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Senate

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

The PRESIDENT pro tempore. We have a guest Chaplain this morning to open the morning prayer, Rabbi Israel Poleyeff. The rabbi was invited by Senator D'AMATO, of New York. We are pleased to have him with us.

PRAYER

The guest Chaplain, the Honorable Rabbi Israel Poleyeff, Brooklyn, NY, offered the following prayer:

Almighty God: We ask Thy blessings upon the distinguished Members of this Senate of the United States of America. Give them insight to understand the concerns and problems of all the people of this blessed land; bless them with wisdom to enact laws that will benefit all its inhabitants, and imbue them with courage to make difficult decisions for the public good.

For more than a century, millions of immigrants, my father's family amongst them, came to these shores seeking freedom from tyranny and oppression. To this very day our beloved country still serves as a beacon of light to those to whom freedom is but an elusive ideal.

To this very day our country still stands as a shining example of individual liberty and limitless opportunity.

More than two centuries ago, our Founding Fathers created a nation in which every individual had the right to life, liberty, and the pursuit of happiness.

The Members of this Senate have the awesome responsibility of seeing that those goals remain the hallmark of our Nation.

We beseech Thee, O Lord, imbue them with wisdom, understanding, and knowledge to hold aloft the banner of freedom and the torch of liberty, so that all the inhabitants of this country shall be privileged to live, work, and worship their God as they choose and without fear. May our country be the leader among nations in ushering in an era of universal peace and harmony so that the words of the prophet may be fulfilled in our time, when ''they shall beat their swords into plowshares and their spears into pruning hooks; nation shall not lift up sword against nation, nor shall they learn war anymore.'' May this by Thy will. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. DOMENICI. Thank you very much, Mr. President.

SCHEDULE

Mr. DOMENICI. Mr. President, this morning, the leader time has been reserved and there will now be a period for the transaction of morning business, not to extend beyond the hour of 11:30 a.m., with Senators permitted to speak therein for up to 5 minutes each, except for the following: Senator DOMENICI, 20 minutes; Senator DASCHLE or his designee, 30 minutes; Senator SIMPSON, 10 minutes; Senator KERREY, 10 minutes; Senator COVERDELL, 15 minutes; Senator NUNN, 10 minutes; and Senator COATS, 10 minutes.

At 11:30 today, the Senate will resume consideration of H.R. 1158, the supplemental appropriations bill. The majority leader has indicated that rollcall votes are expected throughout the day in order to make progress on the bill. Also, a cloture motion was filed on the bill last night, so a cloture vote will occur Thursday, unless an agreement can be reached with respect to the bill.

Mr. President, I understand the distinguished Senator from South Carolina, Senator THURMOND, desires to speak for 2 minutes. I yield the floor and then I will use my 20 minutes.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from South Carolina.

THE RETIREMENT OF MACK FLEMING, MINORITY STAFF DIRECTOR, HOUSE VETERANS' AFFAIRS COMMITTEE

Mr. THURMOND. Mr. President, it gives me great pleasure to rise today to pay tribute to Mr. Mack Fleming, who has recently retired as minority staff director of the Veterans' Affairs Committee of the U.S. House of Representatives, after more than 20 years of service on the committee.

A native of Hartwell, GA, Mr. Fleming was educated in the public schools of Anderson County, SC. He graduated from my alma mater, Clemson University, Clemson, SC, after which he entered the U.S. Army. He also earned a law degree from the Washington College of Law, American University, Washington, DC.

In the military, he served with the 2d Armored Division in Europe and he was a captain in the U.S. Army Reserve.

Mr. Fleming has a long and distinguished career in public service, both in the Congress and the executive branch. He began that career in 1960 as the administrative assistant to Congressman William Jennings Bryan Dorn, of the Third Congressional District of South Carolina.

In 1965, Mack Fleming moved to the executive branch, first as the director and counsel of the Congressional Liaison Office at the Veterans Administration, then served as Special Assistant to the Administrator of Veterans Affairs.

After a short interval, during which he was engaged in the private practice of law, Mr. Fleming returned to Capitol

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

Hill in 1974 as chief counsel to the House Veterans' Affairs Committee. In 1981, ''Mack,'' as he is known among his friends and colleagues, became chief counsel and staff director of the Veterans' Affairs Committee, where he served through the 103d Congress. For the past 3 months he has served as the minority staff director of the committee, retiring from that position last Friday, March 31, 1995.

During his tenure, the House Veterans' Affairs Committee worked in a bipartisan manner to improve the medical care, compensation, and other benefits to our Nations' deserving veterans. Mack Fleming earned the respect of Members of Congress and staff because of his professionalism, knowledge, and ability. He worked with all sides on the issues, to ensure that all views were heard and to build consensus where possible.

As a member of the Senate Veterans' Affairs Committee, I appreciated Mack's expertise, experience, and skill as we worked together on many issues. The Congress benefited from his service and his leadership, and I know he will be missed.

I congratulate this fine public servant, a man of integrity, capability, and character. I extend my best wishes to his wife, Elizabeth, and their children—John, who attends Clemson University, and Katherine, who practices law in Texas. I wish him well in his retirement, as he and his wife return to Seneca, SC, where I am sure they will enjoy the views, recreation, and quieter life on the shores of Lake Keowee.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:30 a.m., with Senators permitted to speak for up to 5 minutes each.

Under the previous order, the Senator from New Mexico [Mr. DOMENICI] is recognized to speak for up to 20 minutes.

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

(The remarks of Mr. DOMENICI, Mr. BENNETT, Mr. FRIST, and Mr. DORGAN pertaining to the submission of S. Res. 103 are printed in today's RECORD under ''Submission of Concurrent and Senate Resolutions.'')

The PRESIDING OFFICER. The Senator from Iowa [Mr. HARKIN] is recognized for 5 minutes.

THE CONTRACT WITH AMERICA

Mr. HARKIN. Mr. President, I listened to the statement made by the Senators from New Mexico and South Dakota and others about character. I do not know all the aspects of this resolution, I just know some of the things I have heard here on the floor, but I kept hearing reference made to values and we have to start teaching values to our young people.

I agree with that. I think our young people ought to learn values. But, you know, perhaps we ought to look at ourselves first as teachers. Perhaps we ought to start looking at the Congress of the United States. What values are we sending out to the American people? What are the young people of America—what kind of values are they getting from the U.S. Government? That is what I want to speak about this morning, the Contract With America. Its 100 days are up this week, and I want to talk about that Contract With America.

Now, I think I want to talk about it in the context of values and character, because the values that are being sent across America from the Government of the United States is simply this: If you have it made and you have a lot of money, the Government is there to help you and make you more comfortable. If you do not and you are at the bottom rung of the ladder, forget it. You are out in the cold.

Values? You want to talk about a resolution dealing with values? Let us talk about the Contract With America and what values it represents. With any contract you have to ask, who benefits and who loses? Who wins and who loses on a contract? The answer now is crystal clear. The winners are the billionaires, the super wealthy, the special interest Washington lobbyists. They get the credit card. They have the night out on the town. They go to the fancy restaurant. The losers are the hard-working middle-class, children, students, pregnant women, the elderly, the disabled. They get to pick up the bill for the superwealthy. I know that may sound like rhetoric, but the facts are there. Let us look at it. Let us not just get caught up in rhetoric, let us look at the facts.

Here is a chart that we had drawn just to show what is happening in my State of Iowa under the Contract With America, Mr. GINGRICH's contract, the Republicans' contract. Here we are. Two percent of the Iowa population has an income of $100,000 or more. They get 50 percent of the benefits under the contract. And 86 percent of Iowans have incomes of $50,000 or less. They only get 20 percent of the benefits.

One more time. If you are in the upper income bracket, 2 percent of the Iowans making over $100,000 a year, you get 50 percent of all the benefits in the Contract With America. If you are a hard-working, average Iowan making less than $50,000, you will only get 20 percent of the benefits.

Values? You want to talk about values? Let us talk about values. That is the message that is being sent out around America today: If you are on the top of the heap, the Government is there to help you and make you even more comfortable, give you more tax breaks. You want to talk about values, let us talk about values.

Then we just had a recent example of really giving it to the superwealthy, the so-called Benedict Arnold amendment. Senator BRADLEY tried to close a loophole in the law. The House would not hear of it and they knocked it out. We heard a lot of debate on the floor about that last week. Imagine this, what the House Republican leadership has said is that if you make a billion dollars in America and you get all these capital assets and then you renounce your citizenship, you get a big tax windfall. You do not have to pay a lot of these taxes. You can still live in America 4 months out of the year, you can live on the French Riviera 4 months out of the year, you can live in South America 4 months out of the year, you can jet all around the year but you do not have to pay your taxes and you can still own your property and stuff in America. That is why I call it the Benedict Arnold approach, the Benedict Arnold amendment. You can turn your back on the country that made you rich.

What the Contract With America says is, hey, we are going to give you a big tax break, the Benedict Arnold approach. The middle class has to pick it up.

Students. What is happening with students? Under the Contract With America, 94,000 students will pay more for their college loans. That is a tax on students. No one is talking about it. We are taxing students in America as much as $3,150 in additional cost to each student if they require payment of interest while in school and we do not have the grace period before they get a job.

You know, old NEWT GINGRICH and I have a little bit in common. We went to college on the National Defense Educational Loans. I went to a window in the school, got the money, borrowed the money, went to college, but I went to the military after college. Mr. Gingrich did not.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. HARKIN. Mr. President, I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator has an additional 5 minutes.

Mr. HARKIN. Mr. President, I spent 5 years in the military. Mr. GINGRICH did not. That is all right. So I did not have to pay it back then. So then I went to law school and I did not still have to pay it back. It was after I finished law school that I started to pay back the loan, and the interest started at that point in time. I think that is what Mr. GINGRICH said he did, too. He just did not go to the military, but he had the same benefit. But he is saying what was good for me is not good for you. He wants to close that now. He said, ''Students, as soon as you start borrowing money you have to pay interest on it right away.'' That is a tax on students any way you cut it. I am saying it was good for me and it ought to be good for

other students, too. I think we ought to invest in students and not shut the door. So what they are doing is they are wiping out opportunities for our kids to go to college.

Now they want to take away the Corporation for Public Broadcasting. They want to zero that out. You know, you could make arguments on that. I happen to think public broadcasting is a benefit here in America. There is good programming, good intellectual programming, good stimulation for our kids from ''Sesame Street'' and ''Barney'' and everything else. They want to pull the plug on that. But they want to continue to spend about $300 million a year for Radio Free Europe.

One more time. They want to cut public broadcasting in America, the Contract With America, but they turn around and want to have public broadcasting in Europe called Radio Free Europe. If you want to start a radio station in Europe, FM, AM, TV, go right ahead. You can go to Bulgaria, Romania, Lithuania, Latvia, Ukraine—if you want to start a radio station, they will let you, no restrictions. We have this Radio Free Europe now, almost $300 million a year. Guess what, they are broadcasting on shortwave. Who listens to shortwave? People there are listening to FM and AM and television. They are getting satellite TV. They are watching CNN and we are pumping $300 million a year into shortwave broadcasting on Radio Free Europe. The Contract With America says we will keep that up but we will cut public broadcasting in America.

If that makes sense, please someone explain it to me. Europe is free, the borders are down. Whatever value Radio Free Europe had when the Iron Curtain was up, that certainly is gone now, and we ought to bring that money home and put it in public broadcasting here.

So, again, who wins and who loses on the contract? Big business and their special interest lobbyists have been invited into the committee rooms to write the laws that will benefit them. There are articles in the paper about every week, every Thursday, Republicans in the House sit down with all the corporate lobbyists, high-powered lobbyists, not only to write the legislation but to plan out how they are going to get it passed.

I saw a headline in the paper a few weeks ago where NEWT GINGRICH said they were going to end business as usual when they took over. They did. They ended business as usual. But they did not tell us they were going to bring in big business as usual, because that is what is running us now—not business as usual; big business as usual.

The last thing that I want to point out is that a few years ago—this is where this whole thing breaks down. You talk about values. A few years ago Senator LEAHY and I were instrumental in putting in competitive bidding in the Women, Infants, and Children Program to mandate that infant formula companies had to enter into competitive bids to supply the States with infant formula. Before that they did not do that. We got it through. As a result millions more women, infants, and children are getting infant formula, healthy food, to guide a good start in life at no extra cost to the taxpayer because we have competitive bidding. Just last year, for example, the average monthly rebate to my State of Iowa was $630,000 a month because of competitive bidding.

The Contract With America wants to take that away and put it back in the States, and do not require competitive bidding.

I ask unanimous consent to have printed at this point in the RECORD the article from the Wall Street Journal outlining how four giant pharmaceutical companies can make over $1 billion a year in windfalls if they do away with competitive bidding.

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

FOUR DRUG FIRMS COULD GAIN $1 BILLION UNDER GOP NUTRITION-PROGRAM REVISION

(By Hilary Stout)

WASHINGTON.—Four pharmaceutical companies stand to gain as much as a billion dollars under a Republican bill that overhauls federal nutrition programs for children and pregnant women.

The companies sell infant formula to the Women, Infants and Children (WIC) program, a federal initiative that provides formula as well as milk, beans, rice and other nutritious foods to poor children and to pregnant and breast-feeding women. Since 1989 the companies have been required by law to enter into a competitive bidding process in order to sell formula to WIC, resulting in rebates to the government that are expected to reach $1.1 billion this year.

A bill that cleared the House Economic and Educational Opportunities Committee on a party-line vote last week would turn the WIC program over to states in the form of a ''block grant,'' and with it repeal the cost-containment competitive-bidding measure. An amendment to restore it was defeated by the committee. The legislation now moves to the House floor for consideration.

The four companies, the only domestic makers of infant formula—Ross Laboratories, a unit of Abbott Laboratories; Mead Johnson, a unit of Bristol-Myers Squibb Co.; Wyeth-Ayerst, a unit of American Home Products Corp.; and Carnation Co., a U.S. subsidiary of the Swiss conglomerate Nestle SA—fought the competitive-bidding measure fiercely when it came before Congress in the late 1980s. Until then, they were collecting retail prices for the infant formula they sold to WIC.

Sen. Patrick Leahy of Vermont, the senior Democrat on the Senate Agriculture Committee and the lawmaker who led the effort to enact the cost-containment measures, threatened to filibuster the bill yesterday if it reaches the Senate. ''It is really obscene,'' Sen. Leahy said. ''The most conservative of people should, if being truthful, like the competitive bidding. . . . It's just rank hypocrisy.''

If the bill reaches the Senate floor, Sen. Leahy continued, ''I've spent 20 years building bipartisan coalitions and working on nutrition programs. If it's necessary to discuss my whole 20 years' worth of experience in real time, I'll do it.''

In 1993, the latest year for which figures are available, the WIC program spend $1.46 billion on infant formula but received $935 million in rebates. That cut the overall cost of providing formula to $525 million, nearly a two-thirds reduction. Moreover, the states, which administer the program, were allowed to use the rebates to add more people to the WIC program.

The action on WIC comes as a liberal-leaning research group, the Center on Budget and Policy Priorities, released a study questioning the continuing effectiveness of some of the infant-formula rebates. The center's analysis found that in the last year, despite the cost-containment requirements, the cost of infant formula purchased through WIC has almost doubled in many states.

Since last March, the study said, 17 state WIC program have signed rebate contracts with at least one of the major formula manufacturers. Under those agreements, the average net cost of a 13-ounce can of concentrated infant formula was 60 cents, compared with a 32-cent average price under rebate contracts signed during the previous 15 months, the study said.

The Federal Trade Commission has been investigating the infant formula makers' rebate and pricing practices, and at least one state, Florida, has filed suit against the manufacturers.

Mr. HARKIN. Mr. President, again, who wins and who loses? Kids lose, low-income women who rely on the WIC Program lose, and our States are going to lose because they will not get rebates. Students are losing. Working families are losing. But, if you are on the top of the heap economically, this ''contract'' is for you.

So it is not a Contract With America. This is a contract with corporate America. This is a contract with big business America. This is the contract with wealthy Americans. But it is not a contract for the average man and woman in America.

So, again this resolution, I guess, is probably all right about American values. But I believe that we ought to be looking at ourselves and the kind of value signals we send with this Contract With America.

The PRESIDING OFFICER. Under the previous order, the Democratic leader, or his designee, is now recognized to speak for up 30 minutes.

The Senator from North Dakota [Mr. DORGAN] is the designee and will be able to speak up to 20 minutes.

Mr. DORGAN. Mr. President, it is 30 minutes. Is that correct?

The PRESIDING OFFICER. Leadership has 30 minutes but it is the Chair's understanding that you were designated 20 minutes of the 30 minutes.

Mr. DORGAN. I yield 7 minutes to the Senator from West Virginia, Senator ROCKEFELLER.

Mr. ROCKEFELLER. I thank my colleague.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. I thank my colleague, and I thank the Chair.

Mr. President, I try not to say I am shocked very often. I try to reserve it for when I really am. Today, I really am shocked. On Friday, we actually watched Senators, led by Majority

Leader BOB DOLE, think they need to retaliate against the simple idea coming from this side of the aisle—that cutting Government spending does not mean waging an assault on education and our children.

I am speaking of the amendment from the Democratic leader.

With our pro-education amendment, we are asking every Senator to think very hard about what's right and where our true values should lead us. This amendment gives every Senator a chance, before it is too late, to leave politics at the door and to cast a vote for the basic principle that education and children must not be the victim of this Senate.

The citizens of this country expect us to make choices. With the rescissions bill before us, we are coming up with the funds to pay off recent costs for natural disasters and other emergencies. The bill also cuts a range of Government programs to reduce the Federal deficit even more. Both are essential steps.

But, Mr. President, reducing the deficit and taking care of natural disasters do not mean that this Senate has to rob the schools, the children, and the spirit of the Nation. Any fourth or fifth grade teacher would give this bill a D at best for being that dumb.

The amendment offered by the Democratic leader is our chance to make this bill a lot more worthy of passage. I urge every Senator, on both sides of the aisle, to resist the urge to be too stubborn or too partisan to vote for this amendment. It is never too late to improve ourselves or our work. It is always a good idea to think about the consequences of our actions.

We face one of the clearest choices imaginable between the amendment offered by the Republican leader and the one offered by the Democratic leader. The Republican choice is to cut education even more, and to kill off national service completely.

The Democratic amendment says protect our schools, protect the children, keep national service alive.

Vote for the Daschle amendment, and you are voting to continue supporting what Americans say over and over and over again they support, and care deeply about:

Help for elementary and secondary schools trying to give the best education possible for children from hard-pressed families; the Goals 2000 effort to raise academic standards in over a thousand schools; the funding for schools to teach children and teenagers about the dangers of drugs and alcohol; Head Start, and its special role in getting children off on the right foot; the training that's taking place all over the country to help high school graduates who aren't yet planning to attend college, but need that extra boost to make it in the workplace; and last but not least, the country's new and exciting national service program, that has inspired and excited thousands and thousands of young people to serve their communities with the promise of a college scholarship to follow.

Mr. President, vote against the Daschle amendment, and you are snuffing out a flame of hope for children and families in every town, city, and schoolhouse in this country. This is not rhetoric. These are not abstract numbers. We are not talking about throwing a few bureaucrats out of work or closing some government offices. We are talking about a bill that wants to yank $1.3 billion away from education and children and national service.

This amendment says put the $1.3 billion back into our schools, back into drug education, back into national service, back into getting teenagers ready for the demands of adulthood.

As Chairman of the National Commission on Children, I have traveled to many of the States of my colleagues. To San Antonio, TX, where I saw a principal of a school use Head Start funds and title I funds to cause children to giggle and parents to smile as learning took place in every classroom. Vote against this amendment, and dim the lights in that school in San Antonio. We visited Kansas City, MO, where law officers and parents told us with fear and frustration about the drugs on the streets and in the schoolyards. Vote against this amendment, and start surrendering to the drug traffickers. We went to Minnesota where corporate executives told us about their desperate need to get young workers with better reading and math skills. Vote against this amendment, and tell those employers to start thinking about locating in countries were education is more valued.

Then, there's my own State of West Virginia. Where families and communities face incredible odds every day. Where children are what counts, and education is the key. Where the programs covered in this amendment make the difference. Where schools depend on these funds to have a math teacher or a drug education class or a schoolwide campaign to get grades up. There are not a lot of wealthy families in West Virginia. But wealth is not supposed to determine whether a child becomes a scientist or a professor or even a Senator. Education is. That is the American promise. That is the American dream. Vote against this amendment, and start snuffing out that promise, that dream.

I can hardly believe that national service is on the firing line of this bill, already mowed down by the House Republican leaders. Should the President really apologize or hide the fact that he is proud of helping to reignite the flame for national service? For the idea that we can promote rights and responsibilities? A program that is already the story of thousands of AmeriCorps members, working in housing projects, shelters, classrooms, health clinics, neighborhoods—for a minimum amount of money to live on, and a college scholarship as a reward for service.

AmeriCorps is taking hold in West Virginia. Young people and older participants are helping a mobile health van to bring primary health care, like checkups and shots, to children in rural areas. they are working at domestic violence shelters where women and children seek refuge from this terrible danger in too many homes.

National service is the idea that led me to West Virginia, and changed my life forever.

Vote for this amendment, and national service stays alive in our communities. Vote against this amendment, and let the American people know that we are giving up on this idea once again. Let us wait another 30 years to celebrate service with college scholarships and stipends.

When I joined the Senate, one of my very first bills was the one that helped create the drug education program threatened in this bill. The police officers, the teachers, and the parents of West Virginia led me to push for this special help. As a result, police officers are now in classrooms, telling children about what it is like in prison. Peer groups have developed in countless schools to make it clear that drugs are not cool, whatsoever.

If we are serious about values, where is the logic in going after something as basic as drug education? What signal does that send? It makes no sense.

Mr. President, I heard the Republican leader bemoan the effort from this side of the aisle to fight for kids. I am sorry if that's slowing this bill down. I am especially sorry to see it cause a cruel counterpunch in the form of a Republican-led amendment, instead of the admission that we should take a breath, and remember just how much the citizens of this country support and care about education and children.

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

Mr. ROCKEFELLER. I thank the Presiding Officer and I yield the floor.

Mr. DORGAN. Mr. President, the Senator from Wyoming wishes to speak in morning business for 7 minutes. I would be happy to accommodate him, providing that it does not come out of our time and we retain the balance of our time following his presentation.

Mr. SIMPSON. May I suggest that order take place.

The PRESIDING OFFICER. Before the Senator from Wyoming speaks, the Chair would inform the Senator from North Dakota that the Chair was in error. The Senator was allotted 30 minutes, not 20. The Senator has 22 minutes remaining.

Mr. SIMPSON. I yield 2 minutes of my time to my friend from Nebraska, Senator KERREY.

The PRESIDING OFFICER. The Senator from Nebraska [Mr. KERREY] is recognized for 2 minutes.

REPORT OF THE SOCIAL SECURITY TRUSTEES

Mr. KERREY. Mr. President, I have, as well as the Senator from Wyoming, come to the floor to comment on the Social Security trustees' report, which is one more piece of evidence that this Congress needs to act sooner rather than later to change our entitlement programs, specifically our retirement programs and our health care programs. The longer we wait, the more likely it is that we will face very, very difficult choices and it will unfairly punish people for our delay. While it is not a crisis in 1995, that should not be justification for our not taking action as, unfortunately, is often the case.

One additional point, Mr. President. I believe the trustees' report itself makes a very strong case for changing the law so that we have a different kind of trustee relationship. Four of the six trustees are members of the executive branch, the administration. And while I trust each one of them, I do not believe they have the kind of independence that the American people need in order to have a recommendation upon which we can act.

They say in their recommendation there is no real urgency; let us wait until the clock ticks a little further.

I believe an independent board is needed, Mr. President. Otherwise, the American people are not going to acquire the sense of urgency to act. As a consequence, this Congress may be encouraged to delay longer than is wise.

I thank the distinguished Senator from Wyoming for yielding time.

The PRESIDING OFFICER. The Senator from Wyoming has 8 minutes remaining.

TRUSTEES' REPORT ON SOCIAL SECURITY, DISABILITY AND MEDICARE TRUST FUNDS

Mr. SIMPSON. Mr. President, I cannot tell you how much I enjoy working with the Senator from Nebraska. He and I are going to involve ourselves in a bipartisan effort as a form of a national wake-up call. After the recess is concluded, we will introduce a series of bills which will deal with the real hard stuff in America, which is Social Security, Medicare, Medicaid, and Federal retirement. I cannot tell you how much I enjoy and respect and admire the Senator from Nebraska.

I have some remarks to make about Social Security. But in my limited time, and listening to the previous debate, I cannot help but reflect, as I listened to the rather dramatic presentation of how, apparently, I gather, Republicans love to be cruel to children and to veterans and to old people, how absurd and bizarre that is. That is the most stupefying type of debate to listen to.

It will really be interesting to see how everyone handles the tough votes, the ones that really count, when we try to do something which will assure the future for veterans and the children and the old people; and that is to do something with the entitlement programs which are sucking it all up.

We here do not even vote on 68 percent of the Federal budget—no, that just goes out the door to people, regardless of their net worth or their income. Absolutely absurd.

All we are trying to do, at least in our party, is to slow the growth of the programs. There is not a ''cut'' in a carload here. We are not ''cutting'' anything. We are trying to slow the growth of programs. If the American people cannot understand that, well, get the other party back in power and start spending it up, because that is exactly where we are.

Let us look at that school lunch caper over there in the House. Do you know what they really did? They took a program going up 5.4 percent a year and said, ''Let's let it go up only 4.5 percent a year and let the States handle it with flexibility and less administrative costs,'' which was then reported to the public as breaking catsup bottles over children's heads, and the prospect of swollen-bellied children in little school districts all over America starving to death. That is bosh; absolutely stupefying drivel.

So every one of these programs is going up, and we are trying to say, ''slow the growth.''

And try this one, because you will want to be ready for it when we do something to Medicare. And, brothers and sisters, we will do something to Medicare because it is going up 10.5 percent per year regardless of what we do. Then you can watch what happens when we do not allow it to go up 10.5 percent. We are going to let it go up probably 5 percent. The headline will be: ''Congress slashes Medicare 50 percent.'' Be ready for that one.

When a 5-percent increase is described as a 50-percent cut, and it is believed the American people deserve exactly what they are going to get.

I keep hearing about Head Start. Guess what? Why not use the correct figures? Head Start is mentioned every single day as some kind of thing the Republicans love to chop on.

Well, here are the correct figures and they come from Democrats and Republicans alike in this body. In fiscal year 1990, $1.6 billion; in fiscal year 1996, $3.9 billion. So from fiscal year 1990 through fiscal year 1996, Head Start has more than doubled. It has had more than a 140-percent increase, and everybody knows it. If they do not, they are going to get exactly what they deserve.

It comes from a bent of being stupid about what is really happening in America.

The recent trustees' report on Social Security is another classic example of stupefying logic. We are now told that, instead of going broke in the year 2029, it will go broke in the year 2031. Is that not thrilling? Nearly the same numbers as last year; certain disaster. The facts all speak for themselves.

The trustees say Social Security will start running deficits in 2015 and go broke in 2031. Disability insurance is already running deficits and it will go broke in the year 2016. The Medicare trust fund will start running deficits in 1996, and will go broke in the year 2002. But have stout heart, because last year, it was to go broke in the year 2001. So this is cheerful news It will now go broke in the year 2002. That is like a cancer patient being told, ''You lucky fellow, you are going to have 6 months to live instead of 5.''

The trustees go on to use phrases like ''extremely unfavorable'' and ''severely out of financial balance'' when talking about the Medicare trust fund. And the trustees urge that all these reforms be undertaken sooner rather than later.

So that is where we are. Doomsday dates, just about the same, using intermediate assumptions—not the best assumptions, not the worst—but the best ''in between'' estimate of what the future holds. And we know that they assume that the Consumer Price Index will hover between 3 and 4 percent until the year 2002 and will never go above 4 for the year 2070.

Yet one uptick in the Consumer Price Index of one-half of 1 percent will cost the Government about 7 billion bucks annually for Social Security alone. And if we were to see another few years of high inflation, as in the late seventies and early eighties when the CPI hit 13.4 percent, Mr. President, I say to my colleagues, only 1 year of that type of increase would cost the Government more than 126 billion bucks—1 year.

In light of this report, it is well to reflect on the real, honest-to-God reasons for exploding Federal spending. I know the AARP, the American Association of Retired People, hates to hear this, but it is time they do. That group is the 33 million people paying 8 bucks a year dues to do it. They are bound together by a common love of airline discounts and auto discounts and pharmacy discounts and all the rest. Here is what they do not want you to hear:

The growth of these programs is what is creating the true hazard in America. They have consistently argued that other than health care, entitlements are not growing faster than the rest of the GDP. That is simply wrong—it is a misapplication of fact—it is actually a lie. According to the trustees themselves, Social Security costs would grow from 4.2 of GDP in 1995 to 5.1 by 2020, and more than 5.7 by the year 2045. That is a 40-percent increase relative to the current share of GDP.

I hope when we listen to the debate and when the organs of the AARP and other senior groups begin to rap on us, that we remember that these nonprofit organizations have myriad and lucrative activities in which they engage. We will have them before the subcommittee, of which I chair, to tell us

of their prowess in the fundraising arena.

So here we go. By the year 2045, the trustees' report shows that more than 14 percent of the GDP will go into Social Security and Medicare programs alone. And get this one: In the year 2030, there will have to be a 30 percent payroll tax to pay for Social Security. Oh, yes, you can get there; yes, you can; you can do it with more payroll tax; you can get there that way to pay for Social Security and Medicare.

And we here have done all this to ourselves. The President did not do it. President Clinton did not do it. President Bush did not do it. We did it. We have done it ourselves. We have served as pack horses to drag money back to our States, and we have done a magnificent job for 50 years. Just look at our record. The more you drag home, the more you get reelected. Now the people are waking up from a long slumber. Rip Van Winkle could not have matched it.

I plan to work hard with my good friend, BOB KERREY, to introduce legislation to shore up the Social Security and Medicare trust funds in order that it will not be in the cards to leave our children and grandchildren with the burden of paying payroll tax rates of 30 percent and beyond in all the years to come.

You can run but you cannot hide on this one. The tough votes will be coming, and it will be very interesting to see who casts them. My hunch is the people who give us the business about this and this and this item, which is really peanuts in the great scheme, will not cast the tough votes when they know we full well have to have those votes to stop runaway systems that we do not even vote on, which are up now to 68 percent of the entire national budget.

I earnestly hope that we will have a good bipartisan effort to resolve it. I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota has 22 minutes remaining.

WRONGHEADED PUBLIC POLICY DECISIONS

Mr. DORGAN. Mr. President, the discussion in Washington this week, and I suppose next week, and around the country during the Easter break will be the first 100 days. What do we make of the first 100 days in the change of majority status in the Congress, Republicans replacing Democrats as the majority party in the 1992 elections?

I said yesterday, and let me remind people again today, the score in 1992—in a democracy, those who win by one vote are still called winners—the score in 1992 at the end of the election process was the Republicans 20 percent, Democrats 19 percent and 61 percent of those eligible to vote said, ''Count me out, I won't even participate.'' So with a 20 to 19 victory, the Republicans have claimed a mandate for their ideas, and a mandate for something called the Contract With America.

The Contract With America contains a number of ideas that are interesting, provocative, in some cases radical, in my judgment. Some of the ideas in the Contract With America are ideas that I embrace, that I have voted for and have supported. Some of the ideas are ideas that the majority party, who now brings them to the floor, filibustered in the previous Congress and prevented coming for a vote because they felt apparently they will not support them and now they apparently do and even put them in a contract.

By whatever device they come to the floor of the Senate, a good idea is a good idea no matter who proposes it. A number of them have passed.

Unfunded mandates has passed the Senate and gone to the President. The Congressional Accountability Act has passed the Senate. The line-item veto has passed the Senate. A 45-day legislative veto, which makes good sense, on the subject of regulations and rules has passed the Senate. I voted for all of those issues, and I think they make good sense.

But the Contract With America is a mixture of good and bad. The fact is, some of the ideas in the Contract With America reinforce the stereotypical notions of what the majority party has always been about, and that is to keep their comfortable friends comfortable, even at the expense of those who in this country are struggling to make it.

I would like to talk just a few minutes about some of those items in the contract that we have had to fight and that we even now try to fight and reject because we think they are wrongheaded public policy decisions for this country.

One hundred years from now—not 100 days—but 100 years from now, you can look back and evaluate what this society decided was important by evaluating what it invested its money in, what did it spend money on, especially in the public sector, what did it invest in. That is the way to look back 100 years and determine what people felt was important, what people valued and treasured. Was it education? Was it defense? Was it the environment? Was it public safety? Fighting crime? You can evaluate what people felt was important at that point in their lives by what they spent their money on.

And so you can look at the Federal budget and look at the initiatives brought to the floor of the Senate and the House to increase here and cut over there and determine what do they view as valuable, what do they view as the most important investments.

The Contract With America, in the other body, had a debate recently by the majority party pushing the contract provision that said to the Defense Department, ''We want to add $600 million to your budget.''

The Secretary of Defense said, ''We don't want it, we don't need it, we're not asking for it.''

The Republicans over in the House of Representatives said, ''It doesn't matter to us, we want to increase the Defense Department budget by $600 million. That is our priority. We don't care if you don't want it, don't need it or don't ask for it. We want to stick more money in the pockets of the Defense Department.''

How are we going to get it? ''We are going to pay for it,'' they said. ''We simply will cut spending on job training for disadvantaged youth and we will cut spending on money that is needed to invest in schools that are in disrepair in low-income neighborhoods.''

So they cut those accounts that would help poor kids in this country and said, ''Let's use the money to stick it into the pockets of the Pentagon,'' at a time when the Pentagon and the Secretary of Defense, Mr. Perry, 50 feet from this floor in a meeting said, ''We don't want it, we didn't ask for it, we don't need it.'' But the Contract With America folks said, ''It's our priority, it's what we believe in, so we're going to shove money in your direction.''

Then they come out on the floor of the Senate and the House and stand up and crow about what big deficit cutters they are, how they dislike public spending, how much they want to cut the budget deficit, how everybody else are the big spenders but they are the frugal folks. Right. They are the folks who are trying to stuff money in the pockets of the Defense Department that the Defense Department says they do not want.

How do they get it? It takes it from poor kids. Now, that says something about values. That says something about priorities, I think.

Now, do we oppose that? Of course we do. Some Members stand up and say we do not think that is the right way to legislate. We do not think we ought to give a Federal agency more money than it needs. If the head of the agency says we do not need or want this money, do Members think the legislature ought to be throwing money? I do not.

Now, we have a number of things in the Contract With America that represent, in my judgment, wrong-headed priorities. I think we are duty-bound to create the debate on these subjects. That is what a democratic system is.

When we disagree, bring all the ideas here and have the competition for ideas, and strong aggressive public debate. Respectful, but strong public debate and see where the votes are.

We had a case in the House of Representatives under the contract where the notion is that all Federal rules and regulations are essentially bad and we should dump them. They did not quite say it that way, but this is pretty much what they meant.

I think there is a general understanding that rules and regulations in many areas have gone too far and have strangled initiative, and have been created by bureaucrats who do not understand

the effect of them, and that we ought to streamline them.

So, here in the Senate we passed, with my help, out of the Governmental Affairs Committee, a risk assessment bill which I voted for and helped write. We passed a 45-day legislative veto which I voted for, and I am pleased to do that because we need to address that.

In the House, what they did is they got a bunch of corporate folks, a bunch of big business folks in a room and said, ''Why do you not help write this? What bothers you? See if we can write something that satisfies your interest.''

Then they bring it to the floor, called a moratorium. It is beyond the dreams of the big special interest folks to put a moratorium on every conceivable rule and regulation that has yet to be issued.

It is like saying to the biggest businesses in the country, ''You can come in and write your own ticket. It does not matter. Just come in and write it up and we will legislate it.'' We have been through this. There needs to be in a free enterprise society like ours, some oversight, some sense of responsibility, as well.

I told on the floor of the Senate the other day about the early days of this century when people did not know what kind of meat they were eating. When a noted author wrote a book that lit the fuse that started the chain reaction that led to the meat inspection programs in this country.

The investigations in the slaughterhouses in the meat packing plants where they had rat problems, and they take a slice of bread or loaves of bread and lace it with rat poison and lay it out to kill the rats in the meat packing plants. They put the dead rats, bread, and rat poison all down the same chute with the meat and pump out the ''mystery meat'' that people got a chance to eat in this country.

Finally, understanding that the captains of that industry at least were more interested in profit than they were in public health, there was a decision that we ought to do something about that. Now, when we eat meat in this country that has been inspected, we have some notion that it is safe. Safe to eat. Why is that? Because of regulations. Regulations in many cases are essential to public health and public safety.

No one would want to get on an airline today that does not have a requirement to subscribe to some minimum safety standards in which there are not some air traffic controllers adopting public regulations to determine at what altitudes to fly when heading east and what altitudes to fly when heading west.

Regulations in many cases are critically important. The right kind of regulations. It we have the captains of industry in this country deciding to write the regulations they want, it will, in my judgment, always impose profit as a virtue ahead of public safety and public health.

We need to care a little about that. Those who say, well, we will open our offices to the captains of industry to write the regulation, and we bring them to the floor and push them to the floor under something called the Contract With America, some are duty bound to stand up and say, no, no, there is a public interest involved here as well.

We must urge the private interest and the public interest to be sure that we care about public health and public safety.

Now, those same people in the Contract With America say that they are the ones that care about public spending. They say we will take the $10 billion in the crime bill and decide to move that as a block grant to State and local government.

We will send it back to the States. They are capable of better spending it than we are. Remember what happened when we did that before with the Law Enforcement Assistance Act? You separate where you raise money from where you spend it, I guarantee you will promote the biggest waste in Government.

Under the old LEAA Act, local governments got money and one had a study, and that was to try to determine why people in prison tried to get out. What would make people in prison try to escape? Well, we do not have to spend $25 million to study that. I tell you why—because they are locked up, for God's sake. That is why people in prison try to escape.

Why would someone want to spend public money to determine why prisoners want to escape? Because it was free. The money came from the Federal Government.

This notion about block grants in which we separate where money is raised from where money is spent and in which the Federal Government raises the money and sends it to the Governors to say, ''Here, you go ahead and spend it the way you want, no strings attached. Crime, spend it on roads if you want.''

In the House of Representatives, they had an amendment on the floor that says at least with respect to this crime money communities ought not be able to spend it on roads. Guess what? They defeated the amendment. They said, no, we would not restrict that. We can send money back in which there is a problem to deal with the epidemic of violent crime, and they can spend it on roads. Those are the kind of things that make no sense.

The previous speaker this morning spoke briefly about the hot lunch program. He said, ''Gee, it will increase.'' Yes, it is true, it will increase. The cost of food goes up, we increase the amount of the hot lunch program by exactly the amount of increase in the cost of food.

Guess what? More children are coming into our school system that are eligible for hot lunch, and there is not enough money to provide hot lunches for all those kids. And some kids come up and say, ''I want a hot lunch, or I need a hot lunch,'' and they are told, ''well, gee, one of the Senators said we increased funding so there certainly should be enough money available for you.''

Well, they did not increase funding enough to provide the money for all of the new kids coming into the hot lunch program. And besides, they in the contract for America provide that they will remove the entitlement for a hot lunch for poor kids.

Now, what sense does that make? Poor kids in this country often find that the only hot lunch they receive during the entire day is a hot lunch they received at school. I recall a statement made by the Presiding Officer, about that very subject.

I know the Presiding Officer happens to share my view, the hot lunch program is a critically important program. An entitlement for poor kids to get a hot lunch at school is an entitlement we ought to keep. Any country as big and generous as this country, can certainly be generous enough to be sure that poor kids in this country get a hot lunch in the middle of the day at school.

So people say, ''Well, gee, why are you against all these? What are you for?'' I am for a hot lunch for poor kids. It seems to me you start with those kinds of notions, and you fight for those things against someone who will decide that we ought not have an entitlement for a hot lunch at school for poor kids. That is what I am for and that is what I am against.

Now, words have meanings, and legislation has consequences. We can talk all we want about what legislation does or does not do. Here is the first 100 ways in the first 100 days that the Contract With America decides it is more comfortable to help the wealthy, help the big special interests, and to do so at the expense of a lot of folks in this country who are vulnerable.

There is a difference in how we believe we ought to discharge our responsibilities. I think we ought to cut Federal spending and we ought to cut it in an aggressive way. But there is plenty of waste and plenty of Federal spending we ought to cut without hurting the vulnerable in our society. We can do that. It simply is a matter of priority.

When those who push the Contract With America decide we want to shove $600 million at the Defense Department that they do not want or they do not need or they did not ask for, and, at the same time, they say, we want you to remove the entitlement to a hot lunch, for American school kids who are disadvantaged. And there is something wrong, in my judgment, with the value system that creates those regulations.

I hope we can talk about all of that this week, because that is the standard by which we judge the first 100 days—some good, some bad. We accept the

good, vote to pass it along and improve things in the country. The bad we fight, because this country can do better than that. This country can do better than to compromise health and safety standards, than to say that poor kids in school, your hot lunch does not matter.

I just touched on a couple of areas here. There are dozens and dozens of them that make no sense. I hope during this coming week, we can decide to explore some of those in depth and explore the reasons why we feel it is important to stand up and speak out on behalf of some of those as well.

I yield to the Senator from Vermont, Senator LEAHY, who has done an enormous amount of work in this area.

Mr. President, I yield him the remainder of my time, and he may wish to add to that time.

The PRESIDING OFFICER. The Senator from Vermont has 6 minutes and 20 seconds.

Mr. LEAHY. Mr. President, I ask unanimous consent that we add 12 minutes to my time.

The PRESIDING OFFICER. Is there objection?

Mr. COVERDELL. Mr. President, reserving the right to object, if I may ask the Senator from Vermont if I might address a question through the Chair, I think in the order of business I was to be recognized for up to 15 minutes?

The PRESIDING OFFICER. The Senator form Georgia is correct. He has 15 minutes reserved.

Mr. COVERDELL. Would morning business still allow that?

Mr. LEAHY. I was aware of the order regarding the Senator from Georgia. The Chair will correct me if my addition is not right. It would make sure he would still have his full 15 minutes.

The PRESIDING OFFICER. There are still several Senators who have reserved time. The Senator from Indiana has 10 minutes; the Senator from Georgia has also 10 minutes.

Is there objection?

Mr. COVERDELL. As long as I will have time, with the time remaining, for my remarks, I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Vermont is recognized.

WINNERS AND LOSERS UNDER THE CONTRACT WITH AMERICA

Mr. LEAHY. Mr. President, I have heard from schoolteachers and I have had heard from parents and doctors and day care providers and advocates for children around the Nation. Many of them have called me because, during the past 20 years as chairman of the Senate Committee on Agriculture, Nutrition, and Forestry, I have been intimately involved with almost all nutrition legislation in this country.

Certainly, during the last dozen years, there has not been any piece of nutrition legislation that has passed the Congress and has been signed into law by the President that has not either been authored by me or cosponsored by me.

I have heard from many Vermonters, from dietitians, dairy farmers, the Governor of Vermont, and volunteers of Vermont food shelves. They feel worried and betrayed. They want welfare reform; they want able-bodied adults to work, as do I. But they do not want to see hunger return in this country with a vengeance.

They do not want to see a country, blessed as no other nation on Earth has ever been blessed with its ability to produce food, have millions of hungry Americans. And they do not want the Contract With America. They believe the Contract With America is antichild and antifamily, and so do I.

The Contract With America is good for big corporations, for huge tax cuts for the rich, and for special interests. I thought we ought to see who are the top 10 winners under the Contract With America. So I put together a chart that explains the top 10 winners.

Mr. President, I ask unanimous consent that two lists of winners and losers, under the Contract With America, be printed in the RECORD.

TOP 10 WINNERS DURING THE FIRST 100 DAYS OF THE CONTRACT

10. The Coca-Cola Company and the Pepsi Cola Company—soft drinks instead of milk could be served with school lunches. Children and dairy farmers, in contrast, are very big losers.

Pepsi is a big winner since its Taco Bell and Pizza Hut subsidiaries could take over school lunch programs, and other fast food companies are not far behind.

9. Pesticide manufacturers—the chemical giants stand to make millions of dollars with planned cuts in federal regulations that protect the environment. I hope families that drink water in rural areas like the taste of alachlor, atrazine, and cyanazine.

8. Criminals—Republicans plan to stop the President's efforts to put 100,000 new police officers on the streets. All communities who would have gotten those new officers will be big losers.

In Houston, violent crimes have been reduced by 17 percent because of cops on the beat; in New York City, community policing has cut violent street crimes by 7 percent.

7. Four drug giants—the House bill could transfer up to $1.1 billion to infant formula manufacturers by eliminating the requirement that infant formula be bought at the best price for the WIC program.

Current competitive bidding procedures keep 1.5 million pregnant women, infants and children on WIC at no additional cost to taxpayers. Those up to 1.5 million infants, women and children are losers under the House bill.

6. Locksmiths—funding for child day care is slashed, which means that low-income mothers who want to work may have to let tens of thousands of kids stay home by themselves.

5. Water and air polluters, unwholesome meat and poultry packers—House Republicans plan to cut regulations that protect the environment, air quality, water quality and food safety.

Families that breath air, drink water and eat food are the big losers.

4. Large corporations—corporations will enjoy huge tax loopholes (such as eliminating the alternative minimum tax which will give corporations $35 billion over 10 years), defense conglomerates will make large profits, and meat and poultry plants will not have to worry about selling contaminated meats since that will be allowed.

3. The wealthiest 12 percent of Americans—over half the benefits of the tax breaks in the Contract With America go to the wealthiest 12 percent of Americans, those earning over $100,000 a year.

In contrast, children do not vote and have been targeted for the worst cuts by the Contract With America. Included in the list of Federal funding slashed or totally eliminated is funding for: disabled children, food for homeless children living in emergency shelters, day care for the children of low-income parents who want to work, food for children in over 150,000 day care homes, summer jobs and food service programs, PBS children's programs, and other programs for children.

2. Lawyers—lawyers will make a fortune exploiting all the environmental, tax, and worker protection loopholes in the Contract.

The Republicans create 101 new ways for lawyers to delay environmental, health and food safety regulations.

1. Anyone making over $349,000 a year—the House Republican proposals give the wealthy an average tax break of $20,362 through huge capital gains tax cuts, estate tax breaks for the wealthy, and corporate tax loopholes. In addition, U.S. billionaires who renounce U.S. citizenship will be given huge tax writeoffs—$3.9 billion worth over the next 10 years.

These tax entitlements for the rich, and for corporations, are provided while cutting aid to children, to low-income students who want to stay in college, and to the national service program that provides college scholarships.

TOP 10 LOSERS DURING THE FIRST 100 DAYS OF THE CONTRACT

10. Newborn children—the Contract throws up to 1.5 million pregnant women, infants and children off the WIC program, threatens to make millions go hungry, and provides for major funding cuts for programs that help disabled children, children in child care and homeless children.

9. Children who drink tap water—the House delays regulations that protect drinking water from being contaminated with dangerous chemicals.

8. Children who breathe—the House bill hampers clean air protections which will especially hurt more vulnerable populations such as children.

7. Children who need child care—child care food program funding is cut in half which will likely throw over 150,000 day care homes off the program.

6. Children with mothers who work—the Contract slashes funding for child care for low-income parents who are trying to stay off welfare, get off welfare, or find a job.

5. Children with fathers who work—the Contract eliminates the safety net for families when they most need help during a recession. Benefits to millions of children could be significantly cut during hard times.

4. Children who go to school—funding for educational programs for grade school and secondary schools, funding for the Learn and Serve Program, and funding for AmeriCorps college scholarships is slashed.

3. Children who eat hamburgers—The House bill delays rules on food safety for at least one year. These rules are designed to prevent foodborne illness outbreaks like the one that killed several children in Western states in 1991.

2. Children who are not rich—House tax cuts for wealthy Americans and corporations will make it more difficult to balance the budget, our children will have to pay the bill

later, and low-income children will lose benefits immediately.

1. Children who eat—The House welfare bill will take food away from hundreds of thousands of infants, homeless children and school children. It says to them ''have a hungry day,'' especially during recessions.

Mr. LEAHY. Mr. President, No. 10 on the list are the Coca-Cola Co. and the Pepsi-Cola Co.—in fact, all junk food companies are winners. They are winners under the Contract With America because the House bill eliminates nutritional requirements for school lunch.

I fought these fast food companies last year to make school lunches healthier. They did not want to allow us to make school lunches healthier for an obvious reason: their fast foods are not healthy foods. Congress reduced the saturated fat content in school meals and clarified that schools have a right to say no to junk food manufacturers.

Under the Contract With America, we throw out those healthy meals requirements. Soft drinks can be sold to schoolchildren during lunch instead of milk. Can anybody here who has been a parent, has raised children as I have, tell me that Coca-Cola is more nutritious for them than milk?

Candy companies, fast food giants, junk food purveyors—these are the big winners. Children and the producers of nutritious food in this country are the real losers.

Who is next in line among the top 10 winners? Why, the pesticide manufacturers. The chemical giants can make millions of dollars with the planned cuts in Federal regulations to protect the environment. I hope that families who drink water in rural areas of Vermont or Colorado or Georgia or any other State like the taste of alachlor, atrazine, and cyanazine.

Who else makes out? As a former prosecutor, I was very interested to see the contract provide benefits to criminals. The Republicans intend to stop the President's efforts to put 100,000 new police officers on the streets. They apparently do not want the President to get credit for anything. As one who spent almost a decade in law enforcement, I would like to see those cops on the streets. The Contract With America does not.

Then we have the four giant drug manufacturers that make infant formula for WIC. Man, did they make out like bandits. Let me tell you what is happening. We have Nestle, which is not even an American company. It is a Swiss company. Its annual sales in 1993 were $37 billion. The other companies also fared well: Bristol-Myers Squibb, $11 billion; American Home Products, $8 billion; Abbott Laboratories, $8 billion.

How did they make out like bandits under the contract? I will tell you how. We have the Women, Infants, and Children Program. Some years ago I called on the Federal Trade Commission to investigate price-fixing and bid-rigging regarding infant formula companies and the WIC Program. I drafted laws that required States to use competitive bidding when they buy formula under the WIC Program. I then worked to pass a law with bipartisan support in the U.S. Senate which imposes fines of up to $100 million for price-fixing by these giant drug companies.

Now, this one simple rule saves taxpayers who pay for the WIC Program $1.1 billion a year. It keeps 1.5 million pregnant women, infants, and children on WIC at no additional cost to taxpayers.

The people who tout the Contract With America—''We are profamily; we are prochildren''—they are probaloney because they voted to get rid of competitive bidding.

That gives a windfall of up to $1 billion to four giant drug companies. I would like to know whom they contributed to among those who voted for this change.

And what do they use to pay for this windfall in the profamily, prochild Contract With America? They take 1.5 million pregnant women and newborn children off WIC in order to give four drug companies that make $37 billion, $11 billion, $8 billion, and another $8 billion an additional windfall of $1 billion.

Can you imagine what would happen if we voted on this change in the daylight? The amendment would say ''give $1 billion in tax dollars to these four giant drug companies, but take 1.5 million women and children, most of whom do not vote, off of WIC.''

Maybe some of those who receive contributions from the drug companies still would want to vote that way, but they would be embarrassed to do it in the daytime.

The Democrats offered an amendment to restore the competitive bidding requirement. It lost. Taking millions of pregnant women and small children off the WIC Program is now part of the Contract With America.

The influence the large corporations have had on the contract was outlined in the Washington Post yesterday. The story tells of the influence of the Kellogg Co., Gerber's, Mead-Johnson, Abbott Laboratories, and Coca-Cola on the House legislative process. We in the Senate should not put corporate profits ahead of children.

Maybe we should look at another one on the top 10 list: locksmiths. Funding for day care is slashed under this so-called profamily, prochild Contract With America. It is a Contract on America because they slashed child day care funding. Tens of thousands of low-income mothers who want to work, who want to get off welfare, may have to let their children stay home by themselves. Many of them are going to be latchkey children who have to let themselves in after grade school. Some are going to be locked-in children, whose parents, when they go off to work, have to lock them in. They have to lock them in the house because the parents cannot afford to miss work.

