0000
FOX, STEVEN G., 000–00–0000
FRANCIS, WAYNE A., 000–00–0000
FRANCKS, JOHN M., 000–00–0000
FRANK, BRIAN K., 000–00–0000
FRANKE, RONALD E., 000–00–0000
FRANKLIN, FRANK L., 000–00–0000
FREELAND, RAYMOND E., 000–00–0000
FRENDAK, THOMAS M., 000–00–0000
FRIEDSON, JOHN M., 000–00–0000
FROST, JACK R., 000–00–0000
FULMER-SHAW, DOROTH, 000–00–0000
GABRIEL, BERNARD P., 000–00–0000
GALE, MATTHEW J., 000–00–0000
GALGANO, FRANCIS A., 000–00–0000
GAMBLE, GEORGE K., 000–00–0000
GANTT, JOHN K., 000–00–0000
GARCIA, MELFRED S., 000–00–0000
GARCIA, WAYNE L., 000–00–0000
GARDNER, JOHN P., 000–00–0000
GARRISON, CHARLES A., 000–00–0000
GARVEY, DANIEL L., 000–00–0000
GASBARRE, ANTHONY J., 000–00–0000
GASKELL, DOUGLAS, M., 000–00–0000
GATES, FRANCIS K., 000–00–0000
GATEWOOD, DAVID M., 000–00–0000
GAULT, CLOVIS G., 000–00–0000
GAVIN, TIMOTHY P., 000–00–0000
GAVORA, WILLIAM M., 000–00–0000
GELHARDT, MARK D., 000–00–0000
GIBSON, CHARLES L., 000–00–0000
GIBSON, PETER R., 000–00–0000
GIBSON, TIMOTHY J., 000–00–0000
GIDDENS, CECIL D., 000–00–0000
GIERLAK, JAMES E., 000–00–0000
GILBERT, REX L., 000–00–0000
GILLISON, AARON P., 000–00–0000
GILMORE, LLOYD J., 000–00–0000
GINEVAN, MARK E., 000–00–0000
GLEN, PAUL D., 000–00–0000
GLENNON, THOMAS J., 000–00–0000
GLOVER, DOUGLAS, 000–00–0000
GLYNN, MARK V., 000–00–0000
GOLD, ALLAN J., 000–00–0000
GOLD, RUSSELL D., 000–00–0000
GOLDEN, WALTER M., 000–00–0000
GOLDER, LANCE G., 000–00–0000
GOLIGOWSKI, STEVEN, 000–00–0000
GOMEZ, ALBERT J., 000–00–0000
GORDON, ROBERT L, 000–00–0000
GRAHAM, CLIFFORD P., 000–00–0000
GRAHAM, ONEY M., 000–00–0000
GRAHAM, THOMAS E., 000–00–0000
GRAHEK, RONALD A., 000–00–0000
GRANDIN, JAY F., 000–00–0000
GRANGER, JAMES E., 000–00–0000
GRAUGNARD, GERRI K., 000–00–0000
GRAY, XAVIER D., 000–00–0000
GREENBERG, WILLIAM, 000–00–0000
GREENE, GUS E., 000–00–0000
GREY, DANIEL G., 000–00–0000
GRIFFIN, GREER, 000–00–0000
GRIFFIN, THOMAS M., 000–00–0000
GROLLER, ROBERT L., 000–00–0000
GROSSMAN, DAVID A., 000–00–0000
GROTKE, MARK L., 000–00–0000
GRUNER, ELLIOTT G., 000–00–0000
GRUNWALD, ARTHUR A., 000–00–0000
GUADALUPE, JOSE A., 000–00–0000
GUERRY, CHARLES J., 000–00–0000
GUGLIELMI, ROBERT T., 000–00–0000
GULAC, CHARLIE C., 000–00–0000
GULOTTA, GASPER, 000–00–0000
GUMM, GARY J., 000–00–0000
GUNNING, JOAN A., 000–00–0000
GUSSE, SHERRY M., 000–00–0000
HAGEN, THOMAS M., 000–00–0000
HAHN, ROBERT F., 000–00–0000
HALE, DAVID D., 000–00–0000
HALE, MATTHEW T., 000–00–0000
HALLISEY, CHRISTINE, 000–00–0000
HALSTEAD, REBECCA, 000–00–0000
HAMILTON, HARRY S., 000–00–0000
HAMILTON, JOHN A., 000–00–0000
HAMILTON, JOHN C., 000–00–0000
HAMMELL, ROBERT J., 000–00–0000
HANAYIK, ROBERT A., 000–00–0000
HANIFY, DOUGLAS J., 000–00–0000
HANSEN, ROGER A., 000–00–0000
HANSINGER, THOMAS R., 000–00–0000
HANSON, RICKEY L., 000–00–0000
HANSON, ROBERT J, 000–00–0000
HANSON, WILLIAM V., 000–00–0000
HARBISON, JOHN W., 000–00–0000
HARCHELROAD, JOAN L., 000–00–0000
HARDMAN, SUSAN B., 000–00–0000
HARDRICK, HAROLD S., 000–00–0000
HARDY, KIRT T., 000–00–0000
HARKINS, HOMER W., 000–00–0000
HARMAN, FRANK L.I, 000–00–0000
HARNAGEL, NATHAN C., 000–00–0000
HARPER, JAMES H., 000–00–0000
HARPER, THELMA P., 000–00–0000
HARPER, WILLIAM P., III, 000–00–0000
HARRELL, WILLIAM D., 000–00–0000
HARRISON, MICHAEL T., 000–00–0000
HARTER, GARY R., 000–00–0000
HARTER, ROBERT L., 000–00–0000
HARTMAN, MICHAEL J., 000–00–0000
*HARVEY, AARON C., 000–00–0000
HARVEY, DEREK J., 000–00–0000
HATCH, RICHARD G., 000–00–0000
HAUGHS, MARK I., 000–00–0000
HAVERTY, ROBERT B., 000–00–0000
HAWES, KENNETH A., 000–00–0000
HAYNES, FOREST D., 000–00–0000
HEANEY, THOMAS A., 000–00–0000
HECKEL, JEFFREY J., 000–00–0000
HECKMAN, DEBRA L., 000–00–0000
HEINE, KURT M., 000–00–0000
HELMICK, MICHAEL R., 000–00–0000
HELTON, EMORY R., 000–00–0000
*HENDERSON, JOYCE, 000–00–0000
HENRICKSON, RAY D., 000–00–0000
HENNE, SCOTT M., 000–00–0000
HENNIGAN, JOHN R., 000–00–0000
HENSON, JOHN C., 000–00–0000
HENTSCHEL, HELMUT K., 000–00–0000
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SMITH, EUGENE A., 000–00–0000
SMITH, JEFFREY C., 000–00–0000
SMITH, JOHN S., 000–00–0000
SMITH, JOSEPH M., 000–00–0000
SMITH, KEITH A., 000–00–0000
SMITH, MARK S., 000–00–0000
SMITH, MICHAEL, 000–00–0000
SMITH, MICHAEL J., 000–00–0000
SMITH, ROBERT A., 000–00–0000
SMITH, TODD R., 000–00–0000
SMITH, WILLIAM J., 000–00–0000
SMITH, WILLIAM P., 000–00–0000
SNAPP, JAKIE W., 000–00–0000
SNELL, REGINALD W., 000–00–0000
SNIDER, WILLIAM G., 000–00–0000
SNIFFIN, CHARLES T., 000–00–0000
SNODGRASS, DAVID B., 000–00–0000
SNOOK, KATHLEEN G., 000–00–0000
SNOOK, SCOTT A., 000–00–0000
SNYDER, DANIEL R., 000–00–0000
SONIAK, ROBERT W., 000–00–0000
SORENSEN, KENT M., 000–00–0000
SORENSEN, ROBERT E., 000–00–0000
SOUTH, DANNY H., 000–00–0000
SOVINE, JOHN W., 000–00–0000
SPAIN, TEDDY R., 000–00–0000
SPEIR, ROBERT M., 000–00–0000
SPELLISSY, THOMAS F., 000–00–0000
SPENCER, TIMOTHY G., 000–00–0000
SPILDE, RANDY D., 000–00–0000
SPILLER, JOHN M., 000–00–0000