Then look at the next big winners, the water and air polluters, and unsanitary meat and poultry packers. Thousands of consumers get ill each year from contaminated foods. In Washington State, several died from eating hamburgers that were tainted. We have the technology to prevent needless death. But the Contract With America would stall or stop the regulations that would bring that about.

We ought to think about whether we want our children or our grandchildren to eat contaminated hamburger before we stand up and celebrate how we passed the Contract With America. I ask Americans to read the small type, read the small print. And those who want to vote for this, let them stand up, the next time a child dies from a contaminated hamburger, let them stand up and say, ''Tough luck; but am I not proud I voted for that.''

Of course, you are not going to see that.

The children do not vote. They do not send money to PAC's. They do not contribute.

Then we have large corporations next on the list. Our working families are hurt by the contract. Large profitable corporations make out like bandits. They are going to get $35 billion over the next 10 years because the contract eliminates the alternative minimum tax. The average Vermont family is going to get very little tax relief under the contract, and they will lose more than they gain. They are going to lose all these things I talked about—school lunches and child care.

The wealthiest 12 percent of Americans, do they make out. Over half of the benefits of the tax breaks in the Contract With America go to the wealthiest 12 percent of Americans—those earning over $100,000 a year. Those earning over $200,000 a year will get over $11,000 in tax cuts. Families earning between $10,000 and $20,000 will get $90. Big deal.

Lawyers are next. I should be happy. I am a lawyer. But I am not happy that lawyers are going to make a fortune exploiting all the environmental, tax, and worker protection loopholes in the contract. The contract creates 101 new ways for lawyers to delay food safety and environmental regulations.

And now here's the big prize—the No. 1 winner under the Contract With America—is anybody making over $349,000 a year. They ought to be ready to send their checks to every wealthy PAC in this country because they make a killing. They get an average tax break of $20,362.

In addition, these great patriots who are out there waving the American flag saying, ''Look at our Contract With America,'' do you know what they did? Do you know what their sense of patriotism is? They tell a bunch of billionaires in this country that if you make a billion dollars here in America under our laws and under the advantages of

being an American, if you just go out and renounce your citizenship, we will give you 3.9 billion dollars' worth of tax writeoffs.

Can you imagine anything more obscene or antipatriotic? They stand up there and say, as they wave our flag, ''If you renounce your citizenship, Mr. Billionaire, we will give you under the table a few billion of American tax dollars.''

They are about as patriotic as they were serious about term limits. The second they thought the bill might pass and they saw that term limits would apply to them, immediately they backed away.

They were all out there calling for term limits. They said, ''We want term limits. I have been here 32 years, saying that we need term limits. I have been here 26 years, saying that we need term limits. I cannot understand why we don't get term limits. For decades I have been arguing we should have term limits.'' Somebody said, ''Here. We have enough votes to apply it to your next election, immediately, to you.'' ''Wait a minute. I do not mean term limits for me. I am pretty good. It is for the next guy.'' It is the same here with this patriotism.

We are giving these tax entitlements to the rich and to large corporations by cutting aid to children and to low-income students who want to stay in college, and by cutting the National Service Program, which provides scholarships. Children do not vote, and they have been targeted for the worst cuts.

Who are the top 10 losers under the Contract With America? They are children. These are the people who lose: Newborn children, children who drink tap water which will more likely be contaminated, children who breathe air which will more likely be polluted, children who need child care, children with mothers who work, children whose fathers are at work, children who go to school, children who like hamburgers, children who are not rich, children who eat, period. Children are the losers. The contract is a contract not with America but against children.

Children who eat—the contract takes away food from hundreds of thousands of infants, homeless children and schoolchildren.

Children who are not rich—they are the ones who are going to pay for the tax breaks for the rich.

Children who eat hamburgers are going to see the regulations on salmonella- or E. coli-free food taken away.

Children who go to school will see their funding for educational programs cut, funding for the Learn and Serve Program, funding for AmeriCorps scholarships all cut.

Children whose fathers work, if they lose their jobs, the safety net is gone.

Children with mothers who work, funding for child care is gone.

Children who need child care, their healthy food at child care is gone.

Clean air protection is gone.

Clean tap water, that is gone.

Newborn children—what I would say one more time is probably one of the most egregious things in the Contract With America is they take away the requirement that the infant formula manufacturers have to be involved in competitive bidding. Some $1.1 billion is given to four giant drug companies. I expect they are going to buy the tables at the next big fundraiser which those who voted for that have. But as we give them $1 billion, we also say to a million and a half pregnant women, infants, and children, ''Sorry. We cannot afford to do anything for you. But then, heck, you don't vote. You don't contribute, so it is OK.''

I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Mrs. HUTCHISON). The Senator from Georgia is recognized.

Mr. COVERDELL. Madam President, would you advise me of the amount of time I am recognized for?

The PRESIDING OFFICER. The Senator is recognized to speak for up to 15 minutes.

Mr. COVERDELL. Thank you, Madam President.

THE DRUG CARTEL

Mr. COVERDELL. Madam President, yesterday we had a hearing of the Western Hemisphere Subcommittee of the Foreign Relations Committee in the U.S. Senate.

From time to time, in all the clutter of this city and all the issues that we are addressing, something will break through and the magnitude of it is so significant that those who are in the presence of it come to a standstill. I would suggest that was the nature of the meeting held yesterday in the early afternoon in the Senate Dirksen Building.

What was unfolding in the testimony by a very distinguished American was that the United States—and, indeed, this hemisphere—is under attack by a grievous, evil, massively equipped enemy in the name of the Cali cartel or Mafia, or drug lords running with abandon in this hemisphere.

There are five countries in this hemisphere that are at grave risk at this very moment. One is the United States, the second is Mexico, the third is Colombia, the fourth is Peru, and the fifth is Boliva; not to suggest that there are not other countries in the hemisphere that fall prey to the circumstances, but these five countries in particular are embroiled in a massive confrontation with this Mafia drug organization.

Madam President, there is no other threat that more seriously challenges the national security of the United States and of this hemisphere than these cartels, this Mafia, these drug lords. They are threatening the lives and safety and welfare of the citizens of this country, the others I have mentioned, and this hemisphere. We are suffering more casualties, Madam President, in the United States annually than we suffered in the entirety of the Vietnam war.

I would suggest, Madam President, that the fabric of democracy—this is a hemisphere of democracies—the fabric of democracy is threatened and at risk this very day in this confrontation with this evil force.

Let me just share with you for a moment, Madam President, the scope of the enemy we are confronting. This Mafia organization earns $12 to $15 billion in annual revenues. The cartel has the resources and the sophistication to penetrate every fabric of social, political, and economic life in this hemisphere. They can literally buy countries. These large criminal drug trafficking empires are better armed than many police forces. They have more sophisticated equipment than many of the armies of the hemisphere. The cartels have the money not only to buy the best minds—MBA's, accountants, lawyers—they are buying police forces, judicial systems, and in some cases, governments.

They work around our past interdiction efforts, now flying large cargo jets, 727's, with up to 10 tons of cocaine into Mexico, where it is then distributed to the United States.

Madam President, I would like to share some of the remarks that we heard yesterday from, as I said, a very distinguished panel of Americans.

First, from Ambassador Robert Gelbard, who is Assistant Secretary of State for International Narcotics and Law Enforcement Affairs, a very distinguished former Ambassador to Bolivia, very knowledgeable with this entire subject. He said:

> The spread of international narcotics trafficking constitutes one of the most persistent and serious challenges to America's foreign and domestic interests in the post-cold-war era.

He went on to say that:

> Cocaine consumption by casual users fell significantly between 1985 and 1992.

But it is now on the rise again.

He says:

> The potential for the problem to get worse is great.

And I would underscore that 100 times.

We heard from Stephen H. Greene, Deputy Administer of the Drug Enforcement Agency. He says:

> The technological capabilities of the Cali Mafia may very well be impenetrable.

I repeat: It may very well be impenetrable.

> The Cali Mafia has now formed a partnership with transportation organizations in Mexico, with whom they work hand in glove to smuggle increased amounts of drugs across the U.S. border. Drug trafficking organizations in this hemisphere continue to undermine legitimate governmental institutions through corruption and intimidation. Here at home, drug availability and purity of cocaine and heroine are at an all-time high.

Madam President, Mr. John Walters, who is president of the New Citizenship Project and former Acting Director and Deputy Director for Supply Reduction Office at the Office of National Drug Control Policy, says that:

Between 1977 and 1992, illegal drug use went from fashionable and liberating to unfashionable and stupid. Overall casual drug use by Americans dropped by more than half between 1985 and 1992.

A period for which there was intense education about the damage of drugs.

Monthly cocaine use declined by 78 percent.

That has turned around, Madam President, and now it is skyrocketing.

Last December, the University of Michigan announced that drug use, particularly marijuana use, by 8th, 10th, and 12th graders rose sharply in 1994, as it did in 1993 after a decade of steady decline.

These are terribly alarming statistics, affecting the personal general safety and welfare of our own citizens.

Madam President, let me share with you just for a moment the cost that this represents to our fellow citizens in this country. Each year, the drug cartels ship hundreds of tons of cocaine in the United States, killing and maiming more Americans each year than died in all the years of engagement in Vietnam. And 2.5 percent of the live births in the United States are now cocaine crack exposed babies—100,000 per year. We have had a lot of talk about children in this Chamber over the last few hours and days. And yet, we seem to accept that 100,000 new babies are born as crack babies in the United States. Each year, the cartel drains $70 to $140 billion in revenues out of the United States. That is $70 to $140 billion, Madam President. If this trend continues, 820,000 children will try cocaine in their lifetime; 58,000 of them will become regular users.

Well, Madam President, we can get caught up in the statistics, but the point I am trying to make here this morning is that the United States, Mexico, Colombia, Bolivia, and Peru are all at grave risk and are being challenged openly and directly by a powerful, brutal force that on a daily basis is costing the lives of our fellow citizens and are putting at jeopardy the very fabric of this democratic hemisphere.

Madam President, when we get into these discussions, there is a lot of fingerpointing. And there is certainly plenty of room to do that.

I do want to point out, as we address this issue, that in each of these countries, there have been citizens who have fought valiantly—in the United States, in Mexico, Colombia, Brazil, Peru, Bolivia—who have fought these problems, who have died fighting these problems. And my remarks in that sense are not incriminating. I applaud the efforts that have been expended in our country and these others to address the problem.

But the fact remains that we have not solved this issue and there are circumstances in each of the countries that must be addressed. I would suggest that a new focus needs to be brought to this crisis.

I would suggest the forming of a new alliance of these five countries; that we must come to the table; that we must sit across the table from one another and we must approach the new century by lifting the bar, by lifting the standard of what we are going to achieve; that we must set our sights, these countries directly affected, these countries in the hemisphere must bring this era of abuse and attack on the citizens of the hemisphere to an end.

I would suggest that we have the technology to remove the product, the coca leaf, and we ought to do so as quickly as possible.

By the end of this century, the coca leaf should not be able to be grown in the hemisphere.

I read from the International Narcotics Control Strategy Report issued in March of this year:

The United States, which has pinpointed the major growing areas, has spray aircraft and a safe herbicide that can destroy illegal cultivation in a matter of months. Since the coca bush does not fully come on line until it is 18 months or 2 years old, these simple measures could deprive the cocaine trade of its basic material, crippling it, if not destroying it entirely. We need the necessary cooperation of the two largest coca growing countries to carry out this simple but effective crop-control measure.

Madam President, we simply must set as a goal among these five countries that we are going to eliminate this source of evil. We have the technology to do it. We have the knowledge of where the product is. It must be removed.

The chief kingpins behind these cartels are known and their locations are known and they must be arrested. Under the constitutional law of each of these countries, there are adequate provisions to arrest, detain, and punish these individuals doing so much damage in our country and throughout the hemisphere.

We must seek special rights of extradition so that these criminals can be brought to bay in the United States when they attack our citizens, as they are doing.

This is a stealth issue. This is an issue that is pervasive. If any other country was pouring chemicals into the United States causing the death or maiming of hundreds of thousands of citizens on an annual basis, it would not be tolerated. The whole Nation would rise up in defense. And yet we are quietly proceeding reducing the resources to attack this problem.

I am going to close, but I will just say that it is time for a new focus. I think these five major countries should come to the table. We need to mutually agree on the end game that the product will be eliminated, that the kingpins will be arrested and will understand that they will be on the run for the rest of their lives, and that other appropriate measures of cooperation, extradition and other laws for interdiction, and the like, will be put in place, and that once those standards are mutually agreed upon and that this hemisphere will not accept degradation of democracy and an attack on the citizens, we will set the bar. People will either participate or we will know permanently they are not cooperating.

I yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia has 10 minutes to speak. Does the Senator from Georgia wish to yield?

Mr. NUNN. Madam President, I need to go ahead and make my remarks. I have been waiting for some time, but I will certainly yield.

Mrs. BOXER. I would like to make an inquiry if it is possible, that concluding the remarks of the Senator from Georgia, I be permitted to speak as in morning business not to exceed 10 minutes.

The PRESIDING OFFICER. Under the previous order, the Senator from Indiana [Mr. COATS] is scheduled for 10 minutes. Does the Senator from California wish to ask unanimous consent for 10 minutes following the Senator from Indiana?

Mrs. BOXER. Yes, that would be perfectly acceptable. I make that request.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from California will have 10 minutes following the Senator from Georgia and the Senator from Indiana.

Mrs. BOXER. I thank my colleagues.

Mr. NUNN. Madam President, I ask unanimous consent that the time we used for that dialog not come out of my time.

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

POLICY ON HOMOSEXUALITY IN THE ARMED FORCES

Mr. NUNN. Madam President, in view of the recent attention to the policy on homosexuality in the Armed Forces, Senator COATS and I would like this morning to update the Senate on the status of the legislation which was enacted in 1993 as section 571 of the National Defense Authorization Act for fiscal year 1994. Both Senator COATS and I will be speaking to this subject this morning. I think that our joint statements certainly reflect the continuing bipartisan consensus in support of the basic legislation that was enacted in 1993.

This discussion is precipitated by the recent district court decision in Able versus the United States and the reaction to it. In my view, the Able decision was not correctly decided. I believe it will be reversed on appeal, particularly in view of the unusual approach taken by the district judge in which he, in effect, drafted his own statute, manufactured his own legislative purposes, and reviewed the policy

without regard to the standards articulated over a long period of years by the Supreme Court of the United States. And I will speak further to each of those matters.

I believe that our legislative record is solid and the case will be reversed on appeal, and I do not see any need for further legislative action at this time.

BACKGROUND

At the outset, I would like to summarize briefly the events which led to the enactment of this legislation. A more detailed discussion of these events is in the committee's report on the legislation, Senate Report 103–112.

The prohibition on homosexual acts has been a longstanding element of military law. The prohibition on service by gay men and lesbians has been covered in military regulations.

In September 1992, during the Senate's debate on the National Defense Authorization Act for fiscal year 1993, Senator Howard Metzenbaum offered an amendment that would have established a ''prohibition on discrimination in the military on the basis of sexual orientation.'' I observed that ''this subject deserves the greatest care and sensitivity'' and stated:

> We will have hearings on the subject next year. We will hear from all viewpoints, and we will take into consideration the viewpoints of our military commanders, the viewpoints of those in the homosexual community, the viewpoints of those who are in uniform who may be homosexual, gay, and we will also consider the men and women in uniform who are not in that category and the effect it would have on military morale.

Based upon the assurance that hearings would be held in 1993, Senator Metzenbaum withdrew his amendment.

During the 1992 election campaign, Presidential candidate Bill Clinton said that, if elected, he would take action to change the current policy restricting the service of gay men and lesbians serving in the Armed Forces. He also spoke of the need to consult carefully with the military leadership on this issue. After the election, he reiterated his views on changing the policy and the need to consult with the military leadership.

Secretary of Defense Aspin, during his confirmation proceedings in January 1993, indicated that there would be extensive consultations with Congress on this subject.

Shortly after the Inauguration, a series of media reports suggested that a significant change in the Department's policy was imminent. A number of Senators indicated that they would offer an amendment early in the congressional session that would prohibit any change in policy. I expressed the view that neither the executive branch nor Congress should institute a significant change in the current policy, by Presidential order or by congressional action, prior to undertaking a comprehensive review, including hearings, on this subject.

In late January, I participated in a series of meetings with the President on the subject of homosexuality in the Armed Forces. Other participants included then-Senate majority leader George Mitchell and Democratic members of the Senate Armed Services Committee. In addition, I consulted extensively with members of the Joint Chiefs of Staff.

As a result of these meetings and further discussions with the President, an interim policy was announced by the President on January 29, 1993, to remain into effect until July 15, 1993. This interim policy retained then-existing rules restricting the service of gay men and lesbians in the Armed Forces. The policy also set forth two modifications that would apply during the interim period. First, reflecting a recommendation made by the Joint Chiefs of Staff, new recruits would not be questioned about homosexuality during the enlistment process. Second, gay and lesbian cases that did not involve homosexual acts would be processed through separation from active duty, and the individual would be placed in a nonpay status in the Standby Reserve during this interim period.

In additional, the President directed the Secretary of Defense to conduct a review of the current policy and to provide him with a draft Executive order by July 15, 1993.

On February 4, 1993, during Senate consideration of the Family and Medical Leave Act, the Senate debated two amendments related to the service of gay men and lesbians in the Armed Forces.

The first amendment would have frozen in law ''all Executive Orders, Department of Defense Directives, and regulations of the military departments concerning the appointment, enlistment, and induction, and the retention, of homosexuals in the Armed Forces, as in effect on January 1, 1993.'' The amendment was tabled by a vote of 62–37.

The Senate then unanimously adopted an amendment expressing the Sense of Congress that the Secretary of Defense should conduct ''a comprehensive review of the current Department of Defense policy with respect to the service of homosexuals in the Armed Forces.'' The amendment further expressed the sense of Congress that the results of the review should be reported to the President and Congress not later than July 15, 1993. In addition, the amendment expressed the sense of Congress that the Senate Committee on Armed Services should conduct comprehensive hearings on the current military policy and should conduct oversight hearings on the Secretary's recommendations as such are reported.

The amendment, as adopted, was enacted as section 601 of the Family and Medical Leave Act of 1993, Public Law 103–3. The Senate also agreed to an order that effectively precluded consideration of any further amendments in the Senate relating to the service of gay men and lesbians in the Armed Forces until July 15, 1993. This procedure permitted the Department of Defense and the Committee on Armed Services to conduct their reviews prior to legislative action on specific amendments.

THE LEGISLATION

Madam President, the legislation passed in Congress in 1993 contains 15 findings, which address the constitutional role of Congress in establishing military manpower policy, the unique nature of military service, and the fact that the presence in the military of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to military capability.

The legislation codifies specific grounds for discharge—homosexual acts, statements, and marriages—reflecting DOD's longstanding policy on homosexuality in the Armed Forces. The legislation also provides the Secretary of Defense with discretion to reinstate accession questioning if the Secretary determines it to be necessary to effectuate the restrictions on homosexuality in the Armed Forces.

On February 28, 1994, the Department of Defense issued final regulations implementing the legislation.

THE LITIGATION

In the 13 months since the regulations were issued, there have been a number of judicial decisions addressing homosexuality in the Armed Forces, but most have dealt with the old administrative rules rather than the new legislation. The authority of the Armed Forces to discharge members based upon homosexual acts has been routinely sustained by the courts, including those courts such as the ninth circuit, that have questioned separation based on statements.

Two leading cases illustrate the differing approaches that the courts have taken on the impact of statements. In *Meinhold* v. *Department of Defense,* 34 F.3d 1469 (9th Cir. 1994), a case arising under the old policy, the ninth circuit held that a servicemember could not be discharged solely because he or she said ''I am gay'' but could be discharged for making a statement which ''manifests a concrete expressed desire or intent to engage in homosexual acts.'' The court reached this conclusion based on its construction of the regulations, which make it unnecessary to decide any constitutional issue.

In *Steffan* v. *Perry,* 41 F. 3d 677 (D.C. Cir. 1994), the D.C. Circuit ruled that the statement ''I am gay'' constituted sufficient evidence under the regulations of a propensity or intent to engage in homosexual acts to justify a discharge. The court rejected any constitutional challenge to a discharge based upon such a statement.

Last week, in a case arising under the new legislation, a judge in the U.S. District Court for the Eastern District of New York took a different approach. In Able versus United States, Judge Nickerson held that the act and the implementing directives violate the first amendment as a restriction on

speech and the fifth amendment as a denial of equal protection. The judge's decision applies only to the six plaintiffs in the case, and has no wider direct application. As a result, the legislative policy remains in effect.

Madam President, to put this matter in perspective, there are over 600 district court judges in the United States, and it was predictable some district judge somewhere in the country would rule the statute unconstitutional. That does not mean though that the upper courts will uphold this. I made this point at the time the legislation was enacted. I also said that I believed the legislation would be sustained on appeal.

I am pleased that the Clinton administration has made it clear that it will appeal the Able decision, and I continue to believe that the legislative policy will be sustained on appeal.

My confidence is even higher after reading the opinion. In my view, the opinion does not reflect sound judicial craftsmanship or scholarship. The district court's opinion ignores the plain word of the statute, misconstrues the legislative history, relies on speculation about the purposes of the legislation rather than the clear words of the statute, and fails to discuss circuit court opinions which take a contrary view.

There are many flaws in the Able decision, which will undoubtedly be raised on appeal. Today, I will highlight some of the more egregious errors from a congressional perspective.

First, the decision misstates the definition of homosexuality in the statute and then proceeds to analyze the statute in terms of the judge's erroneous definition.

The opinion states:

> The first question for the court is whether the Government may under the first amendment prohibit a member of the Services from stating that he or she is a homosexual, that is, that he or she has ''an innate feeling within''—

I am emphasizing those words—

> that indicates the status of a homosexual.

This completely ignores the specific conduct-based definition in the statute, which provides:

> The term ''homosexual'' means a person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts, and includes the terms ''gay'' and ''lesbian''.

The statute talks about conduct, what a person does or intends to do.

We do not mention what the judge put so much emphasis on, that is, in his words, ''an innate feeling within that indicates the status of a homosexual''. That is nowhere in the statute. Judge Nickerson, in effect, rewrote the statute to conform to his own views of his concept of ''status.''

Second, the decision disregards the Supreme Court standard of review in military cases. As the Supreme Court stated in *Rostker* v. *Goldberg*, 433 U.S. 57 (1981), ''judicial deference to * * * congressional exercise of authority is at its apogee when legislative action under the congressional authority to raise and support armies and make rules and regulations for their governance is challenged.'' The Supreme Court emphasized that a court may not ''substitute [its] own evaluation of the evidence for a reasonable evaluation by the legislative branch.''

The Able decision, however, is replete with the district court's evaluation of the testimony presented in congressional hearings, while ignoring virtually all of the analysis presented by authoritative sources such as the committee's report.

Third, although the Able decision assumes there is no rational basis for the presumption that a statement by an individual that he or she is gay indicates a likelihood that the service member engages in or will engage in homosexual acts, the court makes no attempt to address the opinions that are directly contrary in *Steffan* v. *Perry*, 41 F.3d 677 (D.C. Cir. 1994) and *ben Shalom* v. *Marsh*, 881 F.2d 454 (7th Cir. 1989), cert. denied 110 S.Ct. 1296 (1990), which found the presumption to be valid.

It is a puzzle to me how a district court judge completely ignored—he can disagree if he chooses—but how he completely ignored two circuit court opinions on this subject.

Fourth, the Able decision bases its equal protection analysis on the unwarranted assumption that the legislation is based upon the irrational prejudice of service members against gays and lesbians. The decision totally ignores the lengthy discussion of the issue of prejudice and stereotypes in the committee's report on the legislation, in which the committee concluded that ''our position on the service of gays and lesbians is not based upon stereotypes but on the impact in the military setting of the conduct that is an integral element of homosexuality.''

Fifth, instead of relying on the legislation and the committee report, the Able decision manufactures its own view of the legislation. The decision states:

> Although the act's findings are silent as to the response of heterosexuals to the presence of known homosexuals in the services, the court will analyze the act as if it said that a statement of homosexual status was in itself an evil because heterosexuals would not like to hear it and would react so as to damage unit cohesion.

Madam President, it is a very large leap from the Supreme Court's decision in the Rostker case, which requires deference to Congress in these matters, to the decision of the district court in Able, in which the judge disregards the analysis provided by the committee and substitutes his own version of what he thinks motivated the Congress.

In summary, Madam President, the judge in Able has drafted his own statute, manufactured his own legislative purposes, and reviewed the policy without regard to the standards articulated by the Supreme Court. That is not what the Founding Fathers had in mind when they drafted a Constitution based upon the separation of powers.

Madam President, the media understandably have focused on the inflammatory language in the opinion, such as the suggestion that the policy is ''Orwellian'' and that it ignores what ''Hitler taught the world,'' in the judge's view.

The opinion is long on rhetoric and short on analysis. Speaker GINGRICH, in reaction, has raised the issue of whether we should reopen the legislative debate and reinstate the policy that predated the legislation.

In my view, Madam President, we should not do so. The policy on homosexuality in the Armed Forces is on much stronger ground than it was prior to enactment of this legislation. It is more likely to be sustained in the Supreme Court based on the law and the findings of Congress than if we went back to the old standards which were based on regulatory policy alone.

We have a strong legislative record, reflecting the common agreement of the civilian and military leadership of the Department of Defense, and of the Congress, that there is a clear military need for the policy on homosexuality in the armed forces. We have a detailed set of legislative findings, which we did not have prior to enactment, setting forth the basis for the policy. We have clear procedures for separation proceedings based upon homosexual acts, statements, and marriages.

The legislative policy is clearly consistent with the preexisting administrative policy requiring separation on the basis of homosexual acts, statements, and marriages. The new policy, of course, makes a change in previous practice in that the legislation does not require the government to initiate questions to an individual about homosexuality, and the regulations do not currently permit such questions to be asked. As I noted earlier in my statement, the recommendation to drop such questioning from the enlistment form was made by the Joint Chiefs of Staff—our military leadership—based on their determination that the questioning was not necessary to effectuate the policy on homosexuality in the Armed Forces.

During our hearings, the military chiefs, when asked for their personal opinions about this policy—General Powell, General Sullivan, Admiral Kelso, General McPeak, General Mundy, and Admiral Jeremiah—each stated he supported the policy.

Each was also asked whether the policy could be implemented in a manner consistent with morale, good order, with discipline, with unit cohesion, and without a degradation in readiness. Each responded that the military could actually implement the policy without such adverse effects.

Mr. President, the policy in effect reflects the recommendations of the military leadership, which were endorsed by the civilian leadership and

enacted by the Congress. Members on both sides of the aisle worked closely to ensure that there was a solid legislative record based upon sound military requirements. The hearings were conducted with dignity and respect for all involved, and reflected a sober, careful analysis of a very difficult time.

In my judgment, Mr. President, there is no need at this time for any legislative action. The policy is in place. The policy is working. I do not believe that the opinion in the Able case will survive appellate judicial scrutiny, particularly in light of the clear legislative findings and sound congressional action reflected in the statute. There is no call on the part of our military leadership for change. On the contrary, they believe the policy is working well. Moreover, if they come to the conclusion in the future that it is necessary to reinstate questioning, the statute gives the Department of Defense the authority to do so without further legislative action. In the absence of evidence that a legislative change is needed, it is my recommendation that the Congress take no further legislative action at this time.

The PRESIDING OFFICER. According to the previous order, the Chair recognizes the Senator from Indiana.

Mr. COATS. Madam President, I thank my colleague from Georgia for his statement, and hopefully this will complement that statement. I will attempt not to repeat in areas that he has already addressed.

Section 654(b)(2) of title 10, United States Code, governing military matters states that a member of the Armed Forces shall be separated from the Armed Forces if it is appropriately determined:

(2) that the member has stated that he or she is a homosexual or bisexual, or words to that effect, unless there is a further finding, made and approved in accordance with procedures set forth in the regulations, that the member has demonstrated that he or she is not a person who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts.

The law defines a ''homosexual'' as:

a person, regardless of sex, who engages in, attempts to engage in, has a propensity to engage in, or intends to engage in homosexual acts, and includes the terms ''gay'' and ''lesbian.''

On Thursday of last week, in the case of Lieutenant Colonel Jane Able et al. versus United States of America, Judge Eugene H. Nickerson, a Federal district court judge sitting in Brooklyn, ruled that the portion of the current homosexual policy contained in title 10, United States Code, section 654(b)(2) and its implementing directives, which addresses statements by individuals, violates the first and fifth amendments of the Constitution.

This court decision is the first one involving the current policy on homosexuals in the military.

Judge Nickerson's ruling allows six self-proclaimed homosexuals to remain on active duty. These six individuals originally filed the suit anonymously and only stated that they were gay.

The issue of whether an individual has a protected right to state they are a homosexual has already been decided by the courts. Declaration of one's homosexuality cannot be logically separated from homosexual acts under free speech. The Senate report on the National Defense Authorization Act for fiscal year 1994 which accompanied the new statute cited the case of Ben Shalom versus Marsh:

The admission is not a statement protected by the free speech guarantees of the First Amendment because it can rationally and reasonably be viewed as reliable evidence of a desire and propensity to engage in homosexual conduct.

That case goes on to say:

The Army does not have to take the risk that an admitted homosexual will not commit homosexual acts that will be detrimental to its assigned mission.

To be very basic, the courts have ruled that if you say you are a soprano, people can logically conclude that you sing. Judge Nickerson's decision clearly rejects longstanding court precedent. It is early in the judicial process, but I am confident that the constitutionality of the current policy will prevail.

In 1993, the Senate began its investigation of what effect homosexuals have on the military. It held hearings on March 29 and 31; April 29; May 7, 10, and 11 and July 20, 21, and 22. Testimony was gathered from soldiers, sailors, airmen, and marines. The Secretary of the Department of Defense and the Chairman of the Joint Chiefs of Staff also appeared before the Armed Services Committee and gave extensive testimony from their knowledge of the Armed Forces. There were panels of witnesses from the academic community, as well as from the Senate. The committee also heard from active and retired military officers and enlisted personnel, homosexuals who had been discharged from the services and members of the military and civilian legal community. Literally hundreds of hours of research were conducted. The chairman and ranking member of the Senate Armed Services Committee both dedicated themselves to the most comprehensive examination of this issue that has ever been conducted. Their efforts took them to military installations and onto ships and submarines. This issue was also debated by the committee with the House Armed Services Committee and discussed with members of the administration on several occasions.

All of the committee's efforts made one thing abundantly clear. It was best pointed out in General Powell's testimony before the committee.

I would like to take just a moment of the Senate's time to go over General Powell's statements because they were extremely valuable to the decision procession of the committee of the Congress and the administration. Let me now quote from that testimony.

We have challenged our own assumptions. We have challenged the history of this issue. We have argued with each other. We have consulted with our commanders at every level, from lieutenant (and) ensign all the way up to the commander in chief(s) of the various theaters. We have talked to our enlisted troops. We talked to the family members who are part of the armed services team. We examined the arguments carefully of those who are on the other side of the issue from us.

After all this work by the Department of Defense, General Powell concludes as follows:

The presence of open homosexuality would have an unacceptable detrimental and disruptive impact on the cohesion, morale, and esprit of the armed forces.

In short, trained, successful, intelligent, experienced military and civilian personnel are of the opinion that admitting homosexual individuals to the military will rob our forces of the most essential element of a fighting force; its cohesion, morale, and esprit. Is this an irrational conclusion? General Powell eloquently addressed this as well. He stated:

Unlike race or gender, sexuality is not a benign trait. It is manifested by behavior. While it would be decidedly biased to assume certain behaviors based on gender or membership in a particular racial group, the same is not true for sexuality.

On November 30, 1993, 10 months after this effort began, the President signed the National Defense Authorization Act for Fiscal Year 1994 which contained the new policy at section 571.

The act codified the military's longstanding ban on homosexuals serving in the military. It was not the result of a knee jerk reaction but the steady work of the U.S. Congress which took into full consideration the needs of the services and the rights of individuals. Judge Nickerson's ruling is the ruling of a single judge in a single district and is not the consensus of the judicial community as a whole. It is not unusual for a case to be lost at the district level. The circuit courts are full of cases being appealed from district courts. The White House, the Department of Justice, and the Department of Defense all agree that an appeal is in order and will take place this summer. Many appeals are met with decisions which reverse the lower courts. We recently witnessed just such a reversal in the case of Joseph E. Steffan.

The law of the land is quite clear. In addressing this matter, Congress exercised its Constitutional prerogative, section 8, U.S. Constitution to—

* * * raise and support Armies, * * * provide and maintain a Navy, * * * and * * * to make Rules for the Government and Regulation of the land and naval Forces.

In the process, Congress made a number of findings:

First, there is no constitutional right to serve in the Armed Forces.

Second, pursuant to the powers conferred by section 8 of article I of the Constitution of the United States, it lies within the discretion of Congress

to establish qualifications for and conditions of service in the Armed Forces.

Third, the primary purpose of the Armed Forces is to prepare for and to prevail in combat should the need arise.

Fourth, the conduct of military operations requires members of the Armed Forces to make extraordinary sacrifices, including the ultimate sacrifice, in order to provide for the common defense.

Fifth, success in combat requires military units that are characterized by high morale, good order and discipline, and unit cohesion.

Sixth, one of the most critical elements in combat capability is unit cohesion; that is, the bonds of trust among individual service members that make the combat effectiveness of the individual unit members.

Seventh, military life is fundamentally different from civilian life in that—

The extraordinary responsibilities of the Armed Forces, the unique conditions of military service, and the critical role of unit cohesion, require that the military community, while subject to civilian control, exist as a specialized society; and

The military society is characterized by its own laws, rules, customs, and traditions, including numerous restrictions on personal behavior, that would not be acceptable in civilian society.

Eighth, the standards of conduct for members of the Armed Forces regulate a member's life for 24 hours each day beginning at the moment the member enters military status and not ending until that person is discharged or otherwise separated from the Armed Forces.

Ninth, those standards of conduct, including the Uniform Code of Military Justice, apply to a member has a military status, whether the member is on duty or off duty.

Tenth, the pervasive application of the standards of conduct is necessary because members of the Armed Forces must be ready at all times for worldwide deployment to a combat environment.

Eleventh, the worldwide deployment of U.S. military forces, the international responsibilities of the United States, and the potential for involvement of the Armed Forces involuntarily to accept living conditions and working conditions that are often spartan, primitive, and characterized by forced intimacy with little or no privacy.

Twelfth, the prohibition against homosexual conduct is a long-standing element of military law that continues to be necessary in the unique circumstances of military service.

Thirteenth, the Armed Forces must maintain personnel policies that exclude persons whose presence in the Armed Forces would create an unacceptable risk to the Armed Forces' high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

Fourteenth, the presence in the Armed Forces of persons who demonstrate a propensity or intent to engage in homosexual acts would create an unacceptable risk to the high standards of morale, good order and discipline, and unit cohesion that are the essence of military capability.

If there is any remaining confusion about the policy, the Department of Defense should ensure that all directives, implementing regulations, and teaching manuals are crystal clear. Homosexuality is incompatible with military service. Homosexuality has always been, and continues to be defined by conduct. Speech is conduct, for it is rational to conclude that members of the military who say they are homosexuals have a propensity to engage in conduct. The military should not be made to bear the risk.

I fully anticipate that the Supreme Court will carefully review the body of work Congress placed into law. I believe that the strong policy set forth in 10 United States Code section 654 will fully meet the constitutional test.

I agree with Senator NUNN that no additional legislation is needed at this time. The law is sufficient. I am confident the court will uphold that law.

Obviously we would tend to closely monitor these judicial proceedings, the implementation of department regulations, and the administration's defense of the current law. But the current law is sufficient, in my opinion. I would just assure my colleagues that we intend to pay very close attention to the implementation of that law—as was clearly expressed with solid majority support of this Congress, with the support of this administration.

I ask the Senator from Georgia if he has any additional comments?

The PRESIDENT pro tempore. The Senator from Georgia.

Mr. NUNN. Mr. President, I wanted to thank the Senator from Indiana for his statement this morning, which shows that we have a united view here. I know the Chair, the Senator from South Carolina, the chairman of the committee, also agrees with our view and has made that clear in his statement. So I think we have very strong consensus in our committee. I thank the Senator from Indiana for the tremendous amount of work he has done on this issue over the last years. He has been an extraordinary partner in dealing with a very difficult, sensitive issue, but one that is important to the U.S. military and our national security. So I thank him very much for his support.

Mr. COATS. I thank the Senator. Without his leadership I do not believe we could have been successful. It has truly been a bipartisan effort and the then-chairman of the Senate Armed Services Committee's leadership was invaluable to this process.

As I said it was the most extensive set of hearings and extensive investigation ever conducted on this subject or perhaps any other subject. That has been placed as a matter of record and is part of the law. I thank him for his support and leadership.

Mr. THURMOND. Mr. President, Judge Eugene H. Nickerson, a district judge for the Eastern District of New York, has rendered a decision in the Able versus United States case that declares a portion of the don't ask-don't tell policy in violation of the first and fifth amendments to the Constitution as it relates to six plaintiffs. While this is a narrow ruling, it is also, in my opinion, an incorrect ruling and must be appealed to the second circuit court. I have been assured by the Department of Defense and the Department of Justice that an appeal is being formulated and briefs will be filed in a timely manner. A decision from the second circuit could come as early as this fall.

The Senate Armed Services Committee and the Senate worked hard to craft a constitutional policy that protects individual rights and yet provides our fighting men and women with the right kind of environment in which to build the highest morale, discipline, and esprit in their units. I wish to remind all of you that we bear a tremendous responsibility to our men and women in uniform. They rely on us to make certain they are given every opportunity to survive in combat. It is our responsibility to provide them the best places to train and live, the best equipment possible and the very finest in care for their families. In addition, we must not do anything that could reduce the soldiers' most valuable asset—unit cohesion.

Today, Senator NUNN, Senator COATS, and I are addressing this recent court decision. We worked long hours producing the current policy and both of them agree with me that we need to let the judicial system complete its process. I am confident that the final decision will uphold the constitutionality of the new policy and that it will serve the military well.

MEASURE PLACED ON THE CALENDAR—H.R. 849

Mr. COATS. Mr. President, I understand there is a bill that is ready to be read a second time?

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will read the bill the second time.

The bill clerk read as follows:

A bill (H.R. 849) to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers; and for other purposes.

Mr. COATS. Mr. President, I object to further proceedings on the bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

The distinguished Senator from California is recognized.

Mrs. BOXER. Mr. President, I ask unanimous consent to continue for a full 15 minutes as in morning business.

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

THE CONTRACT WITH AMERICA

Mrs. BOXER. Mr. President, I am down here on the floor of the Senate this morning, almost this afternoon, to talk about the celebration that is going to take place here at the Capitol by the Republicans on the House side, based on the 100 days after their so-called contract for America.

They are bringing the circus to town for this celebration. In one way, I think it is appropriate that they bring the circus to town because, as I watch the proceedings, part of my heart is still in the House of Representatives. I served their proudly for 10 years. It has been pandemonium over there, in one Senator's view; a barrage of activity into the wee hours of the morning. And, in my view, in many of these areas they have just gone too far, too fast, too sloppily. I think proof of that is the fact that the Senate has slowed down their momentum and I believe we will continue to do this as reasonable people in this body, regardless of party, look at their activity, think about their activity, review their decisions, and come up with more reasonable legislation.

An example of that, they sent over a moratorium bill which would have stopped regulations—all kinds of important safety regulations, for example—from going into effect. And this Senate never even took it up. They put forward a very sensible approach to regulations. That is just one example of how the Senate is slowing down the contract for America.

So in one way it is appropriate that the circus is coming to town. But on another level it is inappropriate because who loves the circus the most? Kids. And who gets hurt the most by the contract? Kids.

So, in some ways, to me, there is a real irony in bringing the circus to town and the kids to the circus to celebrate the contract which hurts the kids—perhaps more than any other group, although many of us get hurt by this contract.

Why do I say it is the kids had who get hurt? This is not rhetoric. This is not overstatement. This is fact.

I ask unanimous consent to have printed in the RECORD the cuts just in these rescission bills that are asked for, by the Republicans, that cut out kids, that hurt kids.

I ask unanimous consent to have this document printed in the RECORD at this time.

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

STATEMENT ON S. 617, SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS—IMPACT ON CALIFORNIA

(By Senator Barbara Boxer)

S. 617 as reported by the Senate Appropriations Committee is a classic Hobson's Choice for California. My state stands in line at the livery stable, waiting for a horse to hire. When she gets to the stable door, the man in charge says ''take this one or none''. The problem is, the horse offered is a dangerous and destructive outlaw, one that's sure to throw her. So what does she do? Take the one offered so that she can get where she's going? Or reject it and walk? Mr. President, I conclude that California should reject this nag and take a walk.

The amendment offered by the Senator from Maryland, Senator Mikulski, is a far better alternative, and I am happy to have the chance to support it.

Let me explain for the record a few of the most egregious examples of why the bill as reported is a bad deal for my state.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS (CDFI)

The bill would rescind $124 million of the Fund's $125 million appropriation for FY 1995.

The CDFI Fund is important to California. More than 20 established CDFIs serve California citizens that otherwise would have no access to lending or financial services.

For example, the Low Income Housing Fund (LIHF), a large CDFI based in San Francisco, works to increase the amount of capital available for the development of affordable housing. The LIHF serves a wide range of financing needs that are not typically met by other lenders, including construction and gap financing and interest rate subsidies.

There are several new California CDFI's that are currently in the process of formation. For example, the Neighborhood Bancorp., a San Diego CDFI, was recently granted a charter from the Office of the Comptroller of the Currency and is raising capital from private investors.

The Fund helps these institutions raise the capital they need to provide services to distressed communities in California and across the nation.

The Fund was established last year. It got unanimous approval in the Senate and was passed by a vote of 410–12 in the House.

The Senate bill also rescinds:

$47 million from the Economic Development Administration (EDA). This program funds general economic development planning and infrastructure. Historically, California receives about 15% of EDA funds, or about $6 million. Communities use EDA grants to improve economic competitiveness and create jobs.

$27 million from the National Institute of Standards and Technology (NIST). Funds would be cut from the Manufacturing Extension Partnership Program (MEP), which provides small and medium sized companies with manufacturing assistance. The MEP is based on the highly successful Agriculture Extension program. There are currently MEP centers in Southern California that provide assistance to defense contractors seeking to diversify their businesses. Also, we hope to introduce a MEP in the Bay Area soon.

$93.5 million from the Base Realignment and Closure (BRAC) Account for 1993. This program funds closure related expenses for bases scheduled for closure in 1993. In California, such bases include the Alameda Naval Complex and the Mare Island Shipyard. The BRAC account funds environmental cleanup costs, moving costs, and new construction costs at bases receiving workload. The exact impact of this rescission is impossible to determine, but it is reasonable to worry that this rescission could delay the closing of California military bases.

ENVIRONMENTAL PROTECTION

The Committee bill would cut $1.2 billion from water cleanup infrastructure funding. $799 million of this cut would come from grant money to the States to help them establish revolving loan funds to finance drinking water improvements. This funding would be available to the states once Congress authorizes such state funds in a new Safe Drinking Water Act. The remaining $433 million would come from funds set aside for specific projects.

California's share of the drinking water fund under the current allocation formula would be $57 million. Specific California projects that would loose their FY95 funding include City of LA ($50 million), Mojave Water Agency ($10 million), Lake County ($2 million). California communities whose projects would be spared include San Diego, San Francisco, County of LA, Tijuana, and border cleanup near the New River.

The Committee bill would cut $100 million from the Superfund program. This cut would significantly slow cleanups at many of California's 96 Superfund sites, including the 18 closing and operational military bases on the Superfund list.

AGRICULTURE

The Committee bill would cut $1.5 million from a new USDA salinity research lab at the University of California at Riverside. This lab is designed to grapple with salinity and other runoff problems endemic to the kind of irrigated agriculture that dominates California agriculture. Such a funding cut would prevent the installation of the new labs equipment.

NATURAL RESOURCES

The Committee bill would cut $3 million from the Fish & Wildlife Service, effectively barring new listings of animal and plant species as ''endangered'' or ''threatened'' under the Endangered Species Act.

Timber Rider: An amendment attached to the bill would require the Forest Service (under USDA) and the Bureau of Land Management (under the DoI) to sharply increase ''salvage logging'' in western forests. Unlike the House version of this language, the Committee bill would not require a particular cut level. It would, however, effectively waive several important environmental safeguards.

Forest health is a problem in California and throughout the west, but this extreme approach threatens both forest ecology and cooperative efforts like the Quincy Library Group.

ENERGY

The Committee bill would cut $48 million from the Department of Energy's programs to boost energy efficiency. DoE cannot give a precise breakdown of how much of this funding California would loose, but the amount would be significant because of California's leadership position on the development and use of these technologies.

This includes a proposed $10 million cut from the program used by federal agencies to weatherize low income homes—a cut that will mean about 240 fewer weatherized homes under this program in California.

This also includes a $5 million cut from the Clean Cities Program which supports the purchase of clean vehicles by federal agencies to match such purchases by cities. The California cities affected by this lost funding include, Fresno, Sacramento, San Jose, San Francisco, Oakland, and Long Beach.

The Committee bill would cut $35 million from solar and renewable energy research

and commercialization programs. DOE cannot give a precise breakdown of how much of this funding California would lose, but the amount would be significant because of California's leadership position on the development and use of these technologies.

EDUCATION

$55.8 million would be rescinded from grants for state reform initiatives under the Goals 2000 law. California would lose over $6 million in federal funds which were to be used for innovative programs emphasizing math and reading.

$72.5 million in Title I finds for educating disadvantaged children. Title I funds are distributed by formula according to the number of poor children in a school district. California would lose $8.7 million in federal funds, affecting services to approximately 8,500 California students.

$100 million for the Safe and Drug Free Schools program for drug prevention and safety measures. California would lose $10 million. 97% of all school districts in California benefit from this program.

$69 million for teacher training under the Eisenhower Professional Development Program, which has a special emphasis on training in the areas of math and science. California would lose $7.6 million in funds.

$5 million for education technology programs to bring more computers to the classroom and help schools purchase software. California ranks 50th in the nation on the number of schools with computers in the classroom. California loses $500,000 in funds.

CHILDREN

$42 million for Head Start, a comprehensive preschool program for low-income children that combines learning with social services and parental involvement. Approximately 9,000 children nationwide would lose services.

$8.4 million for the Child Care and Development Block Grant which provides funding to states to increase the availability, affordability and quality of child care. California would lose approximately $840,000 and 240 California families would not get child care.

In San Diego County alone there are 11,633 families eligible for child care assistance under the block grant, but only funding for 1,646 children. The odds of getting off the child care waiting list are 1 in 14.

$35 million for WIC which provides nutrition counseling and food packages to pregnant and post partum women and young children through age 4. This cut won't remove any women and children from the rolls, but it will impede the expansion of the program. California would lose $6.7 million in funds and would be unable to expand the program to serve an additional 20,000 women and children.

NATIONAL SERVICE

$210 million for national service programs, the largest of which is AmeriCorps. Federal funds go directly to the states to support locally designed and operated programs addressing unmet needs in the areas of education, public safety, health, housing and the environment.

AmeriCorps members serve roughly 1,700 hours full-time over a year and receive an education award worth $4,725 which may be used to pay for current or future college and graduate school tuition, job training, or to repay existing student loans.

A cut of this size would severely impact the AmeriCorps program by eliminating over 2,000 slots nationwide. In California alone there are 2500 AmeriCorps members serving in approximately 18 programs throughout the state.

HOUSING AND URBAN DEVELOPMENT

Rental assistance

The Senate bill would rescind $2.4 billion from incremental Section 8 vouchers and certificates. California would receive a rescission of approximately $300 million—denying approximately 6,000 low-income families in the state housing assistance. Many of these families have been on wait lists for years.

The money rescinded was to be used for incremental increases in housing vouchers and certificates—nationally, 62,000 new households would have been able to get housing with this funding. HUD had set aside 12,000 certificates for women with children who are homeless—the fastest growing part of the homeless population. An additional 3,000 certificates (nationally) were to be used for housing assistance for homeless people suffering from the AIDS virus.

Public housing modernization

The Senate would rescind $835 million for public housing modernization. HUD estimates that Public Housing Authorities in California would lose $37.9 million under the rescission. Without the modernization money Public Housing authorities would be unable to upgrade below-standard housing.

HEALTH AND HUMAN SERVICES

State legalization impact assistance grants (SLIAG)

$6 million would be rescinded under the Senate bill—no similar rescission was made in the House bill. It is estimated that California would likely receive at least 40 percent of the money. The money would be used to promote naturalization and citizenship for the immigrants legalized under IRCA, by providing for civics and English education.

Immigrant education

Immigrant education programs would be cut by $11 million nationally. No similar rescission was made in the House bill. California would receive $4.4 million of this amount. The money is used to provide assistance to local educational agencies that have large numbers of recently arrived immigrant children—this includes legal and illegal immigrant children. States like California are the large beneficiaries of the program because of the large influx of immigrant populations. No ''head counting'' of children is required for the local educational agency to receive funding. In a sense, this program is a reimbursement to states to help offset the cost of providing education to illegal immigrant children since no distinction is made between them and legal immigrant children.

JOBS

The Senate makes bigger cuts in Job Corps than the House, eliminating 12 new centers, including those planned in San Francisco and Long Beach.

The Senate bill does not rescind money for the 1995 summer youth jobs, but does eliminate $871.5 million for 1996 summer youth jobs. California is due to receive $147 million for next summer.

Both House and Senate bills eliminate the Youth Fair Chance program, which provides grants for education and job training to poor youth in communities with high poverty. Los Angeles was due to receive $2 million and Fresno $1 million under the $24.8 million program nationwide.

Both House and Senate bills cut adult job training programs by $33 million of which $5.5 million would be rescinded from California programs.

The Senate bill rescinds $472 million from the year-round program for youth job training, higher than the House rescission of $310 million. Based on the impact to California from the House level ($53 million), the impact to the state from the higher Senate level would be about $80 million.

DEPARTMENT OF TRANSPORTATION

The bill cuts $1.3 billion in airport improvement funds, which are used for runway construction, signals and other airport improvements. The funds are fully discretionary so no specific California project is targeted. However, California received about 8.7 percent in FY93. Applying that proportion for FY95 would mean $113 million less for California.

Although the Senate bill eliminates fewer California transit projects than the House bill, it would still take $1.9 million from San Diego commuter rail, $8 million from San Jose commuter rail and $1.76 million for the Vallejo Ferry.

The Senate bill rescinds $2 million from the Vessel Traffic System, an updated traffic control system that would be installed in San Francisco and Los Angeles-Long Beach. A $4 million Coast Guard support center at the LA-Long Beach ports complex is also rescinded.

CORPS OF ENGINEERS

The Senate bill increases the amount rescinded for Corps of Engineers construction from $40 million to $50 million. No state breakdown is available but this is a major account for California.

Mrs. BOXER. Mr. President, let us look at some of them. Head Start? I thought we had a national consensus in this country that Head Start works. I thought we had a bipartisan agreement that investing in our children at a young and tender age to get them on the right road to learning worked.

Well, they cut Head Start. They cut the Women, Infants, and Children Program. As a matter of fact, they basically end the program. What did this program do? It gave nutrition to pregnant women who could not get that nutrition.

I said on the floor yesterday, I am so proud I am going to become a grandmother for the first time.

I call my daughter every day. ''Did you take your vitamins? Are you eating well? Are you gaining weight? Are you taking care of yourself?'' She has the best care because she is fortunate to have insurance.

What about the other pregnant women? They are bringing children into this world, into America. Do we not want them to be strong to avoid having to be in an incubator, to avoid having to have learning disabilities because they did not have prenatal care? I thought we had a consensus, a bipartisan lead, on that question. But no. They actually end the WIC Program as a national program, and they will let the States decide how they are going to do this. And by the way, competitive bidding goes out the window. It is a giveaway to the largest infant formula companies—the winners in that one.

Drug free schools? I thought we had consensus on drug free schools. The police come in and they work in the Dare Program and teach the kids to say no to drugs. They cut that. They are proud of that. They are bringing the circus to town to celebrate that they are cutting drug free schools.