SPINELLI, JOHN J., 000–00–0000
SPINOSA, ANTHONY P., 000–00–0000
STAAB, LEE A., 000–00–0000
STAFFORD, DANIEL H., 000–00–0000
STANOCH, GUY K., 000–00–0000
STARKEY, LORETTA S., 000–00–0000
STASHAK, FRANK J., 000–00–0000
STAWASZ, JOHN M., 000–00–0000
STEPP, JOE E., 000–00–0000
STEVENSON, KIM D., 000–00–0000
STEVENSON, NATHANIE, 000–00–0000
STEWART, CAROLYN A., 000–00–0000
STEWART, JACQUE J., 000–00–0000
STOLL, KOBURN C., 000–00–0000
STONER, JOHN K., 000–00–0000
STORY, KURT S., 000–00–0000
STPIERRE, HENRY M., 000–00–0000
STRANG, MICHAEL J., 000–00–0000
STREFF, MICHAEL J., 000–00–0000
STRICK, DONALD E., 000–00–0000
STURGEON, NANCY L., 000–00–0000
SUNDT, ERIC A., 000–00–0000
SUTEY, WILLIAM K., 000–00–0000
SUTLIFF, KEVIN M., 000–00–0000
SUTTON, RONALD L., 000–00–0000
SWAREN, THOMAS L., 000–00–0000
SWARTZ, DOUGLAS E., 000–00–0000
SWINDELL, DAVID K., 000–00–0000
SZARENSKI, DANIEL S., 000–00–0000
TABLER, ANTHONY D., 000–00–0000
TAM, YAT, 000–00–0000
TANAKA, ALISON E., 000–00–0000
TANNER, ALBERT G., 000–00–0000
TATA, ANTHONY J., 000–00–0000
TAYLOR, CLARENCE E., 000–00–0000
TAYLOR, MARK C., 000–00–0000
TAYLOR, VERNON, SR., 000–00–0000
TEAGUE, GEORGE E., 000–00–0000
TEEPLES, DAVID A., 000–00–0000
TERRILL, MARILYN E., 000–00–0000
THEIN, SCOTT E., 000–00–0000
THIBODEAU, FRANKIE, 000–00–0000
THOMA, KARL C., 000–00–0000
THOMAS, ALBERT P., 000–00–0000
THOMAS, DONA M., 000–00–0000
THOMAS, KELLY J., 000–00–0000
THOMAS, KIRK K., 000–00–0000
THOMAS, MARTIN S., 000–00–0000
THOMAS, RANDAL J., 000–00–0000
THOMASON, JERRY D., 000–00–0000
THOMPSON, HARRY H., 000–00–0000
THOMPSON, MICHAEL D., 000–00–0000
THORESEN, DAVID P., 000–00–0000
THORNAL, MASON W., 000–00–0000
TIDLER, TERENCE M., 000–00–0000
TIEDE, CORWYN B., 000–00–0000
TIMIAN, DONALD H., 000–00–0000
TODD, FRANK P., 000–00–0000
TORRANCE, THOMAS G., 000–00–0000
TORRES, JOSE, 000–00–0000
TOWE, JAMES A., 000–00–0000
TOWNSEND, MARSHALL, 000–00–0000
TRAUTMAN, KONRAD J., 000–00–0000
TREHARNE, JAMES T., 000–00–0000
TRITSCHLER, TABOR W., 000–00–0000
TROLLER, KEVIN G., 000–00–0000
TSUDA, DAVID T., 000–00–0000
TUDOR, RODNEY E., 000–00–0000
TUNSTALL, STANLEY Q., 000–00–0000
TURBAN, DAVID M., 000–00–0000
TURCK, PETER H., 000–00–0000
TURNER, JOHN N., 000–00–0000
TURNER, LARRY D., 000–00–0000
TUTTLE, ROBERT C., 000–00–0000
TYACKE, EMERY L., 000–00–0000
TYACKE, LORRAINE E., 000–00–0000
UBBELOHDE, KURT F., 000–00–0000
UNDERWOOD, RICHARD, 000–00–0000
VALENTINE, FRANCO L., 000–00–0000
VANDYKE, LEWIS L., 000–00–0000
VANDYKE, NORVEL M., 000–00–0000
VANHORN, THURSTON, 000–00–0000
VAUGHN, MARK M., 000–00–0000
VAZQUEZ, JOSE L., 000–00–0000
VENEY, DAVID W., 000–00–0000
VILLAHERMOSA, GILBE, 000–00–0000
VILLARREAL, ABEL H., 000–00–0000
VISBAL, ROBERT M., 000–00–0000
VOGT, WILLIAM C., 000–00–0000
VONPLINSKY, ALEXAND, 000–00–0000
VORDERMARK, JEFFREY, 000–00–0000
VOSBURGH, ALLAN R., 000–00–0000
VOSTI, PAUL H., 000–00–0000
WAGNER, SUSAN K., 000–00–0000
WALDEN, JOSEPH L., 000–00–0000
WALDROP, JAMES R., 000–00–0000
WALLACE, CHRISTOPHE, 000–00–0000
WALLACE, ROBERT M., 000–00–0000
WALSH, PETER K., 000–00–0000
WAMPLER, DOUGLAS L., 000–00–0000
WARD, GEORGE A., 000–00–0000
WARD, RONALD C., 000–00–0000
WARRICK, LARRY P., 000–00–0000
WASHINGTON, LEE E., 000–00–0000
WATERS, HENRY J., 000–00–0000
WATTS, VICKY C., 000–00–0000
WAYBRIGHT, HAROLD B., 000–00–0000
WEBBER, KURT E., 000–00–0000
WEIDERHOLD, MICHAEL, 000–00–0000
WEILAND, PETER L., 000–00–0000
WEINER, BEN W., 000–00–0000
WEINTRAUB, JASON S., 000–00–0000
WELCH, DAVIS S., 000–00–0000
WELCH, RONALD W., 000–00–0000
*WELLS, DEMETRA A., 000–00–0000
WEST, STEPHEN K., 000–00–0000
WEST, TERRY A., 000–00–0000
WESTFIELD, ALAN D., 000–00–0000
WETTIG, KEITH S., 000–00–0000
WHEAT, JANIS A., 000–00–0000
WHITE, JOHN S., 000–00–0000
WHITEHEAD, GARY W., 000–00–0000
WHITEHEAD, RAY A., 000–00–0000
WHITEFIELD, CHARLES, 000–00–0000
WHITTAKER, DAVID F., 000–00–0000
WILCOX, PAUL A., 000–00–0000
WILEY, ANTHONY G., 000–00–0000
WILHELM, GERD P., 000–00–0000
WILKERSON, KEVIN V., 000–00–0000
WILKINSON, JEFFERY, 000–00–0000
WILLETT, JAMES A., 000–00–0000
WILLIAMS, CHARLES K., 000–00–0000
WILLIAMS, JAMES R., 000–00–0000
WILLIAMS, KEWYN L., 000–00–0000
WILLIAMS, MARVIN W., 000–00–0000
WILLIAMS, PETER G., 000–00–0000
WILLIAMS, RICHARD A., 000–00–0000
WILSON, BERNARD E., 000–00–0000
WILSON, DANIEL M., 000–00–0000
WILSON, MARILEE D., 000–00–0000
WININGER, WALTER E., 000–00–0000
WISEMAN, JOHN W., 000–00–0000
WITHERS, GEORGE K., 000–00–0000
WITHERS, JAMES M., 000–00–0000
*WONSIDLER, CRAIG, 000–00–0000
YOUNG, DANIEL D., 000–00–0000
YOUNG, GARY R., 000–00–0000
YOUNG, THOMAS W., 000–00–0000
ZACCARDI, ROBERT W., 000–00–0000
ZACOVIC, WILLIAM R., 000–00–0000
ZAJ, EDWARD A., 000–00–0000
ZARGAN, CURT S., 000–00–0000
ZELLER, WALTER G., 000–00–0000
ZIELINSKI, PETER J., 000–00–0000
ZIMMERMAN, JANET A., 000–00–0000
ZIMMERMAN, RALF W., 000–00–0000
ZOLIK, DAMIAN J., 000–00–0000
ZUVICH, ANTHONY J., 000–00–0000
0426X
0092X
0732X

IN THE NAVY

THE FOLLOWING–NAMED LIEUTENANT COMMANDERS IN THE LINE OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

UNRESTRICTED LINE OFFICERS

To be commander

MILTON D. ABNER, 000–00–0000
MICHAEL W. ACKERMAN, 000–00–0000
RONALD C. ADAMO, 000–00–0000
MARK H. ADAMSHICK, 000–00–0000
MICHAEL H. ALBRIGHT, 000–00–0000
DAVID M. ANDERSON, 000–00–0000
DOUGLAS M. ANDRE, 000–00–0000
GREGORY E. ANTOLAK, 000–00–0000
BARON W. ASHER, 000–00–0000
LARRY D. AYERS, 000–00–0000
CARLOS E. AYUSO, 000–00–0000
STUART D. BAILEY, 000–00–0000
MARK J. BAKER, 000–00–0000
MICHAEL J. BAREA, 000–00–0000
EDWARD BARFIELD, 000–00–0000
THOMAS H. BARGE II, 000–00–0000
JOHN W. BARNHILL, 000–00–0000
RICHARD R. BARTIS, 000–00–0000
ANDREW J. BARTON, 000–00–0000
JEFFREY B. BATES, 000–00–0000
MARK A. BAULCH, 000–00–0000
PETER D. BAUMANN, 000–00–0000
ROBERT W. BECK, 000–00–0000
WALTER S. BEDNARSKI, JR., 000–00–0000
STEPHEN J. BENSON, 000–00–0000
DAVID M. BENTZ, 000–00–0000
THOMAS A. BERG, 000–00–0000
FRED V. BERLEY, 000–00–0000
ELLIOTT M. BERMAN, 000–00–0000
SCOTT A. BERNARD, 000–00–0000
RUSSELL E. BIRD, 000–00–0000
CHARLES R. BLAKE, 000–00–0000
WILLIAM J. BLEVINS, 000–00–0000
MARK W. BOCK, 000–00–0000
MARK R. BOETTCHER, 000–00–0000
JOHN W. BOLIN III, 000–00–0000
ALLEN R. BOUGARD, 000–00–0000
KEITH P. BOWMAN, 000–00–0000
JAMES W. BOYD, JR., 000–00–0000
PATRICK H. BRADY, 000–00–0000
SCOTT M. BREEDING, 000–00–0000
ROBERT C. BROWN, JR., 000–00–0000
EDWARD L. BROWNLEE, 000–00–0000
GLENN M. BRUNNER, 000–00–0000
DAVID L. BUCKEY, 000–00–0000
KENNETH P. BUELL, 000–00–0000
JOHN M. BURDON, 000–00–0000
ROBERT J. BURRELL, 000–00–0000
EDWARD C. BURTON, 000–00–0000
JOHN E. BUTALA, 000–00–0000
RANDALL S. BUTLER, 000–00–0000
JAMES F. CALDWELL, JR., 000–00–0000
JAY D. CALER, 000–00–0000
CHARLES B. CAMERON, 000–00–0000
JOHN M. CAMERON, 000–00–0000
DIANA T. CANGELOSI, 000–00–0000
THOMAS W. CARPENTER, JR., 000–00–0000
CLARENCE E. CARTER, 000–00–0000
GILBERT A. CARTER, 000–00–0000
WALTER E. CARTER, JR., 000–00–0000
ODILON V. CAVAZOS, JR., 000–00–0000
CARLOS M. CHAVEZ, 000–00–0000
PATRICK D. CLARK, 000–00–0000
RANDY W. CLARK, 000–00–0000
RAY L. CLARK, JR., 000–00–0000
WILLIAM J. CLARK, JR., 000–00–0000
MARTIN S. COHEN, 000–00–0000
MICHAEL A. COLLINS, 000–00–0000
DAVID J. CONAWAY, 000–00–0000
JAMES K. COOK, 000–00–0000
MICHAEL J. COOMES, 000–00–0000
GARY T. COOPER, 000–00–0000
ERIC A. COPELAND III, 000–00–0000
THOMAS F. COSGROVE, JR., 000–00–0000
JOHN W. COTTON, 000–00–0000
CHARLES E. COUGHLIN, 000–00–0000
THOMAS A. CROPPER, 000–00–0000
SCOTT E. CROSSLEY, 000–00–0000
ROY W. CROWE, 000–00–0000
PAUL A. G. CRUZ, 000–00–0000
WILLIAM P. CULLEN, 000–00–0000
THOMAS J. CULORA, 000–00–0000
ALBERT CURRY, JR., 000–00–0000
BRUCE H. CURRY, 000–00–0000
BARRY F. DAGNALL, 000–00–0000
DAVID A. DAHL, 000–00–0000
DENNIS P. DANKO, 000–00–0000
JOHN R. DAUGHERTY, 000–00–0000
SUSAN A. DAVIES, 000–00–0000
WILLIAM C. DAVIS, 000–00–0000
RICHARD L. DAWE, 000–00–0000
SUZANNE M. DEE, 000–00–0000
THOMAS P. DEE, 000–00–0000
KEVIN P. DENHAM, 000–00–0000
DANA S. DERVAY, 000–00–0000
JEFFREY W. DESPAIN, 000–00–0000
RANDOLPH L. DEWAR, 000–00–0000
CURTIS R. DICKERSON, 000–00–0000
DAVID J. DICKSHINSKI, 000–00–0000
JOHN W. DIMOCK, 000–00–0000
ERNEST W. DOBSON, JR., 000–00–0000
LARRY W. DODSON, 000–00–0000
ROBERT E. DOLAN, 000–00–0000
FREDERICK G. DORAN, JR., 000–00–0000
JAMES P. DOWNEY, 000–00–0000
ROBERT G. DRAKE, 000–00–0000