School-to-Work Program—getting kids ready to go to work, those who do not go off to college. They cut that. They cut AmeriCorps. They kill the AmeriCorps Program. What is it? National youth service. I thought we had bipartisan consensus here in the Senate when we voted for AmeriCorps. Our young people go into the community. I have met these AmeriCorps volunteers. They work with the children. They work with the elderly. I even got a letter from the Red Cross saying, ''Please don't cut the AmeriCorps program.'' I am forwarding that to the majority leader because I know he likes the Red Cross. They use AmeriCorps volunteers. But they are going to eliminate AmeriCorps.

Summer youth jobs—jobs to teach our young people how important it is to be responsible. They cut that. They even want to do away with the Corporation for Public Broadcasting where our little kids could get quality programming like ''Sesame Street'', and ''Barney'', and the others, and zero out the National Endowment for the Arts that teaches those kids the arts, ballet, and music instruction. They are bringing the circus to town to celebrate their attack on the kids.

Do you know what the cruelest one of all is, throwing hundreds of thousands of disabled kids right off the roll, kids that would bring tears to your eyes. But they are bringing the circus to town.

Who is benefiting from all of these cuts?

I went to one school lunch program. A little kid came up to me. I will never forget it as long as I live. She said ''Senator, when they cut my school lunch program, where is the money going that they are saving?'' What a smart kid. What a smart kid. That is the question all of America should ask.

Where is the money going when you cut these programs? I have the answer. It is being voted on, as we speak, in the House. Do you know what the answer is? It is tax breaks for the wealthiest people in America. Hurt the kids, help the rich. That is the Republican contract. I will show you the chart. More than 50 percent of their tax cut goes to people over $100,000. A third of the tax cut goes to those earning over $200,000 a year. Who gets hurt? The kids, the middle class, the poor, Robin Hood in reverse, my friend.

How about the billionaire tax loophole? I have to tell you about this one. The Senate voted to eliminate a tax loophole that went like this. If you are a millionaire or a billionaire under the current Tax Code you can take all the money you earned and all the assets you have that you earned in America, you can renounce your citizenship, give up your citizenship as a citizen of the United States of America, get out of town and not pay a tax—tax dodgers who are millionaires, billionaires, and trillionaires. Those folks ought to go to the circus. They have a lot to celebrate—not the kids. But I do not think they are going to come out because they do not want anyone to know about this contract. It is not in their best interest. It is unbelievable to me that people would celebrate such a program.

Let us talk about some of the other winners and losers. How about the so-called legal reform? You know about the doctor who cut off the wrong leg of a patient? You read about that. You know about corporations?

You know about corporations that produce dangerous products like silicon breast implants, the Dalkon shield, intrauterine devices that make women sterile. Devices that hurt women, maim them, kill them. Well, under the so-called Reform Act, we cap the punitive damages on those corporations, so there will no longer be a deterrent out there to stop this.

How about the other legal reform? You all know about Charles Keating, how he called the senior citizens in and sold them a bill of goods. They thought their investments were secure. They thought their investments were federally insured. They were not, and they lost everything.

Well, under the so-called Legal Reform Act, by the Republicans, the victims of Charles Keating could never even get into the courtroom. Fortunately, for them, when Charles Keating stole their life savings, the Democrats were in charge of the Congress and we allowed them in the courtroom, and they collected. But now, under this contract, if you are a small investor, you can forget it. Your rights, if this Republican bill goes forward, will have been trampled. I think we will stop it in the Senate, but that is what they are celebrating over there, with the circus.

Corporate polluters are celebrating, too, because in that contract there is hidden language about a moratorium on regulations that will make our water safe and our air clean. We have had people die of a bacteria called cryptosporidium that got into the water supply. We have rules to control the water supply so no one else will die from that bacteria. Those controls would be stopped by the Republican contract, and they could keep on with these practices.

You know about the kids who ate hamburger meat and died from E. coli bacteria. There are rules to stop that. And the Republican contract says forget about those rules; let us have a moratorium.

So who wins? The polluters. Who loses? The people. And the Republicans are celebrating with the circus.

How about the flying public? We fly a lot here in airplanes. That moratorium over there in the contract would stop the FAA from issuing safety regulations.

We know that the safety of certain commuter airlines must be improved. There are several rules that have been proposed to bring them up to the standards of the larger planes, and in the Republican contract and what passed in the House, those rules would be stopped.

Let me tell you what else would be stopped:

> Inspection and repair of landing gear brakes for certain Airbus aircraft.

Airbus is an aircraft that is made in France. This rule was prompted by an accident in which an aircraft was unable to stop on a wet runway. The proposed regulation would ensure the safety of these aircraft, but the Republicans want it stopped. Who is the winner if that regulation is blocked? Airbus. Who is the loser? Any of us who get on those planes.

How about this regulation that would have been stopped:

> Replacement of certain bolts, nuts, washers that hold together parts of the wing flap.

They are celebrating with the circus while they want to stop these kinds of regulations.

Here is a good one. You do not have to have a degree in engineering to understand this one:

> Requiring measures to prevent the sliding cockpit side windows from rupturing in certain Airbus models. Failure to prevent the sliding cockpit side windows from rupture can potentially result in rapid decompression of the aircraft.

''Rapid decompression of the aircraft.'' Do you want to be on an aircraft when that happens? The Republicans are celebrating with a circus, while they try to stop those kinds of safety regulations.

Who loses there? The flying public. Anyone who goes in an aircraft. Who wins? Irresponsible companies that do not take care of their products.

I could go on, Mr. President, about the winners and losers in this contract. Deficit reduction surely is a loser, if they go ahead with this tax break. It is going to cost $680 billion over 10 years to the Federal treasury. I thought we had a bipartisan consensus for deficit reduction. It was a most important thing, but who are they are going to give that tax break to? The richest among us. Loser? The deficit reduction effort. Loser? The children.

The contract does not stop there. I thought we had a bipartisan consensus last year to put cops on the street. I thought we all agreed to put cops on the beat in the community; it was the cornerstone of the crime bill. But in the contract the Republicans want to slash all that, put it in a block grant, and let someone else decide. Who loses when there are fewer cops on the street? You and I, members of the community, the neighborhoods.

And while they are at it, they want to repeal the ban on assault weapons. How is that one? They want assault weapons back on the streets. Who loses? Only God knows who will be the next victim. My son lost his best friend at 101 California Street, an attorney with promise, a young man, married, hoping to have a family, shot down by a crazed gunman who went in and got

an assault weapon and shot eight people and killed my son's best friend John Scully. On that day, I swore to ban these weapons. Now we have to have the fight all over again, a fight that we thought was over, a divisive, difficult fight. And they are celebrating with the circus. I do not understand it.

Who else loses with the contract? Have you ever heard of the gag rule? That is another fight we already had—the gag rule. A poor woman goes into a family planning clinic and cannot be told her options if she is pregnant, cannot be told her options, cannot be told that she has a right to choose in this country. We fought that fight, and President Clinton lifted the gag rule. He said he thought women should have all the facts known and they should make their own choice. It is up to them to decide. It is a difficult choice, but a woman should be able to make that decision. They are celebrating over there. In their contract, they are bringing back the gag rule, treating women like second-class citizens, as if we do not know what could hurt us.

So it is very clear who the winners and who the losers are. The winners? The very wealthy who get tax breaks, the corporate polluters, the big infant formula companies, the criminals, those who oppose the right to choose. They win in this contract. Really, the billionaires who will walk out and renounce their citizenship to get a tax break are the big winners because we ended that tax break. And what happened in the Republican conference committee? They took that out. Who else wins? The broker-dealers who cheat, who do not take their fiduciary responsibility to their clients seriously.

Those consumers, those investors will have a court system that probably does not let them in the front door.

I believe in a system where David can meet Goliath in the courtroom and let the system work.

They believe in a system where David cannot get in the door. They have something in that contract called ''loser pays.'' It is an English system. It is not the American system. It says if you go into court and you lose, you pay the other guy's attorney's fees. How many of us as small investors would take that chance?

We are going to stop that here in the Senate, but it is in the contract. And the Republicans are celebrating with the circus.

So I hope, in this brief time, I have expressed clearly who the winners are and who the losers are. I can add to the losers the senior citizens, who will see Medicare cuts, huge Medicare cuts. And senior housing cuts.

We could not even get our Republican colleagues to protect Social Security when we took up the balanced budget amendment. We said, ''Take Social Security out of that and protect it.'' We could not get a vote. We lost it on a party-line vote.

So while the celebration is going on there with the circus, I just hope the American people will ask a question like that little girl asked me in school: ''Senator, what happens if you cut my school lunch? Who gets that money?''

I ask the American people to ask the question: Who benefits from this contract? And read the fine print, because they are not going to show it to you. You are going to have to work to find it out.

I hope that I have been of help in making the point that overall, this contract is not helpful to the American people.

Thank you very much, Mr. President.

I yield the floor.

[Disturbance in the galleries.]

The PRESIDING OFFICER. The galleries will restrain.

Mrs. BOXER. 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. 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.

WAS CONGRESS IRRESPONSIBLE?

THE VOTERS HAVE SAID YES

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the 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, though Congress has failed to do so for the past 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,876,206,792,345.50 as of the close of business Tuesday, April 4. This outrageous debt, which will be saddled on the backs of our children and grandchildren, averages out to $18,510.16 on a per capita basis.

TELECOMMUNICATIONS REFORM

Mr. DASCHLE. Mr. President, yesterday, my colleague from South Dakota, Senator PRESSLER, stated on the Senate floor that the administration was working through my office to block consideration of S. 652, the telecommunications bill. This statement was flat out wrong, and while Senator PRESSLER subsequently corrected his statement for the CONGRESSIONAL RECORD, the press has reported the inaccuracy. This issue is sufficiently important that the mistake needs to be pointed out.

I have spoken with the Vice President concerning telecommunications reform legislation. The Vice President stated, as he apparently indicated to Senator PRESSLER, that the administration would like to see the bill improved in a couple of different areas. However, the Vice President did not ask, nor did I offer, to block consideration of the bill.

I am committed to passing a telecommunications reform bill, I am eager to see the benefits of technology and communications services—the so-called information superhighway—extended to all parts of this country, especially rural areas like my own State of South Dakota.

The telecommunications bill is sweeping legislation addressing complex problems, and highly technical subjects. While I have taken no steps to block the bill from coming to the floor, I sympathize with those of my colleagues who desire the opportunity and time to study it. With the Senate schedule set for the balance of the week, and with the time provided by the upcoming Easter recess, Senators will have the chance to evaluate the proposal in detail prior to its coming to the floor.

Again, let me reiterate, I have not sought to block consideration of S. 652. Our ranking member on the Commerce Committee, Senator HOLLINGS, stands ready to proceed. Indeed, as Senator PRESSLER noted, every Democrat on the Commerce Committee voted for the bill at markup.

I believe my intentions in regards to this matter are clear. I simply take this opportunity to reinforce my position that a telecommunications reform bill is among the most important legislation the Senate will consider this year.

THE 14TH ANNIVERSARY OF SHOOTING OF JIM BRADY

Mr. KOHL. Mr. President, today I would like to tell you a story about criminals and guns. It is about someone—let us call him John Doe because the B-A-T-F says it cannot disclose his identity—who in 1978 was convicted of criminal reckless homicide. He killed another driver while driving drunk. Although, as a convicted felon, John Doe was prohibited by law from buying guns, he purchased a handgun from a gun dealer in December 1993. Then, only 1 month later in January 1994, he purchased another. On both occasions he walked out of the gun store fully armed.

How could he do this? He lied on his forms and no one conducted a background check. A few weeks later John Doe tried to increase his arsenal yet again by purchasing a third handgun. But this last time he was caught—thanks to the background check that is now required under the Brady law.

Mr. President, last week marked the 14th anniversary of the vicious shooting of President Reagan and Jim Brady by John Hinckley. And last month marked the first anniversary of the effective day of the Brady bill.

Critics claimed that Brady would mark an end to personal freedom, and that felons and drug traffickers would never buy guns over the counter. But 1 year after enactment, the sky has not fallen. And the Brady law—for the most part—is accomplishing its goal: Keeping guns out of the hands of criminals and drug traffickers, while not unduly inconveniencing law abiding gun owners.

According to the Bureau of Alcohol, Tobacco and Firearms, over the past year in the 29 States covered by Brady, the law prevented approximately 40,000 firearms purchases. Indeed, when States with their own background checks are added in, B-A-T-F estimates that law enforcement denied up to 70,000 gun purchases in the past year. That means fugitives, rapists and murderers have been stopped while trying to purchase guns.

Statistics from my State support these conclusions. Wisconsin, which has its own 2 day waiting period and background check, has blocked more than 800 convicted felons from buying handguns in the past 3 years. And keeping guns out of the hands of criminals, Mr. President, is the most effective form of prevention—as well as the best way to ensure the safety of the community.

But while the background check and waiting period have stopped gun sales to criminals, authorities need to do more to prosecute the criminals who try to buy guns. CBS news found that only 551 people had been prosecuted in 19 States. And according to the Washington Post, fewer than 10 have been prosecuted federally. These figures just do not add up. We need to do a better job of putting these people behind bars.

In my opinion, if you lie on the Brady Act form you should go to jail. Period. That is the law.

Mr. President, the police chiefs, sheriffs and other law enforcement officers know the real truth: The Brady law has proven to be an effective tool in helping to keep handguns out of the wrong hands. And the American people agree: The latest CBS News/New York Times poll found that 87 percent support the Brady law.

In conclusion, Mr. President, on this anniversary all of us should express our gratitude and appreciation to Sarah and Jim Brady. We would not be where we are today without their hard work.

RECESS UNTIL 12:45 P.M.

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate stand in recess until 12:45 p.m. today.

There being no objection, the Senate, at 12:18 p.m., recessed until 12:44 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ASHCROFT).

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I understand the distinguished Senator from Hawaii wants to speak for 5 minutes. Let me indicate there are some negotiations going on back and forth between the leadership, myself, Senator DASCHLE, members of our staff, the presiding officer, and others. I think it is going to be at least, probably, another 45 minutes before we have any response. They presented us an offer, we presented a counteroffer. Hopefully, we can reach some agreement. If not, it will probably slow things down a bit.

My view is those who have not yet filed—I guess there is a 1 o'clock deadline for filing amendments—even though we may be in recess they be permitted to file their amendments.

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

Mr. DOLE. After the remarks of the Senator from Hawaii, I ask unanimous consent that we stand in recess until 1:45.

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

The Senator from Hawaii.

PRIVILEGE OF THE FLOOR—S. 678

Mr. AKAKA. Mr. President, I ask unanimous consent that Tom Menjin be granted the privilege of the floor while I give a statement regarding the introduction of a bill. Mr. Menjin is a Congressional Fellow in my office.

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

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 678 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

RECESS UNTIL 1:45 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 1:45 p.m.

Thereupon, the Senate, at 12:51 p.m. recessed until 1:44 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

The PRESIDING OFFICER. The Senator from Pennsylvania.

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

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

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

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

COMPETITION AND THE PHARMACEUTICAL INDUSTRY

Mr. PRYOR. Mr. President, a year ago we were in the midst of a momentous debate in this institution over the reform of our Nation's health care system. At that time, one of my concerns was that dramatic changes were taking place in the prescription drug marketplace. A number of prescription drug manufacturers had begun to experience competitive pressures arising from the growth of generic drugs and managed care. But disturbingly, one of their strategies was to coopt or, if possible, eliminate the sources of that competitive pressure.

In the days that have followed, we have seen some extraordinary changes in the drug marketplace. There has been a wave of multibillion dollar mergers and acquisitions which, according to a recent issue in the Wall Street Journal, ''promises to create industry giants.'' This remarkable consolidation has profound consequences for American consumers.

A few days ago, in fact it was April fool's day to be exact, the Associated Press reported that corporate merger activity broke all records last year and extended its frenetic pace into the first quarter of 1995—with the drug industry leading the way.

Mr. President, in the past 3 months alone, the drug industry by itself has carried out some $23 billion in mergers and buying out their competition worldwide.

We read just the other day, for example, about Glaxo's $14 billion hostile takeover of Burroughs Wellcome, both major drug giants. This deal will create the world's largest pharmaceutical company, in the wake of other giant deals like Hoechst's anticipated $7.1 billion purchase of Marion Merrill Dow, American Home Products' $9.7 billion buyout of American Cyanamid and Hoffmann-La Roche's $5.3 billion acquisition of Syntex.

Brand name companies have also been investing heavily in biotechnology, generic and over-the-counter drug companies. Ciba purchased a $2 billion stake in Chiron, and SmithKline Beecham recently just bought Sterling for $3 billion. Hoechst spent a paltry half a billion dollars on a generic company called Copley.

These are remarkable figures, Mr. President. And if we simply add up the cost of just a sampling of some of these recent mergers and acquisitions, we will find that they total $54 billion.

In the last 15 months, $54 billion has been spent by giant pharmaceutical companies buying up and acquiring their competition. That is an interesting figure when we compare it to the research and development that is planned by the entire prescription drug industry for the year 1995: $14.9 billion

spent on research compared to $54 billion spent by the major pharmaceutical companies in acquiring their competition since the beginning of last year.

That is three and a half times what the entire industry is going to spend in research in 1995. This is an extraordinary difference. One would think that such large deals would leave these companies either in debt or strapped for cash. Mr. President, that is not so. These companies are so profitable and their pockets are so deep, Wall Street's Standard & Poor's concluded just a few days ago that the industry's ability to ''generate cash in excess of ongoing needs is likely to continue.'' And their generating that cash is going to continue because the consumer in the United States is going to continue paying the highest drug prices of any major country in the world today.

This is a far cry from the recent past. We may recall that just a year ago the industry was sounding the alarm about declining profits and research cutbacks. These companies claimed that they were under siege and out of favor with investors. A year and a half ago, these same companies warned that research would be choked off by health reform.

This is a statement by Merck in 1993: ''R&D will fall at least $2 to $3 billion over the next 5 years.''

Well, today, Mr. President, we are hearing a different story. This year, Bear Stearns says earnings growth will be ''the best we have seen in years'' for the drug industry. They are out spending $54 billion on mergers and we have to wonder how serious the threat to research ever was.

Well, Mr. President, why are they spending all of this money to buy their competition? Why are these mergers taking place? Let us look a little deeper.

Last month, the CEO of Glaxo put it quite simply. His company is trying to do ''nothing more than to wrench market power back from the administrators and the distributors who now hold the health care purse-strings.'' His company is responding to competitive pressures by focusing on its research portfolio.

But what if the brand name companies owned those administrators? What if the brand name companies owned those distributors? What if they not only wrench that market power back—they buy it outright? Who will hold the health care purse-strings at that time?

This is exactly what we are facing today in the United States. The drug industry's acquisitions have not been restricted to brand name or biotechnology companies. They have also included the country's largest pharmacy benefits management companies. We call these companies, PBM's. We are going to hear a lot in the future about PBM's.

What is a PBM? A PBM is hired by HMO's, by health plans, by major corporations, and by self-insured companies to administer their prescription drug programs. PBM's act as a buying agent in negotiating with the drug manufacturers, seeking deep discounts for their clients and in developing cost-saving formulas for their covered patients. They may also deliver medicine to patients through selected pharmacies or through mail-order.

In rapid succession, these PBM's have been snapped up by some of the biggest drug companies in the world. Only 2 years ago, April 1993, the PBM market was completely independent of the pharmaceutical manufacturers. Only 24 months later, in April 1995, SmithKline Beecham-Diversified, Merck-Medco, and now Eli Lilly-PCS would dominate 80 percent of the PBM market.

This is vertical integration, as clear a case as I have ever seen. Merck paid $6 billion for Medco Containment Services, one of the largest PBM's and distributors of drugs. SmithKline Beecham bought Diversified Pharmaceutical Services for $2.3 billion. Today, Eli Lilly is, as we speak, ready to close on acquiring a company called PCS, the Nation's largest PBM company, for $4.1 billion.

The prescription drug marketplace is being revolutionized. Before too long, there may only be a handful of major drug companies left. The major manufacturers of prescription drugs in this country are soon, Mr. President, going to have a lot less competition.

This kind of vertical integration between large manufacturers and distributors, however, is unprecedented. We can see what has happened in the last 24 months. It has had very different implications for consumers than the horizontal mergers and acquisitions so prevalent in today's headlines.

If Lilly is permitted to purchase PCS, the three largest PBM companies will belong to brand name drug companies that research, manufacture, and distribute drugs. These three PBM companies serve 94 million covered lives—80 percent of the total PBM market. A handful of drug companies will wield tremendous influence over which drugs are used by millions of American citizens. They will have the raw power—and they will use that power—to restrict access to needed medicines. They will possess a large share of the mail order drug business. They will exercise decisive leverage over their competitors' access to the marketplace.

This is why, Mr. President, these PBM's are being bought by the major manufacturing firms. They provide market power to a select few companies, precisely when the market has shifted beneath their feet.

Owning a PBM can switch sales to your own drugs. Owning a PBM can counteract the bargaining power of managed care. Owning a PBM can determine which generics you sell: your own or your competitors'. Mr. President, in short, ownership of PBMs by brandname manufacturers destroys all competition.

The brand name companies now admit it. In 1993, Merck said it expected to sell more drugs to Medco after it bought out the PBM. Merck's CEO at that particular time felt the company had to be in a position where ''We can be sure that we control the flow of our own drugs.'' In fact, at one point last year, Lilly and PCS had agreed to make PCS's previous owner, McKesson, the sole distributor of Lilly drugs.

This is growing evidence that these manufacturer-owned PBM's are doing what one would expect. They may no longer act as honest brokers. They may now be acting in the interests of their parent companies, not their clients. They may be favoring their parent companies by switching patients from one drug to another without explicit regard to their health.

Mr. President, these charges have been filed with the Federal Trade Commission. The FTC has heard from a wide spectrum of citizens, consumer groups, trade associations, manufacturers, distributors, Federal agencies, and Congress on this issue. The FTC has even heard these concerns from the brand-name companies who do not own PBM's or who are not about to own PBM's. As a result, the Federal Trade Commission is still reviewing the Lilly-PCS proposed acquisition and has reopened its investigation of the Merck-Medco and SmithKline-Diversified deals.

I have written on two occasions to the Federal Trade Commission about these concerns. On the first occasion, I was joined by my former colleague, the distinguished Senator from Ohio, Senator Howard Metzenbaum, who then chaired the Antitrust Subcommittee of the Senate Judiciary Committee. Our feeling at that time was that the Lilly-PCS merger would lay the capstone of an uncompetitive marketplace. There were already indications that the other two deals had eroded competition.

In November, the FTC confirmed our suspicions and proposed a consent order which established strict conditions over the Lilly-PCS deal. In the next several weeks, the FTC will either approve the consent order, revise the consent order, or seek an injunction blocking the acquisition.

The FTC is not alone in its scrutiny of these manufacturer-PBM deals. It is the Food and Drug Administration's responsibility to ensure that prescription drug marketing is fair and accurate.

When the Lilly-PCS deal was the subject of public comment, the Food and Drug Administration at that time expressed grave concerns over the potential for new forms of violative marketing and promotion. In fact, I recently read in the New York Times that the Food and Drug Administration has now had to warn Merck, SmithKline Beecham, and Eli Lilly ''not to put pressure on doctors to prescribe their drugs

for unauthorized treatment or to withhold sufficient disclosures regarding the risks of adverse side effects.''

What does this mean? It means that if you are one of the millions of Americans covered by these PBM's, your doctor may no longer be receiving impartial advice about which drugs to prescribe to you.

Let me raise another example of how improper marketing can degenerate into inappropriate care.

Two months ago, Eli Lilly & Co. participated in a depression awareness program at a local high school. This story was published in February by the Washington Post. While sponsoring educational programs might be a laudable endeavor, the students in this particular school and the teachers were furious with the company for ''turning an educational program into an extended commercial.''

What was the particular drug that the drug company was pushing on the students? Mr. President, 1,300 students listened to company representatives pitch their drug, and then they received pens, pads, and brochures embossed with the product name. The product that we speak of is, of course, Prozac.

Afterward, the principal felt that Eli Lilly ''shouldn't be pushing their drug program, especially not to children.''

One of the students explained, ''I was upset that I had to sit in an assembly for 45 minutes and listen to a plug for Prozac.''

Her mother added, ''The message my daughter came away with was pop a pill and everything is going to be all right.''

Let me say that Eli Lilly & Co. did apologize. They admitted their conduct was inappropriate. But imagine, if you can, the potential for such abuses when a manufacturer not only makes a drug, but they also market that drug, they advertise that drug, they influence HMO's to buy that drug, they collude with their PBM subsidiary to win contracts, and—if they have not gotten your business yet—they encourage the doctors with incomplete information to switch you, the patient, to their product.

To add insult to injury, the consumer may also have to pay more for their prescription drugs. In our market economy, we all know that if there is no competition, we pay higher prices. Competition brings down prices. Competition is good for the consumer. Today, the major drug companies of America are buying up their competition and the consumer is going to foot the bill.

If the PBM's have a vested interest in their owner's products, they will not necessarily be negotiating the best deal for their patients—and this is taking place in the midst of the industry's best pricing environment in years. Look at what Wall Street is thinking. Analysts expect drug price increases to be ''faster in 1995 than in the preceding 4 years.''

I am deeply concerned about the impact of these acquisitions. There is growing evidence that the PBM companies no longer act as independent or honest brokers for their clients. They are going to be acting as brokers for their parent companies who pay the bills. This can only lead to inappropriate health care and to higher prices for consumers, who are already paying some of the highest prescription drug prices in the world.

The FTC has now demonstrated due diligence in investigating the Lilly-PCS deal. The FDA has also signaled its concern over these marketing abuses. Consumers will undoubtedly benefit from this vigilance.

In a textbook-perfect market, competition prevails and the consumer benefits without such scrutiny. But in the real world's imperfect markets, we must sometimes intervene. That intervention is necessary now to guarantee that true competition takes place. It is my hope that we can prevent the anticompetitive practices which I have just described this afternoon.

Mr. President, I hope that we realize what is happening in the drug marketplace in the spring of 1995, and I only hope that we are not going to act too late.

Mr. President, I see another colleague seeking the floor. I thank the Chair for recognizing me. I thank the Senator from Pennsylvania for his patience. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I ask unanimous consent to speak as in morning business.

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

FUGITIVE WELFARE REFORM

Mr. SANTORUM. Thank you, Mr. President. I rise to discuss the issue of a bill I introduced recently that I understand is going to be highlighted tonight on a Dateline/NBC telecast having to deal with the issue of fugitives—felons—who are not only running from the law, but under the law receiving welfare benefits, and under the law the police are not able to assert information from the welfare office to be able to help track this person down.

Believe it or not, that is exactly the issue that we are going to discuss and hopefully be able to remedy. I got into this in the House. I was Chairman of the Task Force on Welfare in the House of Representatives and was presented with a whole lot of information about some of the problems in the welfare system, and worked extensively putting together the House welfare reform package in 1993 and 1994.

This issue is while there have been a lot of partisanship with respect to the welfare issue and gnashing of teeth as to the mean-spiritedness of the welfare proposals that have been put forward, this particular area of the welfare bill has attracted broad bipartisan support. When explained, most Americans—all Americans—support this kind of change. I have not heard of any organized opposition to the bill I introduced along with Representative PETER BLUTE from Massachusetts in the House or the one that was introduced here in the Senate.

The House of Representatives, in the welfare reform debate, debated this issue on the floor and it passed, I believe, unanimously on the floor of the House.

The bill now comes to the Senate as an amendment to the House welfare reform bill. Whether we bring it up, I hope this issue can be addressed, because I think it is important in not only reducing welfare fraud—and this is clearly welfare fraud—but also facilitating police operations in tracking down wanted criminals.

We know from the National Crime Information Center there are roughly 400,000 outstanding fugitive warrants in this country. As I say, believe it or not, a sizable portion of those fugitives are on welfare receiving food stamps or AFDC or some other welfare assistance, Federal welfare assistance. SSI is a big one, where they receive assistance from the Federal Government to help support their lifestyle while hiding from law enforcement authorities.

That is bad enough, but under current, law Federal and State law, law enforcement authorities are not able to contact the welfare offices to assert any information about this fugitive. Why? Because of welfare privacy laws. If a person gets on welfare they can collect their check, collect their benefits, and be completely immune from anybody ever finding out that they are on the welfare rolls. This is almost unbelievable. But that is, in fact, the case.

Now people may say, how many people are on this? Is this really a problem or is this an isolated case?

Let me first give Members the case. The case that really brought this to my attention was an article in the July 29, 1994, Pittsburgh Tribune Review.

I will read:

Fugitive Used Real Name for Welfare

James Brabham knew who he was. During a decade on the lam for a 1984 slaying in Pittsburg, he used at least five aliases and five Social Security numbers.

But when he went on welfare he used his real name—and his State-issued welfare card bore his current address and photo.

The cops who arrested him on Wednesday in Philadelphia saw the card when they asked Brabham for identification. They hadn't known he was on welfare.

''I'm sure it would have made things a lot easier,'' said Detective Joe Hasara of the Federal Fugitive Task Force in Philadelphia, one of the squads that for years pursued lead after dead-end lead searching for Brabham.

I went and met with the Federal Fugitive Task Force in Philadelphia. What they told me was absolutely amazing. They believe from the 90-some fugitives they have caught since

the task force has been put together the last couple of years that 75 percent of the people they have tracked down had welfare cards. Seventy-five percent. They have no way to go and find out the information about what their current address is, what their Social Security number is, or even a photograph.

In Cleveland, the Fugitive Task Force ran a sting operation—one of these things where a person gets free things and they invite only certain people and they catch the folks who show up—33 percent of the people who showed up at this sting operation had welfare cards.

Again, because of court decisions and the Welfare Privacy Act, they had no way of contacting or getting this information from the welfare office.

People may say, ''OK, these folks have welfare cards. But how many of them use their real name?'' I asked that of the Philadelphia Fugitive Task Force. I said, ''How many use their real name?'' They laughed, and they said almost all of them use their real name and real Social Security number.

I said, ''Well, why in the world would they do that?'' The answer is, because they do not want to lose their benefits. They do not want to be accused of a welfare problem, and they can get in trouble for a whole bunch of other things, so they use their real name and real Social Security number so they can get the benefits. It is a very good source of the true name and the true Social Security number of people who are on the lam.

Now, what we have suggested in this legislation is to permit law enforcement agencies that have a fugitive warrant to be able to go to a welfare office and say ''Look, we would like to know if John Doe is in your file and, if so, we would like the address of John Doe, we would like the Social Security number of John Doe, and we would like a photograph of John Doe.''

People wonder why we need a photograph. In the original legislation I proposed in the House, I did not have ''photograph.'' But the Fugitive Task Force in Philadelphia said this is very helpful information because a lot of times they have fugitives who are first-time felons, and they have absolutely no idea what they look like. So this gives a current picture to be able to track this person down. It is very helpful information.

Now, again, this is a bipartisan bill. There is bipartisan sponsorship on the bill here. We hope that this is a measure that can sail through the House, whether we do a welfare reform package or not, and it passes again, this is something we can do to eliminate a welfare problem that we know is occurring.

People who are fugitives are not permitted to be on welfare. Again, there is no way of checking that. And, number two, to give police officers the opportunity to track these people down and get better information.

There is another part of the bill I will briefly discuss, and that is another situation we found out about from our hearings on welfare in the last couple of years, which is the definition of what ''temporarily absent'' is from a home.

We have situations where we have parents who have children who are on AFDC, whose children end in jail for long periods of time, or run away from home for long periods of time, or are in detention, or a whole lot of other things, but they are out of the house.

If they are out of the house for any period of time the welfare benefit that goes with the child—that is where most of the welfare cash goes and other benefits go—should cease to the mother or the parents—not necessarily the mother.

There is no definition in most States as to what ''temporarily absent'' means, so we provide a definition of how long a child should be away from home to determine whether that person is temporarily absent, or in fact, permanently absent. It they are permanently absent, they lose their welfare benefits.

We have seen situations where parents have collected welfare benefits literally for years when kids are in jail, and they keep collecting the money, because the State has never determined what ''temporarily absent'' means. That, we believe, is an abuse that can be stopped.

Again, this provision had bipartisan support and we hope will be so supported here in the U.S. Senate.

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

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

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

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

THE BILLIONAIRES' TAX LOOPHOLE

Mr. KENNEDY. Mr. President, I hope that we will soon be able to vote in the Senate on the unjustified tax loophole that exists for billionaires who renounce their American citizenship in order to avoid taxes on the wealth they have accumulated as Americans.

This reform was first proposed in President Clinton's budget on February 6. The Senate Finance Committee closed this loophole as part of its action on the bill to restore the health care deduction for small businesses.

The committee took this action to close the billionaires' loophole, despite the fact that the revenue gained was not needed to pay for the health care deduction in the bill. In fact, the committee recommended that these revenues be used for deficit reduction. This is exactly the type of action necessary if we are serious about achieving a balanced budget.

According to the revenue estimates in the committee report, closing this loophole would raise $1.4 billion over the next 5 years, and $3.6 billion over the next 10 years. Clearly, substantial revenues are at stake.

Too often, we close tax loopholes only when we need to raise revenues to offset tax cuts. In this case, the committee closed this flagrant loophole as soon as it was brought to the committee's attention—and rightly so, because this loophole should be closed as soon as possible. The Senate bill did so, and all of us thought the issue was settled.

Yet the legislation came back to us from the Senate-House conference, and the loophole had reappeared. This outrageous tax break for two dozen or so of the wealthiest individuals in the country will remain open.

We have been told that the loophole was preserved because of unanswered questions about whether closing it would violate U.S. and international laws on human rights. But it certainly does not. All citizens of the United States have a basic right to leave the country, live elsewhere, and relinquish their citizenship.

Any and every citizen surely has the right to repatriate. Closing the loophole would not prevent any individuals from shifting their assets and their citizenship to a foreign country. Rather, it would just make sure that those who have amassed great wealth through the U.S. economic system pay their fair share of taxes, as the rest of us do. It is a provision which a dozen other countries have enacted for the same reasons.

Prof. Detlev Vagts of the Harvard Law School has said,

> The proposed tax does not amount to such a burden upon the right of repatriation as to constitute a violation of either international law or American constitutional law. It merely equalizes over the long run certain tax burdens as between those who remain subject to U.S. tax when they realize upon certain gains and those who abandon their citizenship while the property remains unsold.

Andreas Lowenfeld, a professor of international law at NYU said,

> I am confident that neither adoption nor enforcement of the provision in question would violate any obligation of the United States or any applicable principles of international law.

Michael Matheson, a legal advisor at the State Department said;

> This provision does not conflict with international human rights law concerning an individual's right to freely emigrate from his or her country of citizenship . . . a state, in order to protect its interests, may impose economic controls on departure as long as such controls do not result in a de facto denial of an individual's right to emigrate . . . These are comparable taxes to those which U.S. citizens or permanent residents would have to pay were they in the United States

at the time they disposed of the assets or at their death.

Clearly, there is ample support in U.S. law and international law for closing this loophole. Yet, the provision was dropped in conference.

This is all happening, of course, at the same time that we are cutting Federal funds for basic investments in the future of children, students, and working families. Funds for school lunches, education, housing, and other vital social services are all being drastically cut, at the very time our Republican colleagues have decided that this tax break is not flagrant enough to be terminated immediately.

In fact, the conference report on this tax legislation was called up for debate last Friday, just as the Senate was beginning debate on our Democratic amendment to restore some of the harshest cuts in the pending appropriations bill.

Our Democratic amendment contained several key provisions:

We wanted to restore nearly $800 million in cuts in housing programs and in job training programs for young Americans.

We wanted to restore $210 million in cuts in the program to encourage young Americans to participate in national and community services.

We wanted to restore $100 million in cuts from the drug-free schools program.

We wanted to restore $72 million in cuts from education programs for disadvantaged students.

We wanted to restore $67 million in cuts from the Goals 2000 program for local school reforms.

We wanted to restore $42 million in cuts from Head Start, and $35 million in cuts from nutrition programs for expectant mothers and infants.

The contrast in priorities is impossible to ignore. Give every benefit of the doubt to tax loopholes for a few billionaires. Rush to enact spending cuts that jeopardize education, nutrition, and job training for large numbers of children, students and working families.

Yet when it comes to closing a totally unjustified tax loophole used by wealthy citizens who renounce their citizenship to avoid taxes, House Republicans say, ''Go slow; this needs more study; we shouldn't act in haste; perhaps this loophole has some merit we don't know about.''

Nonsense. I wish that our colleagues would show as much solicitude for millions of deserving Americans struggling to make ends meet, as they are now showing for a handful of undeserving billionaires willing to insult America to evade their fair share of taxes.

This amendment will put the Senate squarely on record in favor of closing this gaping loophole in our tax laws. The amendment has two clear provisions:

The first subsection states the Sense of the Senate that Congress should act as quickly as possible to amend the Internal Revenue Code to close this loophole.

The second subsection makes clear that the effective date of any such action should be February 6, 1995.

The February 6 date is the effective date in the original Senate Finance Committee amendment, and it is also the date of the original proposal by President Clinton to close this loophole.

Clearly, everyone has been on notice since February 6 that this loophole is likely to be closed. It would be unconscionable for anyone in Congress to attempt to delay the effective date to enable a few more wealthy Americans to squirm through this notorious loophole before it finally snaps shut.

Finally, all of us must be vigilant as well to see that this important reform is not watered down behind closed doors before it reappears in its next incarnation.

We know what happened last time. We know that the smartest tax lawyers money can buy will be quietly undermining this reform in any way they can, in order to salvage as much of this billionaires' loophole as possible.

Two good measures of the seriousness with which Congress resists that special interest pressure will be maintaining the effective date of February 6, and maintaining the revenue gain anticipated from the provision in the Finance Committee bill.

Obviously, the revenue estimates may be refined as the Joint Tax Committee and the Treasury Department obtain more information on this insidious tax avoidance practice. But refining the estimates is not the same as reducing them because the reform has been weakened.

A useful measure of the strength of this reform is contained in a comparison of the revenue estimates prepared by the Treasury for the President's February 6 budget, and by the Joint Tax Committee for the Senate Finance Committee's report on March 20 on H.R. 831, the small business tax bill. I ask unanimous consent that a table containing those revenue estimates may be printed in the RECORD.

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

TABLE.—REVENUE ESTIMATES FROM CLOSING THE BILLIONAIRES' TAX LOOPHOLE

[Dollars in millions]

Year	Revenue gain	
	President Clinton's budget	Senate Finance Committee report on H.R. 831[1]
1995	$0	$47
1996	60	144
1997	200	197
1998	300	257
1999	410	322
2000	530	392
1995–2000	1,500	1,359
2001–2005	(2)	2,274
1995–2005	(2)	3,633

[1] Estimates based on ''modified version of administration's revenue proposal.''

[2] Estimate not provided.

Mr. President, it basically summarizes on the revenue gain under President Clinton's budget submission from 1995 to the year 2000 some $1.5 billion. The Senate Finance Committee is $1.359 billion, and then the Senate Finance Committee goes on from 1995 to the year 2005 to be $3.6 billion.

Although the committee's revenue estimates are based on a modified version of the administration's proposed reform, the estimates are generally similar, and the total revenue gains in the two estimates for the period 1995–2000 are within about 10 percent of each other. Clearly, it is reasonable to expect that at least this much revenue will be gained by closing this loophole.

The most significant difference between President Clinton's proposal and the Finance Committee bill is that President Clinton's proposal would close the loophole not only for U.S. citizens, but also for wealthy resident aliens who renounce their residency status and leave the country to avoid taxes.

The Senate Finance Committee proposal closes the loophole only for U.S. citizens. There is no obvious reason why the loophole should be closed for one type of billionaire and not the other. They have amassed great wealth in America, and they should not be permitted to escape their fair share of taxes by renouncing America. It is time to close this loophole tight—no ifs, ands, or buts, and no escape hatches for anyone.

I urge the Senate to approve this amendment, and to send a clear, simple message once and for all to any wealthy tax-dodgers who are scheming to renounce America—''Good riddance, but you can't take it with you!''

Just a final two thoughts. As I mentioned during my brief remarks, this debate is coming at a time when the minority leader is attempting to restore the cuts under the rescissions. That means that these moneys have already been appropriated. The Appropriations Committee has made a recommendation. It has perceived that we are going to cut the Voluntary Community Service Program, and the Drug Free Schools Program, which is so important to our young people. It also includes funding for safety in our schools.

As I mentioned on previous occasions, we have had long and good debates with good bipartisan support. We are trying to do something about the increasing incidence of violence that is taking place in our schools. We are attempting to restore some $100 million to the program that will help and assist schools at the local level to deal with the problems of violence and substance abuse in their schools.

Title I of the education bill, which was debated here, and has strong bipartisan support—try to bring some focus and attention to disadvantaged children by providing extra help and assistance to them—we have changed that program, is a good program with

strong bipartisan support. We want to make sure that the funding for that program that was included in last year and which local school districts have been depending on will not be pulled out from underneath those young children.

The Goals 2000—again with bipartisan support—each 5 percent of this money, or $67 million, will actually go to the local school districts which are interested in reform; strengthening the academic achievements and accomplishments of young Americans. It has the broad support of the education community and of the parents, teachers, the business community that are in support of the Goals 2000 program.

The Head Start Program, which we revamped and rechartered just over in the last Congress, and had strong bipartisan support, virtually unanimously reported out of our committee and the strong support in appropriating the funds, this represents about a quarter of a reduction in the increases for the Head Start Program. Only about 38 percent of all of our young people get any Head Start Program. We extended the Head Start Program from zero to four to recognize that the recommendations of the Carnegie Commission report that talked about the importance for the nurturing and nutrition, particularly in the early years, and the relationship between that kind of a tension and the academic achievement of children. Now, as is increasingly apparent, we need the kind of support that Head Start provides for that early intervention. We have responded to it. There are school districts all over the country that are depending upon that funding. We should not pull the rug out from the Head Start Program.

The Women, Infants, and Children's program, the $35 million for expectant mothers that do not have the financial resources to get the adequate nutrition to make sure that we are going to have healthy babies, this program has been tried, tested and reviewed. It should not be cut back.

The School-to-Work program, where we have seen a new basis of trying to do something for the 70 percent of our young people that do not go on to higher education. They are the ones who have been too often left out and left behind. We have a good program that again has bipartisan support. This program will be reshaped and adjusted under the leadership of Senator KASSEBAUM and others to be a basis for the whole youth training program. We should not abandon that program.

The child care program, a modest program that only addresses about 4 or 5 percent of the total needs of child care for working families, working mothers primarily, we should not deny that kind of very important support system for working mothers, particularly those that are in the entry-level jobs and the modest income. We know that child care takes up anywhere from a quarter to a third of the income for working mothers. This provided some help and assistance on the basis of need for mothers primarily, but also for single fathers, primarily for single mothers so that they can go out and work and be a part of our whole economic system.

The other programs we have referred to in terms of housing and the youth training are mentioned here.

These are all worthwhile programs that have been tried, tested and evaluated, and in which the local communities—primarily the teachers, the parents, the students—have been depending upon for support. We want to restore education and children's programs.

Against that, Mr. President, we have $1.4 billion that otherwise would be regained for the Federal Treasury, $3.6 billion over a period of 10 years. It is extraordinary to me that, if we are attempting to try to represent the best of what is in the interest of the working families in our society, it is such a compelling case for the support for these programs and such a compelling case to capture the legitimate responsible resources that should be paid in by these billionaires, it is amazing that we have to spend the amount of time that we have had to to get a favorable vote on the Daschle amendment or to get the vote on the billionaire tax break. We have been trying since last Friday to get a vote on that billionaire tax break. We have worked out a procedure by which we will be able to, after we conclude to vote on matters which have been described as at the majority leader's request. This issue is not going to go away. We are going to get a vote on this measure. They may be able to frustrate us by 1 day or a few hours. But we will yet get a vote on that. I hope it will be overwhelming. I hope it will be unanimous. The majority leader has indicated his support for that program, the chairman of the Finance Committee, and Senator MOYNIHAN has indicated his strong support, Senator BRADLEY, and others.

There is no reason in the world why we cannot send the message to the House, which evidently is the reluctant partner in this proposal, that the Senate of the United States is virtually unanimous in support of this proposal. We need to do that. I hope we have the earliest opportunity to do so.

Mr. President, I am sure the American people are wondering why we cannot take action on that particular proposal. I am sure they are wondering why the proposal was dropped in the conference in any event. But they understand what is the issue before us, and hopefully we can have clear, resounding, overwhelming support, hopefully universal support, for that particular proposal.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. 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.

Mr. SANTORUM. I ask unanimous consent to speak as if in morning business.

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

Mr. SANTORUM. I thank the Chair.

NO ACTION IN THE SENATE

Mr. SANTORUM. Mr. President, we are waiting around. Probably lots of people are wondering what we are doing while the House of Representatives is storming along at a rapid pace, accomplishing an enormous amount of work here in the first 100 days. They are over there right now trying to pass a tax bill—a tax-cut bill, not a tax increase. You get a tax bill around here and you think to reach for your pocket. No, this is a tax-cut bill.

I actually wonder why the people are here. The action is over there. The action is not here. We are waiting here. We are waiting and waiting and waiting and waiting. What are we waiting for? We are waiting to hear from the leaders on the Democratic side as to how much more money they want to spend this year—not how we can get to a balanced budget but how much more money they want to pack into this appropriations bill, not how we are going to get the budget down to zero but how much more we are going to spend this year.

And I can say that I speak for a large body of people on this side of the aisle who question the sincerity of folks who during the balanced budget debate got up and said, ''I'm for a balanced budget. I am just not for a constitutional amendment to balance the budget. But I am for a balanced budget. We have the power to make these tough decisions. We have it right now. The power is within us. We can do it. We do not need some phony baloney constitutional amendment to get us to face the tough decisions of getting this country back on track. We can do it.''

And so they used that argument and the phony baloney about Social Security to oppose the balanced budget amendment. Well, as a sports announcer in Pittsburgh likes to say, ''The turkey is on the table.'' Right here is a spending cut proposal, a proposal that funds California disaster relief assistance that they need but makes further rescissions, cuts in spending, for this fiscal year and next fiscal year.

So what do we see? We have seen for the past 2 weeks a filibuster. Oh, no, you will not see it called that in the national media. They would not dare call anything that the other side of the aisle is doing a dilatory tactic. They are delaying and delaying and delaying so we do not get this bill passed. This

is the game. The end game is do nothing. Let us not pass a rescission bill. Let us not cut spending. Let us not put a downpayment on deficit reduction. Let us, as the leaders of the other side want to do, trot out an amendment to spend more money.

And so what are we doing? We are waiting. We are waiting—the unwritten story of the first 100 days. I have not seen it anywhere. It is absolutely unbelievable to me. The unwritten story of the first 100 days is not that the House accomplished so much and what happened to the Senate? The unwritten story is the filibustering, delaying tactics of the minority in the Senate to stop what the November election was all about. That is what is going on here.

You want to point to the folks who are trying to derail the train from happening in this country? Look across the aisle. Look at the empty desks. Look at the folks who want to delay, delay, delay. They know if they delay this bill over the recess, a lot of these spending cut proposals go away. Why? Because they are spending cut proposals for this fiscal year. And by the time we get back in May a lot more money will be spent because we are another month and a half into the fiscal year. And so the longer they wait the less we can cut. They know this. And so that is what is going on. Delay, delay, delay. Do not give anybody success. God forbid that we have any bipartisan effort to try to achieve anything around here. Let us play the partisan game of delay, and then stand up and say, ''Geez, these folks can't get anything done around here,'' when the fact is they do not want to change Washington. They do not want to change Washington. They built Washington, and they like it just the way it is. And any time you touch any of their sacred cows, oh, you are mean-spirited. You do not care about people. I care about kids born today who will be saddled, if we do nothing to reduce this deficit—and that is what this bill is all about, reducing the deficit—if we do nothing to reduce the deficit, who will be saddled with 82 percent tax rates—82 percent tax rates over their lifetime, 82 percent of everything you earn goes to the Government to take care of people.

That is the message here in Washington today: You just give it to us and we will take care of everything you need. Folks, that has been rejected all around the world.

It is just incredible to me, it is incredible to me that the very people who blocked the balanced budget amendment will now come to the floor and stop any further deficit reduction.

How can you justify that in your own mind, unless, of course, you are not really for deficit reduction, not really for a balanced budget in the first place.

I do not have any problem—and there are several Senators who come up to the floor, and I give them a lot of credit, who come up to the floor and looked into these cameras and looked around at their colleagues and said, ''I'm not for a balanced budget. I think the Federal Government can be just fine running a deficit and we will be fine.''

That is being intellectually honest. I do not agree with it, but there is a body of economists out there who believe we can run a deficit and disaster is not impending. Again, I do not agree with it. I think the weight of the evidence is contrary to that. But at least they have the courage to come to the floor and say they do not want to do it.

But quit double-crossing the American public by putting out these passionate speeches about how much you want to get this budget into balance and how the children of this country need it, and when the chance comes where the pedal is supposed to be put to the metal and the rubber hits the road, we call off the race. We decide, no, no, no, we cannot do that. Oh, we cannot cut that program; oh, no, we cannot cut that program. ''You know, oh, no, well, this is only .003 percent of the budget. You cannot cut that; I mean, it is so small. Why would you want to cut that?'' Or, ''We have got a brand-new program of AmeriCorps, which is a great program.'' Of course, we have increased funding on that. You can go down the list.

I mean, how is the American public going to take this institution seriously? I mean, they are going to look at what happens here and they are going to say, ''Wait a minute.''

Are we really serious about solving problems? What were we elected to do here? I do not think we were elected in the last election just to come down here and keep doing the same old thing. We were not elected to do the same old thing. We were elected to make changes. We were elected to get our house in order.

And now we have this debate going on between the leaders of the Democratic side and us, the Republican side, about how much more they want to spend. And, do you know something? We made a proposal. We said, ''OK. You want to spend $1.3 billion more''—that is what they came up with, $1.3 billion more—''fine.'' We made an offer. We said, ''How about if we give you half of what you want. You give us half of what we want, we will give you half of what you want. We will split the difference, and let us do the bill.''

That is the art of compromise. I mean, not just here in Washington, but in everyday life. I mean, we do not always get everything we want. Sometimes you have to sit down and you have to have minds meet.

And so we said, ''Let's hear the reasonable offer.'' Now, that is what we are debating right now—whether a reasonable offer will be accepted. Let us just each meet each other half way. In the end we will have a $15 billion deficit reduction. You can restore the programs that you say will jeopardize the health and safety of so many millions of people. We do not agree with that, but you are passionate about it. Let us put the money back in. We will provide some offsets—in other words, some spending cuts—to pay for these programs and we will be able to put it back together and move the bill.

The leader just walked on the floor. I mean, the leader is spending day after day after day trying to get things done around here. All we have is people obstructing, obstructing, obstructing, obstructing, obstructing.

Let us not let these folks succeed in what they want to do. My goodness, if they accomplish the Contract With America, the American public may actually like them; may actually support what they want to do. They may actually vote for them in the next election. We cannot have that. We cannot have them vote for them, because that means they will vote against us. And if they vote against us, then we will not be here. And if we stall, if we delay, maybe—maybe, maybe—we will be able to cloud the issue up enough, muddy the waters enough, that they will blame all of us. Since there are more of them now than there are of us, we will be OK. We may lose a little bit, they may lose a little bit, but we will not really get hurt.

That is the strategy. That is what is going on here in the U.S. Senate.

You know, I ran for U.S. Senate and I was told this was the upper Chamber, a more deliberative body, where, you know, you had statesmen actually come here and do what was right for the country—do what was right for the country—not worry about partisan advantages or playing politics, but do what was in its best interests of this country.

And so what we have seen is the House of Representatives follow through with a promise they made to America. They promised the American public that they were going to do these 10 things. Imagine that. Imagine. Politicians making promises. Oh, we have heard a lot of promises from politicians around here. All over the campaign trail, we make promises.

But think of this: Politicians who made promises who lived up to their promises. Is not that amazing?

That is exactly what they are doing over in the House of Representatives. These 10 things they said we were going to bring to the floor of the House of Representatives and, darn it, did they not? Every single one of them came to the floor for open debate, for amendments.

And, do you know what? After today, when they vote the tax bill—which I understand is supposed to pass—they will have passed 90 percent of the Contract With America. Not only did they live up to the promise of bringing all the stuff to the floor—and that is what the contract said, we will bring it to the floor. They brought it to the floor not saying, well, we are going to promise a tax cut and then bring a tax bill that was a tax increase. No, no. No bait and switch here. No ''read my lips''

here. No middle-class tax cut that turned into a middle-class tax increase.