WILLIAM M. DRAKE, 000–00–0000
WILLIAM G. DUBYAK, 000–00–0000
PAUL A. DUNNE II, 000–00–0000
JOHN B. EGGLESTON, 000–00–0000
RICHARD K. ELEY, 000–00–0000
MARK A. ERIKSON, 000–00–0000
ALAN E. ESCHBACH, 000–00–0000
MANUEL E. FALCON, 000–00–0000
PHILIP G. FARRELL, 000–00–0000
CRAIG C. FELKER, 000–00–0000
MARK A. FILIPIC, 000–00–0000
JOSEPH J. FITZGERALD, 000–00–0000
GEORGE E. FLAX, 000–00–0000
ROBERT L. FORWOOD, JR., 000–00–0000
DAVID J. FROST, 000–00–0000
DONALD E. GADDIS, 000–00–0000
JAMES W. GALANIE, 000–00–0000
DANIEL I. GALLAGHER, 000–00–0000
GARY D. GALLOWAY, 000–00–0000
JOHN H. GARNER, JR., 000–00–0000
JOHN P. GATELY, 000–00–0000
BRIAN J. GERLING, 000–00–0000
LLOYD E. GILHAM, 000–00–0000
DAVID W. GLAZIER, 000–00–0000
MICHAEL D. GNOZZIO, 000–00–0000
LEONARD G. GOFF, 000–00–0000
DEVON G. GOLDSMITH, 000–00–0000
BENJAMIN J. GOSLIN, JR., 000–00–0000
STEPHEN N. GRAHAM, 000–00–0000
JON A. GREENE, 000–00–0000
THOMAS R. GRIMM, 000–00–0000
RUSSELL J. GROCKI, 000–00–0000
DAVID W. GRUBER, 000–00–0000
MICHAEL J. GURLEY, 000–00–0000
JOHN R. HAFEY, 000–00–0000
RICHARD E. HAGY II, 000–00–0000
KENNETH E. HALLOWAY III, 000–00–0000
MICHAEL S. HANLEY, 000–00–0000
WILLIAM J. HARDEN, 000–00–0000
DAVID C. HARDESTY, 000–00–0000
RUSSELL E. HARRIS, 000–00–0000
WILLIAM R. HARTSFIELD, 000–00–0000
STEPHEN J. HAUSSMANN, 000–00–0000
CHRISTOPHER C. HAYES, 000–00–0000
RICHARD HEIMERLE, 000–00–0000
CARL R. HELDRETH, 000–00–0000
MARK T. HELMKAMP, 000–00–0000
XERXES Z. HERRINGTON, JR., 000–00–0000
THOMAS W. HILLS, 000–00–0000
WILLIAM P. HOGAN, 000–00–0000
ALBIN L. HOVDE, 000–00–0000
JEFFRY L. HUBER, 000–00–0000
JOHN S. HUSAIM, 000–00–0000
PAUL D. IMS, JR., 000–00–0000
GLENN M. IRVINE, 000–00–0000
DAVID W. JACKSON, 000–00–0000
L. P. JAMES III, 000–00–0000
BRENT W. JETT, JR., 000–00–0000
JORGE I. JIMENEZROJO, 000–00–0000
RANDALL L. JOHNSON, 000–00–0000
WILLIAM H. JOHNSON, 000–00–0000
MARK C. JONES, 000–00–0000
RICHARD L. JORDAN, 000–00–0000
BRADLEY F. JUBLOU, 000–00–0000
HOWARD C. KEESE, 000–00–0000
WILLIAM L. KERVAHN, 000–00–0000
MICHAEL E. KILEY, 000–00–0000
JEFFREY A. KING, 000–00–0000
TIMOTHY J. KISLEY, 000–00–0000
PATRICK N. KLUCKMAN, 000–00–0000
WINFORD W. KNOWLES, 000–00–0000
TERRY B. KRAFT, 000–00–0000
ANTHONY M. KURTA, 000–00–0000
NEAL J. KUSUMOTO, 000–00–0000
DAVID A. LABARBERA, 000–00–0000
ROBERT J. LABELLE, JR., 000–00–0000
THOMAS LANG, 000–00–0000
RUSSELL G. LANKER, 000–00–0000
MARK S. LAUGHTON, 000–00–0000
DAVID L. LEACH, 000–00–0000
SCOTT F. LEFTWICH, 000–00–0000
MATTHEW A. LEIDEN, 000–00–0000
ANTHONY M. LEIGH, JR., 000–00–0000
MARK R. LICHTENSTEIN, 000–00–0000
HOWARD R. LIND, 000–00–0000
CHRISTOPHER J. LINDBERG, 000–00–0000
ERIC J. LINDENBAUM, 000–00–0000
LEE H. C. LITTLE, 000–00–0000
JEFFREY S. LOCKE, 000–00–0000
JOSEPH C. LODMELL, 000–00–0000
MICHAEL LOIZOS, JR., 000–00–0000
ROBERT L. LONG, 000–00–0000
RANDALL LOVDAHL, 000–00–0000
WILLIE T. LOVETT III, 000–00–0000
PETER LYDDON, 000–00–0000
TIMOTHY S. MAC GREGOR, 000–00–0000
JOHN MAITNER II, 000–00–0000
TODD W. MALLOY, 000–00–0000
THOMAS J. MALONE, 000–00–0000
MICHAEL R. MARA, 000–00–0000
GERARD M. MARKARIAN, 000–00–0000
LOUIS D. MARQUET, 000–00–0000
WILLIAM R. MASSEY, JR., 000–00–0000
JOHN R. MATHIS, 000–00–0000
JAMES E. MC ALOON, 000–00–0000
JOSEPH A. MC BREARTY, 000–00–0000
JEFFREY C. MC CAMPBELL, 000–00–0000
TIMOTHY A. MC CANDLESS, 000–00–0000
MARK A. MC CORMICK, 000–00–0000
PHILIP C. MC DANIEL, 000–00–0000
KIM MC ELIGOT, 000–00–0000
BRIAN G. MC KEEVER, 000–00–0000
FREDERICK P. MC KENNA, JR., 000–00–0000
THOMAS D. MC KENNA, 000–00–0000
STEVEN A. MC LAUGHLIN, 000–00–0000
JAMES R. MC MILLAN, JR., 000–00–0000
LANCE W. MC MILLAN, 000–00–0000
ARTHUR A. MC MINN, 000–00–0000
THOMAS A. MC MURRY, 000–00–0000
ROBERT P. MEAGHER, 000–00–0000
WALTER A. MEEKS, 000–00–0000
THOMAS R. MEHRINGER, 000–00–0000
TIMOTHY W. MEIER, 000–00–0000
ANDRE R. MERRILL, 000–00–0000
CHARLES L. MEYERS, JR., 000–00–0000
DEWOLFE H. MILLER, 000–00–0000
NEAL R. MILLER, 000–00–0000
TODD R. MILLER, 000–00–0000
MARK E. MILLS, 000–00–0000
PATRICK M. MILLS, 000–00–0000
VERNON B. MILLSAP, JR., 000–00–0000
MARTIN D. MOKE, 000–00–0000
MARK A. MONTI, 000–00–0000
JONATHAN D. MOORE, 000–00–0000
MICHAEL L. MORAN, 000–00–0000
MARK T. MULLIGAN, 000–00–0000
THOMAS H. MYERS, 000–00–0000
KEVIN B. NEARY, 000–00–0000
THOMAS F. NEDERVOLD, 000–00–0000
BRUCE E. NELSON, 000–00–0000
MARK R. NICHOLS, 000–00–0000
JOHN W. NICHOLSON, 000–00–0000
CHRISTOPHER D. NOBLE, 000–00–0000
MARK L. NOLD, 000–00–0000
GREGORY R. NOWAK, 000–00–0000
ROBERT W. NOWAK, 000–00–0000
KEVIN OFLAHERTY, 000–00–0000
PATRICK W. OKANE, 000–00–0000
ELIZABETH D. OLMO, 000–00–0000
WILLIAM C. OMSPACH, 000–00–0000
JOHN F. ORTOLF, 000–00–0000
GEOFFREY T. PACK, 000–00–0000
RICHARD K. PACKER, 000–00–0000
TIGHE S. PARMENTER, 000–00–0000
JEFFREY M. PAULS, 000–00–0000
ROBERT H. PERRY, 000–00–0000
CHRIS F. PIERSON, 000–00–0000
DAVID T. PITTELKOW, 000–00–0000
PAUL M. PLESCOW, 000–00–0000
MARK R. POLNASZEK, 000–00–0000
KENNETH R. PORTER, 000–00–0000
DAVID A. PORTNER, 000–00–0000
KEVIN J. PRINDLE, 000–00–0000
BRIAN D. QUERRY, 000–00–0000
EDWARD J. QUINN, 000–00–0000
STEVEN A. RABOGLIATTI, 000–00–0000
ROD D. RAYMOR, 000–00–0000
JOHN B. READ III, 000–00–0000
CHRISTOPHER S. REAL, 000–00–0000
BRADLEY T. RENNER, 000–00–0000
JOHN M. RICHARDSON, 000–00–0000
MICHAEL H. RIDDLE, 000–00–0000
DAVID W. ROBEY, 000–00–0000
MICHAEL D. ROBINSON, 000–00–0000
RAUL D. J. RODRIGUEZ, 000–00–0000
FREDERICK J. ROEGGE, 000–00–0000
KENNETH C. ROSE, 000–00–0000
THOMAS S. ROWDEN, 000–00–0000
KEVIN G. SAIGHMAN, 000–00–0000
CARL V. SCHLOEMANN, 000–00–0000
BARBARA L. SCHOLLEY, 000–00–0000
DENNIS A. SCHULZ, 000–00–0000
DAVID E. SCHWARTZENBURG, 000–00–0000
BRUCE E. SERVICE, 000–00–0000
THOMAS K. SHANNON, 000–00–0000
HERMAN A. SHELANSKI, 000–00–0000
STEPHEN T. SHEPHERD, 000–00–0000
MARK R. SICKERT, 000–00–0000
RONALD L. SINGER, 000–00–0000
JAY M. SMITH, 000–00–0000
MARTIN P. SMITH, 000–00–0000
STEPHEN S. SMITH, 000–00–0000
KENNETH V. SMOLANA, 000–00–0000
PATRICK W. SNELLINGS, 000–00–0000
JAMES D. SOUTHWARD, 000–00–0000
JOSEPH A. SPATA, 000–00–0000
DAVID B. STANSBURY, 000–00–0000
JIMMIE C. STEELMAN, 000–00–0000
MARK R. STEERS, 000–00–0000
JAMES A. STEWART, 000–00–0000
JAMES T. STEWART, 000–00–0000
TIMOTHY R. STITH, 000–00–0000
EAMON M. STORRS, 000–00–0000
JEFFREY P. STRATTON, 000–00–0000
MATTHEW D. STURGES, 000–00–0000
JOSEPH STUYVESANT, 000–00–0000
DAVID G. SUMMER, 000–00–0000
MARK L. SUYCOTT, 000–00–0000
MITCHELL T. SWECKER, 000–00–0000
KENNETH W. TAYLOR, 000–00–0000
THOMAS F. TAYLOR, 000–00–0000
THOMAS R. TAYLOR, JR., 000–00–0000
JAMES J. THADEN, 000–00–0000
JAMES E. THIRKILL, 000–00–0000
HOWARD W. THORP, JR., 000–00–0000
ROBERT D. THRELKELD, 000–00–0000
JASON E. TIBBELS, 000–00–0000
TIMOTHY S. TIBBITS, 000–00–0000
JOHN J. TIERNEY, JR., 000–00–0000
BRYAN W. TOLLEFSON, 000–00–0000
JULIAN E. TONNING, 000–00–0000
BRUCE J. TOTH, 000–00–0000
JEFFREY TRUMBORE, 000–00–0000
EDWARD TUCHOLSKI, 000–00–0000
WAYNE A. TUNICK, 000–00–0000
MAX W. UNDERWOOD, 000–00–0000
RONALD J. UNTERREINER, 000–00–0000
WILLIAM H. VALENTINE, 000–00–0000
WILLIAM J. VANDERLIP, JR., 000–00–0000
JAMES T. VAZQUEZ, 000–00–0000
RONALD J. VELIZ, 000–00–0000
JACK E. VESS, 000–00–0000
KENNETH VOORHEES, 000–00–0000
JOHN M. WACHTER, 000–00–0000
HARRY E. WAIDELICH, 000–00–0000
ROBERT M. WALL, 000–00–0000
WILLIAM E. WARD, 000–00–0000
JAMES L. WATERS, JR., 000–00–0000
MARION E. WATSON, JR., 000–00–0000
THOMAS H. WEBBER, 000–00–0000
CHRISTOPHER G. WENZ, 000–00–0000
JAMES R. WHITE, JR., 000–00–0000
WARREN M. WIGGINS, 000–00–0000
CLAYTON S. WILCOX, 000–00–0000
KARL C. WILLIAMS, 000–00–0000
R. D. WILSON, JR., 000–00–0000
WARD A. WILSON III, 000–00–0000
ROBERT W. WINSOR, 000–00–0000
EDWARD G. WINTERS III, 000–00–0000
JONATHAN D. WINTERS, 000–00–0000
WILLIAM S. WOLFNER, 000–00–0000
MICHAEL P. WOOD, 000–00–0000
DAVID B. WOODS, 000–00–0000
STEVEN W. WRIGHT, 000–00–0000
MICHAEL L. YARNOFF, 000–00–0000
TODD A. ZECCHIN, 000–00–0000
NEIL G. ZERBE, 000–00–0000
RONALD E. ZIEMBKO, 000–00–0000

ENGINEERING DUTY OFFICERS

To be commander

DWIGHT R. ALEXANDER, 000–00–0000
CARL S. BARBOUR, 000–00–0000
JOHN M. BARENTINE, 000–00–0000
LAWRENCE R. BAUN, 000–00–0000
JOHN K. BERGERSEN, 000–00–0000
JAMES P. BROWN, 000–00–0000
PETER S. BUCZYNSKI, 000–00–0000
GLENN E. CANN, 000–00–0000
DAVID C. CHAPPELL, 000–00–0000
ROBERT D. CHILDS, 000–00–0000
STEVEN R. CHISM, 000–00–0000
FRANCIS R. COLBERG, 000–00–0000
EDWARD M. CONNOLLY, 000–00–0000
CHARLES V. DOTY, 000–00–0000
GARY G. DURANTE, 000–00–0000
MARGARET S. FARRELL, 000–00–0000
PEGGY A. FELDMANN, 000–00–0000
JONATHAN C. IVERSON, 000–00–0000
GIBSON B. KERR, 000–00–0000
RICHARD D. LANTZ, 000–00–0000
CHARLOTTE V. LEIGH, 000–00–0000
ALAN D. LEWIS, 000–00–0000
DAVID H. LEWIS, 000–00–0000
CRAIG W. LITTLE, 000–00–0000
RONALD W. LUBATTI, 000–00–0000
RICHARD D. MARVIN, JR., 000–00–0000
MICHAEL E. MC MAHON, 000–00–0000
THOMAS J. MOORE, 000–00–0000
KURT A. MULLER, 000–00–0000
RANDAL D. NIVER, 000–00–0000
DEAN M. PEDERSEN, 000–00–0000
MARK PHILLIPS, 000–00–0000
RONALD G. RAHALL, 000–00–0000
JEFFREY S. REED, 000–00–0000
FREDERICK F. SCHULZ, 000–00–0000
EUGENE B. SEDY, 000–00–0000
DALE E. SIGMAN, 000–00–0000
SCOTT J. SMITH, 000–00–0000
JOHN P. SPENCER, 000–00–0000
STEPHEN W. STANKO, 000–00–0000
CAROL A. THOMPSON, 000–00–0000
MANNING M. TOWNSEND, 000–00–0000
CLARK E. WHITMAN, 000–00–0000
ROY L. WOOD, JR., 000–00–0000
STEVEN W. WOODSON, 000–00–0000
HENRI W. ZAJIC, 000–00–0000