But elected officials, people in Washington, Congressmen, who actually lived up to what they said they would do. Amazing. Amazing.

And so here we are in the U.S. Senate, looking at the model over there, and saying, ''Boy, wouldn't it be nice if we could come to the U.S. Senate floor, and we could stand up''— and we do not have to vote in lockstep with the House. I would not suggest it. It is a different body; different rules; different procedures; and different ideas.

But to stand here and play politics and delay on an issue that is—of all the issues that we are dealing with here in Washington, the one that is highest above all is getting our financial house in order. That is what the American public want us to do. They want us to get our house in order.

And so, we have our first chance, right here—the first spending cut bill since the balanced budget amendment. The first chance for the U.S. Senate where the vote of the balance budget amendment occurs, right here—all of us, all 100 of us were sitting in our chairs. We stood up one at a time.

It was a very impressive moment for a young—I know the Presiding Officer, the Senator from Michigan, was just as impressed in casting that vote. It was a very awe-inspiring moment.

But we lost. And we lost because of the argument that we did not need the amendment to force us to make tough decisions. OK. Fine. You say we do not need the amendment. We do not have the amendment.

Now we have the tough decisions. And where are we? We are nowhere. We are waiting and waiting and waiting and waiting and waiting. And they are delaying and delaying and delaying, just like they did—you know, the amazing thing is they just are not delaying on this bill. The Democrats have delayed on every bill—every single bill. Even bills they liked.

I have heard the leader stand up here many times and say, you know, we passed a bill here earlier in the year, the congressional accountability bill, that makes us live by the laws here in Congress that we impose on other people's lives around America. It was over a week of debate, of delay, of dilatory tactics. It passed 98 to 1—98 to 1. It took us better than a week. It took the House an hour—98 to 1.

The next bill was the unfunded mandates bill, another bill that passed 86 to 10, 2 weeks or more. Two weeks of endless debate, delay. Why? Did they disagree? Of course not, 86 to 10. Was the bill changed a lot? No.

So what was the point? What was the point there? Why did we do that? Why did we go through that? Why have we gone 2 weeks on this rescission bill?

Are there a lot of amendments substantive to the bill? Oh, a couple.

Have we had lots of interesting debate? Some.

Have there been agreements to move the bill along, to actually come to votes on some of these things? No, no; we cannot do that. Well, tomorrow we have a vote on cloture on this bill. Cloture means to end the debate. Let us get this thing done. Let us end the debate tomorrow and let us stay here and finish the bill. We will see how many of these deficit hawks, these people who really are concerned about getting the deficit under control—and I will guarantee you, every one of the people delaying this bill will go back home to their States over the recess and talk about how they are for deficit reduction; how they are for changing Washington; how they want to make things different here; how this just happened to be a bad bill; how this just went a little too far.

Folks, this is $15 billion in deficit reduction—excuse me, $15 billion in spending cuts and deficit reduction. That is out of $1.6 trillion, and this goes too far? Get serious. Nobody believes it goes too far. These are the decisions we have to make that we are no longer forced to make, that we are not going to be forced to make because the balanced budget amendment did not pass.

So the unwritten story, the story that may be written here—I hope not—but the story that may be written here in the next couple of days is going to be how 46 Senators conspired to stop the train, did everything they could, everything they could to make sure that elections do not matter. That is right, that elections do not matter; that what people on November 8 said is irrelevant, that it did not happen. Denial and hope that if they just keep muddying the waters, if they just keep deflecting away the real issues before us, that maybe they will just blame the whole lot of us and not them.

I had to come out here today and just say the buck stops there. You want to change Washington? You know where the change has to happen. It is very simple. Do not let all these cries about, oh, how this is going to be so terrible—offer your amendments. You want to put back money for WIC? I will offer an offset. I will pay for the increase, and I will vote with you. I will increase money for WIC—Women, Infants, and Children. I have no problem with that. That is a good program. We will put more money back in. You will get a lot of Republicans to vote for that. Just come up with the money to offset it. Just pay for it. Keep the deficit reduction at the same level so if you want to add in $50 million for it, fine, we will take $50 million out of, oh, let us pick the AmeriCorps Program and offset it.

Set your priorities. Is that not what you want us to do? Do you not want us to set priorities? Do you not want us to say this program is more important than this program? We, obviously, would love to give all the money to every program and everything we want to do. But as everybody in America, maybe outside of 46 people in this room, believes and knows, we do not have all the money to give for everything. So we have to set priorities.

Let us set them. Come on down to the floor. Offer those amendments. Put that money back in for WIC. I will be right there with you. Take the other programs you say are just outrageous cuts; come on, let us talk about them and let us set priorities. Let us offset that money. Let us do it. Let us show the American public we really do care, that the deficit is really important.

You have the chairman of the Budget Committee here, the Senator from New Mexico. I know he cares about the budget. I know his family has not seen much of him because that is all he is doing probably is working on how to get to that balanced budget, and he is making a lot of tough decisions. Folks, we are ready to make the decisions. You told us in the balanced budget debate you were ready to make the decisions. Why are you not here? What is the problem? Is it just politics? Is it just partisanship? Do you not want to come here and solve problems? We deserve better. This institution deserves better.

Eleven freshmen Republicans did not come here to let the status quo continue. You want to fight; you do not want to come here and make things happen. We are ready. We are ready. We will stand here as long as it takes. We are ready to do battle.

We are ready to let the American public decide what direction they want this country to take: More spending, more Government, more power, more control in the hands of the people in Washington; or more money, more power, more control, more freedom in your hands on Main Street, America? That is the issue. We are ready. We are waiting. And we will wait, and we will wait, and we will wait.

I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to commend my friend from Pennsylvania, the new Senator, for his remarks, and I hope that I have a few minutes. I inquire what the parliamentary situation is, Mr. President?

The PRESIDING OFFICER. Morning business has been closed, but if the Senator seeks consent, he can speak as in morning business.

Mr. DOMENICI. I ask unanimous consent to speak as in morning business.

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

WORKING TOGETHER TO SAVE MEDICARE

Mr. DOMENICI. Mr. President, I want to talk today to everyone in this body and every American who will listen and, in particular, senior citizens across this land, because something is happening that we are not paying attention to and we ought to be doing

something about. I want to share it with you.

Again, I repeat, I hope the senior citizens, who themselves are concerned about the future, will pay heed to what occurred the day before yesterday when the trustees of the Medicare program issued their release with reference to the status of this fund. The trustees of Medicare released their 1995 annual report, Mr. President, on the hospital insurance trust fund. This looks like yet another boring Government report. But the information contained within it is singularly alarming. The information contained in this report affects the lives of all Americans, and has an immediate effect on the lives of senior citizens.

I want to read from the cover letter that was sent with this report:

> The Medicare hospital insurance trust fund is expected to be exhausted in the year 2002. While the status of the HI trust fund has thus improved slightly since last year, it still does not meet the board's test of short-range financial adequacy.

Translated, this means Medicare is going bankrupt 7 years from now. It will not have the money in the fund to pay the hospital bills of seniors then in the hospitals of America expecting their bills to be paid under the current Medicare program. If we do nothing, Medicare part A, that portion that pays for hospital benefits, will run out of money in the next 7 years.

I rise today to tell my colleagues and the American people that we must work together to save Medicare from bankruptcy.

This is not one part of America's problem. It is not a Republican problem, a Democrat problem, an independent problem. It is everyone's problem.

We will look at why Medicare is going bankrupt. As we can see on this chart, the bottom line is flat. This line represents the money coming into the trust fund from payroll taxes on current workers in the United States.

The amount of money we are projected to pay out for Medicare is going to continue growing. The top line represents money we are going to spend on Medicare benefits. The Congressional Budget Office, our official scorekeeper, tells Members that Medicare outlays are projected to grow more than 10 percent each year. That means if we leave programs like they are, if we leave the delivery system like it is, that program will go up 10 percent a year in cost.

This is unsustainable. The trend is obvious. The black line is the trend of 10 percent a year. I do not think we can afford to let Medicare spending continue to grow more than 10 percent every year. If we do, the consequence is absolutely and unequivocally and simply that Medicare will go under.

I, for one, will strive diligently not to let that happen. I hope many Senators from both sides of the aisle and many House Members from both sides of the aisle will help Members keep that from happening.

My hope that the President would help do that is dwindling rapidly. I will share with the U.S. Senators why I believe that is a fair conclusion.

I cannot sit by and let it happen because I have promised the people of my State I would protect Medicare. To do nothing and leave the program alone is not to protect it. If I do nothing as a Senator, and if we do nothing, it will go bankrupt. Therefore, my commitment and promise requires that we act to save this system. I am not about to let it go bankrupt in 7 years.

There are some other interesting facts in the trustees' report that I believe should be spread out here in the Senate, and for those who are interested, through the networks that tell the people what we are saying, this report says, if we do not change our projected Medicare spending and if we want Medicare in long-term balance, if we want to put it in that position, we would have to raise payroll taxes by 3½ percentage points. The report says that.

I note my distinguished friend from New York is present and I hope I do not misinterpret anything in the report.

Mr. MOYNIHAN. No, sir, you do not.

Mr. DOMENICI. In other words, if we do not change the slope of this top line, which represents 10 percent per year growth, we are going to have to raise the bottom line. That means raising the current HI payroll tax from 2.9 percent to 6.4 percent. That is 120 percent increase. Those are not my numbers, their numbers. Those charts were telling the status of this.

Our other option, obviously, is to slow the growth of Medicare spending by changing the system or changing something within the system.

What else do these trustees say? They say:

> The HI program is severely out of financial balance and the trustees believe that Congress must take timely action to establish long-term fiscal stability for this program. The trustees believe that prompt, effective, decisive action is necessary.

They did not say wait until after the next election. They did not say wait 3 years. They did not say it is too tough, so do not do it. We asked them to tell Members what to do, and they are saying, ''Congress, change it, fix it, and fix it now.''

These trustees are urging Congress to act. They are telling Members to save Medicare. They are telling Members that Medicare part A is going to go bankrupt in 7 years.

I have said that five times. Before I am finished, I hope to say it three more times. Perhaps we should say it 10 times a day until some people in this Congress, besides a few, decide that we must fix this now.

I want to read from another report. Last year I served on the Bipartisan Commission on Entitlements and Tax Reform, cochaired by current Senator BOB KERREY and retired Senator JACK DANFORTH. Thirty of the 32 members of the bipartisan commission signed the interim report to the President. He asked for it. We sent it to him. I want to read finding No. 6 from that report.

> To respond to the Medicare trustees' call to action and ensure Medicare's long-term viability, spending and revenues available for the program must be brought into long-term balance.

Not the black line and the green line and the monstrous wedge, or differential, but so that the lines on the chart are one.

Let Members make no mistake about it. If we pass the President's budget, the highly touted budget of the President, Medicare will go bankrupt in 7 years. The President's budget did nothing on Medicare. The President's budget proposed three tiny changes to the program. These changes have no effect on those lines.

Secretary Shalala testified before the Budget Committee—I believe the distinguished occupant of the chair was present—2 months ago. I asked her what the administration intended to do about Medicare. She said they would wait until the new trustees' report came out before they made a recommendation. So the Secretary, representing the President, 2 months ago said, ''Let's wait until the report.''

Now, of course, there is something slightly funny about all of this. I have not told Members who the trustees are. The trustees are Shalala—Secretary Shalala. She is one of these trustees. Treasury Secretary Rubin is another of these trustees. Labor Secretary Reich is a third member. Out of the six Medicare trustees, three are Cabinet Secretaries to this administration. The fourth also works for the administration.

So, would we not think that the administration Cabinet Secretaries would recommend some specific action, Mr. President? Ultimately, they do not. Instead, they recommend that we create an advisory counsel that will provide information to help lead to the effective solutions to the problems of the program.

The Cabinet Secretaries are apparently recommending that we continue to study the problem, that we engage in a study program instead of changing the program.

Now, however, I want to tell Members the difference between citizens who do not represent this administration or any Members of Congress who are on this board who are trustees, I want to tell Members what they have to say, Mr. President. Citizens understand reality.

I want to turn to trustees Nos. 5 and 6. These are public trustees, two citizens who do not work for the Government but have given their time over the past 5 years to this Nation. I understand by party affiliation one is a Democrat, one is a Republican. In any event, I thank them profusely. Their names are Stanford Ross and David Walker. Mr. Ross and Mr. Walker have been trustees for Medicare and the Social Security for the past 5 years. They

have been trustees during both the Bush and Clinton administrations. They are nonpolitical, private citizens charged with working in the best interests of senior citizens and our country. Most important, they do not answer to the White House.

In the past, Mr. Ross and Mr. Walker have issued their own statements. Believe it or not, the trustees issued a report and the citizen members issue their own report in the back of the book because they do not agree with the public members.

So, what do they have to say? I want to read some of these two public trustees' statements into the RECORD.

The Medicare program is clearly unsustainable in its present form.

Further quote:

With the results of last Congress, it is now clear that Medicare reform needs to be addressed urgently as a distinct legislative initiative.

Continuing the quote:

The idea that reductions in Medicare expenditures should be available for other purposes, including even other health care purposes, is mistaken.

Why do I quote that? I will tell you a little more about that in a moment. Continuing on:

The focus should be on making Medicare itself sustainable, making it compatible with Social Security, and making both [of them] financially sound in the long term.

That is the end the quotes. Now, my own conclusions from that.

That is what public, nonpolitical trustees say we should do about Medicare and that is exactly what I hope we are going to do. I would be quick to add, as Senator CHAFEE has pointed out, when Congress increased taxes on Social Security benefits in 1993, it devoted the increased revenues to this HI trust fund. Therefore there should be no doubt, if we now repeal that increase we would be lowering the amount of money going into this HI fund, causing the system to go bankrupt even sooner.

We must enact comprehensive Medicare reform to make Medicare financially sound now. And we must do that so it will be manageable and sound over the long term. We must make it sustainable and do that now. We must act to preserve the system, to ensure that our senior citizens receive Medicare today and will continue to receive it in 7 years from now. There is nothing magical about it. We have to do something. If we do not do anything it will be bankrupt. Current seniors for the next 5 or 6 years will get their hospital bill paid as per the law, but thereafter they will not.

What kind of public servants and leaders are we, if we do nothing again? So I am committing today that the U.S. Senate Budget Committee is going to mark up a budget resolution. After we return from this recess that will get done. At least from my standpoint, as chairman, I commit to a blueprint that not only achieves balance in terms of our fiscal house, but also addresses this critical problem. In order to make Medicare financially sound and a financially sound program once again, Congress will have to follow.

I made a comment that I did not follow up on, where I said the nonpolitical trustees, the two who are not Members of the President's Cabinet, said that Medicare savings should be used—Senator GORTON—to make the program solvent. Not to pay for something else.

One might say, ''Who intends to spend them for something else? What are you talking about?'' I suggest the President ought to let us know what he has in mind. He proposed a $130 billion in Medicare savings 2 years ago. He did not help with this, not one bit. Because he spent the money. He spent it to cover other people with health care coverage problems. I submit that one of the reasons the President of the United States did not put Medicare reform in his budget is because he intends to use Medicare reform savings to pay for health care reform, not to put it on the deficit. I submit we ought to have that debate.

We ought to ask the American people: Do you want to make this program solvent as it should be, or do you want to take savings that you can get from reform and decide we are so rich we can just spend it on another program? That is simple and that is oversimplification, but it is the real question. Some will say, Senator DOMENICI, it is not that simple. We need to cover all the other people who are not covered and it will ultimately help this program. But to tell you the truth, that is very, very difficult to understand. It is very difficult to figure we are really going to do that someday.

So I submit in the next 6 months this body, the U.S. Senate, has a real chance to vote on whether they are going to make this program for future senior citizens and those who have been paying into this fund for a long time, this 2.9 percent—for those, are we going to make it solvent or not? I believe there is a way to do it without a huge amount of pain. I might just suggest it is amazing that the two programs, big programs in health care that are still on a hell-bent-for-bankruptcy growth line are the two programs the U.S. Federal Government still runs.

There are no other programs that are growing at 10 percent a year. Go ask businesses, are they paying 10 percent more, year after year, for insurance coverage for their employees? They will tell you no. It was 14 percent or 15 percent 3 years ago, but it is down to 4 and 5 in some cases. In fact, we got a report the other day, some of them that were growing at 12 or 13 percent are now down at no growth, getting the same coverage. Why? Because they are trying new delivery systems. They are trying managed care. They are trying health maintenance organizations. They are trying those kinds of delivery systems which everybody knows are inevitable.

But we hang onto Medicare and we lead our senior citizens to believe that they are only going to get good health care if we keep the system that the rest of the public is beginning to say does not work, it is too expensive. So that is why we can fix this and we can fix it without denying our senior citizens good, solid health care. And the programs must continue to grow because we know health care for seniors cannot be a zero sum game.

So I thought we ought to tie in, today, sort of the first presentation of the issue with reference to fiscal policy. If you do not want to fix this you probably do not want a balanced budget and, more important than anything else, you probably do not want to do anything very difficult to get to a balanced budget.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I ask unanimous consent I may proceed as in mornings business.

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

TURKEY MUST WITHDRAW

Mr. PELL. Mr. President, on March 23, together with Senators KERRY, FEINGOLD, and SNOWE, I submitted Senate Resolution 91 condemning the Turkish invasion of Northern Iraq. Since then, Senators BIDEN, D'AMATO, SARBANES, and SIMON have become cosponsors. With such strong bipartisan support, I hoped to move this resolution to Senate passage. Until today, I had intended to offer it as an amendment to the pending legislation. Given the fluidity of the floor situation—particularly the difficulties involving the Jordan debt amendment, and the need to send that matter to the President as soon as possible—I think it best not to offer a foreign policy amendment to this bill.

I remain deeply concerned, however, about Turkey's continued military operations in northern Iraq, and I wish to address that subject now. In the past several days, I have had occasion to pursue this issue at the highest levels of both the United States and Turkish Governments. I have had an exchange of letters with both the President and the Secretary of State, and just this morning, I and other members of the Foreign Relations Committee met with the Turkish Foreign Minister.

Specifically, I am disturbed by Turkey's continued military presence in Iraqi Kurdistan, and by the Government's unwillingness to set a date certain for withdrawal. Turkey should withdraw now.

While I appreciate Turkey's legitimate desire to combat the terrorist threat posed by the PKK, I believe the military action in Northern Iraq goes beyond mere self-defense, and furthermore offers virtually no prospect of eradicating PKK terror. The vast majority of terrorist attacks in Turkey

are carried out not from Northern Iraq, but from inside Turkey itself. Turkey's repressive treatment of its own Kurds has forced thousands of civilian Kurds to flee to Northern Iraq. This has made it easier, in fact, for a small number of PKK terrorists to use civilian settlements in Northern Iraq as cover.

The Turkish incursion puts at risk thousands of Kurdish civilians living in Northern Iraq. To my mind, the Turkish incursion is a violation of international law, that must be brought to an end.

Furthermore, reports indicate that Turkey has made difficult access to areas of the conflict to representatives of international relief organizations, such as the International Red Cross. At a minimum, Turkey should take immediate steps to ensure the protection of innocent civilians and refugees. It also appears that Turkey has restricted journalists' access to critical areas of the conflict.

I must say that I took small comfort in the thought that Turkey is arranging tours for journalists and that it must place limits on access to the ICRC to ensure that the PKK does not receive assistance. I believe that the ICRC has vast experience in these matters, and certainly is as capable as the Turkish Government in determining how best to assist civilians caught in the fighting.

I will say that in my consultations with the U.S. Government on these matters, I have been pleased to see an acknowledgment of—and a concerted effort to—address my concerns. The President has assured me that United States officials in Washington and Ankara are pressing Turkey daily to protect innocent civilians and to withdraw at the earliest possible date.

The Secretary of State acknowledges that Turkey has been denying access to journalists and nongovernmental organizations, and informs me that the United States is working at the highest levels to rectify this situation. I am pleased to learn that United States embassy officials are visiting Iraqi Kurdistan this very week, and that Secretary Talbott and Secretary Holbrooke will travel to Ankara where they will pursue our concerns. I await their reports anxiously.

I welcome the apparent shift in the administration's approach to the troubling aspects of the invasion. The administration seems much more willing to question Turkey's motives and behavior, and to confront Turkey on these troubling issues. Although I still intend to pursue adoption of my resolution at the earliest practical time, I do believe U.S. policy is moving in the right direction.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I am glad that my distinguished colleague, the Senator from New Mexico is still on the floor.

If I got the message of the distinguished chairman of the Budget Committee, it is that President Clinton is not doing anything while Medicare is going broke.

Mr. President, that is about as topsy-turvy as you can get it. the truth of the matter is that Presidents Reagan and Bush were the ones who did nothing while we spent ourselves blind. It was the Congress—Republicans and Democrats—who overwhelmingly voted for the Reagan tax cut in 1981. This particular Senator, Senator Mathias, and Senator BRADLEY were the only ones to vote against those tax cuts and also vote for the spending cuts. We were trying to hold the line and pay the bill.

At that particular time, we did not have hundred billion dollar deficits. We had suffered during the 1970's when the impact of the OPEC cartel sent our country into a recession. In response, we had an economic summit with President Ford, and eventually worked our way down to a $57 billion deficit when President Reagan took office.

But after the Reagan tax cuts, we saw the first $100 billion and the first $200 billion deficit. Then, under President Bush, we saw the first $300 billion deficit. Before he left town, if you didn't use the surpluses in the trust funds to mask the size of the deficit, the red ink rose to over $400 billion.

So President Clinton did not cause this problem. What did he do about it? Very admirably, he came to town and put all his political cards on the table, saying that you cannot get on top of this deficit unless you control health care costs.

In his first budget as President recommended cuts in Medicare and Medicaid which the Senate adopted to the tune of $63 billion. Every Republican voted against these cuts. The distinguished occupant of the chair was not here. He may have been over on the House side where we did not get a Republican vote either. In the Senate, the Vice President had to break the tie. The President then followed up with his health care package containing additional Medicare and Medicaid reductions that the distinguished chairman of the Finance Committee, Senator MOYNIHAN, labeled as ''fantasy.'' At the time Republicans took great pride in attacking the President, but to his credit he stuck to his guns.

Mr. President, the purpose of my rising this afternoon is to remind my colleagues of that piece of history. If the chairman of the Budget Committee wants to stand on the floor of the Senate with a big chart showing the deficit going up, let us remember that President Clinton did not start that line up. We did, long before the gentleman from Little Rock, AR, even came to town. Indeed, before President Clinton arrived the line would be even steeper.

Against all of this criticism of the President for ''taking a walk'' or ''waving the white flag,'' I want to get right to the heart of my rub with the chairman of the Budget Committee. I read: ''accepts the President's proposed reductions in the Medicare program and indexes the current $100 annual part B deductions for inflation. Total Medicare savings would reach $80 billion over the next 5 years.''

That is the chairman of the Budget Committee, outlining the ''GOP Alternative Deficit Reduction and Tax Relief Plan,'' just last April.

I ask unanimous consent that it be printed in the RECORD.

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

GOP ALTERNATIVE: DEFICIT REDUCTION AND TAX RELIEF—SLASHING THE DEFICIT, CUTTING MIDDLE CLASS TAXES

The Republican Alternative Budget will reduce the deficit $318 billion over the next five years—$287 billion in policy savings and $31 billion from interest savings. This is $322 billion more in deficit reduction than the President proposes and $303 billion more in deficit reduction than the House-passed resolution contains.

Moreover, the GOP alternative budget helps President Clinton achieve two of his most important campaign promises—to cut the deficit in half in four years and provide a middle-class tax cut. The GOP plan:

Reduces the deficit to $99 billion in 1999. This is $106 billion less than the 1999 deficit projected under the Clinton budget.

Even under this budget federal spending will continue to grow.

Total spending would increase from $1.48 trillion in FY 1995 to more than $1.7 trillion in FY 1999.

Medicare would grow by 7.8-percent a year rather than the projected 10.6-percent. Medicaid's growth would slow to 8.1-percent annually rather than the projected 12-percent a year growth.

It increases funding for President Clinton's defense request by the $20 billion short-fall acknowledged by the Pentagon.

Provides promised tax relief to American families and small business:

Provides tax relief to middle-class families by providing a $500 tax credit for each child in the household. The provision grants needed tax relief to the families of 52 million American children. The tax credit provides a typical family of four $80 every month for family expenses and savings.

Restores deductibility for interest on student loans.

Indexes capital gains for inflation and allows for capital loss on principal residence.

Creates new incentives for family savings and investments through new IRA proposals that would allow penalty free withdrawals for first time homebuyers, educational and medical expenses.

Establishes new Individual Retirement Account for homemakers.

Extends R&E tax credit for one-year and provides for a one-year exclusion of employer provided educational assistance.

Adjusts depreciation schedules for inflation (neutral cost recovery).

Tax provisions result in total tax cut of $88 billion over five years.

Fully funds the Senate Crime Bill Trust Fund, providing $22 billion for anti-crime measures over the next five years. The Clinton budget does not. The House-passed budget does not. The Chairman's mark does not.

Accepts the President's proposed $113 billion level in nondefense discretionary spending reductions and then secures additional

savings by freezing aggregate nondefense spending for five years.

Accepts the President's proposed reductions in the medicare program and indexes the current $100 annual Part ''B'' deductible for inflation. Total medicare savings would reach $80 billion over the next five years.

Achieves $64 billion in medicaid savings over the next five years, by capping medicaid payments, reducing and freezing Disproportionate Share Hospital payments at their 1994 level.

Achieves additional savings through reform of our welfare system totaling $33 billion over the next five years.

Repeals Davis-Bacon, reduces the number of political appointees, reduces overhead expenditures for university research, and achieves savings from a cap on civilian FTE's.

Mr. HOLLINGS. Now, Mr. President, what galls my friends on the other side of the aisle is that the President of the United States did not give them a ball to run with this year. They thought the President might want to be harassed again and would propose another multibillion-dollar plan. Why go through that act again? Instead, he understandably said, ''If you have a better way to do it, you do it.'' But rather than doing it, they come here with the false representation that the President of the United States has done nothing about Medicare. In so doing, the Republicans are making a feeble attempt to justify the enormous Medicare cuts that will be part of the Republican plan.

But we have seen their record on preserving the Medicare Trust Fund. One of the major proposals in the Contract With America would repeal recent changes in Social Security and would result in bankrupting the Medicare trust fund. If there is any movement around town to really make sure that Medicare goes broke quicker than 2002, it is to be found in the Contract With America.

The pundits on the weekend programs need to tell the American people the truth, namely that the entire contract is eyewash. Like a hurricane, as we learned down home, you just have to let it blow on through.

When all fanfare and fireworks are over, it does not create one single job, and it does not pay one single bill. It is all symbols and no substance. Unfortunately, the media treats the entire Government like spectator sport up here, finding out who is on top, and who won this particular vote, without focusing on the long term to find out where we are headed.

Mr. President the inference I took from the comments I heard earlier was that the President was not being responsible. In fact, it is we members of the Budget Committee who have not been responsible. The law that says by April 1 the budget should be reported out of the Senate Budget Committee and by April 15 it is supposed to become law.

Here it is April 5. The Budget Committee has not even started its work on the budget resolution and, yet we are running around with tables, charts, contracts, and hoopla. All symbols, no substance; all process, no product.

In December, Mr. KASICH, chairman of the House Budget Committee, told us on ''Meet the Press'' that we were going to have three budgets. In addition, we were going to have spending cuts and put them in the bank before we got any tax cuts.

Mr. President, we do not have the spending cuts, but in the House today, they are voting on tax cuts. And where are the spending cuts that they promised? In January I put in the RECORD a list of spending cuts and an illustrative glide path to balance the budget by the year 2002.

(Ms. SNOWE) assumed the chair.

Mr. HOLLINGS. We computed that you had to have at least $37 billion in cuts to put us on that glidepath of Government in the black by the year 2002.

That does not take into measure any tax cuts. You are going to lose another $189 billion over 5 years, if the House succeeds with their tax cut. I was asked earlier this morning about the tax cut. I said, ''A tax cut really means a tax increase.''

They said, ''That is doubletalk. What do you mean?''

I said, ''You have to think it through. The first thing your Government did this morning at 8 o'clock was go down to the bank and borrow 1 billion bucks and add it to the debt.'' That is interest costs. They should more appropriately be called interest taxes in that they cannot be avoided. We are adding it to the debt which is now rapidly approaching $5 trillion bucks. Gross interest costs now total $339 billion and, with rising interest rates, it will soon surpass $1 billion a day.

Thus, if you care to have a tax cut for the middle class, you have in reality burdened the middle class by increasing interest taxes and driving ever skyward, the Federal debt.

The contract is a political exercise designed to make it look like we are thinking about the middle class when in reality we are depriving the middle class. You are doing it to them, not for them, when you pass that tax cut.

I cosponsored a bill earlier this year, along with the Senator from Wisconsin, saying that we oppose the tax cuts would rather any savings be used to reduce the deficit. I am glad the Senate now has gone on record to that effect.

I ask unanimous consent, Madam President, to have printed in the RECORD at this point, dated January 23, the truth in budgeting proposal.

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

HOLLINGS RELEASES REALITIES ON TRUTH IN BUDGETING

Reality No. 1: $1.2 trillion in spending cuts is necessary.

Reality No. 2: There aren't enough savings in entitlements. Have welfare reform, but a jobs program will cost; savings are questionable. Health reform can and should save some, but slowing growth from 10 to 5 percent doesn't offer enough savings. Social Security won't be cut and will be off-budget again.

Reality No. 3: We should hold the line on the budget on Defense; that would be no savings.

Reality No. 4: Savings must come from freezes and cuts in domestic discretionary spending but that's not enough to stop hemorrhaging interest costs.

Reality No. 5: Taxes are necessary to stop hemorrhage in interest costs.

	1996	1997	1998	1999	2000	2001	2002
Deficit CBO Jan. 1995 (using trust funds)	207	224	225	253	284	297	322
Freeze discretionary outlays after 1998	0	0	0	−19	−38	−58	−78
Spending cuts	−37	−74	−111	−128	−146	−163	−180
Interest savings	−1	−5	−11	−20	−32	−46	−64
Total savings ($1.2 trillion)	−38	−79	−122	−167	−216	−267	−322
Remaining deficit using trust funds	169	145	103	86	68	30	0
Remaining deficit excluding trust funds	287	264	222	202	185	149	121
5 percent VAT	96	155	172	184	190	196	200
Net deficit excluding trust funds	187	97	27	(17)	(54)	(111)	(159)
Gross debt	5,142	5,257	5,300	5,305	5,272	5,200	5,091
Average interest rate on debt (percent)	7.0	7.1	6.9	6.8	6.7	6.7	6.7
Interest cost on the debt	367	370	368	368	366	360	354

Note.—Figures are in billions. Figures don't include the billions necessary for a middle-class tax cut.

Nondefense discretionary spending cuts	1996	1997
Space station	2.1	2.1
Eliminate CDBG	2.0	2.0
Eliminate low-income home energy assistance	1.4	1.5
Eliminate arts funding	1.0	1.0
Eliminate funding for campus based aid	1.4	1.4
Eliminate funding for impact aid	1.0	1.0
Reduce law enforcement funding to control drugs	1.5	1.8
Eliminate Federal wastewater grants	0.8	1.6
Eliminate SBA loans	0.21	0.282
Reduce Federal aid for mass transit	0.5	0.1
Eliminate EDA	0.02	0.1
Reduce Federal rent subsidies	0.1	0.2

Nondefense discretionary spending cuts	1996	1997
Reduce overhead for university research	0.2	0.3
Repeal Davis-Bacon	0.2	0.5
Reduce State Dept. funding and end misc. activities	0.1	0.2
End P.L. 480 title I and III sales	0.4	0.6
Eliminate overseas broadcasting	0.458	0.570
Eliminate the Bureau of Mines	0.1	0.2
Eliminate expansion of rural housing assistance	0.1	0.2
Eliminate USTTA	0.012	0.16
Eliminate ATP	0.1	0.2
Eliminate airport grant in aids	0.3	1.0
Eliminate Federal highway demonstration projects	0.1	0.3
Eliminate Amtrak subsidies	0.4	0.4

Nondefense discretionary spending cuts	1996	1997
Eliminate RDA loan guarantees	0.0	0.1
Eliminate Appalachian Regional Commission	0.0	0.1
Eliminate untargeted funds for math and science	0.1	0.2

Nondefense discretionary spending cuts	1996	1997
Cut Federal salaries by 4 percent	4.0	4.0
Charge Federal employees commercial rates for parking	0.1	0.1
Reduce agricultural research extension activities	0.2	0.2
Cancel advanced solid rocket motor	0.3	0.4
Eliminate legal services	0.4	0.4
Reduce Federal travel by 30 percent	0.4	0.4
Reduce energy funding for Energy Technology Develop.	0.2	0.5
Reduce Superfund cleanup costs	0.2	0.4
Reduce REA subsidies	0.1	0.1
Eliminate postal subsidies for nonprofits	0.1	0.1
Reduce NIH funding	0.5	1.1
Eliminate Federal Crop Insurance Program	0.3	0.3
Reduce Justice State-local assistance grants	0.1	0.2
Reduce export-import direct loans	0.1	0.2
Eliminate library programs	0.1	0.1
Modify Service Contract Act	0.2	0.2
Eliminate HUD special purpose grants	0.2	0.3
Reduce housing programs	0.4	1.0
Eliminate Community Investment Program	0.1	0.4
Reduce Strategic Petroleum Program	0.1	0.1
Eliminate Senior Community Service Program	0.1	0.4
Reduce USDA spending for export marketing	0.02	0.02
Reduce maternal and child health grants	0.2	0.4
Close veterans hospitals	0.1	0.2
Reduce number of political employees	0.1	0.1
Reduce management costs for VA health care	0.2	0.4
Reduce PMA subsidy	0.0	1.2
Reduce below cost timber sales	0.0	0.1
Reduce the legislative branch 15 percent	0.3	0.3
Eliminate Small Business Development Centers	0.056	0.074
Eliminate minority assistance score, small business interstate and other technical assistance programs, women's business assistance, international trade assistance, empowerment zones	0.033	0.046
Eliminate new State Department construction projects	0.010	0.023
Eliminate Int'l Boundaries and Water Commission	0.013	0.02
Eliminate Asia Foundation	0.013	0.015
Eliminate International Fisheries Commission	0.015	0.015
Eliminate Arms Control Disarmament Agency	0.041	0.054
Eliminate NED	0.014	0.034
Eliminate Fulbright and other international exchanges	0.119	0.207
Eliminate North-South Center	0.002	0.004
Eliminate U.S. contribution to WHO, OAS, and other international organizations including the United Nations	0.873	0.873
Eliminate participation in U.N. peacekeeping	0.533	0.533
Eliminate Byrne grant	0.112	0.306
Eliminate Community Policing Program	0.286	0.780
Moratorium on new Federal prison construction	0.208	0.140
Reduce coast guard 10 percent	0.208	0.260
Eliminate Manufacturing Extension Program	0.03	0.06
Eliminate coastal zone management	0.03	0.06
Eliminate national Marine sanctuaries	0.007	0.012
Eliminate climate and global change research	0.047	0.078
Eliminate national sea grant	0.032	0.054
Eliminate State weather modification grant	0.002	0.003
Cut weather service operations 10 percent	0.031	0.051
Eliminate regional climate centers	0.002	0.003
Eliminate Minority Business Development Agency	0.022	0.044
Eliminate Public Telecommunications Facilities Program grant	0.003	0.016
Eliminate children's educational television	0.0	0.002
Eliminate national information infrastructure grant	0.001	0.032
Cut Pell grants 20 percent	0.250	1.24
Eliminate education research	0.042	0.283
Cut Head Start 50 percent	0.840	1.8
Eliminate meals and services for the elderly	0.335	0.473
Eliminate title II social service block grant	2.7	2.8
Eliminate community services block grant	0.317	0.470
Eliminate rehabilitation services	1.85	2.30
Eliminate vocational education	0.176	1.2
Eliminate chapter 1 20 percent	0.173	1.16
Reduce special education 20 percent	0.072	0.480
Eliminate bilingual education	0.029	0.196
Eliminate JTPA	0.250	4.5
Eliminate child welfare services	0.240	0.289
Eliminate CDC Breast Cancer Program	0.048	0.089
Eliminate CDC AIDS Control Program	0.283	0.525
Eliminate Ryan White AIDS Program	0.228	0.468
Eliminate maternal and child health	0.246	0.506
Eliminate Family Planning Program	0.069	0.143
Eliminate CDC Immunization Program	0.168	0.345
Eliminate Tuberculosis Program	0.042	0.087
Eliminate agricultural research service	0.546	0.656
Reduce WIC 50 percent	1.579	1.735
Eliminate TEFAP:		
Administrative	0.024	0.040
Commodities	0.025	0.025
Reduce cooperative State research service 20 percent	0.044	0.070
Reduce animal plant health inspection service 10 percent	0.036	0.044
Reduce food safety inspection service 10 percent	0.047	0.052
Total	36.942	58.407

Mr. HOLLINGS. I thank the distinguished Chair.

Finally, I could not get to the floor yesterday, but I heard my distinguished colleague from Kansas, the majority leader, constantly talking about,

Well, if you want to talk about children, why didn't you think about it when we were voting for the balanced budget amendment to the Constitution? That is when you should have been thinking about children. The Democrats flip-flopped.

Well, let me correct that record. The flip-flopper is the majority leader. He voted for my law, section 13301, of the Budget Enforcement Act, signed by President Bush on November 5, 1990. In a word, it says ''Thou shalt not use Social Security funds for the deficit.''

Unfortunately, I cannot find it in the newspapers. If they ever print it, I am going to give them some kind of Pulitzer Prize. I have seen magazine articles. I just saw Susan Dentzer in the U.S. News and World Report; I saw Time magazine; I have seen Newsweek. But have not seen anywhere in print that we have a law saying you cannot use Social Security funds for the deficit.

In direct conflict with that law, section 7 of the balanced budget amendment says, ''On, no, all receipts and all revenues shall be used.''

I cannot go in two different directions. No, I was not thinking of the children. I was thinking of the trust we made with the senior citizens.

But I am thinking of children, though, and what will happen when they begin to use those funds. When their time comes in the next century, they are going to have to be taxed a second time to get their money. And that is why I do not want that $600 billion in Social Security funds to be used for this charade of balancing the budget.

The balanced budget amendment to the Constitution is supposed to put a gun to the head of Congress to give us discipline. Instead, it makes Congress creative.

I remember what happened during the budget summit of 1990. The leadership went out to Andrews Air Base and said, ''We're going to put in caps,'' and the caps—well, they were way higher than this ceiling. I do not believe they ever brought them in for us to look at. All these words, charades, plays and games have to be understood for what they are.

The majority leader says that they do not intend to use Social Security funds. He said so in the debate on the floor, and others have said so.

But we know differently. If they can use $600 billion of Social Security funds to make it look balanced, they will, in effect, only be moving the deficit from the general Government over to the Social Security fund.

I am ready to get serious. The budget was supposed to be reported out on April 1, pass both Houses and be sent to the President by April 15.

So let us not come on the floor of the Senate and chastise the President of the United States for being guilty of a crime that he did not commit. We cannot in good conscience continue this game against the White House.

I can tell you, nothing is going to happen around here because I am going to start joining in this game. I was not going to come to the floor today. I did not feel so kindly toward the executive branch because we had worked, the Republicans and Democrats from both sides of the aisle, on a very complicated telecommunications bill. We reported it out with 8 of the 10 Republicans approving it. We got it out with all nine of the Democrats approving it. We had a bipartisan bill reported out of the Commerce Committee last week. We were ready to go this week. But then along comes the Vice President and says he does not like the provisions in the bill about cable TV. There are a lot of things I don't feel totally comfortable with, but this bill is a bipartisan compromise bill. A compromise between the Republican bill and the Democratic bill that reflects a lot of give-and-take. Overall this bill is good for the public. The Republicans wanted to totally deregulate the upper tiers, the Democrats did not let them. We still have the basic tier regulated. We did the best we could do with the votes we had in committee. Another example where we had to compromise was on the question of RBOC entry into long distance. We still have the Department of Justice in a consultative role. I can go down point by point where the Democrats would have supported a stronger position. Just look at the Democratic draft of February 15. But my reaction this morning when I read the paper about the administration's position reminds me of the story when Churchill was talking to Stalin about the Soviet troops going into East Poland and how the Pope was worried about it. And Stalin is reported to have asked: ''How many divisions does the Pope have?''

This morning my question was, how many votes does the Vice President have? We know the votes pretty well, and I can tell you the votes weren't there in committee. We have a bill we could have passed in a bipartisan fashion here in 2, maybe 3 days, like we had planned. The committee reported out a similar bill, S. 1822, by a vote of 18 to 2 last year. We reported it out 18 to 2. I support Senator PRESSLER's bill.

When we get to the floor, there will be some amendments. But when the executive branch says ''veto''—I hear now the Vice President said he did not say ''veto''—it sends a very conflicting signal. I asked the distinguished chairman of our Commerce Committee this morning, ''Larry, did he say veto?'' He said he used the word five times. So I asked my staff and they said that the administration would veto the communications bill in its current form.

So if they are going to veto it, then I feel sort of relieved of my further responsibility of trying to maintain the core provisions of the bill. I was very fearful we might get rolled on the amendments, such as a date-certain entry on long distance. If that passed, then there would be no so-called level playing field. There would be no competition test, and you would have the RBOC's moving in and extending their monopoly rather than real competition in the local exchange. And bet your boots the RBOC's have the clout to do it.

In the middle of all this criticism of the committee, we can at least be

thankful to the heads of AmeriTech, AT&T, the Justice Department, and particularly Anne Bingaman, the Assistant Attorney General for Antitrust.

That is not the case at all. That lady is an astute trial lawyer. She knows her subject and works around the clock and has been working for months on getting this so-called consent presentation to Judge Greene.

I say kudos to Anne Bingaman; the president of AmeriTech; to Bob Laland, the president of AT&T; and I think it was the fellow from the Consumer Federation of America.

The four appeared on television the day before yesterday. What they had was a proposal. They proposed that they move forward, and they had the steps and we looked at our bill. We looked at the steps and they are one and the same.

Why should we delay and palaver on the floor of the Congress when the parties in the particular discipline have all agreed?

Long distance, ARBOCK, Justice Department, Consumer Federation, have all gotten together. We had a real good kickoff. I am particularly indebted to those parties, and particularly the Deputy Attorney General, and to the Department of Justice, in charge of the antitrust.

I see other Senators wishing to be recognized. I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMERICA'S SENSITIVE NUCLEAR TECHNOLOGY

Mr. GLENN. Madam President and colleagues, I rise to speak briefly today about a rather curious development in the history of U.S. efforts to halt the global spread of nuclear weapons.

The hallmark of a good law is its ability to balance elements of permanence and change. A good law offers both fixed compass points and sufficient latitude for tactical navigation.

Our nonproliferation legislation offers no exception to this rule. When our laws and policies apply too much sail or too much anchor, the consequences can be devastating for vital national security interests of the United States.

For example, the notion of timely warning—that is, a legal precondition for certain forms of nuclear cooperation that was placed into the Atomic Energy Act to ensure stringent controls over exported U.S. nuclear materials and technology—has been rendered virtually meaningless by the way various administrations have used this term over the last decade to expedite commercial uses of U.S.-controlled plutonium in other countries.

United States nuclear cooperation with Japan and with members of EURATOM, the European Atomic Energy Community, a region plagued by daily headlines of new black market nuclear deals, are two specific cases where large-scale nuclear cooperation is proceeding without timely warning having been satisfied within the original meaning of the term.

Madam President, I ask unanimous consent to have printed at the end of my remarks an authoritative interpretation of this concept by Dr. Leonard Weiss, who is now the minority staff director of the Governmental Affairs Committee

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

(See exhibit 1.)

Mr. GLENN. Another example, Madam President, in 1985, following repeated and flagrant violations of its peaceful nuclear assurances to the United States, Pakistan was required by the Pressler amendment to satisfy a certification requirement before receiving new aid. Specifically, the President had to certify that Pakistan did not possess a nuclear explosive device and that new aid would, as numerous officials from the Reagan administration had asserted, reduce significantly the risk that Pakistan would acquire such a device.

America funneled hundreds of millions of United States taxpayer dollars into Pakistan after 1985, until President Bush finally stopped making the required certifications in 1990.

Throughout that period, both Presidents Reagan and Bush solemnly certified—using an interpretation of the word ''possess'' that would make even the most cynical of our Government's legal advisors blush—that Pakistan did not possess the bomb.

The interpretations of the words ''reduce'' and ''significantly'' were similarly handled, as though they had been inscribed on something like silly putty. They did not mean anything.

Since the aid cutoff in 1990, by the way, we have finally started to see the first signs of some potential nuclear restraint in Pakistan in the form of a freeze on the production of highly enriched uranium.

Oh yes, I almost forgot to mention the $1 billion or so in taxpayer dollars not doled out to Pakistan since 1990 in the name of restraining Pakistan's bomb program. Those funds remain here at home, thanks to the Pressler amendment.

As a footnote to the sad saga of Washington's failure to implement the Pressler sanctions until 1990, however, our Government has since interpreted the ban on assistance as not covering commercial sales of military equipment, including spare parts for Pakistan's nuclear weapon delivery vehicle, the F–16. Even joint military exercises are not regarded as assistance. Once again, a key nonproliferation term has been molded and distorted beyond recognition.

Yet, my remarks today will focus on another term that has found its way into the ''Twilight Zone'' of nonproliferation. I am referring to the term ''sensitive nuclear technology,'' SNT, as it is known, which the Nuclear Non-Proliferation Act very clearly defines as any information, other than restricted data, ''* * * which is not available to the public and which is important to the design, construction, fabrication, operation or maintenance of a uranium enrichment or nuclear fuel reprocessing facility or a facility for the production of heavy water * * *''.

If we look carefully into the United States-Japan agreement for nuclear cooperation, signed in 1987, we will find a clause in there that says the following: ''* * * sensitive nuclear technology shall not be transferred under this Agreement.'' That is article 2–1-b.

Underscoring this provision, the principal negotiator of this agreement, Ambassador Richard Kennedy, testified on December 16, 1987, before the House Foreign Affairs Committee: ''The transfer of restricted data and sensitive nuclear technology under the agreement is specifically excluded.''

Last September, the international environmental group, Greenpeace, prepared a lengthy analysis of the transfers of United States nuclear reprocessing technology to Japan. This study, titled ''The Unlawful Plutonium Alliance: Japan's Supergrade Plutonium and the Role of the United States,'' makes for interesting reading. It presents considerable evidence of United States cooperation with Japan in the areas of plutonium breeder reactors and nuclear fuel reprocessing.

On September 8, 1994, the United States Department of Energy promised a comprehensive review of the report and further stated that it was ''phasing out collaborative research efforts with Japan on plutonium reprocessing and development of breeder reactor technology.''

The same day, the New York Times quoted a Department of Energy spokesman as saying that this cooperation was ''* * * a remnant of the last administration.''

Later, on September 23, Greenpeace was joined by the Natural Resources Defense Council and the Nuclear Control Institute in demanding several steps to restore United States-Japan nuclear cooperation to the constraints of United States law.

Madam President, I ask unanimous consent to have printed in the RECORD a letter by these organizations to Energy Secretary Hazel O'Leary.

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

GREENPEACE INTERNATIONAL; NUCLEAR CONTROL INSTITUTE; NATURAL RESOURCES DEFENSE COUNCIL,

September 23, 1994.

Hon. HAZEL O'LEARY,
Secretary of Energy, U.S. Department of Energy, Washington, DC.

DEAR SECRETARY O'LEARY: We are writing to you concerning the Department of Energy's current review of its policies and practices with respect to the export of ''sensitive nuclear technology.''

We urge that the Department immediately suspend its July 1986 guidelines for determining whether technology proposed to be transferred to other countries constitutes SNT within the meaning of the Nuclear Non-Proliferation Act. We further request suspension of all cooperation in reprocessing, uranium enrichment, and heavy water technology pursuant to the guidelines, pending the outcome of the SNT review.

On September 8, 1994, in response to a report issued by Greenpeace, ''The Unlawful Plutonium Alliance'', outlining the history of recent transfers of reprocessing technology to Japan, the Department announced that it was undertaking a ''comprehensive review'' of its SNT guidelines. It promised to publish the results of this review within 60 days, or by November 7, 1994. It further stated that it was ''phasing out collaborative research efforts with Japan on plutonium reprocessing and development of breeder reactor technology.''

As outlined in the Greenpeace report, there is no question that any SNT transfers to Japan are unlawful. Indeed, the 1988 agreement for nuclear cooperation between Japan and the United States flatly prohibits such transfers. While the Department, in reliance on its internal guidelines, has sought to justify the transfer of reprocessing technology to Japan on the grounds that it is not SNT, the justification cannot withstand scrutiny. In fact, the Department's July 1986 guidelines—which permit reprocessing technology to be treated as something other than SNT when supplied to a recipient country with a sophisticated nuclear program or where it would duplicate an existing capability (the rationale invoked in the case of Japan)—cannot be squared with the language and intent of the NNPA.

Indeed, taken to its logical extreme, the Department's interpretation would allow reprocessing technology transfers to countries with questionable proliferation credentials. However, contrary to the Department's guidelines, the NNPA mandates strict, statutory controls over this highly sensitive technology wherever it is to be transferred and without regard to the relative nuclear sophistication of the recipient.

Our conclusion mirrors that of the General Accounting Office, which stated in a 1987 report that the Department's interpretation was ''not fully consistent with the intent of the NNPA.'' (GAO, ''Department of Energy Needs Tighter Controls Over Reprocessing Information'', 41 GAO/RCED–87–150, August 1987.)

Likewise, in House hearings held more than eight years ago, Senator Glenn, a principal co-author of the NNPA, characterized the Department's approach to SNT determinations as reflecting a ''willful determination over a period of years to ignore the intent of Congress.'' (Hearing on Nuclear Exports before the Subcommittee on Energy Conservation and Power of the House Committee on Energy and Commerce, 99th Cong., 2d Sess. 4–5, May 15, 1986.) At the same hearing, Congressman Markey called the Department's views ''bizarre'' and underscored. ''In the NNPA, Congress took the view that enrichment, reprocessing and heavy water manufacture are inherently sensitive activities wherever they are located. No latitude is specified in the act because none was intended.'' *Id.* at 3.

We think the legal positions asserted in the Greenpeace report, echoing those of GAO and key members of Congress, are unassailable. We think far too much time has passed during which the Department has ignored the requirements of law and cavalierly condoned unauthorized SNT transfers. While we applaud the Department for undertaking its review, we do not believe that business as usual is appropriate while the review is underway. Indeed, ''business as usual'', when it involves continued violation of the law, is scarcely something that can or should be tolerated by the Department.

We therefore believe it is incumbent upon the Department to take three firm steps during the period of the review. First, it must immediately suspend the 1986 guidelines. Second, independent of the general phase-out of collaborative reprocessing efforts with Japan, it must perforce suspend approvals of any further technology transfers which might involve SNT to any country. Third, Japan and other countries with whom SNT is shared must immediately be advised of the suspension of the 1986 guidelines and cooperation involving SNT. Only by taking these steps can both the NNPA and the review process be the 1986 guidelines and cooperation involving SNT. Only by taking these steps can both the NNPA and the review process be preserved and can the public have adequate assurance that fundamental U.S. non-proliferation law will not continue to be undermined.

Thank you for your consideration of our views. We would appreciate it if you would promptly advise us of how you intend to proceed concerning our request.

Sincerely,

TOM CLEMENTS,
Greenpeace International.
PAUL LEVENTHAL,
Nuclear Control Institute.
CHRISTOPHER PAINE,
Natural Resources Defense Council.

Mr. GLENN. Months later, on December 28, 1994, these groups received a brief reply from the Department of Energy simply asserting that the transfers to Japan were ''permissible exercises of its statutory authorities.''

Madam President, I further ask to have printed in the RECORD a letter from the Director of the Department of Energy's Office of Nuclear Energy communicating DOD's view that it is permissible for the Department ''to consider the quality of technology already indigenous to the country that would receive the export in making the determination that sensitive nuclear technology was in fact proposed to be exported in a given transaction.''

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

DEPARTMENT OF ENERGY,
Washington, DC, December 28, 1994.

Mr. TOM CLEMENTS,
Greenpeace, Inc., Washington, DC.