AEROSPACE ENGINEERING DUTY OFFICERS
(ENGINEERING)

To be commander

STEVEN R. EASTBURG, 000–00–0000
RICHARD H. FANNEY, 000–00–0000
ELI E. HERTZ, 000–00–0000
KIM A. JOHNSON, 000–00–0000
WILLIAM F. LONCHAS, JR., 000–00–0000
DENNIS A. LOTT, 000–00–0000
JOHN M. MULCAHY, 000–00–0000
R. J. NIEWOEHNER, 000–00–0000
ROBERT P. PATY, 000–00–0000
PETER J. RIESTER, 000–00–0000
JAMES W. ROBERTS, 000–00–0000
JOHN W. SCANLAN II, 000–00–0000
ALAN D. SCOTT, 000–00–0000
RUSSELL W. SCOTT, 000–00–0000
RANDALL G. SHORT, 000–00–0000
DAVID E. STEVENS, 000–00–0000
JAMES W. TRUEBLOOD, 000–00–0000
DAVID R. WAGNER, 000–00–0000
DOUGLAS L. WHITENER, 000–00–0000
JOHN A. ZAWIS, 000–00–0000

AEROSPACE ENGINEERING DUTY OFFICERS
(MAINTENANCE)

To be commander

ROBERT L. ALLEN, 000–00–0000
ERICH S. BLUNT, JR., 000–00–0000
WAYNE P. BORCHERS, 000–00–0000
JOHN D. BURPO, 000–00–0000
FRED E. CLEVELAND, 000–00–0000
JEFFREY S. COOK, 000–00–0000
MARK W. CZARZASTY, 000–00–0000
LEONARD B. GORDON, 000–00–0000
THOMAS R. HAMMAN, 000–00–0000
MARTHA E. KANTOR, 000–00–0000
DANIEL J. LAFOND, 000–00–0000
HARRY LEHMAN, JR., 000–00–0000

WILLIAM R. MC SWAIN, 000–00–0000
MARK H. STONE, JR., 000–00–0000
STEVEN R. VOYLES, 000–00–0000

AVIATION DUTY OFFICERS

To be commander

JOHN K. BRADY, 000–00–0000
CHRISTOPHER M. STEINNECKER, 000–00–0000
BRUCE A. VANDENBOS, 000–00–0000

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

To be commander

MICHAEL A. BROWN, 000–00–0000
JOHN W. GORDON, 000–00–0000
CLINTON G. LYONS IV, 000–00–0000
JOHN B. MAYS III, 000–00–0000
JAMES R. MC GOVERN, JR., 000–00–0000
STEPHEN S. MC KENZIE, 000–00–0000
RICHARD D. PAUPARD, JR., 000–00–0000
HELENA E. REEDER, 000–00–0000
SCOTT L. ROME, 000–00–0000
JEREMIE P. SARE, 000–00–0000
PAUL W. SCHUH, 000–00–0000
PAUL W. THRASHER, 000–00–0000
CHRISTINE J. WESTONLYONS, 000–00–0000
ROBERT A. ZELLMANN, 000–00–0000

SPECIAL DUTY OFFICERS (INTELLIGENCE)

To be commander

WILLIAM W. ARRAS, 000–00–0000
LAWRENCE N. ASH, 000–00–0000
LINDA J. BAHRANI, 000–00–0000
CHRISTOPHER D. BOTT, 000–00–0000
DAVID B. CAMPBELL, 000–00–0000
CHRISTOPHER A. COOK, 000–00–0000
ANNE M. DONOVAN, 000–00–0000
TIMOTHY J. DOOREY, 000–00–0000
ROBERT D. ESTVANIK, 000–00–0000
KEVIN K. FRANK, 000–00–0000
CHRISTOPHER O. GEVING, 000–00–0000
WILLIAM E. GORHAM, JR., 000–00–0000
CHARLES G. HART, 000–00–0000
DONNA S. W. HOLLY, 000–00–0000
DEBRA J. JUSTIN, 000–00–0000
SARA A. KING, 000–00–0000
WILLIAM M. LUOMA, 000–00–0000
EILEEN F. MACKRELL, 000–00–0000
ROBERT M. NAVARRO, 000–00–0000
JOHN P. RUBEL, 000–00–0000
WILLIAM D. SAS, 000–00–0000
RICHARD L. SAUNDERS, 000–00–0000
VINCENT A. SHAHAYDA, 000–00–0000
WAYNE F. SWEITZER, 000–00–0000
DAVID B. WAUGH, 000–00–0000
STEVEN K. WESTRA, 000–00–0000
JAMES J. WHITUS, 000–00–0000

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

To be commander

BRUCE A. COLE, 000–00–0000
BRIAN P. CULLIN, 000–00–0000
GORDON J. HUME, 000–00–0000
TIMOTHY S. OLEARY, 000–00–0000
FRANK THORP IV, 000–00–0000
PAUL J. WEISHAUPT, 000–00–0000

SPECIAL DUTY OFFICERS (FLEET SUPPORT)