DEAR MR. CLEMENTS: As you will recall, after receiving Greenpeace's report. ''The Unlawful Plutonium Alliance,'' the Department agreed to review the guidelines it has used since 1986 in determining whether particular proposed exports involve ''sensitive nuclear technology,'' as that term is used in the Nuclear Non-Proliferation Act. In particular, the Department directed its critical scrutiny to the question whether it is legally permissible for the Department to consider the quality of technology already indigenous to the country that would receive the export in making the determination that sensitive nuclear technology was in fact proposed to be exported in a given transaction.

The Department's Office of General Counsel has concluded that consideration of the quality of indigenous technology is permissible in identifying whether sensitive nuclear technology is proposed to be exported in a particular transaction. As a result, the Department has concluded that its determinations with respect to technology exports to Japan were permissible exercises of its statutory authorities.

The Department will codify the overall guidelines it uses to determine which exports should be considered sensitive nuclear technology by December 1995. This decision is consistent with our current practice of codifying statements of general applicability and future effect that implement, interpret, or prescribe law or policy. To begin this process the Department will publish an Advanced Notice of Proposed Rulemaking in the Federal Register by February 1995. The Department will actively seek the public's views about sensitive nuclear technology during the rulemaking process. We encourage your participation.

Sincerely,

TERRY R. LASH,
Director, Office of Nuclear Energy.

Mr. GLENN. In short, because Japan already had demonstrated a capability to separate plutonium, DOE is arguing that our reprocessing technology did not qualify as SNT—even though the technology was not in the public domain, even though the technology was important to a Japanese facility engaged in reprocessing activities, and even though the technology was not classified Restricted Data. In short, the Department is asserting that even though the technology satisfied each and every one of the requisite components of the definition of SNT, the technology transferred to Japan was not SNT.

The Department did, however, indicate that it will soon invite the public's views on this interpretation in a rule making process. By all indications, that should be a lively process indeed.

Madam President, I ask unanimous consent to insert into the RECORD: First, three articles from the trade newsletter, Nuclear Fuel: ''Four-Month Look at SNT Guidelines Yields Three-Paragraph Response,'' January 2, 1995; ''DOE Pressured to Explain Position on Secret SNT Export Guidelines'', October 24, 1994; and ''PNC Argues Against Public Release of RETF-Related Design Information'', October 24, 1994; and second, a January 6, 1995, letter from the three environmental organizations—Greenpeace, NRDC, and NCI—to the Secretaries of Energy and State urging the exclusion of reprocessing technology transfers from any new agreement for cooperation with the European Atomic Community.

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

FOUR-MONTH LOOK AT SNT GUIDELINES YIELDS THREE-PARAGRAPH RESPONSE

In a pithy three-paragraph letter, a senior DOE official said December 28 that the department is within its legal authority to transfer so-called sensitive nuclear technology (SNT) to other countries if those countries have advanced nuclear programs.

Questions about DOE's export of SNT arose in September when Greenpeace International released a report charging that DOE has for years illegally provided Japan's Power Reactor & Fuel Development Corp. (PNC) with SNT, which PNC has used to research and develop a planned breeder reactor spent fuel reprocessing plant. Greenpeace said such exports violate the Nuclear Nonproliferation Act, which limits such transfers, and the 1987 U.S.-Japan Peaceful Nuclear Cooperation Agreement, which specifically bars them (NF, 12 Sept '94, 12).

DOE promised to review the Greenpeace report, ''prepare a comprehensive response'' and ''analyze the guidelines used in determining whether nuclear technology transferred to other countries is (SNT) which would be subject to export controls under the Nuclear Nonproliferation Act.''

DOE said it would ''make public the results of the comprehensive review within 60 days'' (by November 7), but a lengthy legal analysis added 51 days to the review, culminating in the one-page, three paragraph response faxed to Tom Clements, U.S. coordinator of Greenpeace's plutonium campaign, at 5:30 p.m., December 28.

The letter from Terry Lash, director of DOE's Office of Nuclear Energy, provides no details on how DOE concluded that the exports to Japan are permissible, but rather merely restates DOE's position that SNT export guidelines, prepared by DOE in 1986, permit such exports if a country has an advanced nuclear capability.

Greenpeace and other environmental groups have argued that the guidelines themselves are unlawful because SNT is SNT, regardless of the capabilities of the country that receives it.

In September, a Greenpeace-sponsored legal analysis of the guidelines concluded that DOE ''is not free to designate the same technology as SNT for some recipients and not for others.''

DOE clearly disagrees with that analysis, but has provided nothing to back up its rationale and apparently doesn't intend to. Asked specifically if DOE plans to provide additional information on how it concluded that it had not violated the NNPA or the U.S.-Japan agreement. DOE's Ray Hunter said: ''There is nothing more intended to come out.'' The ''comprehensive review'' DOE promised in early September ''is reflected in that letter'' to Clements, he said.

Clements told NuclearFuel December 29 that DOE claims to have no written record of its legal analysis, even though Lash noted in his letter that the department ''directed its critical scrutiny'' to the question of whether ''it is legally permissible'' to consider a recipient country's level of nuclear expertise when determining whether SNT is involved in a proposed transaction.

Having concluded—without further explanation—that the SNT guidelines are legal. DOE has further concluded that ''its determinations with respect to technology exports to Japan were permissible exercises of its statutory authorities.'' The letter offers no insight as to which ''statutory authorities'' the department's lawyers considered in their lengthy deliberations over the SNT designation issue.

Lash said the department will codify the overall guidelines it uses to determine which exports should be considered SNT by December 1995. He invited Clements to participate in the rulemaking process, which will begin in February when DOE publishes an advanced notice of proposed rulemaking.

TOTALLY INADEQUATE

''We obviously view this as totally inadequate,'' Clements told NuclearFuel, ''and we will continue to legally challenge DOE on this.''

In a press release, Clements said DOE ''has failed in the extreme to conduct the thorough review promised of its 'sensitive nuclear technology' export policy. The DOE determination to leave its SNT export policy in place has no basis in law and stands in contradiction to stated U.S. policies aimed at halting the proliferation of plutonium.''

Greenpeace and the Nuclear Control Institute (NCI), which have long fought breeder reactor technologies and the separation and use of plutonium, also maintained that DOE's response was contrary to opinions by the U.S. General Accounting Office, Sen. John Glenn (D-Ohio) and Rep. Edward Markey (D-Mass.).

''DOE's conclusion creates a massive loophole in the U.S. nuclear nonproliferation regime, which is particularly disturbing in light of the current renegotiation of the U.S. nuclear agreement with the European Atomic Energy Community (Euratom),'' added NCI Deputy Director Daniel Horner.

NCI and Greenpeace are concerned that DOE may be laying the foundation for a new deal with Euratom which would allow virtually unfettered cooperation in plutonium reprocessing technology.

Clements was also disturbed by the way DOE released the letter to him. According to Clements, DOE provided PNC and at least one nuclear industry official with a copy of the December 28 letter before sending it to him.

''The timing of the release of the letter was contrary to openness policies of DOE and we are perturbed that DOE continues to conduct the public's business in this slipshod way,'' he said.

DOE PRESSURED TO EXPLAIN POSITION ON SECRET SNT EXPORT GUIDELINES

DOE critics are pressing the department to explain how and why it adopted export guidelines that allowed the transfer of nuclear technology that would otherwise be barred under U.S. law.

The export guidelines adopted by DOE in July 1986 without any public notice, allow the transfer of so-called Sensitive Nuclear Technology (SNT) if a recipient country has an advanced nuclear program.

The guidelines became an issue last month after Greenpeace International released a report charging that DOE—relying on the guidelines—has for years provided Japan with SNT, in violation of the 1978 Nuclear Nonproliferation Act and the 1987 U.S.-Japan Peaceful Nuclear Cooperation Agreement (NF, 12 Sept., 12).

Critics charge that the guidelines, and the exports made under them, violate the nonproliferation law and the U.S.-Japan agreement because the law and the pact define SNT strictly by the information and technology involved, making no distinction on the recipient.

The day Greenpeace issued its report, DOE conceded that information and technology provided to Japan under a 1987 collaborative arrangement with Japan's Power Reactor & Fuel Development Corp. (PNC) ''may be considered'' SNT if provided to a country with a less-developed nuclear program than Japan's.

The department is analyzing the 1986 guidelines and is supposed to make public the results of its review around November 8. However, sources say that date may slip because the DOE review is disorganized and might be folded in broader review of how the department handles surplus material.

Late last month, Greenpeace, the Nuclear Control Institute and the Natural Resources Defense Council jointly urged suspension of the 1986 guidelines and of ''all cooperation in reprocessing, uranium enrichment, and heavy water technology pursuant to the guidelines,'' pending the outcome of the review.

In a separate six-page letter, dated October 11, Rep. Edward Markey (D-Mass.) urged a similar suspension of the guidelines and ongoing cooperative agreements. He also asked detailed questions about who devised the 1986 guidelines and whether agencies other than DOE signed off on them.

Markey wants to know who were the principal authors of the SNT guidelines and why they were not promulgated in a formal, open process as agency rulemaking. He also wants to know who was the highest ranking DOE official to approve the guidelines and whether DOE did a legal analysis to determine whether the guidelines were consistent with the Nuclear Nonproliferation Act and other applicable law. As of October 20, DOE had not responded to the queries and had not suspended the guidelines.

PNC ARGUES AGAINST PUBLIC RELEASE OF RETF-RELATED DESIGN INFORMATION

DOE's use of controversial, secret guidelines to sanction export to Japan of information and hardware that would otherwise be considered sensitive nuclear technology (SNT) has put the department in a bind over how to respond to a year-old Freedom of Information Act (FOIA) request.

The FOIA, filed in October 1993 by Greenpeace's Tom Clements, requests information concerning technology and information transferred to the Japanese Power Reactor & Nuclear Fuel Development Corp. (PNC) from DOE's Oak Ridge National Laboratory under contract with PNC.

Specifically, Clements has asked for copies of the design of a fuel disassembly system which Oak Ridge delivered to PNC for use at its Recycle Equipment Test Facility Fuel (RETF), a breeder reactor spent fuel reprocessing plant.

For more than a year, DOE has balked at releasing the design information and, for at least six months, the department has been consulting with PNC on the issue.

Clements has argued that if the information provided to PNC was not SNT—and DOE insists it wasn't—then it should be publicly available.

The 1987 U.S.-Japan Nuclear Cooperation Agreement, which bars the transfer of SNT, defines SNT as ''data which are not available to the public and which are important to the design, construction, fabrication, operation or maintenance of enrichment, reprocessing or heavy water facilities. . . .''

DOE determined that this and other information and equipment transferred to PNC for use in its breeder reactor program is not SNT because export guidelines, adopted by the department in July 1986 without any public exposure, allow the transfer of what would otherwise be deemed SNT if a recipient country has an advanced nuclear program.

The guidelines became an issue last month after Greenpeace International released a report charging that DOE has for years provided Japan with SNT, in violation of the 1978 Nuclear Nonproliferation Act and the 1987 U.S.-Japan agreement (NF, 12 Sept., 12).

In April and again July, DOE told Clements that the department had asked the Japanese for comments on the FOIA request.

A July 25 letter from Terry Lash, director of DOE's Office of Nuclear Energy, informed Clements that PNC had ''recently'' assured DOE that the Japanese company's comments would be sent ''in the near future.''

On September 20, following another Clements' inquiry on the status of his FOIA request, Lash advised that the Washington, D.C. law firm of Lepon, McCarthy, White & Holzworth, ''acting for PNC, has provided DOE with a lengthy, detailed legal argument opposing the release of this information to Greenpeace.''

DOE's Office of General Counsel is reviewing the letter, Lash said. Contacted by NuclearFuel, neither the law firm nor PNC would provide a copy of the legal argument or discuss the arguments made.

Clements has argued that, while he is interested in whatever the Japanese might have to say about his request ''their opinion should be of no concern regarding the release of the information to me.'' DOE has taken the position that no SNT was transferred, Clements has noted. Any other information transferred ''should be publicly available.''

NUCLEAR CONTROL INSTITUTE; GREENPEACE INTERNATIONAL; NATURAL RESOURCES DEFENSE COUNCIL,

January 6, 1995.

Hon. HAZEL R. O'LEARY,
Secretary of Energy, U.S. Department of Energy, Washington, DC.

Hon. WARREN CHRISTOPHER,
Secretary of State, U.S. Department of State, Washington, DC.

DEAR SECRETARIES O'LEARY AND CHRISTOPHER: In view of certain recent determinations by the Department of Energy with respect to the identification of ''sensitive nuclear technology'' (''SNT'') in export transactions, we are writing to urge that it be made crystal clear in any new agreement for cooperation with the European Atomic Energy Community (''EURATOM'') that transactions involving reprocessing technology are prohibited. As explained below, failure plainly to bar such transactions would run directly counter to the Administration's expressed non-proliferation policy.

As you know, Section 123a.(9) of the Atomic Energy Act, 42 U.S.C. §2153(a)(9) (the ''Act''), requires that, as a precondition to SNT transfers, agreements for cooperation contain ''a guaranty by the cooperating party that any special nuclear material, production facility, or utilization facility produced or constructed under the jurisdiction of the cooperating party by or through the use of any sensitive nuclear technology transferred pursuant to such agreement for cooperation will be subject to all the requirements specified in this subsection. . .'' including, among other things, full-scope safeguards, adequate physical security and U.S. approval of retransfers. Absent such a guaranty, under the terms of Sections 127 and 128 of the Act, 42 U.S.C. §2156, 2157, no SNT may be exported from the United States to the nation or group of nations in question. Further, under the Department of Energy's regulations, 10 CFR Part 810, technology transfers involving SNT are prohibited unless the Section 127 and 128 requirements are met.

In 1987, the United States determined that no SNT transfers would be permitted under the U.S.-Japan agreement for nuclear cooperation. The U.S.-Japan agreement therefore does not contain the provision required by Section 123a.(9) of the Act. Instead, Article 2(1)(b) provides, ''[S]ensitive nuclear technology shall not be transferred under this Agreement.'' Because SNT is defined in Section 4(a)(6) of the Nuclear Non-Proliferation Act of 1978 (Pub. L. No. 95–242) generally to cover non-public information ''important to the design, construction, fabrication, operation or maintenance of a uranium enrichment or nuclear fuel reprocessing facility or a facility for the production of heavy water,'' it was understood at the time by observers outside the Executive Branch, including ourselves and, to our knowledge, the responsible Congressional oversight committees, that reprocessing technology transfers to Japan would be prohibited.

As it has turned out, this understanding was not shared by the Executive Branch. Under an internal Department of Energy guideline, adopted in 1986, the Department permitted itself to determine whether certain information constituted SNT in part based upon the ''level of expertise of the information recipient.'' In fact, at the time the U.S.-Japan agreement was under consideration in Congress, Oak Ridge National Laboratory (''ORNL'') was transferring reprocessing technology to Japan, based upon a determination that it was not ''SNT' when delivered to a such a sophisticated nuclear nation.

In our view, the Executive Branch misled Congress in 1987 and 1988 into believing that reprocessing transfers were not possible under the ''no-SNT'' provision of the U.S.-Japan agreement at the very time such transfers were already underway. We have since established by means of a Freedom of Information Act request that the Department of State has been briefed by the Department of Energy on the ORNL transaction well in advance of the State Department's testimony in Congressional hearings that no SNT could be transferred to Japan under the terms of the new agreement.

Given the high level of expertise in Japan with respect to reprocessing technology, the Department has proceeded over the past half-dozen years to authorize numerous transfers of such technology to Japan. These transfers have been carried out pursuant to a Department of energy guideline which was, in our view, improperly adopted in secret in the first instance, without public notice or opportunity for comment. The SNT prohibition in the U.S.-Japan agreement has thus effectively been rendered a nullity.

The DOE guideline clearly violated the expressed language of the statute and led to absurd results. Moreover, DOE's interpretation has been rejected as having no basis in law by the chairmen of two Congressional oversight committees with jurisdiction over nuclear exports and by the General Accounting Office, which reviewed DOE's nuclear-export performance and concluded that ''DOE made [SNT] determinations . . . on the basis of factors that are not included in the 1978 act,'' and that ''DOE needs standards for identifying sensitive nuclear technology that are consistent with the 1978 act.''

This fall we raised what we believe are serious concerns about the legality of the Department of Energy's interpretation. In response, the Department promised a ''comprehensive review'' of the entire issue of the lawfulness of its guidelines. However, in a three paragraph letter dated December 28, 1994, not supported by any public, background analysis, the Department rejected our contentions. Instead, it concluded that ''consideration of indigenous technology is permissible in identifying whether sensitive nuclear technology is proposed to be exported in a particular transaction.'' On that basis, the Department then further concluded that its ''determinations with respect to technology exports to Japan were permissible exercises of its statutory authorities.''

We continue to believe that the Department of Energy's conduct was wrong as a matter of law. However, without awaiting resolution of the legal issue, we believe that the policy issues presented by the Department of Energy's conclusions need to be addressed immediately and unequivocally in the context of the U.S.-EURATOM negotiations. Indeed, it is essential that the misapprehensions which attended the U.S.-Japan agreement be avoided in the case of EURATOM.

In his September 27, 1993 Policy Statement on Nonproliferation and Export Control Policy, President Clinton categorically states that the United States ''does not encourage the civil use of plutonium. * * *'' While he also referred to his decision to ''maintain its existing commitments regarding the use of plutonium in civil nuclear programs in Western Europe * * *,'' whatever those commitments are they cannot survive the term of our existing agreement with EURATOM, which expires at the end of December, 1995.

In our judgment, any transfer of reprocessing technology, whether determined to be SNT or not, would involve the encouragement of civil use of plutonium, contrary to the Administration's policy. It is in fact presumably for such reasons that the Department of Energy stated in September, 1994, that it was ''phasing out collaborative research efforts with Japan on plutonium reprocessing. * * *''

The need to curtail any future reprocessing transfers to EURATOM is of particular importance. EURATOM is a conglomerate consisting of numerous countries which have quite different degrees of nuclear sophistication. Twenty years hence it could be even more variegated, perhaps stretching from the Atlantic to the Urals, presenting proliferation and terrorism risks that may vary dramatically from member state to member state. Yet, because the United States treats EURATOM as a single entity under the Act, U.S. nuclear materials, technology and facilities will be able to move freely from state to state within the Community. We think it critical in such circumstances that any new nuclear cooperation agreement with EURATOM leave no doubt that cooperation on the civil use of plutonium will not be permitted.

The United States must act consistently with the President's non-proliferation policy in the context of any new EURATOM agreement. This consistency of action means that whatever approach the Department of Energy may ultimately take in its promised rulemaking on SNT transfers, there should be an explicit prohibition on the transfer of any non-public and/or proprietary technology, whether or not designated as SNT, relating in any way to reprocessing. In this way, the type of controversy which has attached to reprocessing technology transfers to Japan would not arise, administrative interpretation would not be allowed to undercut non-proliferation law and policy, and the Congress and the public would have full and complete assurance that the policy of not encouraging plutonium use would be implemented in a consistent and comprehensive manner.

Thank you for your consideration of our views.

Sincerely,

PAUL LEVENTHAL,
Nuclear Control Institute.
TOM CLEMENTS,
Greenpeace International.
CHRISTOPHER PAINE
Natural Resources Defense Council.

Mr. GLENN. Madam President, my own views on this whole issue are well known. On May 15, 1986, Congressman

MARKEY chaired a hearing of the House Subcommittee on Energy Conservation and Power to assess the effectiveness of DOE controls over nuclear technology exports. The hearing focused in particular on findings of a report by the General Accounting Office documenting several problems in DOE's controls. I testified that ''GAO's documentation of examples where obvious exports of sensitive nuclear technology were covered up by DOE through twisted reasoning allowing determinations that no sensitive nuclear technology was involved, suggests a dangerous attitude of contempt for law on the part of some DOE officials.'' That was clear back in 1986.

The GAO report that was the focus of that hearing was entitled, ''DOE Has Insufficient Control over Nuclear Technology Exports'' (RCED–86–144) and was dated May 1, 1986—about 9 years ago. That same report reached the following specific conclusions—

DoE has not established objective standards for specifically authorizing exports [of nuclear technology] (page 2).

The 1978 act [the Nuclear Nonproliferation Act (NNPA)] . . . limits the determination of sensitive nuclear technology to its importance to sensitive facilities, not to recipient countries. (page 4)

In defining SNT, neither the act nor its legislative history distinguished among countries, their nuclear weapons capabilities, or their nonproliferation credentials. The act requires DoE to determine if information to be provided to a foreign country is important to the design, construction, fabrication, operation, or maintenance of an enrichment, reprocessing, or heavy water production facility. (page 57)

In our opinion, therefore, the better view is that the NNPA requires DoE to make SNT determinations strictly on the basis of the technical importance of proposed assistance to sensitive nuclear facilities. (page 58)

On August 17, 1987, GAO issued another report, entitled, ''Department of Energy Needs Tighter Controls Over Reprocessing Information' (RCED–87–150). This report found that ''DOE has little control over the dissemination of information related to the design, operation, and maintenance of commercial or defense reprocessing technology that it produces * * * [adding that] most of DOE's reprocessing-related information is readily available to anyone who wants it.'' That was on page 17. Here are some additional findings from that report—

DoE has not enforced the SNT export conditions on activities in conducts with foreign countries under technical exchange agreements. (page 33)

DoE's interpretation [of SNT] * * * does not appear consistent with the NNPA definition of SNT. (page 33)

DoE has not fully met NNPA conditions for transferring SNT on any of the cooperative reprocessing activities with other countries. (page 39)

* * * prior approval rights required by the act were not obtained on any of the cooperative reprocessing activities [specifically the UK and Japan].'' (page 39)

[DoE officials] believe that although the information [transferred to the UK and Japan] is 'valuable,' it is not 'important' in the sense intended by the NNPA and is, therefore, not SNT. (page 40)

Neither the definition [of SNT in the NNPA] nor the export requirements [under existing regulations] indicate that SNT decisions were to be based on the nuclear proficiency of the recipient country. (page 41)

Neither the act [NNPA] nor its legislative history distinguishes among countries, their nuclear capabilities, or their nonproliferation status to determine what information constitutes SNT * * * this definition should be consistently applied to all countries on the basis of objective criteria. (page 42)

The assistance DoE provides directly to the reprocessing programs of other countries * * * qualifies in our opinion as SNT as defined in the NNPA. (page 43)

In March 1988, DOE's own Office of International Security Affairs issued a lengthy report on Technology Security (DOE/DP–8008612) which found that ''Success in acquiring unclassified sensitive technology, as identified in the Militarily Critical Technologies List, has enabled potential proliferant countries to construct, outside of the international safeguards regime, sensitive fuel cycle facilities at lower costs and in shorter period of time'' (page 9–2).

Then on September 19, 1989, the GAO issued another report entitled ''Better Controls Needed Over Weapons-Related Information and Technology'' (RCED–89–116), which found that ''DOE makes readily available a great deal of unclassified information and computer codes that could assist sensitive countries in developing or advancing their nuclear weapons programs'' (page 16). GAO also found that ''In addition to obtaining DOE information, sensitive countries routinely obtain hardware from the United States that has both nuclear weapons and commercial applications * * * about 290 of the approved requests [for export licenses in 1987] were destined for facilities suspected of conducting nuclear weapons development activities'' (page 5).

With respect to exports of these so-called dual-use goods, GAO's 1987 data amount to peanuts compared with what GAO found in 1994. In a report bearing a now-familiar title, ''Export Licensing Procedures for Dual-Use Items Need to be Strengthened,'' (NSIAD–94–119), GAO found that the United States approved over 330,000 licenses for exports of nuclear dual-use goods worldwide between fiscal years 1985 and 1992. Even more alarming, some $350 million of such goods went specifically to facilities believed to be involved in nuclear weapons-related activities in eight controlled countries. For further discussion of this GAO report, readers should consult my floor statement on January 4, 1995, where I inserted into the RECORD detailed summaries of this report and another report prepared by four inspectors general describing serious problems in the implementation of U.S. export controls relating both to munitions and to goods relating to weapons of mass destruction.

Fortunatly, DOE is now under new leadership and appears to be trying to grapple with bringing DOE practices back into line with the spirit and letter of our fundamental nonproliferation legislation.

I compliment Hazel O'Leary for the job she is doing there as the Secretary of Energy.

In light of President Clinton's September 27, 1993, policy statement that the United States ''does not encourage the civil use of plutonium,'' I hope that the Department's three-paragraph letter does not represent the administration's final position on this matter. I would urge DOE in the strongest of terms to undertake a truly comprehensive reexamination of its policies and practices for handling such data and to bring these policies and practices back into line with U.S. law.

The United States is not in the business of promoting commercial uses of plutonium or highly enriched uranium around the world, either as a matter of policy or of law. The bizarre notion that just because a country has demonstrated a national capability to separate plutonium or perform some other sensitive nuclear activity does not, should not, and must not exempt it from provisions of our law addressing sensitive nuclear technology. Indeed, if this notion continues to poison our nonproliferation laws, what would keep our weapons labs or their subcontractors from transferring SNT to virtually any proliferant nation, given the capabilities that many of them have already demonstrated in the fields of reprocessing, enrichment, and heavy water production? If today such technology can go to Japan in direct violation of a bilateral agreement, where will such technology go tomorrow?

I will closely monitor developments in this area in the months ahead and am optimistic that the Department will eventually bring its practices into line with statutory controls over SNT. This will be a splendid opportunity for the Department to distance itself from the time-dishonored practice of previous administrations of redefining key nonproliferation terms to pursue short-term political or diplomatic goals.

I will close this statement by attaching a chronology of some relevant documents pertaining to this whole SNT controversy, and I ask unanimous consent that it be printed in the RECORD, and I urge all my colleagues to look into this matter and to support retaining some consistency, predictability, and clarity in the implementation of one of our most important nonproliferation controls.

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

CHRONOLOGY OF RELEVANT DOCUMENTS

1/6/95: Letter from Greenpeace/National Resource Defense Council/Nuclear Control Institute to the secretaries of Energy and State.

12/28/94: Letter from Terry Lash (DoE/Nuclear Energy) to Greenpeace.

11/9/94: Letter from Sec. Hazel O'Leary to Sen. John Glenn re DoE handling of reprocessing technology.

11/3/94: Letter from Greenpeace/Nuclear Control Institute to Sec. O'Leary.

10/11/94: Letter from Cong. Edward Markey to Secretary O'Leary.

9/23/94: Letter from Greenpeace/National Resource Defense Council/Nuclear Control Institute to Sec. O'Leary.

9/9/94: NY Times quotes DoE spokesman Michael Gauldin on past US plutonium reprocessing cooperation with Japan: Gauldin terms such cooperation ''* * * a remnant of the last Administration.''

9/8/94: DoE Press Release on recent Greenpeace study states that ''The Department of Energy takes Greenpeace's concerns seriously,'' that DoE ''is phasing out collaborative research efforts with Japan on plutonium reprocessing and development of breeder reactor technology,'' and that DoE will ''thoroughly review the Greenpeace study and prepare a comprehensive response.''

9/8/94: Greenpeace releases ''The Unlawful Plutonium Alliance.''

9/29/94: Legal memorandum to Greenpeace by Eldon Greenberg.

8/3/94: O'Leary memorandum to DoE field offices states that ''the President's nonproliferation policy of September 1993, which discourages civil reprocessing, must be integrated into Department of Energy property control and management practices.''

7/25/94: Letter from Terry Lash to Greenpeace.

6/19/89: GAO issues report, ''Better Control Needed over Weapons-Related Information and Technology.''

3/88: DoE/OISA issues study on technology security which finds that existing regulations ''do not adequately protect unclassified sensitive technology from disclosure and foreign access.''

8/17/87: GAO issues report, ''DoE Needs Tighter Controls over Reprocessing Information.''

1/12/87: DoE concludes agreement with Japanese PNC enterprise regarding breeder reprocessing cooperation.

7/86: DoE issues internal document on guidelines for implementing SNT controls.

5/15/86: Cong. Ed Markey chairs hearing on ''Nuclear Exports: The Effectiveness of Department of Energy Controls Over the Export of Nuclear-Related Technology, Information, and Services.''

5/1/86: GAO issues report, ''DoE Has Insufficient Control over Nuclear Technology Exports.''

EXHIBIT 1

THE CONCEPT OF ''TIMELY WARNING'' IN THE NUCLEAR NONPROLIFERATION ACT OF 1978

INTRODUCTION

In 1984, the first major shipment was made of plutonium separated from U.S.-origin spent fuel to a non-weapon state (Japan) since passage of the Nuclear Nonproliferation Act of 1978 (NNPA) (1). Approval of the shipment had been given by the Secretary of Energy, with the concurrence of the Secretary of State, who was required by the NNPA to determine whether the retransfer of this plutonium from France (where the reprocessing of spent fuel took place) to Japan would result in a ''significant increase of the risk of proliferation . . .'' in which the ''foremost'' factor was whether the United States would receive ''timely warning'' of a diversion of the material.

Footnotes at end.

In accordance with procedures adopted pursuant to the NNPA, the interagency discussions of the Japanese request for approval of the shipment involved the Nuclear Regulatory Commission (NRC). Although the NRC concurred with the finding that the shipment would not result in a ''significant increase of the risk of proliferation,'' the Commission questioned whether the Departments of Energy (DOE) and State had followed Congressional intent in arriving at their conclusion that the ''timely warning'' test had been met. The NRC's position was summarized by NRC Chairman Nunzio J. Palladino as follows: (2)

''(T)he Commission's disagreement with DOE's position is focused on whether or not non-technical factors are permitted to be considered in connection with reaching any conclusions on the existence of timely warning. In the Commission's view, the legislative history of the Nuclear Non-proliferation Act of 1978 (NNPA) indicates that Congress intended timely warning to be essentially a technical matter involving such factors as safeguards measures applied to the material and the technical ease of incorporating the material into a nuclear explosive device. Other, non-technical factors were to be considered relevant only in connection with making the overall statutory finding of no significant increase in the risk of proliferation. A close reading of the statutory language in Section 131 b. of the Atomic Energy Act would seem to support the Commission's interpretation regarding timely warning, particularly since otherwise it would be necessary to consider the same non-technical factors both in connection with the timely warning analysis and in connection with the overall ''increase in the risk of proliferation'' finding. The attachment to this letter lists the more significant technical factors that the Commission believes affect timely warning, and that should be addressed in a classified supplement to future DOE analyses of subsequent arrangements.''

The resolution of this issue will set a precedent with possibly profound future implications for U.S. national security and foreign relations.

The DOE/State conclusion on ''timely warning'' was not accompanied by a detailed supporting analysis. Rather, as indicated in the NRC letter, the conclusion was claimed to result from the presence of certain favorable political factors surrounding the U.S./Japan relationship. Subsequent inquiry (3) has revealed that DOE and State interpret the NNPA as saying that political factors, such as the nature and condition of the governmental system and nonproliferation policies in a recipient country, independently of the technical capabilities of that country, could be determining factors in judging whether the U.S. would receive ''timely warning'' of a diversion. Therefore, according to this view, some political factors, which determine the ''inherent risk of proliferation'' (4) in a country, could determine that ''timely warning'' was available, and these and other political factors could be used to determine that there was ''no significant increase in the risk of proliferation'' stemming from a proposed retransfer for reprocessing or return of plutonium. Further, it is claimed that there was no stated or implied legislative requirement for a supporting analysis of the DOE/State ''timely warning'' conclusion or the weight given to the latter in relation to other factors in determining proliferation risk.

It is the purpose of this paper to show that the DOE/State position is not in keeping with the legislative history of the NNPA or any other indication of Congressional intent. Rather, we shall show that; (a) the Congressional intent was to separate and independently weigh the ''timely warning'' test from the set of possibly counterbalancing political factors listed in the NNPA as being pertinent to an overall judgment as to whether a proposed retransfer would result in a significant increase of the risk of proliferation; and, (b) that Congress meant the ''timely warning'' test to compare the time needed by the U.S. to effectively react to a diversion of nuclear material to the time needed by the diverting country to produce an explosive device, the latter time being estimated by technical assessments only. By this view, a political assessment based on specific political factors could result in approval of a retransfer request even if the ''timely warning'' test fails, but then the burden is on the political assessment to show that such political factors override ''foremost'' consideration of the technical capabilities of the recipient country to make a nuclear explosive device quickly from diverted materials.

I. The Language of the Act

The key paragraph, Section 131b (2) of the Atomic Energy Act of 1954 (Section 303a of the NNPA of 1978) states that,

''. . . the Secretary of Energy may not enter into any subsequent arrangement for the reprocessing of any such material in a facility which has not processed power reactor fuel assemblies or been the subject of a subsequent arrangement therefor prior to the date of enactment of the Nuclear Non-Proliferation Act of 1978 or for subsequent retransfer to a non-nuclear-weapon state of any plutonium in quantities greater than 500 grams resulting from such reprocessing, unless in his judgment, and that of the Secretary of State, such reprocessing or retransfer will not result in a significant increase of the risk of proliferation beyond that which exists at the time that approval is requested. Among all the factors in making this judgment, foremost consideration will be given to whether or not the reprocessing or retransfer will take place under conditions that will ensure retransfer will take place under conditions that will ensure timely warning to the United States of any diversion well in advance of the time at which the non-nuclear-weapon state could transform the diverted material into a nuclear explosive device. . . .''

This language was originally offered by Senator Glenn to the Administration during negotiations prior to the beginning of markup of the NNPA by the Subcommittee on Arms Control, Oceans, and International Environment of the Senate Foreign Relations Committee on September 14, 1977. It was a substitute for proposed language by the Administration that would have replaced the ''timely warning'' criterion with consideration of ''the probability of timely warning'' as one (not ''foremost'') factor among many in determining whether to approve a retransfer request. We shall examine this markup in more detail later on. For now it suffices to note that the Subcommittee approved the Glenn language and ignored the Administration's proposal.

Following the markup by the full Committee (there were two earlier markups by the Committees on Governmental Affairs and Energy and Natural Resources), the legislation was reported out and a report filed which contained the following statement on the meaning of ''timely warning'' (5):

''* * * the standard of 'timely warning' * * * is strictly a measure of whether *warning of a diversion* (emphasis added) will be received far enough in advance of the time when the recipient could transform the diverted material into an explosive device to permit an adequate diplomatic response.''

The Senate bill language was accepted by the House on the grounds that there were no substantive differences between the Senate bill and one passed by the House some months earlier. Representative Zablocki (D-Wisconsin), the floor manager for the House bill, while offering a resolution on February 23, 1978, directing the Clerk of the House to make certain technical corrections in the NNPA, made the following observation about

the Senate amendments (6): ''The House reviewed these and found the amended Senate version to be, in all essential respects, consistent with (the House Bill). Upon reaching this judgment, the House, by unanimous consent then moved to recede and accept (the House Bill) as amended.'' Indeed, on February 9, 1978, when Representative Zablocki received unanimous consent to bring up the Senate bill and successfully proposed its passage by voice vote, he stated (7):

''All of the central elements of the House bill—including the important ''timely warning'' criterion—were faithfully preserved. * * * On the critical issue of timely warning, I am pleased to say that the Senate's legislative history was indeed consistent with our own.''

The concept of ''timely warning'' was explained in the House report as follows (8):

'''Timely warning' has to do with that interval of time that exists between the detection of a diversion and the subsequent transformation of diverted material into an explosive device.''

Despite Representative Zablocki's clear statement, the Senate Report's phrase ''warning of a diversion'' as opposed to the House Report's ''detection of a diversion'', along with some additional Senate report language has been used by some in State/DOE to bolster a claim that the intent of the Senate on the meaning of ''timely warning'' was substantially different from that of the House.

We shall show that such a claim is logically unsupportable.

II. A Precise Reformulation of the Timely Warning Issue

Thee are four time intervals associated with the notion of ''timely warning'' to the U.S. of a diversion by country ''X''. For purposes of explanation, we define them as follows.

Reaction Time: The amount of time needed to fashion an appropriate and effective diplomatic response to prevent diverted material from being converted by country ''X'' into an explosive device. Reaction time is a function of bilateral and multilateral relationships and, therefore, involves a political assessment.

Conversion Time: The time needed by country ''X'' to convert diverted material into an explosive device. (Note: Conversion time is a function of the industrial and bomb-making infrastructure in country ''X'', the nature of the diverted material, and the availability of any technology needed to process the diverted material into weapons-usable form. A technical assessment of country ''X''s capabilities would yield an estimate of conversion time, and no political factors are involved.)

Detection Time: The time between diversion of material and either the last detection of the diversion by the safeguards system or the earlier prediction of diversion through intelligence information. (In the latter case, detection time is a negative quantity, and may depend upon observations of political changes in country ''X''. Note that if we tacitly assume that the safeguards system works as designed, no political factors enter into an estimate of positive detection time. Quality of safeguards is then measured by the value of positive detection time, with smaller values indicating better safeguards.)

Warning Time: The interval between the time when the U.S. learns a diversion has occurred or may occur and the time at which country ''X'' is capable of producing a nuclear explosive device following the aforementioned diversion of material. (Thus, warning time = conversion time − detection time. It is important to note that warning time involves political as opposed to technical assessments only when detection time is negative.)

In terms of the above definitions, the concept of ''timely warning'' in the NNPA becomes as follows:

Definition: The U.S. has received ''timely warning'' of a diversion by country ''X'' when warning time is greater than reaction time.

The only thing remaining in order to show equivalence with the statutory concept is to make the connection between some auxiliary concepts in the Senate report with the terminology in this paper.

The phrase ''warning time required'' in the Senate report as in, ''The amount of warning time required will vary (and cannot be defined in terms of a certain number of weeks or months) . . .'', (9) refers to what is here called ''reaction time''. Thus, if a multinational response is needed for effective diplomacy, a quicker reaction time can be expected in the event that the diverted material was multinationally owned or came from a multinational plant, since all the parties in that venture would have reason to feel aggrieved by the diversion.

The phrase ''time . . . available'' as in ''. . . it will be necessary to determine how much time be actually (sic) available under any specific circumstances,'' (10) refers to what we are calling here ''warning time''.

The State/DOE position boils down to the claim that Congress did not intend the ''timely warning'' criterion to involve, on either side of the inequality in the above definition, a quantity estimated only on the basis of a technical assessment.

Since ''reaction time'' clearly involves political factors, and ''warning time'' can involve political factors, there appears, superficially at least, to be some merit to the State/DOE argument. On closer examination, however, the apparent merit vanishes.

We reiterate that ''warning time'' may involve political factors *only* when ''detection time'' is negative. The key observation to make is to note that detection time can be negative only in two situations: 1) Either the U.S. has learned of plans for (or suspects) diversion at a time prior to the time of actual retransfer (in which case the approval of retransfer is denied or revoked and there is no problem), or 2) There is a significant interval of time after the retransfer occurs before a diversion is achieved. In this case it can be argued that the clock marking off warning time could be triggered by observed changes in the political character of the government of country ''X''. But there is nothing in the Senate or House floor debate or report language or in the statute language that suggests making an assumption of existence of a significant time interval between retransfer and diversion, or equivalently, to assume that a significant change had occurred on the meaning of timely warning by the time the final version of the NNPA was passed by the Senate on February 7, 1978, and by the House two days later without further amendment.

To show this, we provide a detailed history of the Congress' consideration of the timely warning issue during its deliberations on the NNPA.

III. The Senate Legislative Markup Record on Timely Warning

Committee markup records, which are uncorrected and not publicly filed, and therefore not readily available to the rest of the Congress, are usually given little or no weight in legal determinations of congressional intent on legislation. Nonetheless, they may, in conjunction with the committee report on the legislation and the floor debate, give some clue as to the meaning of certain legislative provisions when such meaning is otherwise obscure.

The DOE/State defense of its position on ''timely warning'' in the NNPA apparently includes a claim that the Congressional interpretation of the statutory language at the time of passage reflected the Carter Administration's view as expressed in a formal communication from the State Department to the Senate Foreign Relations Committee (see (4)). Since the only place in the legislative history of the NNPA where the Administration's position on ''timely warning'' is substantively discussed by Senators occurs in the Senate Foreign Relations Committee markups (11), (12), (13) of the legislation, we consider these (uncorrected) markup records in examining the DOE/State claim.

On September 14, 1977, at the Foreign Relations Subcommittee markup (see (11)) Senator Glenn introduced the language on approvals of retransfers for reprocessing or return of plutonium, including the ''timely warning'' test, that subsequently was adopted as the statute language. This language was a substitute for a previous formulation identical to that contained in the House bill, H.R. 8638, which passed with a dissenting vote on September 28, 1977, the same day the Senate Foreign Relations Committee reported out the NNPA. As indicated earlier, Senator Glenn offered this new language following discussions with and in response to objections by the Executive Branch that the previous formulation on approvals of retransfers was too ''restrictive in scope'' (14).

It is important to note the motivation as well as substance of the Administration's position at this point. The Administration was facing a serious problem in that the House and Senate bills had virtually identical provisions that subjected decisions on retransfers for reprocessing or return of plutonium to consideration of a single factor, the timely warning criterion. The Administration was concerned that this single test could be used to block U.S. approvals of any such retransfers and disrupt trade relations with our allies. Accordingly, the Administration had to either try to get the Congress to alter the definition of ''timely warning'' or broaden the test for approvals of retransfers to include other factors besides timely warning. Thus, in its comments on the marked up version of the NNPA reported by the Government Affairs Committee, the Administration said this about the proposed test for retransfer (15):

''First, it would jeopardize negotiation of new, strict nuclear cooperation agreements since an overly strict interpretation of the ''timely warning'' standard could rule out all forms of fuel processing necessary for future fuel cycle activities. Second, timely warning should not be the sole basis for making determinations concerning the acceptability of subsequent arrangements, taking into account the existence of other factors which must be evaluated. Additional factors of importance include the nonproliferation policies of the countries concerned, and the size and scope of the activities involved.''

Now, it is interesting that the language actually proposed by the Administration by way of compromise, language that was arrived at following negotiations with Senator Glenn, clearly takes the path of broadening the test for approvals for retransfers, and does not change the definition of ''timely warning'' but merely attempts to make the determination fuzzy by referring only to the probability of timely warning being available. The proposed language was as follows (16).

''The Administrator may not enter into any subsequent arrangement for the reprocessing of any such material in a facility

which has not processed power fuel assemblies or been the subject of a subsequent arrangement therefore prior to the date of enactment of the Act or for subsequent retransfer to a non-nuclear-weapon state of any plutonium in quantities greater than 500 grams resulting from such reprocessing unless in his view such reprocessing to retransfer shall take place under conditions that will safely secure the materials and that are designed to ensure reliable and timely detection of diversion. In making his judgment, the Administrator will take into account such factors as the size and scope of the activities involved, the non-proliferation policies of the countries concerned and the probabilities that the arrangements will provide timely warning to the United States of diversions well in advance of the time at which the non-nuclear-weapon state could transform the diverted material into a nuclear explosive device; and''.

Senator Glenn's explanation of the amendment he offered at the Foreign Relations Subcommittee markup left no doubt that it was not his intention to change the meaning of timely warning, but rather to broaden the test for approvals of certain retransfers. To see this, we note that in his statement, Senator Glenn referred approvingly to recent congressional testimony by then NRC Commissioner, Victor Gilinsky, defending the timely warning standard against Administration criticism that it was ''unnecessary, unworkable, rigid, and unrealistic'' (17). Senator Glenn went on to say, (18).

''The idea of timely warning is the explicitly stated objective of the so-called blue book safeguards of the IAEA, which polices the Non-Proliferation Treaty. Under this system, as under the U.S. bilateral safeguards which preceded it, records are kept of all nuclear material going into and coming out of civilian power reactors throughout most of the world, and verified by an international inspectorate. The idea is simply that the disappearance of any of this material will be reported to the international community in plenty of time to allow for appropriate counteraction. Thus timely warning is essential to effective safeguards.''

Senator Glenn's references to safeguards and timely warning strongly imply that the timely warning criterion in his amendment could be met only if the reaction time afforded by the safeguards system's detection of a diversion was sufficient ''to allow for appropriate counter action'' (19).

This thought was echoed in substance by Representative Bingham (D–NY) in introducing this language on the House floor 14 days later. He said (20):

''(W)e consider (timely warning) to be an essential to the safeguarding of nuclear facilities. If there is no timely warning, there are no effective safeguards.''

At this point in the Senate markup and without challenging Glenn's view, the Chief Administrative spokesman, Ambassador Gerard C. Smith, expressed two Administration concerns explicitly. First, he said (21):

''May I observe on that Gilinsky quotation that we don't disagree with the concept of timely warning. It is a very appropriate consideration here but we feel it will lead to distortions if it is made the *exclusive* (emphasis added) consideration.''

This statement shows that the Administration understood that ''timely warning'' was a concept that could stand separately and apart from other considerations in determining how to exercise U.S. consent rights for certain retransfers. Indeed, prior to Senator Glenn's statement, Senator Pell had stated that (22):

''The Executive Branch believes that the timely warning standard should not be the sole basis (emphasis added) for measuring an arrangement's acceptability. . . .''

There is no hint in this markup record that the Committee viewed the position of the Administration as seeking to alter the meaning of ''timely warning'' or how to determine it. On the contrary, the position statement by Senator Pell indicates that the Committee saw the Administration's goal as replacing the timely warning test with a broader one in which the test of ''timely warning'' was an important factor.

The second concern expressed by the Administration at the markup stemmed from its own confusion between ''timely warning'' and ''reaction time''. The House report had stated in essence that the amount of reaction time needed to effectively counter a diversion from a reprocessing plant based on the Purex process was unlikely to be larger than the conversion time to make the bomb (23). The drafters of that report also tried to provide some guidance for a minimum acceptable amount of reaction time, corresponding to a situation where the diverting country only possessed stored spent fuel and had no reprocessing facility. The effect of this would have been to force the denial of nearly all reprocessing requests since ''reaction time'' would have been mandated to a level greater than ''conversion time'' in almost all cases, thereby leading to a failure of the ''timely warning'' test.

In sum, the administration's second complaint was directed to the fixing a priori of a high ''reaction time'' guideline that effectively did not allow approval of any reprocessing requests. This lack of flexibility in judging reprocessing requests was viewed by Senator Glenn as having been taken care of in his amendment, which did not mandate a ''reaction time'' beyond that needed for ''effective safeguards'', and which allowed other factors (besides ''timely warning'') to be taken into account in judging whether to approve a request. Indeed, although Ambassador Smith's initial reaction to the Glenn language was that ''. . . it doesn't move enough in the direction of flexibility that I think is necessary . . .'' (24), the Administration's own proposed language at that point, as we have already seen, gave no hint of altering the meaning of ''timely warning'' or the factors that would have involved its determination. Therefore, when the subcommittee adopted Glenn's language, it had no alternative meaning of ''timely warning'' before it.

This conclusion was reinforced at the opening of the discussion of the Glenn amendment during the full Committee markup on September 20, 1977. In response to the Chairman's (Senator Frank Church, (D-Idaho)) request for an explanation of the amendment, Senator Glenn replied (25):

''The main issue on the timely warning amendment is this. Timely warning really means technical safeguards and making a judgment as to whether approving reprocessing for some country will result in a significant elevation of risk. The question arises as the weight that should be given to technical safeguards as opposed to, say, political or foreign policy considerations.

My position, as relected in the language adopted by the subcommittee was that technical safeguards, that is, timely warning, should be given primary consideration in these cases. We should not be able to override that because it seems to me that the technical methods of giving timely warning are so critical to the system of safeguards and protections that we have in this area that they should not be ignored.''

Now this quote is from an uncorrected record. In the first paragraph, when Glenn says, '''Timely warning' really means technical safeguards'', it should be understood (indeed, cannot be understood any other way) from the context of all that has gone before, that the statement implies '''timely warning' really means effective technical safeguards,'' where, in the Subcommittee markup, Glenn made it clear that effective technical safeguards meant detection of a diversion by technical means ''in time for use to do something about it'' (26).

The second paragraph, in the absence of further elucidation, could have been interpreted as meaning that the absence of ''timely warning'' can never be overridden by political or foreign policy considerations. A later statement by Glenn (27) indicates that he meant for ''timely warning'' to be the largest single factor (''it would be given the bulk of the consideration'') in judging whether a retransfer would result in a significant increase in the risk of proliferation. This view was not challenged by the Committee during its discussion of ''timely warning''. Rather, the committee concentrated on those other factors which, in strong combination, could produce a decision in favor of a retransfer even if ''timely warning'' is not clearly determinable. Senator Glenn turned the general discussion to specifics by suggesting that (28):

''. . . in the report language we put in that there are situations in which other factors, besides timely warning, may induce the Secretary of State to give his approval. I will give a few examples.''

Senator Glenn then listed the factors that ended up being mentioned in the Senate report and in his floor statement during debate on the bill. Senator Church summarized the discussion by saying (29).

''Clearly what is sought is to give timely warning a very high priority; but at the same time to recognize that there may be circumstances . . . that will suffice and lead us to grant such a request even though timely warning is not present.''

Note that there is no suggestion of any change in the definition or interpretation of timely warning as given earlier by Senator Glenn.

Moreover, Senator Glenn indicated that discussions had been held on his proposed language with members of the House Committee on International Relations (indeed, there was much staff contact on this issue at the time) and that ''they are in agreement with this language (30).'' What is implied here is that the House members agreed not only with Glenn's language, but also with his interpretation of that language.

At this point, Senator Richard Stone (D-Florida) asked for the Administration's views on this matter. Mr. Philip Farley, the chief Administration spokesman at the full Committee Markup, stated that the Administration's position was set forth in letters to the Senate Foreign Relations Committee dated September 12 and September 19, 1977, and asked that these letters be placed in the record (31). The letter of September 19th, from Assistant Secretary of State Douglas Bennett to Senator John Sparkman (D-Alabama), contained the substantive details of the Administration's position. The most important paragraph is reproduced below (32):

''Agreement has been reached on suitable language relating to the timely warning standard to govern U.S. approval of reprocessing with the leadership of the House Committee on International Relations. This language is acceptable to the Administration. While setting forth strict standards, it recognizes that other foreign policy and non-proliferation factors must be considered. It should also be recognized that warning time associated with alternative reprocessing technology is difficult to quantify but does represent a continuum, progressing from a minimum time associated with processes

that involve separated plutonium to longer times for processes that involve uranium and most of the fission products present in irradiated spent fuel. Timely warning is a function of a number of factors, including the inherent risk of proliferation in the country concerned, the amount of warning time provided, and the degree of improvement in warning time that alternative reprocessing technology provides relative to other technologies.''

We note that the phrase ''inherent risk of proliferation'', which appears almost gratuitously and with no explanation of its meaning, was never used in any previous Executive Branch communication to the Congress on ''timely warning''. We also reiterate our comment in note (4) that this phrase or concept was given no substantive acknowledgment in the legislative history of the NNPA beyond its appearance in the September 19th letter.

In discussing the content of this letter, Mr. Farley went into a long and cogent explanation concerning the amount of warning time available to the U.S. under various circumstances involving the retransfer of nuclear materials. But his explanation does not reflect, in words or implication, any notion that timely warning is a function of ''the inherent risk of proliferation'' in a country, whatever the meaning of that phrase. Indeed, Mr. Farley's explanation of warning time conforms with the notion that one must consider the worse case possibility of a completely unexpected diversion in determining whether one's warning time is ''timely'' or not. He said (33):

''For many States, clearly achieving the capability to proceed fairly quickly to a nuclear explosives capability is increasingly going to be something which they have. *In that case, there will be very strict limits on the amount of warning we can expect*'' (emphasis added).

Mr. Farley did not say that the ''strict limits'' he referred to depended on a fuzzy concept like the ''inherent risk of proliferation'' in a country. He tied those limits only to technological capability. There was no further substantive discussion on this point in the markup because the Executive Branch's explanation of the timely warning language was not viewed as differing from the explanation offered earlier by Senator Glenn.

Thus, the State Department letter of September 19th played no role in changing the congressional view of ''timely warning'' that had existed from the beginning. The Glenn compromise allowed for ''timely warning'' not to be the controlling factor in every circumstance where one had to judge whether a given subsequent arrangement would result in a significant increase of risk of proliferation, but the meaning of ''timely warning'' was unaffected.

The above claim is nailed down for good by considering the House floor statements on timely warning, following the Senate markup.

IV. The House Discussion of the New Language on Timely Warning

The House floor debates clearly show that House members viewed the new language as not altering the relationship of timely warning to effective safeguards, i.e., that timely warning was still to be viewed as having to do with ''that interval of time that exists between the detection of a diversion and the subsequent transformation into an explosive device'' (see (8)).

In support of this proposition we have already offered a statement by Representative Bingham in introducing the Glenn language on September 28, 1977. Statements by other key participants also are supportive of our claim. For example, Representative Paul Findley (R–Ohio), Ranking Member of the House Committee on International Relations, in two speeches given before and after the final markup of the NNPA in the Senate, showed that his view of the meaning of ''timely warning'' was unaffected by the Senate action. He stated (34):

''Moreover, the definition of an effective safeguard standard—timely warning—will insure that recipient nations cannot manufacture, undetected and overnight, bombs from materials we provide for peaceful purposes.''

Representative Findley solidified his view of timely warning in the floor debate on September 28, 1977, with the following discussion of the related concept of ''warning time'' (35) (recall that timely warning is present when warning time exceeds reaction time):

''One needs to have warning times that are ample enough to give supplier states or the international community an opportunity to orchestrate an effective response *to an act of diversion* and to be able to do this, moreover, before the violator is able to transform his stolen material into bombs.'' (Emphasis added.)

Representative Lagomarsino (R-California) in support of the compromise amendment described it as follows (36):

''Specifically, it requires that the reprocessing of U.S.-supplied fuel must occur under conditions that provide timely warning of illicit diversion of bomb-usable material. Without such timely warning, the nuclear safeguards system becomes meaningless. We would discover that the plutonium has been diverted after the bombs have been built. Delayed warning or no warning at all would render deterrence impossible.''

Representative Lagomarsino went on to paraphrase the amendment, and describe it further. He said (37):

''. . . the timely warning amendment . . . will further require the Administrator to give foremost consideration to the question of whether the reprocessing facility and the reprocessed product *can be safeguarded so* as to provide timely warning (emphasis added) to the United States of any diversion well before the time at which a *violating* (emphasis added) country could transform weapons-useable material into a nuclear explosive device. Such warning time is essential if the international community or the community of supplier states is to have the opportunity for action. And it is only when such an opportunity for action exists, that safeguards can reliably be considered to deter''.

Finally, Representative Legget (D-California), while expressing general support for the House bill on the day it passed (September 28, 1977), expressed a number of reservations about the changes in the measure, including ''timely warning'' (38). His complaints, however, do not address any perceived change in definition, but address the fact that certain facilities were exempted from immediate application of the timely warning standard. The tenor of his remarks suggest that if he had perceived a change in the definition of timely warning to make it ''more flexible'', he would have cited this as a problem.

The congressional statements discussed above make clear that the change in wording of the amendment did not alter the intent of Congress to view ''timely warning'' as a measure of whether effective action was possible *after discovery of a diversion* (i.e., the worst-case scenario) to deter or prevent the diverting country from fashioning a nuclear explosive device. There is no reference in the House debate to any concept such as the ''inherent risk of proliferation'' as being part of the ''timely warning'' test. Indeed, there is no indication that any member of the House saw a copy of the Bennett-to-Sparkman letter that contained this phrase, let alone paid any attention to it. The only Administration communications that appear in the record of the House debate are identical letters (39) dated September 17, 1977 from Secretary of State Cyrus Vance to Representatives Zablocki and Findley approving proposed amendments to be offered by Congressman Bingham and expressing support for the amended bill. There is not only no reference to ''inherent risk of proliferation'' as an ingredient of ''timely warning'' in these letters, but one of the letter's recipients, Congressman Findley, *in the statement that preceded his placement of the letter in the Congressional Record* reiterated his view that ''timely warning'' was connected to the notion of effective international safeguards. In his words (40):

''Moreover, the definition of an effective safeguard standard—timely warning—will insure that recipient nations cannot manufacture, undetected and overnight, bombs from materials we provide for peaceful purposes.

''By requiring safeguards to provide reliable, timely warning of diversion we are not committing to a new standard but are returning to an old truth.''

Later, in the same statement, Representative Findly said:

''Existing safeguards when applied to reactors do provide reliable, timely warning'', but that ''present safeguards, when applied to reprocessing, do not . . . permit timely warning.''

He went on to say that:

''[W]e must devise safeguards that, when applied to reprocessing, will provide reliable, timely warning. Promising technologies exist which, if pursued, may satisfy this standard. This bill, by defining the standard that safeguards must meet intends to stimulate these new technologies.''

Congressman Findley then referred to collaboration between the Committee and the Administration ''to fashion this safeguard standard'', and remarked that ''. . . the president and Secretary of State have urged that this legislation pass Congress during this session—in its present form—without amendment'' (41).

Obviously, it was not Congressman Findley's understanding that the Administration was proposing any substantial alteration of interpretation of ''timely warning'' from the one he had just laid down.

The conclusion is therefore inescapable that the House did not see the Senate action as changing the meaning of timely warning, but only as broadening the test for determining whether a subsequent arrangement for reprocessing or return of plutonium would result in a significant increase of the risk of proliferation.

V. Conclusion on the Meaning of Timely Warning

There is no logical alternative to the conclusion that the Congress meant for the ''timely warning'' criterion to apply to the most difficult or ''worst-case'' situation, where the U.S. would not suspect in advance that a diversion might occur, but would learn about it after the fact, when the safeguards system had detected it. That is, when detection time is a *positive* quantity. In this case it follows from the definition that *''timely warning'' is met only when reaction time is less than conversion time* (which depends only on a technical and not a political assessment). This explains why the legislative history of the NNPA is replete with references to ''timely warning'' as being associated with what we are here calling ''conversion time'', and squares the statutory (Senate) language on ''timely warning'' with the discussion of the concept in the House report.

VI. The Relationship of Timely Warning to Other Factors in Determining Proliferation Risk

The Senate report, after a discussion of factors that are involved in judging whether ''timely warning'' would be present (i.e., factors entering into an assessment of ''conversion time'' and ''detection time''), launches into a listing of ''other factors which may be taken into account in determining whether there will be a significant increase in the risk of proliferation.'' These are (42):

(1) ''whether the nation is firmly committed to effective non-proliferation policies and is genuinely willing to accept conditions which would minimize the risk of proliferation'';

(2) ''whether the nation has a security agreement or other important foreign policy relationship with the U.S.'';

(3) ''the nature and stability of the recipient's government, its military, and security position''; and,

(4) ''the energy resources available to that nation''.

There would have been no reason for the Senate to label these as ''other factors'' if they already were included in judging whether the ''timely warning'' test was met. To do otherwise would have meant that the Senate was counting such factors twice in giving guidance to DOE on retransfer requests, in which case these component factors would become the ''foremost'' factors in practice, a result not in keeping with the clear congressional intent to identify ''timely warning'' as a separate, ''foremost'' factor.

We have thus established through examination of the NNPA, the Senate and House Reports on the legislation, the Senate Markups, and the floor debate, that Congress intended ''timely warning to be an important factor (the ''foremost'' one), separable and apart from specific political considerations in determining whether a proposed subsequent arrangement for reprocessing or retransfer of plutonium will result in a ''significant increase of the risk of proliferation.''

VII. The Need for Adequate Analysis of the Timely Warning Criterion by the Executive Branch

The chief sponsor and Senate floor management of the bill, Senator John Glenn, stated during the floor debate on February 7, 1978, that (42):

''It is important to note, however, that the bill requires that foremost consideration be given to the question of timely warning. This implies that the latter will receive the greatest weight among all factors. Although this does not require denial of a request when timely warning is not clearly determinable, the language suggests that in the absence of a clear determination that timely warning will indeed be provided, a strong combination of other factors would be necessary to compensate for this weakness in safeguards.''

This statement emphasizes the importance of clearly determining that the ''timely warning'' test has been met. Since Executive Branch decisions on retransfers were made optionally reviewable by the Congress under the NNPA, it would have made no sense for the Congress, which went through tortuous hours of debate and negotiation with the Executive Branch on this issue, to intend the Executive Branch to make an important, possibly critical, determination on ''timely warning'' without adequate supporting analysis showing that the test, as laid out by the Congress, had been met. Therefore, an Executive Branch determination, such as in the Japanese plutonium case, in which there is inadequate analysis revealing how the presence of ''timely warning'' was arrived at, which does not show how ''foremost consideration'' was given to it, and which suggests that extraneous political factors were the main component in the determination, is directly counter to Congressional intent.

FOOTNOTES

(1) P.L. 95–242, enacted on March 10, 1978.

(2) Letter from NRC Chairman Nunzio J. Palladino to DOE Secretary Donald P. Hodel, September 13, 1984.

(3) Private communication.

(4) A phrase used without definition or explanation by the Administration in discussing its own position on ''timely warning'' in a letter dated September 19, 1977, from then Assistant Secretary of State Douglas Bennett to the Chairman of the Senate Foreign Relations Committee, Senator John Sparkman (D-Alabama). It should be noted that this phrase was never mentioned or acknowledged in any way in the extensive House and Senate debates on the floor, during markups, or in hearings.

(5) Senate Report 95–467, October 3, 1977.

(6) Congressional Record—House, February 23, 1978, p. 1456.

(7) Congressional Record—House, February 9, 1978, p. H918.

(8) House Report 95–587, August 5, 1977, p. 18.

(9) See (5), p. 11.

(10) Ibid.

(11) Stenographic Record of Markup—S. 897, U.S. Senate Subcommittee on Arms Control, Oceans, and International Environment, Committee on Foreign Relations; Alderson Reporting Company, September 14, 1977.

(12) Stenographic Record, Committee Business, U.S. Senate Committee on Foreign Relations; Alderson Reporting Company, September 20, 1977.

(13) Stenographic Record, Committee Business, U.S. Senate Committee on Foreign Relations; Alderson Reporting Company, September 28, 1977.

(14) See (5), Section on Executive Branch Comments on S. 897 (As reported by Senate Committee on Governmental Affairs), September 12, 1977, with cover letter from Secretary of State Cyrus Vance, p. 42.

(15) See (14), p. 47.

(16) Ibid.

(17) See (11), p. 14.

(18) Ibid.

(19) Ibid.

(20) Congressional Record—House, September 28, 1977, p. H10280.

(21) See (11), p. 15.

(22) Ibid., p. 11.

(23) See (8), p. 20.

(24) See (11), p. 15.

(25) See (12), p. 45.

(26) See (11), p. 14.

(27) See (12), p. 61.

(28) Ibid., p. 60.

(29) Ibid., p. 61.

(30) Ibid., p. 57.

(31) Ibid., p. 62, The letter of September 12th from Secretary Vance to Senator John Sparkman, Chairman of the Senate Foreign Relations Committee, is identical to the cover letter referred to in (14).

(32) See (5), p. 59.

(33) Ibid., p. 65.

(34) Congressional Record—House, September 22, 1977, p. H9833.

(35) See (20), p. H10282.

(36) Congressional Record—House, September 28, 1977, p. H9835. Although this statement was made on September 22, it was made in reference to the new language on ''timely warning'' that was formally considered by the House on September 28, 1977. (See colloquy between Representatives Lagomarsino and Bingham in Congressional Record—House, September 28, 1977, p. H10280).

(37) Ibid.

(38) See (20), p. H10282.

(39) See (35), pp. H9832 and H9834.

(40) See (35), p. H9833.

(41) See (35), p. H9834.

(42) See (5), p. 12.

(43) Congressional Record—Senate, February 7, 1978, p. S1310.

(44) Section 131a (1) of the Atomic Energy Act as amended provides for a 15 day period of notice before a proposed subsequent arrangement goes into effect.

Mr. GLENN. Madam President, we started working on this effort of nonproliferation back many years ago in my very early days in the Senate. We have been on it ever since. Sometimes you feel like the little story of the Dutch Boy with his finger in the dike. You feel like you are not getting very far, and then you find some nations which are willing to sign up under the Nuclear Nonproliferation Treaty [NPT] and place their confidence in some of the restrictions we have had going on around the world. They express admiration that we and Russia finally are at long last getting our nuclear stockpiles downhill somewhat. So maybe over the long term we are making considerable progress in that area.

IRS COMPLIANCE INITIATIVE

Mr. GLENN. Madam President, I rise today to take issue with my distinguished colleague, the majority leader, whose amendment would severely impact the wide variety of Federal programs on which all Americans rely.

The amendment being offered by the majority leader seeks a recession in the funding of the Internal Revenue Service of $100 million. The funding in question is part of the IRS' new compliance initiative, a broad-based effort to collect all the outstanding tax revenue rightfully due the Federal Government. This excellent program, which was passed with bipartisan support by the Congress last year, will bring in more than $9.2 billion in additional revenue over the next 5 years at a cost of just $2.2 billion during the same period. This is a great deal by anybody's calculations.

In fact, as we stand here and debate, this initiative is already working. For the first quarter of 1995, the IRS has generated an additional $101 million of enforcement revenue, 31 percent of the fiscal year 1995 commitment. These are outstanding results for which we should commend the IRS, given that the program has only just begun and that some lag is always necessary to hire new compliance staff. Do we really want to stop a program that brings in revenue to the Government?

Madam President, I am as aware as any of my colleagues of the need to save scarce tax dollars and effectively spend resources provided by the public. I have long believed that there is a lot of fat, fraud, waste and abuse in Government programs. It has been the focus of our activity on the Governmental Affairs Committee for the last several years.

But I must respectfully take issue with cuts that would come in a program expected to bring in $9.2 billion. If the Senate approved this amendment to the recession bill, then the IRS would be seriously affected by the resulting funding cut. IRS estimates that at this point in the fiscal year, the agency would have to furlough all 70,000 compliance personnel for up to 10 days. At the same time, a cut of this magnitude would cost the Government approximately $500 million in lost collections in addition to the loss of revenue from this initiative.

I am aware that some of my colleagues think that because this appropriation last year was made outside of the domestic discretionary caps, that it undermines our budget strictures and unfairly provides one agency with additional resources. While I sympathize with this reasoning in general—and would not be eager to make exceptions for other agencies—I think that in the case of the IRS, the only responsible choice is to make an exception. To cut compliance funds from the IRS, when each new revenue officer brings in five times their keep, is truly penny wise and pound stupid.

Cutting compliance funds for the IRS is not good logic and it is not good business. I cannot support this amendment that the majority leader has offered. I hope it goes down to defeat.

Madam President, the IRS has had problems. We followed those problems through a number of GAO reports. They have had some financial management problems. After we passed the CFO Act, the IRS management was one of the areas that was targeted to have a first look made of it under the CFO Act to see how they are doing. They are making a number of improvements now as a result of those studies.

Another area that I have followed for several years in which we are beginning, I think, to maybe get our hands on is in the area of IRS receivables. I do not think most Members of this body, or most Americans, people out across America, realize the IRS has owed to it somewhere around $156 billion. Why do we not go out and collect that? Part of that is not collectible in that it is debt that is not validly collectible; where people have gone into bankruptcy, either individually or as corporations. So a big chunk of it fits in that category.

How much can we go out and collect? Peeling that $156 billion down, they have active accounts, they estimate, of $79.5 billion. But they expect, when they look into those, that some are going to be abated or suspended because it will cost more to get them than the money they would get back anyway. But when you come down to the hard core figures that we were given just day before yesterday in a hearing by the Commissioner of the IRS, Margaret Richardson, they feel over there right now that actually collectible money, if we had the people to go out and collect it, is $27.5 billion out there. That is collectible money on IRS accounts if we had the people to go out and get it.

We provided them with additional people last year. We have several thousand people, 4,000 I believe it was, a little over 4,000, that we got as new, full-time employees to go out and collect those accounts because each employee actually brings back in about five times his or her keep as an agent in the IRS.

Now, I think that is a good investment. I think when we talk about cutting back in some of these areas and cutting back on their enforcement money, I cannot understand that, when they bring back far more than what it costs us for those particular people.

The impact of the $100 million rescission would have some far-reaching effects also. We had a hearing just this morning on earned income tax credit. Now, that is a program that has had a lot of fraud and problems because people file either some false income data or they file the wrong number of dependents or whatever and a fairly high percentage of those returns are fraudulent returns.

Now, what do we do? Just as the IRS at the beginning of this year said they were going to do, hold up and look at those returns before they automatically send the money out. They are doing that right now. And we are about to cut the people who do that. We are going to lose far more than the $100 million rescission that has been proposed.

What the amendment would do, it would actually cut the IRS tax law enforcement appropriation by $100 million, 25 percent of the amounts approved in fiscal 1995 for a compliance initiative which is intended to collect an additional $9.2 billion over the fiscal 1995 to fiscal 1999 time period.

The amendment would further require that any revenue officers hired since the beginning of fiscal 1995, which are those addressing the accounts I just mentioned, would have to be redeployed as collection call site assisters.

And third, the amendment would limit the cuts that could be made to the examination and inspection activities of IRS to accommodate the rescission. Reductions cannot take these activities below fiscal 1994 approved levels.

The IRS compliance initiative is designed—and is carrying on right now—to try to already reduce the deficit. Last year, Congress approved a $405 million annual investment to collect an additional $9.2 billion to reduce the deficit over a 5-year period. And the initiative is working. That is the good news. Early results show that IRS will meet or exceed the goal of generating the additional $9.2 billion. In fact, through the first quarter alone, the initiative has generated an additional $101 million of enforcement revenue—in the first quarter of this year. That is 31 percent of the fiscal 1995 commitment. It is ahead of schedule. In other words, they have collected more this year already than it would cost to keep the program in place.

These initiative results are being tracked. They have a new system for tracking enforcement initiatives, and revenue has been developed and approved by GAO. The first-quarter report was delivered to Congress on schedule on March 31.

Further, cutting the initiative increases the deficit. For every appropriated dollar saved, tax revenues are reduced by nearly $5. The cost of this cut in lost revenue is $500 million, if it is limited just to 1 year—a 5 to 1 ratio. If the cut is permanent, the revenue loss is in the range of $2.5 billion. The rescission will negatively impact examination coverage, collection of delinquent accounts, information returns matching, and efforts to curb fraud and abuse with refundable credits.

Just think of that. If we make this cut of $100 million, we are going to reduce impact; we are going to reduce examination coverage; we are going to reduce collection of delinquent accounts, and we are going to not reduce one of the big problems, matching information returns in order to curb fraud and abuse on those refundable credits that we send out.

These are only direct revenues. The Service's enforcement activities also encourage voluntary compliance. When other people see what is going on and they are not able to get away with fraud and abuse, they think twice before they do it and they check that return an extra time before they send it in to make sure there are not mistakes in that account. An estimate has been made of this. Every 1-percent increase in voluntary compliance increases tax revenues by about $10 billion annually. I think that is a very, very impressive figure.

There are some other aspects of what this $100 million rescission cut would do to IRS. Stop-and-go financing disrupts IRS operations. IRS put in place a long-range hiring and training plan. They did it with our support, with our encouragement. Over 4,000 people have been hired or redeployed to compliance jobs so far as part of this initiative. It is a good initiative. In balanced tax administration, ACS addresses predominantly the high volume of low- to middle-dollar cases while revenue officers address the more complex higher dollar individual and business cases. Uneven enforcement could lead to a perception of unfair tax administration. So we want a balanced tax administration.

There are limits to telephone intervention. Certain issues, such as trust fund recovery penalty, cannot be resolved with the telephone. Additionally, certain enforcement tools require face-to-face contact, including seizure and sale, lien priority investigations, and offers in compromise.

The IRS fiscal 1995 savings options are few. With only 6 months remaining in the fiscal year, IRS would need to

make reductions through a combination of an across-the-board hiring freeze in the tax law enforcement appropriation and the staff furloughed.

Now, the worst case I mentioned a moment ago is a furlough of all 70,000 tax law-enforcement appropriation personnel for a 10-day period. A 10-day furlough could result in $500 million in lost revenue collections. So that sounds like a poor bargain to have to do that.

Another factor, too, is using revenue officers as call-site assisters is not practical. In allocating resources for the fiscal 1995 initiative, IRS listened to GAO and congressional concerns regarding staffing for automated collection call sites. The fiscal 1995 initiative contained 2,200, FTE's, full-time employees, for collection; 1,450 of these FTE's were allocated to positions other than revenue officers such as ACS, service center examiners, bankruptcy, account notice work in toll-free operations, and early intervention. Counting the early intervention initiative, 900 additional full-time employees were allocated to ACS.

I wish to also mention the capacity issues. IRS has 3,276 full-time employees assigned to ACS. There are space, equipment, and system limitations that would need to be addressed to accommodate the redeployed revenue officers if this legislation went through. The usual procurement cycle for space and equipment is 18 months.

Since the start of fiscal 1995, only 216 revenue officers have been hired, 89 from outside the IRS and another 127 from other occupations within the IRS.

And redeployment is costly. Even if there were available ACS positions to be filled, redeploying recently hired revenue officers would be costly and it would be inefficient. Revenue officers were not hired in the same location as ACS sites. Revenue officers from around the country would have to either travel to distant cities, incurring travel and hotel costs, or be permanently moved. It has its own costs associated with it. This would mean as much as $7 million in unnecessary travel costs. Further, IRS would be using higher skilled revenue officers to do call-site work that could be done at lower salary costs.

Madam President, this is simply not good business, to cut $800 million out in the interest of balancing the budget, much as we may want to do that, and at the same time cut back on the modernization systems that the IRS has undertaken.

These are good programs that they have and cutting $100 million from law enforcement is exactly the wrong way to move.

I will quote from another document that came to my attention in the office. The headline is:

Cutting $100 Million From Law Enforcement Bad Move, Richardson Says.

Congress should reconsider before it rescinds $100 million of a $405 million compliance initiative enacted last year, IRS Commissioner Margaret Richardson testified April 3.

Richardson told the Senate Appropriations Subcommittee on Treasury, Postal Service and General Government that the rescission proposal ''is simply not good business.''

The proposal is part of S. 617, which would cancel $13 billion in fiscal 1995 spending. It was offered as an amendment by Sens. Robert Dole, R-Kan., and Thomas A. Daschle, D-S.D.

Richardson, defending the agency's $8.2 billion request for fiscal 1996, said any reduction in law enforcement funds or personnel could reduce revenue $2.5 billion. ''Unlike many agencies, the IRS is not a program agency. Over 70 percent of the IRS's budget is personnel cost,'' she said.

And she went on to detail some more of this.

I ask unanimous consent that that article, and another article out of the Washington Times, be printed in the RECORD.

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

[From Highlights & Documents]

CUTTING $100 MILLION FROM LAW ENFORCEMENT BAD MOVE, RICHARDSON SAYS

(By Ryan J. Donmoyer)

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Except for her comments on the rescission proposal, Richardson's testimony was basically the same she has given to several congressional panels since the Clinton's budget was released in February.

Yet even as Richardson tried to justify a $739 million budget increase for fiscal 1996, she found herself talking an awful lot about this filing season.

Sen. J. Robert Kerrey, D–Neb., criticized Richardson and her entourage of deputy commissioners for delays this year in the issuance of the earned income credit. Accusing the IRS of harassing ''hard-working Americans,'' Kerrey said measures such as getting a notary and a clergy member to attest to a child for suspect returns amounted to abuse of taxpayers.

Richardson, taken aback by Kerrey's criticism, said the Service had uncovered several schemes, many involving multiple returns. Fraudulent EITC refunds cost Treasury $1 billion to $5 billion last year, according to official estimates.

Kerrey criticized Richardson for characterizing ''some'' of those caught as ''common street criminals'' and wondered aloud how much of the fraud is committed by organized efforts and how much by individuals trying to snag an extra hundred dollars. Richardson could not say.

''There are bigger fish in the ocean,'' said Kerrey, who suggested the IRS should pay more attention to corporate fraud and individuals who try to avoid all tax.

Richardson tried to escape the examination by saying she would testify on the EITC before the Senate Governmental Affairs Committee the next day.

Subcommittee Chairman Richard C. Shelby, R–Ala., quizzed her about problems with electronic filing and whether the Service could cut its staff positions by 30,000 in seven years if it got all of its budget request.

Shelby also asked Richardson about a March 29 Tax Analysts article that said IRS computers were responsible for some of the millions of returns rejected this year. Richardson said the IRS has found that all of the rejects were caused by taxpayer errors.

[From the Washington Times, Apr. 4, 1995]

IRS FIGHTS RECISION, TELLS HILL PANEL IT WOULD BOOST DEFICIT

(By Ruth Larson)

A Senate proposal to trim the current budget of the Internal Revenue Service ultimately will increase, not decrease, the federal deficit, IRS Commissioner Margaret Milner Richardson told a Senate panel yesterday.

The cuts are part of a $1.2 billion recision package now being considered on the Senate floor. Senate Republicans want to pay for federal disaster relief by trimming funds already appropriated for federal agencies like the IRS.

IRS' share of the cuts—$100 million—would come from the $405 million appropriated by Congress last year to help the agency increase tax compliance by hiring 4,000 more agents. The plan was touted as a relatively painless way to raise $9.2 billion in revenues in the next five years, to be earmarked for deficit reduction.

That compliance initiative may be jeopardized just as it gets under way if some Senate Republicans have their way. An amendment expected to be introduced today by Senate Majority Leader Bob Dole of Kansas and Sen. John Ashcroft of Missouri would rescind a quarter of the IRS compliance funding.

Mrs. Richardson said that while she understands Congress is being forced to make difficult funding choices, ''some cuts that might appear to produce a short-term benefit may not actually do so. The recision proposal is simply not good business.''

The IRS estimates that for each dollar spent on compliance, such as hiring more enforcement officials, it receives $5 in extra tax revenues. Thus, cutting $100 million could translate to a $500 million loss in revenues next year, and a five-year loss of $2.5 billion, Mrs. Richardson said.

Budget cuts could force the IRS to furlough all 70,000 of its compliance agents for up to 10 days, or even lay off the 4,000 newly hired agents, Mrs. Richardson told the Senate Appropriations subcommittee on the Treasury.

Sen. Richard C. Shelby, Alabama Republican and subcommittee chairman, has been skeptical of the IRS initiatives. Last year he supported an amendment, eventually rejected, that would have eliminated funding for the additional enforcement agents.

For its fiscal 1996 budget, the IRS has requested $8.2 billion—an increase of $700 million over this year's budget. ''Many of us are asking, What are we getting for this large expenditure?'' Mr. Shelby said.

More than half the increase is tied to the agency's on-going tax systems modernization.

Next year the IRS plans to upgrade its computer scanning equipment so it can enter all tax forms and supporting documents into its database. Basic tax data is now entered

manually, a time-consuming task prone to error; many supporting records are not even entered in the system.

The General Accounting Office has long criticized the IRS modernization efforts, saying it doubted the project would result in more revenue, even if it were completed. The GAO also has questioned the need for hiring more compliance staff. It found that the IRS has used the extra compliance funds to pay for budget shortfalls, such as locality pay.

Mrs. Richardson said, ''While the IRS agrees with many of the issues raised by GAO, we believe a number of their criticisms are not valid.'' An independent evaluation team from GAO has been looking at the program and is expected to report its findings to Congress next month.

Mr. GLENN. Madam President, when introducing this legislation, Senator DOLE, when he was listing the cuts, said ''IRS, 100 million—that ought to be a favorite of everybody.''

Well, I disagree with that. I disagree that cutting the IRS is going to prove to be popular with very many people.

On the following page of the Congressional RECORD, Senator KYL is quoted as saying, ''For example, as the majority leader says, it cuts $100 million from the IRS bureaucracy, and makes other changes,'' as though there was a bureaucracy over there that is not working properly to get in the amount of revenue that is owed to the Government.

Let me tell you why I think Senator DOLE is wrong in that regard. When I go back home, what makes people more unhappy than anything else—while they are unhappy at paying taxes, of course; no one likes to pay taxes—but what really burns people up is to feel that they are paying their taxes, they fill out that form, they are honest about everything they do, they do the most honest job they can in submitting their data in for the IRS to consider, but then, when they hear about other people getting away with falsifying accounts and with not submitting all the data and with getting away with something and not paying their fair share, that is what really concerns people very much. It makes them very, very angry. And it makes me angry, too, and, I am sure, every Member of this body.

Yet when we know there are compliance difficulties like this, and we know the earned income tax credit has some difficulties, and where we have programs that are set up now to address those difficulties and get every person to pay their fair share, and now we are saying that instead of expanding that program and making sure that that program is big enough to really make sure everybody does pay their fair share, we are going to cut it.

We are going to cut those funds by one-quarter? That just does not make any sense at all, just from a plain business, flat business standpoint, when we know that each IRS agent gets approximately five times his or her keep in return of revenues that they have found that should have been submitted or should have been paid for and was not. Now that just does not make any sense.

I appreciate the necessity to try to cut the budget here and so on, but this is absolutely the wrong, wrong place to do it.

Madam President, I would like to go to a different subject for a moment.

Another one of the cuts that has been proposed by the Republican Conference this year, which I think is very shortsighted and I hope it does not go through, is an attempt to cut the funding for the General Accounting Office by one-fourth in this 1 year.

Let me give just a little bit of background. We, in the Governmental Affairs Committee, have been the committee of jurisdiction and of supervision over the General Accounting Office ever since I have been on that committee and long before that. We work very closely with them.

They started over 2 years ago, before the last election, to downsize. They wanted to be more efficient. They started their own program of modernization and downsizing at GAO and it has been on schedule. What has happened? They are already down some 12 or 13 percent now and they plan by the end of 1997 to be down one-fourth smaller than they were when they started this program. They are doing that at their own initiative.

Now what happened? The Republican Conference came out with a policy that they want to see GAO cut one-fourth this year, an additional one-fourth of what the GAO is already doing, an additional one-fourth cut in this year alone. This would decimate the GAO.

We depend on the GAO as our investigative arm of Congress.

When they were before us a short time ago over in committee, I could detail just what my own personal efforts where, as committee chairman on the Governmental Affairs Committee, I had asked them to do certain reports. They would come back and then, as a result of that, with action here on the floor or working with other committees, we would point to several billion dollars just that I had saved, just with my own initiative working with GAO.

They have pointed out all sorts of problems. And yet we are trying to cut them back.

Where did this start? Where did people get down on the GAO to the point where they are proposing to be cut back by one-fourth when they do good work and where they their own downsizing already going. And, as Comptroller General Bowsher has said, if you just let them alone and let them proceed until the end of 1997, they will have reduced by one-fourth over that period of time and accomplished on their own an orderly reduction that still enables them to do their job without getting slashed as the proposal would do out of the Republican Conference this year.

There is an editorial in the Hill newspaper, Wednesday, April 5, today. That editorial is entitled ''Don't gut the GAO.'' By and large they state the situation pretty well, I think. I just read this a few moments ago, before I came on the floor. I quote from this editorial:

Ever since the General Accounting Office uncovered the House bank scandal, which cost many lawmakers their jobs and sent some to jail, Congress has been gunning for the watch-dog agency. Republicans were particularly incensed by GAO reports critical of President Bush's tax policies.

It now appears that the GAO, the research arm of Congress, may have to pay a heavy price for its independence. Senate Republicans want to slash the agency's budget by 25 percent.

The ostensible reason for this cut is a deeply flawed report by a panel of the prestigious National Academy of Public Administration, which concluded that the GAO had strayed from its role as a numbers cruncher and wandered into the more esoteric realm of evaluating government programs and policies. But how does an agency evaluate whether taxpayer funds are being well spent except by evaluating the programs and policies for which they are used?

Since its inception in 1921, the agency has saved taxpayers billions of dollars—more than $200 billion by some accounts.

In fact, I correct the editorial here. The $200 billion I think was since 1985, not going clear back to 1921.

I continue with the editorial:

It was the GAO that found the money trail in the Iran-Contra scandal. After uncovering the HUD scandal, the agency went to work on the Department of Defense, and found $36 billion in supplies not needed to satisfy current operations of war reserves. GAO also turned the spotlight on wasteful Medicare reimbursement practices, including hospitals whose physical therapists billed as much as $600 an hour even though their salaries were as low as $20 an hour.

Last year, the agency examined the Department of Energy's Rock Flats plant in Colorado, and found numerous safety problems, including ''plutonium liquids leaking from pipes and tanks, fire hazards and risks of exposing workers to plutonium.'' The GAO is currently studying Supplemental Security Income, which now costs $60 billion a year, a 140-percent increase in the last 10 years. The agency is seeking ways to bring the mushrooming costs under control.

Scotty Campbell, former head of the Office of Personnel Management who directed the critical study, nevertheless warns that a 25-percent budget cut ''could do serious damage to that organization in terms of getting on with its work and readjusting its mission.''

The agency, whose $443 million budget is the largest of any legislative branch agency, has already cut its staff from 5,325 to 4,700 since 1992, and is prepared to reduce it to 3,975 during the next two years. They would have to dismiss 1,600 employees in the next nine months to comply with a 25-percent cut in one year.

The GAO does have its internal problems. The agency is stymied by an antiquated management system that never ceases reviewing its work. It seems constitutionally incapable of producing reports to Congress on time—only 21 percent met GAO's own deadline.

Paradoxically, although Congress wants to slash the agency's budget, it bears most responsibility for GAO's workload. About 77 percent of the agency's work was at the request of Congress. Only last week, the Senate approved giving GAO responsibility for

reviewing every significant regulation promulgated by a Federal agency, a task currently performed by the Office of Management and Budget.

Clearly, the agency that uncovered the House bank scandal doesn't always give Congress what it wants. That makes the GAO all the more needed, especially when budget cutters are honing their axes.

This is definitely not the time to shackle Congress' most effective fiscal watchdog.

I ask unanimous consent that the editorial be printed in the RECORD.

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

[From the Hill, April 5, 1995]

DON'T GUT THE GAO

Ever since the General Accounting Office uncovered the House bank scandal, which cost many lawmakers their jobs and sent some to jail, Congress has been gunning for the watchdog agency. Republicans were particularly incensed by GAO reports critical of President Bush's tax policies.

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The ostensible reason for this cut is a deeply flawed report by a panel of the prestigious National Academy of Public Administration, which concluded that the GAO had strayed from its role as a numbers cruncher and wandered into the more esoteric realm of evaluating government programs and policies. But how does an agency evaluate whether taxpayer funds are being well spent except by evaluating the programs and policies for which they are used?

Since its inception in 1921, the agency has saved taxpayers billions of dollars—more than $200 billion by some accounts. It was the GAO that found the money trail in the Iran-Contra scandal. After uncovering the HUD scandal, the agency went to work on the Department of Defense, and found $36 billion in supplies not needed to satisfy current operations of war reserves. GAO also turned the spotlight on wasteful Medicare reimbursement practices, including hospitals whose physical therapists billed as much as $600 an hour even though their salaries were as low as $20 an hour.

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This is definitely not the time to shackle Congress' most effective fiscal watchdog.

Mr. GLENN. Madam President, it just does not make any sense that we are going to cut GAO at a time when we need their investigations more than ever.

It came as a big surprise to me back several years ago, as chairman of the Governmental Affairs Committee, to learn that the departments and agencies of Government are not required to do a bottom-line audit every year, as any business would have to do. The biggest spending organization in the world, the U.S. Government, and we are not required to do any audits at the end of the year.

We worked over several years putting together legislation. It was put together with the assistance of Dick Darman in the White House, during the years when he was head of OMB, and with Charles Bowsher, who is the Comptroller General, and we put together what we called the Chief Financial Officer Act, which has been in effect since 1990.

What does that do? It requires a bottom-line audit every year of every Department, every agency. We started GAO out auditing just three pilot projects trying to see whether we could get audits or not and what kind of shape they would be in. Nobody is passing, at this point, what in business would be called a certified audit. It will be a number of years before we get to that point. But who is required to analyze those new activities that we have put on every Department, every agency of Government to make sure that they are truly doing an audit—in other words, checking the audits, making sure the bottom-line audit is valid? The GAO, the General Accounting Office. That is one of their assigned jobs.

We are assigning them new roles all the time, and yet, at the same time, we are saying in addition to what they are already cutting down, 12 to 15 percent, we whack them out one-fourth this year when we need more accounting capability, not less.

I wish we could go not just to three agencies of the Government or Departments of Government and say, ''Yes, the GAO is coming over to audit you and you better get your books in order.'' I wish we could go the whole length and breadth of Government. We are going to do that next year, and they are phasing it in slowly and doing a good job of phasing it in slowly, because they do not have the resources to go further into this and do it more rapidly.

It is unbelievable some of the things we found in our hearings going on over at the Pentagon, as far as accounting. GAO found across the whole length and breadth we have 200 different accounting systems, most of which cannot talk to each other on computers. The Pentagon alone has 160 different accounting systems; the Army has 43 different accounting systems. GAO is working closely with the Pentagon, with John Hamre, the comptroller over there, trying to make some sense out of this and trying to get reports and combine some of these systems so that we can know what happens to the money that we appropriate for the Pentagon. I use that as just one example.

I think it was $32 billion in unmatched disbursements, for instance, where they are just sort of written off. We hope they were all valid payments, but we could not really document what those payments were, whether they were as valid as they should be or not.

We did not have the paperwork trail there to do it. They are helping the Pentagon upgrade their system so we can get that kind of an audit trail every single year, not just once in a great while. Yet, at the same time, we are talking about cutting their funding back by a fourth when they are on the downswing now.

It was rare we used to hear any comment about problems with the GAO, and I know, as chairman of the Governmental Affairs Committee, where I heard the first major complaints. I think maybe this is where some of the problems started with the reputation of GAO in the Senate at least.

I know that the editorial I read a moment ago puts some of the problem over in the House on what they did in uncovering the House bank scandal. But in the Senate, everybody went along thinking GAO was doing a good job, which they were, up until President Bush was elected. And during that transition period is when the GAO took it upon themselves to issue the transition reports, giving advice, which was not solicited by the new administration at that time.

These were transition reports that called on GAO's background and their experience in these different areas as to where they saw some of the major problems in Government. This was unsolicited by the new administration. We had very few Senators here, but some—I still have one of the letters in my file that was just caustically critical of the General Accounting Office for going outside what this particular Senator saw as their proper role of doing only reports that we had requested specifically from here, committee chairmen or individuals, of course. But they voluntarily made these transition reports.

If that affronted some people, I am sorry it did, but it certainly did not affront me and it would not have affronted me had it been a Democratic administration coming in.

I do not think there is any agency of Government—no one certainly at the congressional level—to give us advice whose views go clear across the length and breadth of Government, all the way across, and is more qualified to give advice than the General Accounting Office.

I know if it had been a Democratic administration coming in, I would have welcomed those transition reports to give a new administration some guidance. Instead of that, their initiative, which they took on their own, seemed to have affronted some people here. And we heard continual criticism of the General Accounting Office ever since that time. Even up to and including one of the reported suggestions after the Republican conference made their suggestions on cutbacks at 25 percent, one of the Senators was quoted as saying he thought they should be cut back 50 percent. That would virtually do away with the fine job the General Accounting Office does for the Congress.

So I hope that we can think about this very carefully as to what we are doing when we cut funds back for the General Accounting Office. I hope they can be permitted not to take a one-quarter cut in this year, all in this year. That would decimate them. It would interrupt all their programs. They are on a reduction of about one-fourth of their work force right now. It started back 2 years ago and will be completed by the end of 1997. That is their target for this, and they are on schedule for it right now.

They can go that kind of reduction in an orderly fashion and accomplish the same thing if just given the time to do it.

I realize the efforts that we try to put forth around here to cut the budget, but if we are cutting the budget with regard to the General Accounting Office to that level, I think we are making a very, very, major mistake and one that we will regret.

If we do not have them, who are we to use for investigations that they have done in the past? I have used them. As chairman of the Governmental Affairs Committee, I used them for quite a number of different projects.

One I will mention. We are all concerned about the nuclear waste across the country, nuclear waste out of the nuclear weapons production program across the country that went for so many years without anybody even looking at it.

Back in 1985, I was at Fernald in Ohio. People wanted me to come out there, and it was one of the first steps in the nuclear weapons process, a processing plant at Fernald, and they felt there were problems there with waste.

I went out not knowing quite what I would find. The situation was worse than I thought it was. I went to work on that.

Then we asked the General Accounting Office to do a study of the site, which they did. I thought it could not possibly be this bad all over the whole country at the 17 major sites in 11 different States that were part of that nuclear weapons process. It turned out we asked GAO to do studies in some of the other areas, which they did, and what did they find? They found what I had run into at Fernald was only the starting point. What was out there across the whole nuclear weapons complex was a hideous ignoring of what had been going on all during the cold war as we fought to get fissile material and nuclear weapons produced as fast as we possibly could.

We had been just ignoring the waste. Everybody was so concerned, including me, including Members of this body, including most Americans, we were concerned, ''The Russians are coming, the Russians are coming.'' We have to get those nuclear weapons out there fast.

What are we going to do with the waste? Put it out behind the plant and we will deal with that later. That is what we did. This ''out behind the plant and deal with it later'' was all the nuclear waste that we are now going to have to spend hundreds of billions of dollars to clean up.

The organization that has given the best definition of that whole problem all across the country is the General Accounting Office. I add this. Back then, when we first ran into this and had the first GAO reports, we asked for estimates from the Department of Energy as to how much they thought it was going to cost to clean up this whole thing out across the country. This was in about early 1986. They estimated it was going to cost $8 to $12 billion to clean these places up.

Better defining as GAO went through this showed in about 2 years it would cost closer to $100 billion. That was our estimate for several years. Then the cost went up, through better refining of the data, to about $200 billion and 20 to 30 years to do the cleanup.

Now this past week the Department of Energy has finally estimated that depending on how clean we want to make the sites, the cost will be $200 to $375 billion. Some can be done in 20 to 30 years, and some of it may take as long as 75 years as we try to learn how to do it.

GAO is the one who has defined most of this problem and pointed it out. They deserve a lot of credit for having done that.

We could go on. I could talk all night here, all afternoon and all evening about what has happened in GAO on the different projects and what we have been able to save. They have gotten back so many times their cost, the cost of having GAO so many times.

I indicated just my own personal case of requests for information that has resulted in several billion being saved on different accounts that we can document. This $200 billion I said they saved since about 1985, I believe it was, they can document. They have follow-up activities that show. These are not some wild pie-in-the-sky estimates to make them look good. They document this with follow-up review procedures to see how much has actually been saved, and $200 billion over the last 10 years is an enormous savings. Yet at the same time we are talking about whacking them by one-quarter in addition to the reduction they are already making. That would be the most false economy I can think of if we went through with that.

Madam President, I have spoken longer than I usually speak on the floor today, but I think these are very important matters. We talk about pulling back money for the IRS at a time when they are getting their TSM, their tax system modernization in place. That is a mistake. They are getting back far more than what it costs.

If we cut them down on their compliance activities, their follow-up on tax returns, their follow-up to make sure that everybody is paying their fair share, their follow-up to make sure the IETC—the earned income tax credit—is not given incorrectly to the wrong people, when we start cutting back on activities like that, that is a mistake.

I personally would like to see funding increased for GAO and increased for IRS because their track record is that they are getting back more than those additional dollars would cost.

I hope we are not going to, in the interests of balancing the budget here, make some false economies here that will cost more in the long run than it would to fully fund these agencies as requested right now.

I appreciate the consideration of my colleagues. I yield the floor.

BUDGET PROCESS STATUS

Mr. GREGG. Madam President, I wish to address the underlying legislation and also generally about how we stand in this budget process, because obviously this piece of legislation has an impact on the budgets generally.

We are about to break here for a couple of weeks, and when we return from this break, we will have a chance to debate the basic budget resolution before the Congress. This rescission package which we are presently taking up is sort of a precursor to that whole debate, the budget resolution of the Congress.

What it all comes down to is an issue of how we preserve the American dream for our children. What this debate is about is whether or not we are going to start putting fiscal discipline into the Congress and into the Federal Government in a manner which will allow Members to avoid an economic catastrophe which is looming over the horizon and which, unfortunately, our children will be the recipient of.

If we do not soon get control over the extraordinary amount of debt which the Federal Government is running up, we will essentially pass on to the next generation a nation which is bankrupt.

In fact, the national debt today stands at about $5 trillion. It will stand at about $8 trillion by the year 2010. Today, about every American owes about $19,000 if we take the national debt and divide it by the number of Americans. As a result, we are essentially creating a situation where the next generation will not have the capacity for paying the costs of Government which has been passed on to them by our generation. We will be the first generation—talking about the postwar baby boom generations that dominates the membership of this Congress—we will be the first generation in the history of this great country which passes less on to our children than was given by our parents. The opportunity to survive and have a lucrative and a prosperous lifestyle will essentially have been snuffed out for our children by our actions.

Federal taxes today consume about 25 percent of the median income of an American. In the year 1970 it was only 16 percent. Combined Federal and State taxes consume about 50 percent of the incomes of an average American. That is today. That is a huge amount of money. By the time that our children begin to earn and produce, unless we get control over the growth of the Government, taxes will consume 84 percent—84 percent of their income.

Now, that is not my number. I did not come up with that number. That was a number that was actually in the President's prior budget, not in the one he presented this year but the one he presented a year ago. He took it out of this year's budget, I suspect, because it was such a startling number he did not want to disclose it again.

Madam President, 84 percent of all the earnings of all Americans will be absorbed simply to pay for the Government as we move into the beginning of the next century unless we do something, unless we begin to bring under control the rate of growth of our Federal Government.

The current spending policies of this Government also directly affects the cost of doing business and the cost of living in this country.

For example, the national debt adds nearly 2 percent to interest rates, and that, of course, directly affects everyone's lifestyle. For example, those 2 percent in additional interest points represents $900 on the cost of financing a $15,000 car and represents $37,000 on the cost of financing a $75,000 house.

CBO has projected that interest rates would fall, however, if we were able to bring under control Federal spending. In fact, if we were able to balance the budget and put in place a balanced budget, interest rates would fall by fully 1 percent.

In addition, we know if we look into the outyears, what is driving this deficit, what is driving this rate of growth of the Federal Government is entitlement spending. It is not that this country is essentially an undertaxed country, it is not that the people of this Nation do not pay enough in taxes, it is that the people of this country are being asked to spend too much by the Federal Government.

This chart reflects that, and the problem. The green line, which is hard to see, which runs across the middle of the chart, shows what the revenues of the Federal Government are, as we project out into the future years what they have been since 1970 and what they are as we project in future years.

The blue spaces represent discretionary spending. The yellow space represents interest on the Federal debt. And the red space represents entitlement spending.

What this chart essentially says is by the year 2010, we as a Government are going to be spending so much on entitlement programs and interest on the Federal debt that it will absorb all the revenues of the Federal Government. We will not be able to pay for things like national defense, education, roads, libraries, all the services which are discretionary spending. Unless, of course, we wish to tax people at 84 percent of their earnings. Then, around about the year 2015, what this chart essentially says is that because of the force of the cost and the rate of growth of the cost of entitlement spending, this country essentially goes bankrupt.

Ironically, the Medicare system, which is one of the major entitlement programs and which is the primary health care system for senior citizens, that goes bankrupt in about the year 2002, around here. But as a result of demographics and the fact that a large number of citizens in the postwar baby boom generation become senior citizens beginning in about the year 2007, and that group starts to peak around the year 2020, as a result of the huge number of people then receiving benefits under things like Social Security and Medicare, the whole country essentially goes bankrupt in about the year 2015. We end up like Mexico, essentially, a country unable to pay for the operation of its Government and unable to secure or provide a prosperous lifestyle for its people.

All of this occurs not as a result of the fact that people in this country are not paying enough taxes. You would believe they are not paying enough taxes if you listen to many of the Members on the other side of the aisle, that simply raising taxes will address this issue. But that is not the case. As the next chart shows, all of this occurs because we are simply spending too much money. Taxes have remained fairly constant over the last 20 years and will remain constant over the next 20 years as a percent of our national income. But spending has gone up dramatically and stays up and then goes up even more dramatically as we head into the outyears. So it is spending that we must address and addressing the issue of spending we must also address the entitlement spending.

How has the other side decided to do this? How has the President and his party approached this issue? The President sent us a budget about a month ago which projected $200 billion deficits for as far as the eye could see—$200 billion deficits. It added $1 trillion of new debt, just in the next 5 years, to our children's shoulders. It made no major proposals to control any costs in any of the entitlement programs. Imagine that. Entitlement spending makes up 60 percent of the Federal accounts—60 percent. And not one proposal was made in the President's budget to address any of the entitlement accounts.

It was, to say the least, a political document—not designed to address the substance of the major issue confronting this country, which is the fiscal viability of our children's future; not designed to address the fact that we are facing an impending bankruptcy in the Medicare system and a bankruptcy of this Nation for our next generation—but a budget designed to get reelected in 2 years from now.

I call it the Pontius Pilate school of budgeting. Essentially, the President and his party washed their hands of the issue of addressing the deficit and the issue of controlling spending and the issue of how we protect our children's future, and walked off into the distance and said they would give us $200 billion deficits for as far as the eye can see.

This, in my opinion, was an outrage, an inexcusable act, and one which clearly did not reflect the need to manage this Government correctly and to face up to what is the most significant issue we as a Government confront.

On the other side, we, as Republicans, have proposed substantive proposals to address this deficit problem. Today we are taking up this rescission bill. It represents specific reductions in spending for the next 6 months, the balance of this fiscal year, reductions in spending which actually exceed in 6 months what the President has allegedly sent up to us over 6 years. He suggested another $13 billion in spending cuts. We are proposing $13 billion more—more than $13 billion in spending cuts in the next 6 months. He is talking about it over the next 5 years and actually does it through budget gimmicks on top of that.

So that is the first step in this exercise, in this critical exercise of protecting our children's future. But the more important step is how we address the major budget for the next 5 years and how we address specifically the entitlement spending that is driving the issue of the deficit.

If you look at the entitlement accounts there are obviously a large number of them. Many people do not understand what they are. Basically, those are accounts where you have the legal right to receive a payment from the Federal Government, unlike discretionary accounts, where the Federal

Government has the option to spend the money. In defense we have the option to spend the money. In education we have the option to spend the money. In building roads we have the option to spend the money. But in entitlement accounts, if you meet certain criteria, you have the right to be supported by the Government or have the Government pay you.

In the entitlement accounts are such areas as Social Security—it is considered an entitlement account although it is really an insurance account—health care, especially Medicare and Medicaid, farm programs, SSI, EITC, pensions for Civil Service and military retirees. Those are some of the biggest ones—welfare. Those are all entitlement accounts.

To begin with, Social Security is something that in the short run is not a problem and we have not proposed doing anything that would impact that in a negative way. Why is that? For the next 7 years, actually, Social Security runs a surplus. Every year more money is paid into the Social Security system than is paid out: $60 billion this year, by the year 2000 it will be $100 billion annually. That is a factor of demographics and a tax increase that occurred back in 1983.

After the year 2005 the postwar baby boom generation hits the system. Then Social Security becomes a major problem. But for people who are over the age 50 there is no proposal and there should be no proposal that would impact their Social Security benefit. So we have not addressed that in the short run of the next 5-year budget.

So we take Social Security off the table but we leave—that leaves on the table the other major entitlement issues. Of those health care is 55 percent of the spending, health care accounts.

In the health care accounts we are talking about two major areas, Medicare and Medicaid. Medicaid is essentially a welfare proposal, where moneys come out of the general fund to support people who cannot afford their own health care and their own long-term care; Medicare is an insurance proposal for the most part, where people pay into it through their earnings. What we propose, as Republicans, is not to cut Medicare, not to cut Medicaid. There has not been any proposal to do any of that. What we propose is to change those programs to make them deliver a better service to the people who are receiving them and, in the process, slow their rate of growth.

Today the Medicare and the Medicaid accounts are growing at about 10.5 percent annually—10.5 percent. That is three times the rate of inflation. It is actually about 10 times the rate of inflation in the health care community in the private sector. Last year the health care community in the private sector actually had a negative rate of growth. So it is actually 10 times that. But it is three times the rate of growth of the general economy. That is simply too fast and it cannot be afforded. What we are suggesting is we should slow that rate of growth from 10.5 percent down to about 7 percent. That is still twice, in the Medicare area, twice the rate of growth of inflation.

How do we do that? How do we slow that rate of growth? We are going to do it by suggesting to senior citizens that they should have more choices. In fact, we are going to say to them essentially we are going to try to give you the same type of choices a Member of Congress has. That seems pretty reasonable to me. They do not have that today. Today most seniors function out of what is known as a fee-for-service service in health care. Why? Fee for service is where you go out, hire your local doctor, you know him personally, and you pay him personally, and you pay whoever he refers to personally. It is a one-on-one type of relationship to health care. Most seniors in the fifties, sixties, seventies when they were growing up, that was the health care provided in this country, about the only health care, and they were comfortable with it. So the culture of senior citizens today use the fee for service. It happens to be fairly expensive. In fact, it is the most expensive form of health care. It is why health care is growing so fast as a function of cost.