To be commander

JUDITH L. C. ACKERSON, 000–00–0000
MARY L. ANDERSON, 000–00–0000
NORMA M. ANDERTON, 000–00–0000
CELESTE A. BILICKI, 000–00–0000
LEANNE J. BRADDOCK, 000–00–0000
VICTORIA L. BURCHETT, 000–00–0000
BONITA I. CAMPBELL, 000–00–0000
KIMBERLY A. CAMPBELL, 000–00–0000
ELIZABETH F. CAREY, 000–00–0000
PATRICIA A. CERCHIO, 000–00–0000
KATHLENE CONTRES, 000–00–0000
CYNTHIA A. COVELL, 000–00–0000
BERNITA D. DODD, 000–00–0000
CATHERINE T. EADS, 000–00–0000
ROBIN R. GANDOLFO, 000–00–0000
KRISTINE H. GEDDINGS, 000–00–0000
WENDY A. GEE, 000–00–0000
AMALIE R. GLUF, 000–00–0000
ROBERTA A. GOLDENBERG, 000–00–0000
GAIL A. GRIFFIN, 000–00–0000
ANNE W. HEMINGWAY, 000–00–0000
SUSAN L. HIGGINS, 000–00–0000
MARY E. HILL, 000–00–0000
AMY L. HUGHES, 000–00–0000
SHANNON M.L. HURLEY, 000–00–0000
CAROLYN D. JACKSON, 000–00–0000
CYNTHIA K. JACKSON, 000–00–0000
PATRICIA A. JACKSON, 000–00–0000
LEAH D. JOHNSON, 000–00–0000
BONNIE L. JOHNSTON, 000–00–0000
SUSAN S. JORDAN, 000–00–0000
ANNE E. KELLEY, 000–00–0000
DEBORAH R. KERN, 000–00–0000
BARBARA A. KLESK, 000–00–0000
ELIZABETH A. KNUTSON, 000–00–0000
MARY M. KOLAR, 000–00–0000
TARA L. LACAVERA, 000–00–0000
PEGGY L. LAU, 000–00–0000
SANDRA L. LAWRENCE, 000–00–0000
DEBORAH R. LEIGHTON, 000–00–0000
MARY A. MARGOSIAN, 000–00–0000
JILL L. MATHEWS, 000–00–0000
JEANNE M. MC DONNELL, 000–00–0000
ANNE E.S. MC KINNEY, 000–00–0000
KATHRYN MC NAMARA, 000–00–0000
DIANE C. MIELCARZ, 000–00–0000
CAROLYN J. MILLER, 000–00–0000
RUTH A. MILLER, 000–00–0000
GLORIA D. MOBERY, 000–00–0000
LINDA L. MUTH, 000–00–0000
GALE V. NAPOLIELLO, 000–00–0000
MARY B. NEWTON, 000–00–0000
NANETTE M. OGARA, 000–00–0000
LYSA L. OLSEN, 000–00–0000
VIRGINIA OVERSTREET, 000–00–0000
CAROL S. PETREA, 000–00–0000
MARGARET E. PINKERTON, 000–00–0000
SUSAN F. PLOWMAN, 000–00–0000
JOYCE C. POWELL, 000–00–0000
KAREN M. RASMUSSEN, 000–00–0000
KAREN A. RAYBURN, 000–00–0000
MARGARET R.W. REED, 000–00–0000
PAULA M.P. RICKETTS, 000–00–0000
JULIE A. ROWELL, 000–00–0000
LOIS J.H. SCHOONOVER, 000–00–0000
EOLA L. SCOTT, 000–00–0000
LINDA K. SHULTZ, 000–00–0000
MILAGROS M. SIMONS, 000–00–0000
KRISTINE K. SIMS, 000–00–0000
PATRICIA J. SOTTILE, 000–00–0000
LINDA S. SPEED, 000–00–0000
DOROTHY L. TATE, 000–00–0000
LAUREN TAULMAN, 000–00–0000
CATHY A. THOMAS, 000–00–0000
VICTORIA S. TURNER, 000–00–0000
ELLEN C. VADNEY, 000–00–0000
DORIS V. VANSAUN, 000–00–0000
MARCIA VANWYE, 000–00–0000
AMY L. WARRICK, 000–00–0000
LISA R. WERKHAVEN, 000–00–0000
MARILYN S. WESSEL, 000–00–0000
ANNE L. WESTERFIELD, 000–00–0000
LAURA J. ZIEGLER, 000–00–0000

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

To be commander

ROBERT L. BEARD, 000–00–0000
JEFFREY S. BEST, 000–00–0000
STEVEN R. CAMERON, 000–00–0000
ROLAND E. DEJESUS, 000–00–0000
EDMOND M. FROST, 000–00–0000
KATHARINE S. GARCIA, 000–00–0000
MARK J. GUNZELMAN, 000–00–0000
JAMES A. HILL, 000–00–0000
HENRY JONES, 000–00–0000
ERIK C. LONG, 000–00–0000
RUTLEDGE P. LUMPKIN, 000–00–0000
GARY M. MINEART, 000–00–0000
JOHN F. OHARA, 000–00–0000
DANIEL H. STREED, 000–00–0000
DAVID W. TITLEY, 000–00–0000

LIMITED DUTY OFFICERS (LINE)

To be commander

JOSEPH W. ALIGOOD, 000–00–0000
JERRY L. BIRDSONG, 000–00–0000
MARVIN P. BRUMBAUGH, 000–00–0000
MICHAEL P. BRYCE, 000–00–0000
DAVID R. CARLSON, 000–00–0000
ANTHONY V. DEBELLO, 000–00–0000
CIPRIANO M. DELUNA, 000–00–0000
HERBERT R. DUFF, 000–00–0000
JOHN G. FAHLING, 000–00–0000
MICHAEL L. FAIR, 000–00–0000
HAROLD A. FISCHER, 000–00–0000
BRUCE J. HERMAN, 000–00–0000
JOHN W. HIBBARD, 000–00–0000
ROBERT A. KEENAN, 000–00–0000
CHARLES N. KIRTLEY, 000–00–0000
JOHN H. MC CRINK, 000–00–0000
KERRY P. MURRAY, 000–00–0000
FRANK W. NICHOLS, 000–00–0000
JACK H. NORRIS, 000–00–0000
JOHN J. ORDEMANN, 000–00–0000
ALBERT C. L. I. PAQUIN, 000–00–0000
NORMAN B. PETERS, 000–00–0000
ROY C. PETERSON, 000–00–0000
DEL L. RENKEN, 000–00–0000
GARY L. RICHARD, 000–00–0000
RICHARD A. SPON, 000–00–0000
RONALD E. SWART, 000–00–0000
THOMAS G. WARNER, 000–00–0000

IN THE MARINE CORPS

THE FOLLOWING NAMED CAPTAINS OF THE U.S. MARINE CORPS FOR PROMOTION TO THE GRADE OF MAJOR, UNDER THE PROVISIONS OF SECTION 624 OF TITLE 10, UNITED STATES CODE:

To be captain

DAVID V. ADAMIAK, 000–00–0000
SCOTT D. AIKEN, 000–00–0000
ROBERT C. ALEXANDER, 000–00–0000
ROBERT D. ALLEN, 000–00–0000
SCOTT A. ALLEN, 000–00–0000
SCOTT T. ALLEN, 000–00–0000
BERN J. ALTMAN, 000–00–0000
JERALDO T. ALVAREZ, 000–00–0000
VINCENT AMATO, JR., 000–00–0000
BRIAN J. ANDERSON, 000–00–0000
DAVID A. ANDERSON, 000–00–0000
RICHARD A. ANDERSON, 000–00–0000
ROARKE L. ANDERSON, 000–00–0000
JOSEPH A. ANDY, 000–00–0000
HAL M. ANGUS, 000–00–0000
EUGENE N. APICELLA, 000–00–0000
JOHN R. ARMOUR, 000–00–0000
ROBERT K. ARMSTRONG, JR., 000–00–0000
VAUGHN A. ARY, 000–00–0000
JOHN D. AUGSBURGER, 000–00–0000
DAVID F. AUMULLER, 000–00–0000
THOMAS G. AVEY, 000–00–0000
MARK T. AYCOCK, 000–00–0000
JEFFREY T. BAILEY, 000–00–0000
GREGGORY L. BAKER, 000–00–0000
ROBERT S. BAKER, 000–00–0000
ROSSER O. BAKER, JR., 000–00–0000
THOMAS W. BAKER, 000–00–0000
MARY H. BALDWIN, 000–00–0000
CHRISTOPHER P. BALESTERI, 000–00–0000
JEFFREY B. BARBER, 000–00–0000
RICHARD L. BARFIELD, 000–00–0000
DENNIS J. BARHAM, 000–00–0000
TIMOTHY M. BARROW, 000–00–0000
JOHN D. BARTH, 000–00–0000
KEITH W. BASS, 000–00–0000
TROY R. BATES, 000–00–0000
LUDOVIC M. BAUDOINDAJOUX, 000–00–0000
RICHARD W. BAXTER, 000–00–0000
PATRICK B. BEAGLE, 000–00–0000
MICHAEL K. BEALE, 000–00–0000
JAMES C. BECKER, JR., 000–00–0000
WILLIAM H. BECKETT, 000–00–0000
MICHAEL H. BELDING, 000–00–0000
GREGGORY R. BEMBENEK, 000–00–0000
CALVIN B. BENNETT III, 000–00–0000
EUGENE S. BENVENUTTI, JR., 000–00–0000
STEVEN W. BERGER, 000–00–0000
RONNIE A. BERNAL, 000–00–0000
JOEL H. BERRY III, 000–00–0000
MICHAEL C. BERRYMAN, 000–00–0000
CRAIG W. BEVAN, 000–00–0000
SHERMAN L. BIERLY, 000–00–0000
MONTE G. BIERSCHENK, 000–00–0000
ANDREW D. BIGELOW, 000–00–0000
JAMES H. BISHOP, 000–00–0000
RICHARD K. BLAND, 000–00–0000
BENJAMIN S. BLANKENSHIP, 000–00–0000
KIRK J. BLAU, 000–00–0000
BRIAN D. BOHMAN, 000–00–0000
GREGORY J. BONAM, 000–00–0000
GREGORY F. BOND, 000–00–0000
JAMES C. BONNER, 000–00–0000
DAVID H. BOOTH, 000–00–0000
JOHN R. BORNEMAN III, 000–00–0000
EUGENE N. BOSE, 000–00–0000
FRANCIS P. BOTTORFF, 000–00–0000
PAUL R. BOUGHMAN, 000–00–0000
JOHN M. BOURGAULT, 000–00–0000
JOSEPH G. BOWE, 000–00–0000
MICHAEL R. BOWERSOX, 000–00–0000
PETER L. BOWLING, 000–00–0000
RICHARD D. BOYER, 000–00–0000
JEFFRY S. BRADY, 000–00–0000
MATTHEW P. BRAGG, 000–00–0000
CARTER H. BRANDENBURG, 000–00–0000
TERENCE P. BRENNAN, 000–00–0000
JAMES B. BRIGHT, 000–00–0000
MICHAEL G. BROIHIER, 000–00–0000
JOSEPH R. BROSHEARS, 000–00–0000
JOHN A. BROW, 000–00–0000
CONRAD N. BROWN, JR., 000–00–0000
GARY E. BROWN, JR., 000–00–0000
MARK S. BROWN, 000–00–0000
STEPHEN D. BROWN, 000–00–0000
KIRK E. BRUNO, 000–00–0000
JOHN A. BRUSH, 000–00–0000
DONOVAN E. BRYAN, 000–00–0000
FREDRICK C. BRYAN, 000–00–0000
MARTIN C. BRYANT, 000–00–0000
KEITH D. BUCHANAN, 000–00–0000
JAMES E. BUDWAY, 000–00–0000
ADRIAN W. BURKE, 000–00–0000
GERARD K. BURNS, 000–00–0000
MARTIN J. BURNS, 000–00–0000
SHAWN W. BURNS, 000–00–0000
MICHAEL H. BURT, 000–00–0000
BRETT K. BURTIS, 000–00–0000
JOHN M. BUTTERWORTH, 000–00–0000
KEVIN L. BYWATERS, 000–00–0000
WILLIAM P. CABRERA II, 000–00–0000
GREGORY R. CALDWELL, 000–00–0000
PAUL F. CALLAN, 000–00–0000
DEXTER CAMPBELL, 000–00–0000
PATRICK J. CAMPBELL, 000–00–0000
MICHAEL T. CARIELLO, 000–00–0000
JOHN W. CARL, 000–00–0000
CHARLES K. CARROLL, 000–00–0000
WAYNE D. CARSON, 000–00–0000
JAMES S. CASON, 000–00–0000
ANTONIO J. CERRILLO, 000–00–0000
MARK S. CHANDLER, 000–00–0000
MURRAY W. CHAPMAN, 000–00–0000
JAMES B. CHARTIER, 000–00–0000
BRENT C. CHERRY, 000–00–0000
CAMILO CHINEA, 000–00–0000
CHISHOLM ROY 000–00–0000
PHILLIP C. CHUDOBA, 000–00–0000
MATTHEW R. CICCHINELLI, 000–00–0000
KEITH L. CIERI, 000–00–0000
JAMES W. CLARK, JR., 000–00–0000
KENNETH W. CLARK, 000–00–0000
ROBERT D. CLARK, 000–00–0000
THOMAS S. CLARK III, 000–00–0000
JONATHAN S. CLAUCHERTY, 000–00–0000
JUSTON H. CLEMENT, 000–00–0000
DAVID W. COFFMAN, 000–00–0000
CHRIS A. COLEE, 000–00–0000
WILLIAM T. COLLINS, 000–00–0000
STEPHEN J. CONBOY, 000–00–0000
PATRICK P. CONNELLY, 000–00–0000
MICHAEL R. CONNOLLY, 000–00–0000
ALBERT T. CONORD, 000–00–0000
KEVIN B. CONROY, 000–00–0000
HARRY G. CONSTANT, JR., 000–00–0000

PATRICK M. COOKE, 000–00–0000
WILLIAM R. COPE, 000–00–0000
GEORGE D. COPELAND, 000–00–0000
ADAM J. COPP, 000–00–0000
STEPHEN P. CORCORAN, 000–00–0000
GEOFFREY A. CORSON, 000–00–0000
SCOTT E. CORWIN, 000–00–0000
WILLIAM R. COSTANTINI, 000–00–0000
CHRISTOPHER R. COVER, 000–00–0000
JONATHAN D. COVINGTON, 000–00–0000
JOHN D. COWLEY, 000–00–0000
JOHN J. CRANE, 000–00–0000
JAMES T. CRAVENS, 000–00–0000
CRAIG C. CRENSHAW, 000–00–0000
RAFFAELE CROCE, 000–00–0000
JEFFREY B. CROCKETT, 000–00–0000
DOUGLAS F. CROMWELL, 000–00–0000
MADISON H. CRUM, JR., 000–00–0000
GARY W. CUBBAGE, 000–00–0000
RONALD S. CULP, 000–00–0000
JOSEPH W. CURATOLA, 000–00–0000
WILLIAM D. CURRY, 000–00–0000
PAUL J. CYR, 000–00–0000
RONALD R. DALTON, 000–00–0000
ERIC M. DAMM, 000–00–0000
MATTHEW F. DANIEL, 000–00–0000
CHRISTOPHER J. DAVIS, 000–00–0000
RICHARD D. DAVIS, JR., 000–00–0000
NEWELL B. DAY II, 000–00–0000
DANIEL C. DEAMON, 000–00–0000
DAVID D. DEAN, 000–00–0000
RICHARD A. DEFOREST, 000–00–0000
DAVID W. DEIST, 000–00–0000
PATRICK M. DELATTE, 000–00–0000
GARY R. DELIBERTO, 000–00–0000
PETER L. DELORIER, 000–00–0000
FRANCIS A. DELZOMPO, 000–00–0000
JAMES R. DENNEY, 000–00–0000
JAMES G. DERDALL, 000–00–0000
MARK J. DESENS, 000–00–0000
JAMES E. DEVERS, 000–00–0000
STUART L. DICKEY, 000–00–0000
KURT E. DIEHL, 000–00–0000
MARK V. DILLARD, 000–00–0000
JOHN E. DIXISON, 000–00–0000
JEFFREY S. DODD, 000–00–0000
JON G. DOERING, 000–00–0000
DENNIS A. DOGS, 000–00–0000
THOMAS E. DOLAN, JR., 000–00–0000
TIMOTHY J. DOLAN, 000–00–0000
WILLIAM L. DOLLEY, 000–00–0000
JAMES V. DOMINICK III, 000–00–0000
GREGORY M. DOUQUET, 000–00–0000
JEROME E. DRISCOLL, 000–00–0000
BARRY T. DUNCAN, 000–00–0000
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NIEL E. NELSON, 000–00–0000
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