So we are going to say to seniors, I hope, as a way to control the rate of growth of cost, if you want to stay with fee-for-service, fine, do that. We are not going to limit your ability to do that. You can keep that program. But if you as a senior decide to choose a program which is captivated, where the fee for that program is fixed, you go and buy the program at the beginning of the year, they supply you all your health care needs, and the needs they supply are the same as you get as under your fee for service, if you go into that type of program, and that type of program costs less even though it supplies the same type of care—it has to supply the same type of care as you get today—if that program costs less, and it probably will, these are HMO's, PPO's, we are going to let you, the senior, say keep part of your savings. In other words, if it costs $5,000 to get fee for service and you can go out and buy into an HMO for $500, you get to keep 75 percent of the $500 you saved. That is a pretty good deal for seniors. They are going to get the same, probably better, health care in many areas and it is a good deal for the Federal Government. Why? Because it gives us a predictable amount of cost for health care and its rate of growth.

We know that if we can move people out of the fee-for-service system into a captivated system, we can in the outyears save a dramatic amount of money and be assured of the rate of growth. We can afford, instead of the 10-percent rate of growth, closer to the 7-percent rate of growth which we need to reach.

It also creates a huge attitude in the marketplace where you will see competition rise, and you will see seniors given all types of choices. Who knows what will come forward. The market has imagination. They will be able to get programs today that we cannot conceive of, probably offers to give them drugs, long-term care, and probably offers to give them all sorts of different opportunities that they continue to have today under their present plan.

That is a result of marketplace forces competing for those dollars, as a thoughtful senior out there purchasing and make the senior a smarter purchaser. As a result the Federal Government and the seniors are the winners. We will see a reduction in the rate of growth. That is one approach which we will take. We call that creating a better program.

Medicare was created in the 1960's. It is a sixties health care program. It no longer functions in the present climate effectively as a way to deliver health care. We need to change it. Unfortunately, the forces of the status quo which have dominated this place for the last 30 years resist any type of change. But this type of change is needed in order to bring these costs under control, and in order to assure that our children have an opportunity to have health care and that the Medicare system does not go broke so that our seniors get health care after the year 2002. Medicaid accounts, and the welfare accounts, two major entitlements where we have essentially said—and I think most people would agree with this, especially in welfare—the Federal Government has failed. If there is an example of the failure of the liberal welfare state, it is welfare. We have created generations of dependency and despondency. People are locked into their system and told they cannot be productive citizens, and if they try to be they are beaten down by a bureaucracy which says you are not capable of being productive. We are going to keep you in this atmosphere, this endless cycle of dependency on the Federal Government and on the Federal dole. It has not worked. Welfare is a failure. The vast majority of Americans know that. The only folks who do not seem to know that are some of our more liberal colleagues who appear to be tied inexorably to this holdover from the concepts of the past.

What we are going to suggest is that the States should have the responsibility of managing the welfare systems, and they are willing to do it. Given the imagination, the creativity and the flexibility the States have shown in all sorts of areas, release that sort of enthusiasm and energy on the issue of welfare reform and Medicaid, and you will see programs which are better. You will see the recipients and the people who need the care and the assistance get better care, better assistance programs, and the States feel they can do it at less cost. We will design these programs in relationship in conjunction with the Governors so that they will be Governor-driven, so to say. They will be imaginative. They will be

creative, and bring to the process a much better view and a much better approach to welfare and to Medicaid. We will get a better program, and we will get it for less money again because the States freed of this huge overhead of Federal bureaucracy can deliver more for the dollar, deliver it for less because they do not have to comply with all of this endless paperwork and bureaucracy.

As Governor of New Hampshire, I knew that if I did not have to comply with an overwhelming morass of Federal red tape and the number of people that we had to keep on the payroll just to comply with the absurd regulations, the massive regulations that were coming out of Washington, that I could have taken that dollar and gotten more dollars out of my welfare for recipients who needed it, make sure the folks who did not need it did not get it, make sure the people who you had to help transition out of welfare were helped transitioned out of welfare, and in the process do it for considerably less and be more efficient. The Governors feel that way too. That is why they have supported this initiative.

So we will undertake that process in reforming that type of program. In other entitlement accounts we can take the same type of approach—imaginative, creative approaches which will slow the rate of growth. That is what we are talking about; slowing the rate of growth of these entitlement accounts. Why? For two simple goals. First, to make sure that these programs work a lot better because they are not working today very well. But, second, to make sure that we do not bankrupt our children's future. That must be one of our primary thoughts.

So as we go forward in this budget debate, we need to be sure that we understand what is at risk here. We can follow the course which has been laid out by some of our colleagues on the other side of the aisle which is to resist every proposal that comes forward to impact any of these programs, and to say that it is wrong—wrong to change one ''i'' or change one ''t'' as it has been dotted and crossed for the last 20 years. But we can attempt to go in and fundamentally change and reform the manner in which Government is delivered in this country, to slow the rate of growth of Government, to downsize the size of the Federal Government, to return power to the States, the power to the people, to have a Government which understands the delivery of these programs to be significantly improved through delivering them at the State level, and with the programs that we retain here make sure we take a number of imaginative, more creative approaches such as giving choice to our seniors in the area of health care. Those are the types of changes we need to undertake in order to assure that our children have some opportunity for a prosperous lifestyle.

If we make those choices here on this rescissions bill, and when we come back on a budget bill which would substantially reduce the rate of growth over the next 5 years, then we will see a budget that will come into balance. That is what this black line means. The red line happens to be the President's budget as it is projected out over the next 5 years, with the $200 billion deficits, continuous $5 trillion new debt. But the type of budget we are going to propose will be a budget that will lead us to a balanced budget by the year 2002.

Yes. The decisions will be challenging, and I suppose the votes will be defined as tough, hard-to-make votes. But they really are not. They really should be fairly easy votes because what we are talking about here is how to reform this Government so that it delivers the services it is supposed to deliver, but delivers them in a manner which can be afforded not only by our generation but by the next generation which is going to have to pay for the costs which we are passing down to them.

I believe we can accomplish that. I believe we must reject the debate tactics which we have heard on this floor for the last few days which has essentially demagoged every cut as an act that shows no compassion to whatever constituency has been identified for the moment and acknowledge the truth of the matter, that if we are truly concerned about our children—and there has been so much rhetoric from the other side about this program or that program being an issue of caring for children and compassion for children—if we really care about our children, then we have to be willing to address the deficit and the fiscal crisis which we are facing today and the fact that we are going to pass into a bankrupt Nation if we do not act and act quickly and act now.

We should also reject the view that all compassion is retained here in Washington, that the only people who can run a program that really is caring and thoughtful is some small cadre of bureaucrats aided by their assistants here in the Congress of the United States out of Washington. How arrogant that is. How elitist that is. It assumes that Governors are not compassionate, State legislators are not compassionate, that the people on the main frontline of the issue, the folks in the towns and cities across this Nation who deliver these programs do not have the compassion to manage them themselves; they must be told how to do it by this cadre of self-appointed experts here in Washington.

That theory of compassion holds no substance. It is not defensible. This debate, when you hear those terms, is not about compassion. This debate is about power. That is all it is about, the fact that there are folks in this city who have built their careers around the capacity to control the dollars which flow back to run these programs. And they understand that when we move these programs back to the States and the dollars back to the States, they will lose that power and they do not like it. And so they mask their fear of losing that power or they cover up their desire to retain that power with this inflammatory language about compassion which on the face of it is not defensible because it presumes that they are the only ones who possess such traits and that elected officials at the local level and at the State level cannot equal their level of compassion, which is absurd.

So as we move out back to our States over the next couple of weeks and we discuss the issue of the deficit and of the budget, and as we take on issues such as this rescission package and later this budget itself, I think it is absolutely critical that we be honest with the American people, that we explain to them that if action is not taken very soon on bringing this deficit under control, on bringing the rate of growth of this Federal Government under control, our senior citizens will find a Medicare system that goes bankrupt in the year 2002 and that our children will find a nation that goes bankrupt in the year 2015, 2020, somewhere in that range; that we will have passed on to the next generation a nation that is unable to supply them the opportunities for prosperity and hope that we were given by our parents. And as I said at the beginning of this talk, it is not right and not fair for any generation to do that to another generation.

So I hope that as we go forth over these next few weeks we will honestly discuss what is truly at risk here, and what is at risk is the future of our children.

Mr. President, I yield back the time.

Mr. President, I make a point of order that a quorum is not present.

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

The legislative clerk proceeded to call the roll.

Mr. ASHCROFT. 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. ASHCROFT. Mr. President, we have a solemn responsibility the people have given us. It is a responsibility to control the spending of this Government, to bring it in line with the concept of balance, to somehow manage the resources of this Government in a way which would not continue to jeopardize future generations.

You and I are keenly aware of the fact that every man, woman, and child in the United States of America has a debt of about $18,000, every family of four a debt of about $72,000.

We have before us a rescission bill, this measure to try and rescind certain spending items which we think we can afford not to spend—as a matter of fact, we cannot afford to spend. These are items which ought to be cut.

The freshman class of the Senate in this body in the last several days has forwarded additional cuts that would

allow us to save additional resources. The original proposal for rescissions in the Senate was about $13.3 billion, and this Senate just a few evenings ago in an act of rather courageous judgment decided that we would defer an additional $1.8 billion in spending by deferring the construction of a number of courthouses around the country.

I think it is important for us to look carefully at the proposal of the freshmen Senators that would provide for another $1.3 billion in spending reductions. That money would be available for future generations because it would not be an encumbrance of debt placed upon them. And the kinds of places in which there are projected cuts are places where we can afford to trim back spending, not the least of them is the AmeriCorps of President Clinton, the so-called volunteer arena where people are paid significant sums of money in order to go and volunteer.

What is interesting about AmeriCorps is that it has been costing the American citizens an average of $30,400 per volunteer.

Now, most people do not think of $30,400 price tags on volunteers. We think of volunteers as a part of a great American tradition of giving. This is part of the great American governmental tradition of spending. Not only is it $30,400, a lot of that just goes into the bureaucracy to support those so-called volunteers. As a matter of fact, the data we have indicates that $15,000 of each one of those $30,400 items goes into the bureaucracy and overhead and administrative costs to support the volunteers. That only leaves $15,400 remaining. So that money then supports the so-called volunteer.

But it is interesting to know where the volunteers work. The volunteers, 20 percent of them, one out of every five of them, works for the Government. And frequently these individuals are not really volunteering in the traditional area of volunteer service in America at all. It is just a back-door way of bringing more people into the bureaucracy.

So the AmeriCorps Program is a program that ought to be carefully looked at. And when the freshman class proposed, in response to the mandate of the American people, that we cut an additional $206 million from the AmeriCorps Program, it was a worthy thing to consider.

Now there are those who have come to say to us, ''Well, volunteering is noble; volunteering is wonderful.'' It is noble and it is wonderful, but it is very expensive if you accept the administration's definition of a volunteer. Here you have volunteers in the State of Alaska averaging over $40,000 apiece in terms of cost. I know there are a lot of folks in my home State that would consider that kind of volunteering a great opportunity.

So, I would just say that when we have come forward with the potential of cutting $206 million from the AmeriCorps Program, I think we have come forward with a reasonable way to say that we ought to restrain spending, to rescind this appropriation so that we do not unduly jeopardize future generations with debt.

Another important area they are recommending and we are recommending for rescission is the area of foreign operations, in the area of our generosity to countries overseas. The original recommendation of the Senate was that we would have a foreign operations cut of $100 million. That represents about an eight-tenths of 1 percent cut. The House had recommended $191 million. If we were to move from the eight-tenths of 1 percent, or $100 million, figure to the $191 million figure, we would only be moving to about a total of 1.4 percent cut in the so-called foreign operations budget.

Now, this foreign aid that we give to other countries can be important, can be in the national interest. But let us not suggest to the entire world that the American people are the only people that are going to have to act responsibly in the area of restraining spending. Other countries around the globe are going to have to participate with us, as we tighten our belt in order to reach a balanced budget, in order to have the kind of fiscal restraint and financial responsibility that our children are demanding of us. As a matter of fact, not just our children and their yet unearned wages, but the people across America are demanding of us.

Incidentally, I think countries around the world are demanding that we act responsibly. If you will look at what has been happening to the American dollar on world monetary markets recently, we have been in a free fall. We ought not to have the picture of George Washington on the American dollar. We ought to have a parachute, if we are going to continue to see its value plummet.

Why does the American dollar plummet on world markets? I think it is a lack of confidence in the discipline of this Government to restrain its spending. And we ought to be restraining spending. So if we do restrain spending and if we are in a position to restrain spending in such a way as to protect the future of America and stabilize the world economy, our restraint of spending the additional $91.6 million in foreign operations will be a great benefit not only to us in balancing the budget, but of great benefit to the world because we will have helped create an environment of financial stability.

Well, there are a whole range of things that are a part of this proposed rescission bill. It includes everything from public broadcasting, to the foreign operations, to the AmeriCorps, to the Legal Services Corporation, a variety of items, all of which at one time or another, or some of which even today are laudable things, but things we simply cannot afford.

Mr. President, I believe the American people expect us to live within our resources. The question is not, Is it something you want? The question is, Is it something that we should be spending for, especially in light of the fact that we do not currently have the resources?

When you and I sit down at our kitchen table to develop the budgets that we must have with our family, we ask more than the question: Is this a good thing or is it a bad thing? We have a list of good things that we might like that would be a mile long. We look at the catalog, whether it be from Sears or Lands End, or wherever it was that we are looking at. There are all kinds of good things there.

The question is not whether they are good things. It is whether or not they are a priority for us, whether or not we really have the wherewithal to engage in this kind of activity.

Now those who have come to attack the committee's proposed reductions have suggested that we are cutting children; that we are somehow injuring young people. They have elevated horror stories. They have elevated very sad scenarios, suggesting that we are heartless and compassionless.

This has been done irresponsibly, in my judgment, because, as a matter of fact, we are responsibly addressing these problems.

One of the things that was projected for reduction and rescission was the WIC Program, Women, Infants, and Children. It is a nutrition program. There was a modest reduction there, I think, of $35 million.

There is a great outcry as a result of that modest reduction, saying that this was heartless, it was compassionless, it was going to be taking food from the mouths of women, infants, and children, and it was going to be destructive of the future because people would have lower levels of nutrition.

The truth of the matter is this money was to be rescinded from an unallocated, undistributed surplus in the Women, Infants, and Children Program. The surplus was about $150 million. And to reduce the surplus by $35 million, from $150 million to $115 million, would not impair the nutrition, not impair the health, not impair the safety, not impair the standing of any of these individuals.

But it is important for us to impair the deficit. And we need to look carefully at the way we are managing resources, even resources that are devoted to things of relatively high priorities, even resources that are devoted to things like health and the like. If they are not being utilized, if they are in unallocated and undistributed surplus accounts, let us make sure that we do not leave that resource there or otherwise fail to rescind it so that we occasion additional spending somewhere else.

We have come in response to the voice of the people last November. As one of the newly elected Senators, I know my colleagues and I, when we came to add our voices to the voices

that were asking for rescission of unnecessary spending, we knew we were doing that representing the American people. We were doing that because the people are demanding responsibility in Government. They were demanding reasonable, but tough decisions. They were demanding we restrain the growth of Government. They were demanding that we limit the kind of jeopardy into which our children will go because the debt is higher and higher and higher.

We are not talking about an environment where the debt is going down and down and down. The President has proposed debts of $200 billion a year as far as he is forecasting.

As a matter of fact, the data from which he is creating the forecasts is data that is now coming out of OMB. A year ago, it was represented that we would be using data from the Congressional Budget Office, but that data is not nearly as favorable to the President as the OMB data is.

The OMB data suggests the deficit would only be about $200 billion—only about $200 billion—next year and the year after and the year after and the year after and the year after. But the Congressional Budget Office data indicates that the deficit is substantially greater, hundreds of millions of dollars greater in the outyears than the President's forecasts have indicated.

So we are not talking about a circumstance or situation where it does not matter whether we are cutting, it does not matter whether we are rescinding. It does matter. It matters not only to taxpayers today, but it matters to the young people of tomorrow.

An ordinary family, the father, the mother, no matter how deeply they go into debt, they simply cannot provide or mandate that the youngsters will some day have to grow up and pay that debt. There is a rule against that in America, you cannot be held responsible for the debt of another. No matter how reckless I might be, I cannot create debts my children would have to pay off.

However, there is an exception to the rule. The Congress can incur debt that the next generation will have to pay off, and we have been incurring that debt at an incredible rate. Now each family of four faces a debt of $72,000, and it is growing and growing and growing.

We have the opportunity in this body to say we will stop some of the spending, we will stop the hemorrhaging where we can, we are going to restrain this outflow, and it is time for us to restrain the outflow.

We will restrain it in terms of the AmeriCorps Program, yes, the so-called volunteer program that costs $30,000 per volunteer. We will restrain it in the area of foreign operations and foreign aid. Yes, if we are going to have some belt tightening in this country, other countries around the world should share in that belt tightening as well. We will restrain it even for the Corporation for Public Broadcasting, which is an institution of great wealth, but is an institution which ignores that great wealth and continues to draw upon taxpayers' resources and which ought to be able to use that wealth to avoid having to draw on taxpayers' resources.

We need to make sure that we even implement the rescission cuts which the President of the United States has asked us to implement. When we first started this debate on rescissions, we were going to ignore over $300 million of cuts that the President asked us to make. It is time for us to knock those earmarked special projects out. Those are the projects which the President next year, under a line-item veto, will have the authority to knock out.

He said this year that he would like for us to knock those out, and I think we ought to accommodate the President in that respect and knock out that kind of spending. If we do, we will be responding constructively to the mandate of the people. If we do, we will be responding constructively to what they have asked us to do in the election last year. I believe that is very important. They have asked us to be responsible in restraining spending.

The Senate has an opportunity, as a result of the report of the committee and the amendment offered by the freshmen Members of the U.S. Senate, to rescind the expenditure of resources, the expenditure of which will drive us deeper and deeper into debt.

Mr. President, it is time for us to accept the challenge of the American people to respond constructively to rescind unnecessary spending and to devote the proceeds of the rescissions to the reduction of the Federal deficit. That is the mandate of the people. It is the opportunity which we have. I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

NATIONAL 4–H DAY

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 100, a resolution submitted by me proclaiming April 5 as National 4–H Day; further, that the Senate proceed to its immediate consideration; that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table; and that any statements relating to the resolution be placed at the appropriate place in the RECORD.

The Democratic side has agreed to this request.

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

So the resolution (S. Res. 100) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 100

Whereas the Senate is proud to honor the National 4–H Youth Development Program of the Cooperative State Research, Education, and Extension Service for 85 years of experience-based education to young people throughout the United States;

Whereas this admirable Program seeks to provide a learning experience for the whole child (including head, heart, hands, and health) and help children of the United States to acquire knowledge, develop life skills, and form attitudes to enable the children to become self-directed, productive, and contributing members of society;

Whereas the 5,500,000 urban, suburban, and rural participants in the Program, ranging from 5 to 19 years of age, hail from diverse ethnic and socioeconomic backgrounds and truly represent a cross-section of the United States;

Whereas the Program could not have achieved success without the service of the more than 65,000 volunteers who have given generously of their time, talents, energies, and resources; and

Whereas throughout proud history of the Programs, the Program has developed positive roles models for the youth of the United States and (through its innovative and inspiring programs) continues to build character and to instill the values that have made the United States strong and great: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims April 5, 1995, as National 4–H Day;

(2) commends the 4–H Youth Development Program and the many children and volunteers who have made the Program as success; and

(3) requests the President to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Mrs. HUTCHISON. Mr. President, I was pleased to submit Senate Resolution 100 proclaiming today, April 5, 1995, as National 4–H Day. As part of the Cooperative Extension System, 4–H is a program of informal education for youth. It is open to all interested young people, age 5 through 19, regardless of race, sex, creed, or national origin.

The mission of 4–H is to help youth acquire knowledge, develop life skills, and form attitudes that will enable them to become self-directed, productive, and contributing members of society. This mission is carried out through the involvement of parents, volunteer leaders, and other adults who organize and conduct educational experience in community and family settings.

4–H gives young people the opportunity to contribute to food production, community service, energy conservation, and environmental protection. In addition, they learn about science and technology and participate in programs that help them with employment and career decisions, health, nutrition, home improvement, and family relationships. In the process, 4–H youth apply leadership skills, acquire a positive self-image, and learn to respect and get along with others. As a result of international cooperation with 82 countries, 4–H is also contributing to world understanding.

Approximately 5.5 million young people participate in 4–H. The program has almost 50 million alumni.

The 4–H's are:

Head—clearer thinking and decisionmaking; knowledge useful throughout life.

Heart—greater loyalty, strong personal values, positive self-concept, concern for others.

Hands—larger service, work-force preparedness, useful skills, science and technology, literacy.

Health—better living, healthy lifestyles.

The 4–H pledge is:

I pledge my head to clearer thinking, my heart to greater loyalty, my hands to larger service and my health to better living, for my club, my community, my country, and my world.

The 4–H motto is: ''To make the best better.''

Mr. President, this organization provides positive and nurturing experiences for our country's youth. Many of our Members have served in 4–H. I am pleased to inform you that 4–H'ers from all over the Nation are visiting Washington today.

Senator HEFLIN, a cosponsor of this resolution, and I would appreciate passage of this resolution in acknowledgment of the fine contribution members of this organization make to our society.

Mrs. HUTCHISON. I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

SETTING THE RECORD STRAIGHT

Mr. WELLSTONE. I thank the Chair. I actually will be brief, Mr. President. I, between other work, had a chance to hear some of my colleagues speak on the floor. Since they are not here now, I do not choose to get into a major debate. Others Senators are not here. Hopefully, we can do that at the right time.

Just a couple quick points for the record, Mr. President. We have for now, several days or at least the last day and a half, been at an impasse. I just want to set the record straight.

One or two of my colleagues were talking about the delay and the, if you will, filibuster of this rescission bill. Actually, I think it was yesterday morning, I came out with a sense-of-the-Senate amendment. I made it very clear that I was willing to vote on it, was more than willing to have a time agreement. But the majority leader then came out and second degreed that amendment.

For those watching, second degree means that his amendment took precedence over my amendment.

From that point in time, we really have been pretty much at an impasse. The amendment I brought to the floor of the Senate yesterday dealt with the Women, Infants, and Children Program, nutrition standards, all of which, by the way, is quite relevant to this rescissions bill, since there are proposed cuts in the WIC Program.

The majority leader's second-degree amendment dealt with Jordan.

At that point in time, Mr. President, we have been pretty much at an impasse, but it is certainly not because Senators like myself and others do not want to move forward. We do.

There has been another amendment which has taken up a good deal of the time this week by my colleague from New York. That amendment deals with Mexico—financial assistance to Mexico.

Mr. President, the rescissions bill of proposed cuts, we have had some debate about that. There has been some discussion of the minority leader's amendment which I think is a very important corrective step in restoring some funding for programs that are really not programs—bureaucracy—but perhaps that really make a difference. Childrens' lives, senior citizens' lives—just name it.

Mr. President, by and large the last 2 days have been pretty much an impasse, but it is not because on the part of Democratic Senators that there is not a willingness to move forward. We are more than willing to move forward.

I did not second-degree my amendment. I wanted to have an up-or-down vote. I did not have an amendment that dealt with aid to Jordan on the rescissions package. That was not my decision.

I just want the record to be clear when Senators come out here and say, well, where are they? Why are we not moving forward? I would be pleased to. I had an amendment that was in a sense only a sense-of-the-Senate amendment, but it did not deal with Women, Infants, and Children, did not deal with nutritional standards, did not deal with children, and those are some of the programs we are talking about and debating.

Second point, Mr. President, some of the discussion about Medicare, tonight is not the night to really go into this in great detail or depth, but I feel like some of the comments of colleagues deserve a response—a brief response. I fear that it is just too easy for Senators to come to the floor about the statistics and data about Medicare, and then make the argument that this is the area that we really have to kind of make the cuts.

Mr. President, a couple of points. In the State of Minnesota, with some of the projected cuts that we will be discussing if not today, certainly during this session, those cuts can amount to as much as $10 billion for Medicare and Medicaid. By the way, about 40 percent of Medicaid is for the elderly in nursing homes.

I can just say, and I speak to my colleague from Minnesota, that if we talk to people in rural Minnesota and we ask them what that will mean either in terms of less reimbursement for some of the hospitals and clinics that already struggle because of the inadequate reimbursement, or if we add to copays or deductibles or make seniors pay more out of their pockets, we will across-the-board from senior citizens and the care givers, get the same response: Its impact will be devastating.

Mr. President, I would just raise two points. Point one, I wonder why some of my colleagues who talked about the dangers of rationing when we were talking about universal health care coverage last Congress, now when we talk about just the focus on Medicare and Medicaid and the need for deep cuts in those programs, are not talking about rationing.

Quite clearly, in the absence of overall health care reform, in the absence of some courage about how to contain costs—and by the way, I think we have to contain costs to have universal coverage—if we just target Medicare and Medicaid, then we are guaranteeing that there will be rationing: by age, by disability, and by income.

I can assure Members that those citizens that would be most affected by these proposed cuts are going to be the citizens who are going to have a very bold and I think clear voice. Not because there are some awful special interests but because they have every reason to raise questions.

The Medicare program, imperfections and all, passed in 1965, has made a huge difference for me. I can say that as a son of two parents with Parkinson's disease. For my mother and father, who were not exactly wealthy, Medicare was the difference between being able to survive and financial disaster.

The Medicare program is not perfect. There are imperfections. There are imperfections to all public and private sector programs, but I think that most view Medicare and Medicaid, both passed in 1965, as steps forward, made our country a better country.

Now, I am not opposed to reform at all. But I do want to make it crystal clear that in the projections that have been laid out here, and what is to be done, I have noticed a certain silence, and that silence is deafening on two counts.

Number one, based upon the criteria of ''Well, aren't you going to then be rationing?'' And, number two, ''What about containing costs within the overall health care system?''

When the Congressional Budget Office scored these different health care plans last Congress, the one proposal to contain costs that really got a very strong score, that really made sense, I say to my colleague from Utah whom I respect and who I know is immersed in this debate, the one proposal that did extremely well was to put some kind of limit on insurance company premiums.

No question about it, in terms of the effectiveness of such a proposal as a

part of overall cost containment strategy. It was taken off the table immediately. Taken off the table immediately. I wonder why? Sure, the insurance industry has a tremendous amount of power.

I would just say to my colleagues before we start talking about all senior citizens herded into managed care plans, forgetting fee-for-service period, I thought choice was an important issue. And before we start talking about the way we contain health care costs is target Medicare and Medicaid, we should be sure that we are intellectually rigorous and that we are very honest in our policy choices. We also look at other ways of containing costs.

I will just say to my colleagues, we can take a look at the CBO studies last Congress when they looked at a lot of different proposals, and I see no reason in the world why, in fact, insurance company premiums are not on the table as well in terms of where we try to put some kind of limit as a Senate strategy of cost containment.

Last point, a discussion about welfare. I am just responding to some of what I heard on the floor today. I apologize to colleagues that are not here. When there will be time for debate there will be debate. Nothing that I will say will be personal. Nothing that I will say on the floor right now will be at all hard hitting because I think people should be on the floor to have a right to respond to whatever we say.

I do think that the concern that I have, at least about some of what is in this rescissions package which is cuts in this year's budgets, much less some of the proposals in the future, vis-a-vis some of the block grant, is not flexibility.

That is not the concern I have. The concern I have is that in real dollar terms, when we look at some of the proposed cuts, I really think that the effect of those cuts on too many citizens, and I will start with children, is too much in the negative.

Again, whether it is the insurance companies and their premiums, that somehow that is not on the table when we talk about how to contain health care costs, but we want to target Medicare or Medicaid, same thing here.

Whether it is school lunch or school breakfast or whether it is WIC, or whether it is just the child care block grants programs right now, all that is on the table, clear proposed cuts; but on the other hand, subsidies for oil companies or coal companies or tobacco companies or insurance companies are not on the table.

I think there has to be some standard of fairness, Mr. President. I think that is what people in Minnesota and the country are interested in. I think everyone is aware we have to get our fiscal house in order, although I think there are different views about how to do that. I think we have to have balance.

There has not been an effort on the floor of the Senate on my part, and I do not think on the part of Democrats, to slow anything up. I wanted a vote on the amendment I introduced yesterday.

I will go back to that and end on this. I wanted a vote on the amendment I introduced yesterday morning, which was a long time ago. I did not choose to second-degree that amendment. That was not my amendment on Jordan and financial aid to Jordan. That was the majority leader, the Republican Party. That is his choice—skillful legislator—he did so. Ever since, we have essentially been tied into a knot.

That is really the story of the last 24 hours in the Senate. I look forward to when we get back to this debate. I hope that we can have some good debate on this rescissions package. I yield the floor.

SENATE VOCABULARY

Mr. BENNETT. Mr. President, I have had to learn a new vocabulary since I have come to Washington. I would like to explain to people of America and particularly the people of Utah about this vocabulary, because they may have been watching this debate and have not learned the things that I have had to learn since I have been a Senator.

When I came to the Senate, I came naively from the private sector thinking that the word ''cut'' meant that we would spend less on a program than we were previously spending.

Indeed, when I talked to my children and I say, ''We are going to cut your allowance,'' that means we will give them less money per month than we were giving them before. When my wife and I sit down and we say we have to cut our household budget, that means we will spend less this month than we were able to spend last month. That is what the word ''cut'' means to me in the outside world.

When I come to Washington, however, I had to learn, as I say, a new vocabulary. I learned that the word ''cut'' does not mean that we spend less this year than we spent last year. In many instances, in Washington vocabulary, the word ''cut'' means that we spend more this year than we spent last year. But you do spend less than someone promised that you might spend at some future time.

So, I have had my staff look through this rescission bill to help me understand this vocabulary, and they have come up with the list of cuts, Washington style, and then compared those to cuts as the term is used outside of Washington. I would like to share a few of those.

One that caught my attention—I got letters from Utah saying, ''Senator, this rescission bill will cut $42 million from Head Start. I do not want to do that. I am a very strong supporter of the Head Start Program.''

Mr. President, $42 million, under my definition of the word ''cut'' means that we would spend $42 million less this year on Head Start than we would have spent last year. However, in Washington terms that $42 million cut means that we will only spend $168 million more this year than we spent last year.

Mr. WELLSTONE. Will the Senator yield?

Mr. BENNETT. I will be happy to yield.

Mr. WELLSTONE. Two questions to the Senator, and I appreciate the graciousness of my colleague.

First of all, and I do not remember the exact statistics, maybe he can help me out on this, is it not true that right now, those children who are eligible to benefit from Head Start, we only right now, in current appropriations, cover maybe half or a little more than half of those young children?

Mr. BENNETT. Like the Senator from Minnesota I do not have those figures at my fingertips. I do know that the Head Start Program from fiscal 1990 to fiscal 1995 has had a 128 percent increase during that period, and as I said in my statement, in this rescission bill it will have a $168 million increase over fiscal 1994, for a total of $3.492 billion.

Mr. WELLSTONE. Let me try—if my colleague will take another question. This gets to the semantics about cuts, because I do not think either one of us are trying to be clever. I think it is an honest difference of opinion.

Mr. BENNETT. I will be happy to yield.

Mr. WELLSTONE. I say to my colleague, the background of the context seems to be the following. I do not have it precisely.

First, we say, with Head Start, we intend to do exactly what the title of it is, give a head start to children who come from disadvantaged backgrounds.

Second, even though we say that, we have never funded the program anywhere close to the level where those children who really could benefit from such support get such support.

Third, my colleague says the fact that this is an increase over what is now, over the funding right now, means you cannot call it a cut. But if every 30 seconds a child is born into poverty in this country and the demographics are such and the trend line is such that by definition you have more and more children who are in need of Head Start and you are not funding it anywhere near up to the level to keep up with that increased need, then, in fact, that is a cut. That is a cut by any way in which I think you would imagine it.

In other words, I say to my colleague, my family, we were living on a salary—take my salary when I was teaching, $40,000 a year. And by the same token, then the next year there was an increase in my salary, but it went up just a few percentage points, but the cost of living went up, in terms of food, in terms of utilities, in terms of housing, so in real dollar terms we

had less of a standard of living than I had before, that would be a cut.

If the trend line is many more children are eligible so we are now losing ground, is that not a cut from what the program is about?

Mr. BENNETT. Mr. President, the Senator from Minnesota has given us the theoretical, with respect to his own employment which may or may not constitute a cut. He has not produced any figures in it. But ultimately the basic disagreement here has two points.

No. 1, with respect to his issue regarding Head Start, is it not a cut because we have not fully funded it? That is based on the assumption that money alone will solve the issue of poverty that he raises when he talks about the number of children being born into poverty every year. That is a managerial decision involving an analysis of Head Start and its contribution, how well it works, how often it does not work, what the various problems are, what problems are addressed by Head Start, what problems are not. That is not the issue I am talking about here.

Mr. WELLSTONE. Will my colleague yield?

Mr. BENNETT. Let me finish my point here, if I may. I am not talking about that because that is not what is going out over the television to the American people. I am responding to letters, not addressing the question of whether Head Start is adequately funded or inadequately funded; whether it is being properly managed or improperly managed; whether it is achieving its goal or not achieving its goal. I am getting letters saying, ''You are cutting back Head Start by the rate of $42 billion. Senator, we do not want to cut Head Start from its present level. We do not want to cut Head Start from the job it is currently doing.''

The point I am making is that we are not cutting Head Start back from its present level. The semantics of Washington are deceiving the American people by leading them to believe things are happening that, in fact, are not happening. And Head Start in this rescission bill does, in fact, receive an increase of $168 million, more than it had in fiscal 1994; and over the total period of time from fiscal 1990 to fiscal 1995, it has had a 128-percent increase.

I want to say to the people of Utah and the people throughout the country who are saying, ''Do not cut us back $42 million from last year's level,'' we are not cutting back $42 million from last year's level. Begin to understand the Washington mentality and the Washington vocabulary. When we use the word ''cut'' on this floor, we do not mean what 99 percent of the American people think we mean, and we do not mean what 99 percent of the American people themselves mean when they use the word ''cut.'' That is the point I am trying to make. If the Senator wants to debate with me the issue of the efficacy of Head Start or the wisdom of Head Start on the adequacy of funding for Head Start in terms of what it does, that is a separate issue for a separate time.

If the Senator has a further question on the issue, I will be glad to yield to him.

Mr. WELLSTONE. I appreciate that. Actually, this will be the last question because I want to enable my colleague to go forward with his remarks.

First of all, I would say to the people of Utah who have written the letter to you that I honestly and truthfully believe that they have a fine Senator. The Senator's reputation here for fairness is unsurpassed by anyone else.

Second, I want to say to my colleague, I think that, however, he is deceiving himself in making the case, the semantic case about cuts. Because it does not seem to me to be that strong kind of high ground you are standing on here—though you are considerably taller than I am—when we understand first, that right now, though we say we want children from disadvantaged backgrounds to have a head start, we do not anywhere near come close to fully funding it and second, in addition, unfortunately, it is the reality that we continue to see a dramatic rise in the poverty of children. Every 30 seconds a child is born into poverty in our country, and then third, we have a budget which was going to increase the funding for Head Start and that now has been cut back. That is exactly what this rescission is, a cutback.

So based upon a program that is inadequately funded, that deals with the most important goal we could have, a head start for disadvantaged children, with more and more children, unfortunately, being disadvantaged, I do not see how my colleague can take any comfort in the very remarks he has made.

Why would you want to trim this back at all? Why would you not want to expand the funding? What is the case for any kind of rescission in the Head Start area?

Mr. BENNETT. I thank the Senator for his kind remarks. I appreciate his comments and I reciprocate the personal friendship that we have because we do have a genuine personal friendship even though on the political spectrum we are probably about as far apart as we can get. But one of the delightful things that comes out of the service of this body is you become friends with people with different pasts, different attitudes, different backgrounds, different parties as well as different parts of the country, and you form the warm personal friendships that the common experience of serving in this body gives us. I thank the Senator for his comments. I do say that perhaps we should have the debate as to whether or not Head Start is the logical way to spend money in an attempt to eradicate poverty or, if there are other places to spend it more effectively I think that is the debate for another day and another time.

I will return now, Mr. President, to some of other items that are on this list that I think appropriately belong in this debate.

Here is one, Goals 2000. That was in the debate last year with respect to education. We are told that there is going to be a $55.8 million cut in Goals 2000. Well, after that cut, the Washington vocabulary which is applied to the bill, we find that the increase for Goals 2000 is $224 million more will be spent on Goals 2000 in fiscal year 1995 than was spent in fiscal year 1994.

So people who are worried about that, ''Gee, you are cutting back Goals 2000,'' be reassured we are spending $224 million more on Goals 2000 than we did last year.

Chapter 1, this is a very emotional area. If the Senator from Minnesota was concerned about Head Start, I am sure he is very concerned about chapter 1 children. In this bill, there is a cut, Washington style vocabulary, of $80.4 million. However, be reassured those of you who are afraid that there is going to be an $80 million cut from the level spent in 1994, the actual number spent in fiscal year 1995 will be $321.6 million more in fiscal 1995 than was spent in fiscal year 1994. The total spent on chapter 1 money is $7.1 billion. Again, Mr. President, $321 million more this year than last, not the $80 million cut that a lot of people think they are protesting.

The Eisenhower Professional Development State Grant, a $69 million cut. I list this in the name of fairness because this is the only one on the list where I cannot say, in fact, we are going to spend more in 1995 than we spent in 1994. The effect of this action in the rescission package will be that the Eisenhower Professional Development State Grant Program will be frozen at the same level in 1995 as it was in 1994. So if you are concerned about that, you can be reassured there will be exactly the same amount of money this year as there was last year.

There are more on the list. I will just touch a few of them. School to Work, people say, ''Oh, there is a $15 million cut in School to Work. We love School to Work.'' In fact, School to Work has more than doubled in fiscal year 1995 over the level it had in fiscal year 1994. So if you like School to Work in fiscal year 1994, be reassured there is more than double the money available in fiscal year 1995, and so on it goes on through.

Mr. President, I ask unanimous consent that this list appear in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BENNETT. Mr. President, I will leave this issue without getting into the merits of the cuts, or the Washington style cuts, rather, that we have been debating here. But I think it is something that everyone in America needs to understand. In these programs I've listed, we are not talking about

cutting back from prior levels, as many people are afraid we are. We are simply talking about holding down the increases, increases that in many cases, as I say, are double what they were last year, which seems to me in many cases that is enough.

To my colleagues who say, no, these problems are so pressing that even a doubling of the money is insufficient to solve the needs, I share with you my perspective from the experience I have had in the business world, which is that many times the worst thing you can do to a promising program or a business circumstance, product development activity, is to give it too much money too fast. There are many times the temptation to say, ''Oh, this problem is not solving itself fast enough. Let us give it more money. This problem is not moving as rapidly. Let us fully fund it.'' And you push money at a problem at such a rate that the managers of the program simply cannot absorb it and spent it intelligently.

I served, Mr. President, in the executive branch. I can tell you the most hectic day in the life of anyone who serves in the executive branch is the last day of the fiscal year because on that day the spending authority expires, and all effort is exerted to get the money spent before the year ends. And money is being pushed out the door as rapidly as it possibly can be because they live on a use-it-or-lose-it circumstance. They say, ''If we do not spend the money this year, we will not get the same appropriation next year.'' Then the managerial data come back. And they say, ''You know. We had to spend it so fast that we had to take care of this artificial requirement that we do it by the end of the fiscal year that we spent it badly, we spent it sloppily, in many cases we spent it in a fashion that was counterproductive to the program we were supporting.''

That is the real reason for these rescissions, Mr. President. As a Member of the Appropriations Committee I can assure you and the American people that we went through these programs, and said, ''Where is the money that is not likely to be fenced in 1995 for intelligent management reasons? And, if we can find money of that kind, let us rescind the budget authority and only give them the amount of money they can intelligently and properly spend as good managers.'' And for that we are being accused of cutting vital programs and throwing people out into the snow, and all of the other rhetoric that has come along on this floor.

I hope, Mr. President, that the information developed by my staff and available to readers of the RECORD following my remarks will make it clear that in many programs, we are not cutting, we are simply rescinding money that could not be intelligently spent and properly spent during this fiscal year, and, in fact, in the programs listed we are funding at a level equal to, or in some cases double, that of the level of fiscal year 1994.

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

EXHIBIT 1

WHEN IS A CUT A CUT?—LIST OF CUTS THAT INCREASE FY 1994 APPROPS

[As Contained in Rescission Bill]

Program	Proposed ''Cuts'' (millions)	Increases over FY94 (Total: Approp w/cut'').
JTPA: Adult Job Training	$33	$33 million increase 3.4% increase over FY94. Total: $1.02 billion.
JTPA: Title III: Dislocated Worker.	[1] 35.6	$142 million increase 13% increase over FY94. Total: $1.3 billion.
School to Work	[1] 15	More than doubled. Total: $110 million.
Employment Service (One-Stop Career Center).	[1] 20	Doubled. Total: $100 million.
Healthy Start	[1] 2.5	$10 million increase. Total: $107.5 million.
Head Start	[1] 42	$168 million increase FY94—$3.324 billion. Total: $3.492 billion (128% increase FY90–95).
Child Care Development Block Grant.	[1] 8.4	$33.6 million increase. Total: $926 million.
Goals 2000 (Title III)	[1] 55.8	$224 million increase; FY94: $92.4 M. Total: $316 million.
Disadvantaged (Chapter 1) ...	[1] 80.4	$321.6 million increase. Total: $7.1 billion.
Eisenhower Professional Development State Grant (Education).	69	Freeze at 1994 level. Total: $251 million.
Education Infrastructure [2]	20	$80 million increase. Total: $80 million.

[1] 20 percent reduction of increase.
[2] New program: Feds should not fund this at all.

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

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

The bill clerk proceeded to call the roll.

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

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. DOLE. Mr. President, I move the Senate stand in recess subject to the call of the Chair.

The motion was agreed to, and at 7:17 p.m., the Senate recessed subject to the call of the Chair; whereupon, at 9:06 p.m., the Senate reassembled when called to order by the Presiding Officer (Mr. FRIST).

EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate resume the pending bill, H.R. 1158, and immediately proceed to a vote on the pending Dole amendment, as modified, without any further debate.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the unfinished business.

The assistant legislative clerk read as follows:

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

The Senate resumed consideration of the bill.

Pending:

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

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

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

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

Wellstone amendment No. 450, to express the sense of the Senate that before the Senate votes on block granting WIC to States the Senate Committee on Agriculture, Nutrition, and Forestry should investigate whether there is any improper food industry lobbyists' involvement in the transfer of WIC into State controlled block grants.

Dole/McConnell modified amendment No. 451 (to amendment No. 450), to establish debt restructuring and debt relief for Jordan.

AMENDMENT NO. 451 TO AMENDMENT NO. 450

The PRESIDING OFFICER. The question is on agreeing to amendment No. 451.

The amendment (No. 451) was agreed to.

Mr. DOLE. Mr. President, I further ask that following the disposition of the Dole amendment, the Senate proceed to vote on the Wellstone amendment, as amended, without further debate.

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

AMENDMENT NO. 450, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 450, as amended.

The amendment (No. 450), as amended, was agreed to.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I further ask that the cloture vote scheduled for Thursday occur at 2 p.m. and the mandatory quorum under rule XXII be waived.

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

Mr. DOLE. Mr. President, for the information of all Senators, the two leaders with several other Members have been working in good faith all day to reach a compromise with respect to the consideration of the Daschle and Dole/Ashcroft amendment. I hope to reach a unanimous-consent agreement early tomorrow which would allow us to complete action on this bill by noon or shortly thereafter with no further amendments in order. Therefore, Members should be on notice that votes can be expected to occur during Thursday's session of the Senate including final passage of the rescissions bill.

Also, the Senate is expected to consider and pass the paperwork reduction conference report, H.R. 1345, D.C. financial board. I understand there may be some amendments. They are trying to work those out. I also understand it is

very important we do this before the recess. Then if we complete action on the defense supplemental conference report, H.R. 1240 regarding child pornography, executive calendar nominations, and I think we are working together on all those, we hope to get them all done by tomorrow.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I concur with the information that has just been provided by the distinguished majority leader. Let me say, as I understand it, at some point he will be putting into the RECORD the summary of our progress so far in our negotiations.

I think it certainly accurate to say that there is complete agreement on the add-backs. We have a number of issues that we have to raise with our caucus. That caucus will take place at 9 o'clock tomorrow morning, and I urge all Senators to be there for this very important discussion. Whether or not we have any amendments will be dependent upon our discussion there.

We have come a long way in the last day or so, and as the distinguished majority leader has indicated, there have been a lot of good-faith discussions on both sides of the aisle. I am pleased with our progress, but I think we are now at a point where this ought to be subject to a good discussion within our caucus. And we will be prepared to talk more about the specifics of this compromise as soon as that caucus is complete.

But I do hope we can finish our work as a result of our negotiations. And I am confident that, as a result of our progress, we are much closer tonight.

Mr. DOLE. Mr. President, I thank the distinguished Democratic leader.

Mr. President, I will place in the RECORD at this point a description of the Daschle-Dole compromise, which includes the add-backs and the offsets and the total cost of the add-backs, plus total deficit reduction, in addition to paying for the add-backs.

So my colleagues will have notice, it will appear in the RECORD tomorrow morning and they will have a chance to go over it. If there are any questions, they can contact either myself or Senator DASCHLE. Hopefully, they will not have any questions.

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

Possible Daschle-Dole Compromise

[Dollars in millions]

Add-backs	*Cost*
Women, Infants, Children	$35.0
School to Work	25.0
Child Care	8.4
Head Start	42.0
Goals: 2000	60.0
Title I Education	72.5
Impact Aid	16.3
Safe and Drug-free Schools	100.0
Indian Housing	80.0
Housing Modernization	220.0
Americorps	105.0
Community Development Banks	36.0
Total	800.2

Offset	*Savings*
Foreign Operations	$25.0
HUD Section 8 Project Reserves	500.0
Airport Improvement	700.0
Libraries	10.0
Federal Admin. and Travel	225.0
Water Infrastructure	62.0
IRS	50.0
Corp. for Public Broadcasting ($3.4 in 1997)	21.6
Total	1597.0
Deficit reduction	$796.8

Addendum: Items in Dole amendment used in Defense Conference.

Foreign Ops $40.0; Legal services $15.0.

MESSAGES FROM THE HOUSE

At 12:50, 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 bills, in which it requests the concurrence of the Senate:

H.R. 716. An act to amend the Fishermen's Protective Act;

H.R. 1240. An act to combat crime by enhancing the penalties for certain sexual crimes against children;

H.R. 1271. An act to provide protection for family privacy; and

H.R. 1380. An act to provide a moratorium on certain class action lawsuits relating to the Truth in Lending Act.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 716. An act to amend the Fishermen's Protective Act; to the Committee on Commerce, Science, and Transportation.

H.R. 1271. An act to provide protection for family privacy; to the Committee on Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following measure was read the second time and placed on the calendar:

H.R. 849. An act to amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers; and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MCCAIN, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 510. A bill to extend the authorization for certain programs under the Native American Programs Act of 1974, and for other purposes (Rept. No. 104–28).

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. LEVIN (for himself, Mr. GLENN, and Mr. ROTH):

S. 675. A bill to provide a streamlined contracting and ordering practices for automated data processing equipment and other commercial items; to the Committee on Governmental Affairs.

By Mr. GRAMS:

S. 676. A bill for the relief of D.W. Jacobson, Ronald Karkala, and Paul Bjorgen of Grand Rapides, Minnesota, and for other purposes; to the Committee on the Judiciary.

By Mr. HATCH:

S. 677. A bill to repeal a redundant venue provision, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. LEAHY, Mr. CRAIG, Mr. CAMPBELL, Mr. FEINGOLD, Mrs. MURRAY, Mr. JOHNSTON, and Mr. BREAUX):

S. 678. A bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture development and research program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LUGAR (for himself, Mr. HARKIN, Mr. PRESSLER, Mr. LOTT, Mr. COCHRAN, Mr. INHOFE, Mr. JOHNSTON, Mr. GRASSLEY, Mr. COATS, Mr. SHELBY, Mr. INOUYE, Mr. KERREY, Mr. BURNS, Mrs. KASSEBAUM, Mr. DASCHLE, and Mr. MCCONNELL):

S. 679. A bill to require that Federal agencies differentiate animial fats and vegetable oils from other oils and greases in issuing or enforcing regulations, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HOLLINGS:

S. 680. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Yes Dear;* to the Committee on Commerce, Science, and Transportation.

By Mr. HELMS (for himself and Mr. MACK):

S. 681. A bill to provide for the imposition of sanctions against Columbia with respect to illegal drugs and drug trafficking; to the Committee on Foreign Relations.

By Mr. FORD:

S. 682. A bill to provide for the certification by the Federal Aviation Administration of airports serving commuter air carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. FRIST (for himself, Mr. ASHCROFT, Mr. BROWN, Mr. INHOFE, and Mr. SANTORUM):

S. 683. A bill to protect and enforce the equal privileges and immunities of citizens of the United States and the constitutional rights of the people to choose Senators and Representatives in Congress; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself, Mr. NUNN, Mr. DODD, Mr. COCHRAN, Ms. MIKULSKI, Mr. BENNETT, Mr. LIEBERMAN, Mr. KEMPTHORNE, Mr. DORGAN, Mr. FRIST, and Mr. ROCKEFELLER):

S. Res. 103. A resolution to proclaim the week of October 15 through October 21, 1995, as National Character Counts Week, and for

other purposes; to the Committee on the Judiciary.

By Mr. GRAMS:

S. Res. 104. A resolution referring S. 676 entitled ''A bill for the relief of D.W. Jacobson, Roland Karkala, and Paul Bjorgen of Grand Rapids, Minnesota, and for other purposes''; to the chief judge of the United States Court of Federal Claims for a report on the bill; to the Committee on the Judiciary.

By Mr. D'AMATO:

S. Res. 105. A resolution condemning Iran for the violent suppression of a protest in Teheran; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEVIN (for himself, Mr. GLENN, and Mr. ROTH):

S. 675. A bill to provide a streamlined contracting and ordering practices for automated data processing equipment and other commercial items; to the Committee on Governmental Affairs.

STREAMLINING LEGISLATION

● Mr. LEVIN. Mr. President, I have been fighting for more than a decade to streamline the Federal procurement system and save taxpayer dollars by encouraging the use of more off-the-shelf products. Buying commercial products can lower costs by reducing or eliminating the need for research and development. The time and effort needed to buy a product can be reduced since commercial products are readily available and can be produced on existing production lines. Because the product is already built and has been shown to work, the need for detailed design specifications and expensive testing is also reduced.

Last fall we addressed this issue when we enacted the Federal Acquisition Streamlining Act. This statute, which is the culmination of a comprehensive, 4-year review of the statutes governing the Federal procurement system, will substantially streamline the Federal procurement system and make it easier for Federal agencies to buy off-the-shelf commercial products instead of paying extra to design Government-unique products.

I am today introducing a bill to build on the achievement of that landmark legislation and further simplify the process of entering contracts and placing orders for commercial, off-the-shelf products. In particular, my bill would provide for streamlined contracting and ordering practices in multiple award schedule contracts for automated data processing equipment and other commercial items.

Mr. President, too often when we draft legislation to address a perceived problem, we ignore systems that are already in place and working well.

The multiple awards schedules are an example of a system that has served the taxpayers well. Since the 1950's, the Multiple Award Schedule Program has provided Federal agencies with a simplified method of purchasing small quantities of off-the-shelf commercial items, ranging from paper and furniture to sophisticated computer and telephone equipment. According to the General Accounting Office, the multiple award schedules cover in excess of 1.5 million line items, offered for sale by more than 4,000 vendors.

The multiple award schedules enable agencies to order small quantities of commonly used goods and services at a fair and reasonable price without going through the complex procurement process. They enable commercial companies to sell their products to a large number of potential customers without having to negotiate separate contracts with each. The taxpayers save and the vendors save.

Even so, the Multiple Award Schedule Program is not without its own problems. The negotiation of a single multiple award schedule contract can involve the review and analysis of thousands of pages of financial documents and may require hundreds of staff hours by both the government and the vendor. These paperwork demands are particularly unwelcome to commercial vendors, who complain that the negotiations are divorced from the reality of the commercial marketplace, in which prices are established by competition, not negotiation.

At the same time, the cumbersome process of negotiating multiple award schedule contracts sometimes locks in prices that turn out to be higher than the going market rate. This has been a particular problem in the case of rapidly developing products such as computer software, for which aggressive competition may cause prices to drop quickly in a short period of time.

Finally, because each vendor maintains its own price lists, it is extremely difficult for the thousands of agency officials purchasing products under the schedules to make any kind of effective comparison in vendor products and prices. As the GAO found in a June 1992 report:

> For the most part, procurement offices filled users' requests for a specific manufacturer's product without determining if other [Multiple Award Schedule] products could satisfy the requirement at a lower cost.* * * Procurement officials said that it is an unreasonable administrative burden to require buyers to consider all reasonably available suppliers and determine the lowest overall cost alternative before placing [Multiple Award Schedule]orders. They said that because many schedules have numerous suppliers offering many similar items, comparing all products and prices is too difficult and time-consuming, particularly because [Multiple Award Schedule] information is not automated.

All too often, this means that agencies continue to purchase the same products from the same vendors, even when other vendors offer better products through the schedules at lower cost.

For a number of years, I have pressed the General Services Administration to address these problems by automating the multiple award schedules, using modern computer technology to make it possible for agency officials to compare vendor products and prices. Such automation would bring real competition to the desks of individual purchasing officials, enabling them to select the best value product for their agencies' needs. Happily, such competition should also reduce or even eliminate the need for lengthy negotiations and burdensome paperwork requirements placed on vendors to ensure fair pricing.

With the enactment of the Federal Acquisition Streamlining Act, we now have the means to make such competition a reality. The new statute creates a system for electronic interchange of procurement information between the private sector and Federal agencies, known as the Federal Acquisition Computer Network or ''FACNET.''

FACNET provides the ideal mechanism for automating the multiple award schedules. By integrating the multiple award schedules into FACNET, GSA can take advantage of a system that is already being developed and will be in place in the near future to bring the multiple award schedules directly to the desks of purchasing officials throughout the Government.

The bill I am introducing today would require the General Services Administration to take advantage of the opportunity afforded by FACNET to bring the multiple award schedules on-line. Under the bill, GSA would be required to establish a system to provide Governmentwide, on-line access to products and services that are available for ordering through the multiple award schedules, and to establish that system as an element of FACNET.

Once the Administrator has determined that the required computer systems have been implemented, it should be possible to reduce or even eliminate the need for lengthy negotiations and burdensome paperwork requirements placed on vendors to ensure fair pricing. Accordingly, the bill would establish a pilot program, under which direct competition at the user level would substitute for lengthy and paperintensive price negotiations with vendors.

The pilot program would sunset after 4 years, to give Congress an opportunity to evaluate the impact of the new approach on competition, on prices, on paperwork requirements, and on the small business community. A GAO review of the pilot program would be required to address these issues, as well.

Mr. President, I am well aware that we have just completed a complete overhaul of the Federal procurement laws. I tend to agree with those who believe that it would be a mistake to reopen issues directly addressed by last year's legislation without first giving the procurement community an opportunity to absorb the changes we have already made.

However, the change contemplated by the bill that I am introducing today is simple, feasible, and will save money and effort for both contractors and the

taxpayers. This change is possible today, in large part, because of last year's enactment of the Federal Acquisition Streamlining Act. I believe it is an idea whose time has come. Regardless of how this Congress may choose to address other procurement proposals, I hope that this measure will be considered and passed.●

By Mr. GRAMS:

S. 676. A bill for the relief of D.W. Jacobson, Ronald Karkala, and Paul Bjorgen of Grand Rapids, MN, and for other purposes; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

● Mr. GRAMS. Mr. President, I introduce S. 676 and submit Senate Resolution 104, a congressional reference bill and companion a private relief bill for Norwood Manufacturing of Grand Rapids, MN.

On May 26, 1987, Norwood Manufacturing was awarded a contract by the U.S. Postal Service to manufacture wooden nestable pallets. On February 9, 1988, the U.S. Postal Service informed Norwood that it was terminating the contract.

The Postal Service first sought to terminate the contract for failure to make timely deliveries. But, when it appeared that this was not a legitimate claim, the Postal Service indicated that Norwood's pallets did not meet specification. This claim came even though Norwood's pallets passed all of the tests required under the contract. Norwood disputes the Postal Services claim and, if given a chance, can present evidence from the Postal Services' own inspectors that support this contention.

Norwood claims that any termination by the Postal Service should have been for convenience, whereby the Postal Service would pay Norwood for its costs of producing the pallets. Instead, the Postal Service chose to terminate the contract for fault causing the company to dissolve, leaving the small businessmen who owned and operated Norwood in debt.

The company contested the Postal Service's decision in the U.S. Court of Claims. On August 10, 1990, the Court of Claims ruled against Norwood on summary judgement; the U.S. Circuit Court of Appeals affirmed the Court of Claims without any explanation or opinion. This came as a surprise to both the Postal Service and their lawyers in the Department of Justice. In fact, Justice Department lawyers had already indicated to Norwood a desire to discuss a settlement of the matter as soon as the Court of Claims denied the Postal Service's motion for summary judgement. Naturally, when the judge ruled in favor of the Postal Service the Justice Department saw no need to further negotiate a settlement.

Mr. President, Norwood deserves an impartial review of the facts. This is why I have submitted Senate Resolution 104, which merely requests a review of this case by the U.S. Court of Claims. After a 1-year review by the court, Congress will possess a determination by the court which will enable Congress to consider if the relief requested in the private bill is justified. Therefore, at this time, I am not advocating passage of the private bill, but instead, seeking Senate approval of Senate Resolution 104 that this matter deserves further judicial review.●

By Mr. HATCH:

S. 677. A bill to repeal a redundant venue provision, and for other purposes; to the Committee on the Judiciary.

VENUE LEGISLATION

Mr. HATCH. Mr. President, I am pleased to introduce a bill that would implement a proposal made by the Judicial Conference of the United States to eliminate a redundant provision governing venue, section 1392(a) of title 28. This bill would make no substantive change in the law governing venue. Instead, it would simply clean up the United States Code by eliminating a provision that no longer serves any purpose.

Section 1392(a) states in its entirety: ''Any civil action, not of a local nature, against defendants residing in different districts in the same State, may be brought in any of such districts.'' I have no quarrel with the rule set forth in this section. I note, however, that it is entirely redundant of provisions of the Judicial Improvements Act of 1990. In that act, Congress rewrote entirely the rules in section 1391 governing venue in diversity and Federal question cases. In so doing, it incorporated the rule of section 1392(a) directly into the provisions of section 1391. Section 1391(a)(1) now provides that venue in diversity cases is proper in ''a judicial district where any defendant resides, if all defendants reside in the same State.'' Section 1391(b)(1) uses the identical language for venue in Federal question cases.

In short, these 1990 changes have exactly duplicated the rule of section 1392(a) within the structure of the new section 1391. Section 1392(a) remains as a useless vestige of an earlier structure.

Again, I note that my bill implements a proposal made by the Judicial Conference of the United States. Specifically, in its September 20, 1993, report, the Judicial Conference states, ''The [Judicial] Conference also approved the [Federal-State Jurisdiction] Committee's recommendation to propose a repeal of 28 U.S.C. §1392(a) as redundant because of recent amendments to §§1391 (a)(1) and (b)(1).''

By Mr. AKAKA (for himself, Mr. LEAHY, Mr. CRAIG, Mr. CAMPBELL, Mr. FEINGOLD, Mrs. MURRAY, Mr. JOHNSTON, and Mr. BREAUX):

S. 678. A bill to provide for the coordination and implementation of a national aquaculture policy for the private sector by the Secretary of Agriculture, to establish an aquaculture development and research program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

THE NATIONAL AQUACULTURE DEVELOPMENT RESEARCH AND PROMOTION ACT

Mr. AKAKA. Mr. President, today I am introducing the National Aquaculture Development, Research, and Promotion Act.

Our bill is virtually identical to the bill which the Senate Agriculture Committee reported to the floor last year. More than 50 Senators cosponsored last year's legislation, but like many bills during the 103d Congress, we did not take final action before Congress adjourned.

This bill is much more than a simple reauthorization of an expiring law. It will stimulate one of the fastest growing components of agriculture in the United States. The bill promotes policies which will allow our country to become more competitive in the expanding global market for aquaculture products. The National Aquaculture Development, Research, and Promotion Act can serve as a road map for America's future success in aquaculture.

This legislation addresses some of the most pressing needs of aquaculture farmers, such as research, credit assistance, production and market data, conservation assistance, and better coordination among Federal agencies. But the bill can best be summarized in a simple, three word statement: aquaculture is agriculture.

For too long, aquaculture farmers have suffered because of the absence of a consistent Federal policy to promote this important sector of agriculture. Aquaculture has also been limited by an inability to fully participate in many of the farm programs available to dry-land agriculture. The time has come for the Federal Government to recognize that just because the crop you harvest has fins and gills instead of hoofs and horns, it is still agriculture and you deserve to be treated just like any other farmer who works hard for a living.

The world market for aquaculture is vast, and the United States is well-equipped to become a leader in aquaculture production and technology. Supported by a national commitment, American farmers have developed the most productive terrestrial agriculture system on earth. A similar effort is needed to help the United States increase its share of the rapidly expanding market for aquaculture products. Such a national commitment is essential to the future success of aquaculture in the United States. America has the finest research institutions in the world. We simply need to redirect some of our research energy toward new, promising technologies like aquaculture.

Efforts to expand the U.S. aquaculture industry will not go unrewarded. The United States imports 60 percent of its fish and shellfish,

which results in a $3.3 billion annual trade deficit for seafood. If we could reduce our seafood trade deficit by one-third through expanded aquaculture production, we would create 25,000 new jobs. That is what this aquaculture bill is about—creating jobs and putting Americans to work in new, promising industries.

By the year 2000, nearly one-quarter of global seafood consumption will come from fish farming. In order to keep pace with the rising demand for seafood, world aquaculture production must double by the end of this decade and increase sevenfold in the next 35 years. This estimate is based on current population projections and assumes a stable wild fishery harvest. The important question is whether U.S. aquaculture will share in this explosive growth.

Aquaculture is a diverse industry that affects all regions of the country. More than 30 States produce at least two dozen commercially important aquaculture species. Yet it is disturbing that the United States ranks 10th among nations in the value of its production. China, Japan, India, Indonesia, Korea, the Philippines, Norway, Thailand, and the Newly Independent States of the former Soviet Union, all enjoy a larger share of the global aquaculture market. As we work to resolve this problem with our balance of trade, aquaculture can be part of the solution.

Nowhere is the opportunity for aquaculture more promising than in Hawaii. We have a skilled labor force, access to Asian and North American markets, and a climate that permits harvesting throughout the year. Aquaculture can strengthen our employment base and help fill the gaps caused by the decline in sugar. Aquaculture farming is capable of supporting more jobs per acre than plantation agriculture, and these are usually high-wage and high-technology jobs. With the right encouragement, aquaculture can become a cornerstone of diversified agriculture in Hawaii.

More than 100 Hawaiian production and service businesses generate annual aquaculture sales of $25 million from the production of 35 different aquaculture species. Over the last 15 years, the State has spent $15.7 million to grow our aquaculture industry. This investment has helped generate cumulative revenues of $315.9 million during the period. The industry in Hawaii, like many other regions in the United States, is poised to increase production, sales revenues, and generate new employment opportunities.

However, the legislation I have introduced today was not designed merely to promote aquaculture in Hawaii. The bill was drafted with one basic principle in mind; namely, to assist all aquaculture farmers equally. It would be wrong to promote any segment of the industry—whether it is marine or fresh water aquaculture farming, or a particular species of fish or shellfish—over another.

In summary, this bill has the potential to diversify our agricultural base, strengthen rural economies, increase worldwide demand for U.S. agricultural commodities, and thereby reduce the U.S. trade deficit. I hope that we can consider this legislation as part of the 1995 farm bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the ''National Aquaculture Development, Research, and Promotion Act of 1995''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

(c) REFERENCES TO NATIONAL AQUACULTURE ACT OF 1980.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Aquaculture Act of 1980 (16 U.S.C. 2801 et seq.).

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Subsection (a) of section 2 (16 U.S.C. 2801(a)) is amended to read as follows:

''(a) FINDINGS.—Congress finds the following:

''(1) The wild harvest or capture of certain seafood species exceeds levels of optimum sustainable yield, thereby making it more difficult to meet the increasing demand for aquatic food.

''(2) To satisfy the domestic market for aquatic food, the United States imports more than 59 percent of its seafood. This dependence on imports adversely affects the national balance of payments and contributes to the uncertainty of supplies and product quality.

''(3) Although aquaculture currently contributes approximately 16 percent by weight of world seafood production, less than 9 percent by weight of current United States seafood production results from aquaculture. As a result, domestic aquaculture production has the potential for significant growth.

''(4) Aquaculture production of aquatic animals and plants is a source of food, industrial materials, pharmaceuticals, energy, and aesthetic enjoyment, and can assist in the control and abatement of pollution.

''(5) The rehabilitation and enhancement of fish and shellfish resources are desirable applications of aquaculture technology.

''(6) The principal responsibility for the development of aquaculture in the United States must rest with the private sector.

''(7) Despite its potential, the development of aquaculture in the United States has been inhibited by many scientific, economic, legal, and production factors, such as—

''(A) inadequate credit;

''(B) limited research and development and demonstration programs;

''(C) diffused legal jurisdiction;

''(D) inconsistent interpretations between Federal agencies;

''(E) the lack of management information;

''(F) the lack of supportive policies of the Federal Government;

''(G) the lack of therapeutic compounds for treatment of the diseases of aquatic animals and plants; and

''(H) the lack of reliable supplies of seed stock.

''(8) Many areas of the United States are suitable for aquaculture, but are subject to land-use or water-use management policies and regulations that do not adequately consider the potential for aquaculture and may inhibit the development of aquaculture.

''(9) In 1990, the United States ranked only tenth in the world in aquaculture production based on total value of products.

''(10) Despite the current and increasing importance of private aquaculture to the United States economy and to rural areas in the United States, Federal efforts to nurture aquaculture development have failed to keep pace with the needs of fish and aquatic plant farmers.

''(11) The United States has a premier opportunity to expand existing aquaculture production and develop new aquaculture industries to serve national needs and the global marketplace.

''(12) United States aquaculture provides wholesome products for domestic consumers and contributes significantly to employment opportunities and the quality of life in rural areas in the United States.

''(13) Since 1980, the United States trade deficit in edible fishery products has increased by 48 percent, from $1,777,921,000 to $2,634,738,000 in 1991.

''(14) Aquaculture is poised to become a major growth industry of the 21st century. With global seafood demand projected to increase 70 percent by 2025, and harvests from capture fisheries stable or declining, aquaculture would have to increase production by 700 percent, a total of 77 million metric tons annually.

''(15) Private aquaculture production in the United States has increased an average of 20 percent by weight annually since 1980, and is one of the fastest growing segments of United States and world agriculture.

''(16) In 1990, private United States aquaculture production was 860,750,000 pounds, worth $761,500,000, up from 203,178,000 pounds, worth $191,977,000, in 1980.

''(17) Since 1960, per capita consumption of aquatic foods in the United States has increased by 49 percent to 14.9 pounds in 1991, and could reach 20 pounds by the year 2000. Total United States demand is projected to double by 2020.''.

(b) PURPOSE.—Subsection (b) of section 2 (16 U.S.C. 2801(b)) is amended to read as follows:

''(b) PURPOSE.—It is the purpose of this Act to promote aquaculture in the United States by—

''(1) declaring a national aquaculture policy;

''(2) establishing private aquaculture as a form of agriculture;

''(3) establishing cultivated aquatic animals, plants, microorganisms, and their products produced by private persons and moving in standard commodity channels as agricultural livestock, crops, and commodities;

''(4) establishing the Department as the lead Federal agency for the development, implementation, promotion, and coordination of national policy and programs for private aquaculture by—

''(A) designating the Secretary as the permanent chairperson of a Federal interagency aquaculture coordinating group;

''(B) assigning overall responsibility to the Secretary for coordinating, developing, and carrying out policies and programs for private aquaculture; and

''(C) authorizing the establishment of a National Aquaculture Information Center within the Department to support the United States aquaculture industry; and

''(5) encouraging—

''(A) aquaculture activities and programs in both the public and private sectors of the economy of the United States;

''(B) the creation of new industries and job opportunities related to aquaculture activities;

''(C) the reduction of the fisheries trade deficit; and

''(D) other national policy benefits deriving from aquaculture activities.''.

SEC. 3. DEFINITIONS.

Section 3 (16 U.S.C. 2802) is amended—

(1) in paragraph (1), by striking ''the propagation'' and all that follows through the period at the end and inserting ''the controlled cultivation of aquatic plants, animals, and microorganisms.'';

(2) in paragraph (3), by inserting before the period at the end the following: ''or microorganism'';

(3) by redesignating paragraphs (7) through (9) as paragraphs (9) through (11), respectively;

(4) by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively;

(5) by inserting after paragraph (4) the following:

''(5) The term 'Department' means the United States Department of Agriculture.''; and

(6) by inserting before paragraph (9) (as redesignated by paragraph (3)) the following:

''(8) The term 'private aquaculture' means the controlled cultivation of aquatic plants, animals, and microorganisms other than cultivation carried out by the Federal Government or any State or local government.''.

SEC. 4. NATIONAL AQUACULTURE DEVELOPMENT PLAN.

Section 4 (16 U.S.C. 2803) is amended—

(1) in the second sentence of subsection (c)—

(A) in subparagraph (A), by adding ''and'' at the end;

(B) in subparagraph (B), by striking ''; and'' and inserting a period; and

(C) by striking subparagraph (C);

(2) in the second sentence of subsection (d), by striking ''Secretaries determine'' and inserting ''Secretary, in consultation with the other Secretaries, determines'';

(3) in subsection (e)—

(A) by striking ''Secretaries'' and inserting ''Secretary''; and

(B) by inserting ''and in consultation with the other Secretaries and representatives of other Federal agencies'' after ''coordinating group''; and

(4) by adding at the end the following:

''(f) ACCOMPLISHMENTS IN AQUACULTURE PROGRAMS.—Not later than December 31, 1995, the Secretary, in consultation with the Secretary of Commerce and the Secretary of the Interior, shall submit to Congress a report evaluating the actions taken in accordance with subsection (d) with respect to the Plan, and making recommendations for updating and modifying the Plan. The report shall also contain a compendium on Federal regulations relating to aquaculture.''.

SEC. 5. NATIONAL AQUACULTURE INFORMATION CENTER; ASSIGNMENT OF NEW PROGRAMS.

Section 5 (16 U.S.C. 2804) is amended—

(1) in subsection (b)(3), by striking ''Secretaries deem'' and inserting ''Secretary, in consultation with the other Secretaries, considers'';

(2) in subsection (c)(1)(B)—

(A) by striking ''Secretary shall—'' and inserting ''Secretary—'';

(B) by striking clause (i) and inserting the following:

''(i) may establish, within the Department, within the Agricultural Research Service, a National Aquaculture Information Center that shall—

''(I) serve as a repository and clearinghouse for the information collected under subparagraph (A) and other provisions of this Act;

''(II) carry out a program to notify organizations, institutions, and individuals known to be involved in aquaculture of the existence of the Center and the kinds of information that the Center can make available to the public; and

''(III) make available, on request, information described in subclause (I) (including information collected under subsection (e));'';

(C) in clause (ii)—

(i) by inserting ''shall'' before ''arrange''; and

(ii) by striking the comma and inserting a semicolon; and

(D) in clause (iii), by inserting ''shall'' before ''conduct'';

(3) in the first sentence of subsection (d), by striking ''Interior,,'' and inserting ''Interior,''; and

(4) by adding at the end the following:

''(e) ASSIGNMENT OF NEW PROGRAMS.—In consultation with representatives of the United States aquaculture industry and in coordination with the Secretary of the Interior, the Secretary of Commerce, and the heads of other appropriate Federal agencies, the Secretary may assess Federal aquatic animal health programs and make recommendations as to the appropriate assignment to Federal agencies of new programs, initiatives, and activities in support of aquaculture and resource stewardship and management.''.

SEC. 6. COORDINATION WITH THE AQUACULTURE INDUSTRY.

Section 6(b) (16 U.S.C. 2805(b)) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(7) in order to facilitate improved communication and interaction among aquaculture producers, the aquaculture community, the Federal Government, and the coordinating group, establish a working relationship with national organizations, commodity associations, and professional societies representing aquaculture interests.''.

SEC. 7. NATIONAL POLICY FOR PRIVATE AQUACULTURE.

The Act (16 U.S.C. 2801 et seq.) is amended—

(1) by redesignating sections 7 through 11 as sections 12 through 16, respectively; and

(2) by inserting after section 6 the following:

''SEC. 7. NATIONAL POLICY FOR PRIVATE AQUACULTURE.

''(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Commerce, the Secretary of the Interior, and the heads of other agencies, as appropriate, shall coordinate and implement a national policy for private aquaculture in accordance with this section.

''(b) DEPARTMENT AQUACULTURE PLAN.—

''(1) IN GENERAL.—The Secretary shall develop and implement a Department Aquaculture Plan (referred to in this section as the 'plan') for a unified Department aquaculture program to support the development of private United States aquaculture.

''(2) ELEMENTS OF PLAN.—The plan shall address—

''(A) individual agency programs related to aquaculture in the Department that are consistent with Department programs applied to other agricultural programs, livestock, crops, products, and commodities under the jurisdiction of Department agencies;

''(B) the treatment of cultivated aquatic animals as livestock and cultivated aquatic plants as agricultural crops; and

''(C) means for effective coordination and implementation of aquaculture activities and programs within the Department, including individual agency commitments of personnel and resources.

''(3) DEADLINE.—Not later than 1 year after the date of enactment of the National Aquaculture Development, Research, and Promotion Act of 1995, the Secretary shall submit the plan to Congress.

''(4) REPORTS.—Not later than 1 year after the date of the submission of the plan pursuant to paragraph (3), and annually thereafter, the Secretary shall report to Congress on actions taken to implement the plan during the year preceding the date of the report.

''(5) NATIONAL AQUACULTURE INFORMATION CENTER.—

''(A) IN GENERAL.—In carrying out section 5, the Secretary may maintain and support a National Aquaculture Information Center (referred to in this paragraph as the 'Center') as a repository for information on national and international aquaculture.

''(B) PUBLIC ACCESS.—Information in the Center shall be made available to the public.

''(C) INTERNATIONAL EXCHANGE.—The head of the Center shall arrange with foreign nations for the exchange of information relating to aquaculture and shall support a translation service.

''(D) SUPPORT.—The Center shall provide direct support to the coordinating group.

''(c) NATIONAL AQUACULTURE DEVELOPMENT PLAN.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the National Aquaculture Development, Research, and Promotion Act of 1995, the Secretary shall revise the National Aquaculture Development Plan required to be established under section 4.

''(2) COORDINATION.—The Secretary shall integrate and coordinate the aquaculture and related missions, major objectives, and program components of individual aquaculture plans of the coordinating group members.

''(3) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of

the National Aquaculture Development, Research, and Promotion Act of 1995, the Secretary shall submit a revised Plan to Congress.

''(4) UPDATES.—Not later than 5 years after the date of the submission of the revised Plan pursuant to paragraph (3), and annually thereafter, the Secretary shall revise the National Aquaculture Development Plan.

''(d) TREATMENT OF AQUACULTURE.—The Secretary shall, for all purposes, treat—

''(1) private aquaculture as a form of agriculture; and

''(2) cultivated aquatic animals, plants, and microorganisms, and products of the animals, plants, and microorganisms, produced by private persons and moving in standard commodity channels as agricultural livestock, crops, and commodities.

''(e) RESOLUTION OF INTERAGENCY CONFLICT.—In consultation with representatives of affected Federal agencies, the Secretary shall be responsible for resolving any interagency conflict in the coordination or implementation of the policy described in this section.

''(f) PRIVATE AQUACULTURE POLICY COORDINATION, DEVELOPMENT, AND IMPLEMENTATION.—

''(1) RESPONSIBILITY.—The Secretary shall have overall responsibility for coordinating, developing, and carrying out policies and programs for private aquaculture.

''(2) DUTIES.—The Secretary shall—

''(A) coordinate all intradepartmental functions and activities relating to private aquaculture;

''(B) establish procedures for the coordination of functions, and consultation, with the coordinating group; and

''(C) recommend to the Agricultural Research Service methods by which the aquaculture resources of the Service can be made more easily retrievable and can be more widely disseminated.

''(3) LIAISON.—

''(A) AGENCIES OF THE DEPARTMENT.—To facilitate communication and interaction between the aquaculture community and the Department, the head of each agency of the Department shall, if requested by the Secretary, designate an officer or employee of the agency to be the liaison of the agency with the Secretary.

''(B) DEPARTMENTS OF COMMERCE AND INTERIOR.—The Secretary of Commerce and the Secretary of the Interior shall each designate an officer or employee of their respective Departments to be the liaison of their respective Departments with the Secretary.''.

SEC. 8. WATER QUALITY ASSESSMENT.

The Act (16 U.S.C. 2801 et seq.) is amended by inserting after section 7 (as added by section 7) the following:

''SEC. 8. WATER QUALITY ASSESSMENT.

''(a) ASSESSMENT.—The Administrator of the Environmental Protection Agency is authorized to carry out, in collaboration with the Secretary, collaborative interagency programs that demonstrate the application of aquaculture to environmental enhancement and assessment, including a program to assess the environmental impact of waterborne contaminants on naturally occurring aquatic organisms and ecosystems using aquaculture-raised organisms to serve as an indicator of environmental pollution.

''(b) GRANTS; COOPERATIVE AGREEMENTS.—The Administrator may provide grants or enter into cooperative agreements or contracts with private research organizations for research and demonstration of the technology authorized by this section.''.

SEC. 9. NATIVE AMERICAN FISHPOND REVITALIZATION.

The Act (16 U.S.C. 2801 et seq.) is amended by inserting after section 8 (as added by section 8) the following:

''SEC. 9. NATIVE AMERICAN FISHPOND REVITALIZATION.

''(a) DEFINITION OF NATIVE AMERICAN.—As used in this section, the term 'Native American' means—

''(1) an Indian, as defined in section 4(d) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(d));

''(2) a Native Hawaiian, as defined in section 8(3) of the Native Hawaiian Health Care Act of 1988 (42 U.S.C. 11707(3)) or section 815(3) of the Native American Programs Act (42 U.S.C. 2992c(3));

''(3) an Alaska Native, within the meaning provided for the term 'Native' in section 3(b) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)); and

''(4) a Pacific Islander, within the meaning of the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.)

''(b) AUTHORIZATION OF PROGRAM.—The Secretary of Agriculture is authorized to carry out a program to revitalize fishponds used by Native Americans to cultivate aquatic species.

''(c) GRANTS; COOPERATIVE AGREEMENTS.—The Secretary may provide grants or enter into cooperative agreements with individuals and organizations, including Native American organizations, to promote fishpond revitalization. Funds provided under this section may be used to engage in fishpond research, pond culture technology development, the application of traditional pond culture techniques and modern aquaculture practices to ancient fishponds, technical assistance and technology transfer, and such other activities as the Secretary determines are appropriate.''.

SEC. 10. AQUACULTURE EDUCATION.

The Act (16 U.S.C. 2801 et seq.) is amended by inserting after section 9 (as added by section 9) the following:

''SEC. 10. AQUACULTURE EDUCATION.

''(a) DEFINITIONS.—As used in this section:

''(1) POSTSECONDARY VOCATIONAL INSTITUTION.—The term 'postsecondary vocational institution' has the same meaning given the term by section 481(c) of the Higher Education Act of 1965 (20 U.S.C. 1088(c)), except that the term only includes an institution that awards an associates degree but does not award a bachelor's degree.

''(2) SECONDARY SCHOOL.—The term 'secondary school' has the same meaning given the term by section 14101(25) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(25)).

''(b) AUTHORIZATION OF PROGRAM.—The Secretary is authorized to establish a program to expand and improve instruction, on aquaculture and the basic principles of aquaculture farming, in the agriculture curriculum for students attending secondary schools and postsecondary vocational institutions.

''(c) GRANTS AND CURRICULUM.—In carrying out subsection (b), the Secretary may—

''(1) make grants to—

''(A) establish and maintain aquaculture learning centers in secondary schools and postsecondary vocational institutions;

''(B) promote aquaculture technology transfer; and

''(C) educate consumers and the public concerning the benefits of aquaculture; and

''(2) develop curriculum and supporting materials on aquaculture farming, field test the content of the curriculum, and supply training to educators at secondary schools and postsecondary vocational institutions on the aquaculture curriculum and materials developed.

''(d) PRIORITY FOR GRANTS.—In awarding grants under subsection (c)(1), the Secretary shall give priority to—

''(1) the ability of the proposed aquaculture learning center to gain access to—

''(A) a commercial aquaculture farm;

''(B) a regional aquaculture center established by the Secretary under section 1475(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(d));

''(C) an aquaculture research facility; or

''(D) a similar venture that would afford students the opportunity to experience aquaculture research and development or commercialization;

''(2) the ability of the center to achieve outreach to minority audiences or students in inner-city schools;

''(3) the ability of the center to foster awareness of aquaculture among consumers and the general public;

''(4) the ability of the center to serve as an aquaculture education facility for visiting students participating in a field trip or a similar educational experience for inservice training; and

''(5) the level of assistance to be provided from non-Federal sources.

''(e) LIMITATION.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a grantee may not receive a grant under this section for more than 5 fiscal years.

''(2) WAIVER.—In the case of grantees that receive grants under this section for fiscal year 1996, the Secretary may waive the application of paragraph (1) to the grantees for the fiscal year if the Secretary determines that the application of paragraph (1) to the grantees would result in the termination of an excessive number of grants.''.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

The first sentence of section 15 (as redesignated by section 7(1)) is amended to read as follows: ''There are authorized to be appropriated to carry out this Act (including the functions of the Joint Subcommittee on Aquaculture established under section 6(a)) $3,000,000 for each of fiscal years 1996 through 2000.''.

SEC. 12. ELIGIBILITY OF AQUACULTURE FARMERS FOR FARM CREDIT ASSISTANCE.

(a) IN GENERAL.—Section 343 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991) is amended by striking ''fish farming'' both places it appears in paragraphs (1) and (2) and inserting ''aquaculture (as the term is defined in section 3(1) of the National Aquaculture Act of 1980 (16 U.S.C. 2802(1)))''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall become effective on October 1, 1995.

SEC. 13. INTERNATIONAL AQUACULTURE INFORMATION AND DATA COLLECTION.

Section 502 of the Agricultural Trade Act of 1978 (7 U.S.C. 5692) is amended by adding at the end the following:

''(d) INTERNATIONAL AQUACULTURE INFORMATION AND DATA COLLECTION.—

''(1) IN GENERAL.—The Secretary is authorized to establish and carry out a program of data collection, analysis, and dissemination of information to provide continuing and timely economic information concerning international aquaculture production.

''(2) CONSULTATION.—In carrying out paragraph (1), the Secretary shall consult with the Joint Subcommittee on Aquaculture established under section 6(a) of the National Aquaculture Act of 1980 (16 U.S.C. 2805(a)), and representatives of the United States aquaculture industry, concerning means of effectively providing data described in paragraph (1) to the Joint Subcommittee and the industry.''.

SEC. 14. AQUACULTURE INFORMATION NETWORK REPORT.

Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall report to Congress on the feasibility of expanding current information systems at regional aquaculture centers established by the Secretary under section 1475(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(d)), universities, research institutions, and the Agricultural Research Service to permit an on-line link between those entities for the sharing of data, publication, and technical assistance information involving aquaculture.

SEC. 15. VOLUNTARY CERTIFICATION OF QUALITY STANDARDS.

The Act (16 U.S.C. 2801 et seq.) is amended by inserting after section 10 (as added by section 11) the following:

"SEC. 11. VOLUNTARY CERTIFICATION OF QUALITY STANDARDS.

''The Secretary shall develop, in consultation with representatives of the aquaculture industry, a plan for voluntary certification of guidelines to ensure the quality of aquatic species subject to this Act in order to promote the marketing and transportation of aquaculture products.''.

SEC. 16. IMPLEMENTATION REPORT.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall report to Congress on the progress made in carrying out this Act and the amendments made by this Act.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) a description of all programs and activities of the Department of Agriculture and all other agencies and Departments in support of private aquaculture;

(2) the specific authorities for the activities described in paragraph (1); and

(3) recommendations for such actions as the Secretary of Agriculture determines are necessary to improve recognition and support of private aquaculture in each agency of the Department of Agriculture.

By Mr. LUGAR (for himself, Mr. HARKIN, Mr. PRESSLER, Mr. LOTT, Mr. COCHRAN, Mr. INHOFE, Mr. JOHNSTON, Mr. GRASSLEY, Mr. COATS, Mr. SHELBY, Mr. INOUYE, Mr. KERREY, Mr. BURNS, Mrs. KASSEBAUM, Mr. DASCHLE, and Mr. MCCONNELL):

S. 679. A bill to require that Federal agencies differentiate animal fats and vegetable oils from other oils and greases in issuing or enforcing regulations, and for other purposes; to the Committee on Environment and Public Works.

THE EDIBLE OIL REGULATORY REFORM ACT

● Mr. LUGAR. Mr. President, I am pleased to join Senator PRESSLER, Senator HARKIN and others in introducing legislation to encourage regulatory common sense. Our legislation will correct two problems: First, the regulation of edible oils in a manner similar to toxic oils like petroleum, and second, the requirement that Certificates of Financial Responsibility [COFR] accompanying vessels carrying edible oils equal those of vessels carrying toxic oils. This bill is similar to legislation which passed Congress last year, but was not given final approval.

In response to the Exxon Valdez oil spill in 1990, Congress passed the Oil Pollution Act of 1990, which requires several Federal agencies to enhance regulatory activities with regard to the shipping and handling of hazardous oils.

In 1993, the Transportation Department proposed regulations to guard against oil spills, and require response plans if spills did occur. DOT proposed to treat vegetable oils—that is, salad oils—in the same way as petroleum. Among other things, salad oils would have been officially declared ''hazardous materials,'' with all the regulatory requirements and extra costs which that designation entails.

This was a classic example of regulatory overreaching. Vegetable oil, of course, is distinctly different from petroleum. Vegetable oil processors thought it entirely appropriate that they undertake response plans to guard against major spills. The industry did not argue that they should be exempt from regulation.

The industry argued that regulators should take into account obvious differences—in toxicity, biodegradability, environmental persistence and other factors—between vegetable oils on the one hand, and toxic petroleum oils on the other.

Secretary Pena eventually agreed with us and prompted modification of DOT's position. However, he does not have jurisdiction over all agencies with a role in regulating oil spills. More recently, the industry has been working with other agencies which have a role in regulating oils and ensuring adequate financial responsibility in the event of a spill.

No one is any longer proposing to call salad dressing or mayonnaise ''hazardous material,'' but agencies are requiring that spill response plans for vegetable oils be quite similar to those for petroleum.

The most recent problem arose in December when Coast Guard regulations subjected vessels carrying vegetable oil to the same standard of liability and financial responsibility as supertankers carrying petroleum. On December 28, 1994, the Coast Guard began requiring the same standard—a $1,200 per gross ton or $10 million of financial responsibility—on vessels carrying vegetable oil and petroleum oil in U.S. waters or calling at U.S. ports. On July 1, similar standards will be phased in on barges operating on U.S. navigable waterways.

Prior to December 28, a COFR requirement of $150 per gross ton applied to all vessels regardless of the hazardous nature or toxicity of the cargo. The vegetable oil industry does not seek a return to this earlier standard, but seeks regulation under a $600 per gross ton COFR requirement that Coast Guard regulations apply to vessels carrying other commodities. It is worth noting that this new financial responsibility standard for edible oil would be four times the COFR required on toxic petroleum oils prior to December 28, 1994.

Application of the most stringent standard to vessels carrying vegetable oil adds to the cost of transporting U.S. vegetable oil to foreign markets. The additional costs of these burdensome regulations are passed back to farmers in reduced prices for commodities. Consumers may also bear a burden in higher food prices. In addition, there have already been instances in 1995 where this unjustified additional cost has made U.S. vegetable oil uncompetitive and has resulted in lost exports. Mr. President, I ask unanimous consent that a February 15, 1995 Journal of Commerce report detailing these losses be printed in the RECORD.

Our bill would not exempt vegetable oil shipments from COFR requirements or regulation. It would only apply a more appropriate standard of financial responsibility to vegetable oil, similar to that applied to vessels carrying other commodities.

The scientific data collected to date indicate that the animal fats and vegetable oils industry has an excellent spill history justifying differentiation of these edible materials from toxic oils. Specifically, these products account for less than one-half of 1 percent of all oil spills in the U.S. In addition, most spills of these products are less than 1,000 gallons.

The industry seeks a separate category for vegetable oils. This is as much because of scientific differences in the oils as it is for economic reasons. There is no reason why non-toxic vegetable oils must be in the same category as toxic oils.

Second, the industry seeks response requirements that recognize the different characteristics of animal fats and vegetable oils within this separate category. A separate category without separate response requirements reflecting different toxicity and biodegradability is nothing more than a hollow gesture.

The Senate and House of Representatives last year passed virtually identical legislation on different legislative vehicles to ensure that both of these objectives were accomplished. Under our bill, the underlying principles of Oil Pollution Act of 1990 would remain unchanged with the language to require differentiation of animal fats and vegetable oils from other oils. The House approved this language twice last year as part of H.R. 4422 and H.R. 4852. The Senate passed the bill as S. 2559. Since final action on this legislation was not completed in the last Congress, we have introduced it again.

This bill does not tell the Coast Guard or any other agency what it must put into regulations. The legislation simply says that in rulemaking under the Federal Water Pollution Control Act or the Oil Pollution Act of 1990, these agencies must differentiate between vegetable oils and animal fats on one hand, and other oils including petroleum on the other.

The bill specifies that the agencies should consider differences in the physical, chemical, biological or other properties and the effects on human health and the environment effects of these oils.

This bill does not exempt vegetable oils from the Oil Pollution Act of 1990 or any other statute. It is a modest effort to encourage common sense in an area of regulation that has not always been marked by that characteristic. I hope my colleagues will cosponsor the legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 679

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 ''Edible Oil Regulatory Reform Act.''

SEC. 2. DEFINITIONS.

As used in this Act:

(1) ANIMAL FAT.—The term ''animal fat'' means each type of animal fat, oil, or grease (including fat, oil, or grease from fish or a marine mammal), including any fat, oil, or grease referred to in section 61(a)(2) of title 13, United States Code.

(2) VEGETABLE OIL.—The term ''vegetable oil'' means each type of vegetable oil (including vegetable oil from a seed, nut, or kernel), including any vegetable oil referred to in section 61(a)(1) of title 13, United States Code.

SEC. 3. DIFFERENTIATION AMONG FATS, OILS, AND GREASES.

(a) IN GENERAL.—In issuing or enforcing a regulation, an interpretation, or a guideline relating to a fat, oil, or grease under a Federal law, the head of a Federal agency shall—

(a) differentiate between and establish separate categories for—

(A)(i) animal fats; and

(ii) vegetable oils; and

(B) other oils, including petroleum oil; and

(2) apply different standards to different classes of fat and oil as provided in subsection (b).

(b) CONSIDERATIONS.—In differentiating between the classes of animal fats and vegetable oils referred to in subsection (a)(1)(A) and the classes of oils described in subsection (a)(1)(B), the head of the Federal agency shall consider differences in physical, chemical, biological, and other properties, and in the effects on human health and the environment, of the classes.

SEC. 4. FINANCIAL RESPONSIBILITY.

(a) LIMITS ON LIABILITY.—Section 1004(a)(1) of the Oil Pollution Act of 1990 (33 U.S.C. 2704(a)(1)) is amended by striking ''for a tank vessel,'' and inserting ''for a tank vessel (other than a tank vessel carrying animal fat or vegetable oil),''.

(b) FINANCIAL RESPONSIBILITY.—The first sentence of section 1016(a) of the Act (33 U.S.C. 2716(a)) is amended by striking ''in the case of a tank vessel,'' and inserting ''in the case of a tank vessel (other than a tank vessel carrying animal fat or vegetable oil),''.●

● Mr. HARKIN. Mr. President, I am pleased to join Senator LUGAR in introducing legislation that will clarify the regulatory treatment of edible oils, including vegetable oils and animal fats. This legislation is very similar to legislation that we introduced last year and to legislation that both the Senate and House of Representatives passed last fall, but unfortunately not in the same bill.

Common sense would dictate that regulations governing the transportation, handling and storage of edible oils should not be as stringent as those applicable to other oils, such as petroleum oils or other toxic oils, which pose a far more significant level of health, safety, and environmental risk in the event of a spill, discharge or mishandling. Animal fats and vegetable oils are essential components of food products that we consume every day. The scientific evidence indicates they are not toxic in the environment, are essential nutritional components, are biodegradable and are not persistent in the environment. In any event, spills of animal fats and vegetable oils are relatively infrequent and small in quantity. Such spills accounted for less than 1 percent of oil spills in and around U.S. waters between 1986 and 1992, and were generally very small in quantity, with only 13 spills of more than 1,000 gallons in that period.

Regrettably, a common sense approach to regulation of animal fats and vegetable oils has been more difficult to achieve than one might think, as the experience under implementation of the Oil Pollution Act of 1990 demonstrates. At one point, it was proposed that edible vegetable oils be regulated as ''hazardous material''. Although some of the problems have been worked out, whether regulators will properly differentiate edible fats and oils from petroleum and other toxic oils in applying the Oil Pollution Act and other Federal laws. This kind of overregulation imposes costs which must be borne by the industry and by farmers, in the form of lower prices, and by consumers, in the form of higher prices.

The legislation we are introducing today is simply designed to bring some clarity to this situation by ensuring that overly restrictive or unreasonable interpretations of Federal laws do not impose excessively burdensome or irrational regulations with respect to edible oils. The bill would not exempt edible oils from regulation, but would only require that regulators differentiate animal fats and vegetable oils from other oils, including petroleum oil, considering differences in physical, chemical, biological and other properties, and in the effects on human health and the environment, of the classes of oils.

To address a specific issue that has arisen, language has been added to this bill that was not in the previous version to clarify that under the Oil Pollution Act vessels carrying animal fats and vegetable oils are not subject to the same level of financial responsibility requirements as are applicable to vessels carrying petroleum oils. Again, this is a common sense approach, recognizing that animal fats and vegetable oils simply do not pose risks comparable to those associated with other oils such as petroleum oils.

In conclusion, this legislation will alleviate the substantial threat of overregulation of animal fats and vegetable oils in ways that clearly could not have been intended by Congress. It will bring some reasonableness and clarity to issues that are now characterized by confusion and uncertainty. I urge my colleagues to support this important, straightforward legislation.●

By Mr. HOLLINGS:

S. 680. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *Yes Dear;* to the Committee on Commerce, Science, and Transportation.

COASTWISE TRADING PRIVILEGES LEGISLATION

● Mr. HOLLINGS. Mr. President, I am introducing a bill today to direct that the vessel *Yes Dear,* official number 578550, be accorded coastwise trading privileges and be issued a certificate of documentation under section 12103 of title 46, United States Code.

The *Yes Dear* was constructed in Hong Kong in 1976, and the vessel is a wooden trawler. It is 53.6 feet in length, 15 feet in breadth, has a depth of 6.5 feet, and is self-propelled.

The vessel was purchased by R. Milledge Morris of Beaufort, SC, who purchased it in 1991 with the intention of chartering the vessel for short sailing tours. The vessel was in disrepair, and Mr. Milledge has spent a considerable amount of time, effort, and resources in repairs. However, because the vessel was built in Hong Kong, it did not meet the requirements for coastwise license endorsement in the United States. Such documentation is mandatory to enable the owner to use the vessel for its intended purpose.

The owner of the *Yes Dear* is seeking a waiver of the existing law because he wishes to use the vessel for charters. His desired intentions for the vessel's use will not adversely affect the coastwise trade in U.S. waters. If he is granted this waiver, it is his intention to comply fully with U.S. documentation and safety requirements. The purpose of the legislation I am introducing is to allow the *Yes Dear* to engage in the coastwise trade and the fisheries of the United States.●

By Mr. HELMS (for himself and Mr. MACK):

S. 681. A bill to provide for the imposition of sanctions against Colombia with respect to illegal drugs and drug trafficking; to the Committee on Foreign Relations.

THE NARCOTICS NATIONAL EMERGENCY SANCTIONS ACT OF 1995

Mr. HELMS. Mr. President, the drug problem today is worse then it was in 1992. Drug use by young people is up; addiction is up; and drugs on American streets can be acquired at cheaper prices and with greater purity levels than ever before. The most destructive

drug remains cocaine, which means the availability of ''crack'' continues unabated; and there are worrisome reports of increasing heroin availability and use.

The world's primary source of cocaine is Colombia. It is the headquarters for the international cocaine cartels, who are operating with virtual impunity in Colombia. Colombia is also a significant producer of heroin, having overtaken Mexico as the major Western Hemisphere heroin producer; and Colombia's cultivation and export of marijuana is increasing.

On March 1, as required by law, the Clinton Administration announced its annual decision regarding Colombian cooperation with the United States in the fight against drugs. The Administration said Colombia failed to cooperate, the result of which is, in the Clinton Administration's own words, that ''* * * the activities of the Colombian drug syndicates continue to ensure that the flow of cocaine, heroin, and marijuana from Colombia to the United States remains undiminished.''

This is a startling conclusion. Yet, the Clinton administration then gave Colombia a ''national interest'' waiver. The effect of this decision is to do nothing about Colombia's abysmal record, with our bilateral relationship continuing as if nothing is wrong. This is a grave moral and geopolitical mistake.

This is way Senator MACK and I are introducing the Narcotics National Emergency Sanctions Act of 1995, a bill to cut off all economic aid, trade benefits, and military assistance to Colombia if the nation does not fulfill the antinarcotics agenda outlined by Colombia's own President, Ernesto Samper.

This legislation requires the President to certify to the U.S. Congress that Colombia has made demonstrable progress in fighting drugs between now and February 6, 1996. If Colombia cannot fulfill what President Samper himself has outlined as his Government's antidrug agenda, then sanctions go into effect.

The objectives outlined by President Samper, and contained in the legislation, include: investigating the financing of political parties and candidates by the drug lords; capturing and imprisoning the major drug kingpins; confiscating the profits from illegal drug activities; reforming the penal code and plea-bargaining system, and increasing penalties for drug trafficking; and destroying 44,000 hectares of illegal coca and poppy plants in Colombia by February 6, 1996, and all remaining illegal crops by February 6, 1997.

These initiatives are in the legislation as the specific conditions that Colombia must meet. They were not created by this Senator, another Senator, or by anyone in the U.S. Government. They were announced by President Samper as his Government's own antidrug program in his July 15, 1994, letter to the U.S. Congress and in a February 6, 1995, speech.

We expect President Samper and the Colombian Government to fulfill their promises, and we will judge Colombia by their own standards.

I do not see how we can accept a national policy that fails to hold the Colombian Government responsible for the poison they are allowing to be sent to our children, especially in the inner cities. I recognize that Colombia's Government is not the only one at fault. However, Colombia is the corporate headquarters for the booming international drug trade.

How can we ask our local police and our Federal law enforcement agencies to continue a tough fight—including risking their lives—if their own national Government won't get tough with foreign governments protecting the drug bosses?

I find this situation amazing, given that the Clinton administration was prepared to sanction China for pirating video tapes and computer programs. Why is the United States prepared to sanction nations that harm U.S. businesses that allow the theft of intellectual property but is not prepared to take equally strong measures against a Government that allows the poisoning of our children?

Let me clearly state that I have no quarrel with the Colombian people. There are many dedicated Colombians who risk their lives every day fighting the drug cartels. Colombian citizens have suffered more wanton violence from greedy drug lords than any people on Earth. My concern is that the Colombian Government is not supporting these courageous individuals.

Mr. President, here is just a brief review of Colombia' record:

No arrest of any significant member of the Cali drug cartel, which accounts for 80 percent of the cocaine shipped into the United States. The brother of a major Cali cartel trafficker was arrested recently, but there are many—including some law enforcement agencies—who doubt that this person is a ''big fish.'' He may be a sacrifice by the drug lords to try to help the Colombian Government show resolve.

No significant steps have been taken to investigate or prosecute some 15,000 drug corruption cases, including no serious investigations into allegations that Colombian President Samper's Presidential campaign received millions of dollars from the Cali cartel or into corruption of Members of the Colombian Congress.

A plea-bargaining system that Colombia's own Justice Ministry criticized for its lenient use, noting that nearly 40 percent of convicted drug traffickers have been freed on parole, without serving a day in prison. According to Colombia's Chief Prosecutor, ''the system results in virtual impunity.''

Mr. President, the American people have every right to expect full cooperation in the ''drug war'' so long as our youth are being poisoned by Colombian cocaine. Countries that produce drugs should be put on notice that the United States will not look the other way.

William J. Bennett, former U.S. ''drug czar,'' and I jointly prepared an op-ed piece for yesterday's Wall Street Journal in which we asserted:

> The Colombian leaders must be sent a clear and unmistakable message: In the war on drugs, they can either continue to ally themselves with the [drug] cartels, and thereby become a pariah state like Libya and Iran; or they can return to the community of civilized nations, fulfill the promises President Samper made, and join with the U.S. in an effort to put the cartels out of business. The choice is theirs.

Mr. President, I ask unanimous consent that the Bennett-Helms Wall Street Journal op-ed piece, along with President Samper's July 15, 1994, letter to Senator Helms and his February 6, 1995, counterdrug speech, be printed in the RECORD at the conclusion of my remarks.

Mr. President, I ask unanimous consent that the text of The Narcotics National Emergency Sanctions Act of 1995 be printed in the RECORD.

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

S. 681

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 ''Narcotics National Emergency Sanctions Act of 1995''.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Cocaine is the primary drug threat to the United States, and heroin poses an increasingly serious drug threat to the United States.

(2) Colombia is the ''corporate headquarters'' for the international cartels responsible for the production and distribution of at least 80 percent of the cocaine that enters the United States.

(3) Colombia is the primary producer of heroin in the Western Hemisphere and is a significant cultivator of marijuana.

(4) Courageous and dedicated Colombians risk their lives every day in order to fight drug traffickers, and these Colombians deserve the support of the United States and of the Government of Colombia.

(5) The Government of Colombia did not take significant actions in 1994 to dismantle drug cartels in Colombia, capture drug kingpins, or reverse the influence of drug-related corruption on the political system of Colombia.

(6) The lack of achievement of the Government of Colombia in 1994 in its efforts against drugs raises significant questions as to whether the Colombian people presently receive the support of that government in such efforts.

(7) The political and judicial systems of Colombia are plagued by drug-related corruption, including an ineffective plea-bargaining system that leaves law-abiding citizens virtually unprotected against crime.

(8) The plea-bargaining system in Colombia is so ineffective that at least 33 percent of the convictions for drug-related crimes do not result in imprisonment.

(9) The Prosecutor General of Colombia has stated that the judicial process in Colombia system ''results in virtual impunity [for drug traffickers]''.

(10) Colombia is a significant center for money-laundering activities, and, as a result, the financial system of Colombia is inundated with illegal monies.

(11) Despite repeated assurances it considers the war against drugs to be a ''moral imperative'' and a ''matter of national security'' requiring ''an all out effort, without limits,'' the Government of Colombia has failed to keep specific commitments made on July 15, 1994 by President-elect Samper that Colombia would—

(A) devote law enforcement resources, including creating an elite corps of investigators, to the investigation, apprehension, arrest, prosecution, and imprisonment of major drug traffickers and their accomplices, including political allies;

(B) rapidly reform the penal code of Colombia, including increasing penalties for drug traffickers, closing loopholes in the plea bargain system, and strengthening anti-corruption and money-laundering laws; and

(C) participate in the creation of an anti-narcotics force for Caribbean Basin countries and the implementation of a global export monitoring system for precursor chemicals.

(12) Evidence suggests that the influence of drug kingpins reaches the Congress of Colombia and the Office of the President of Colombia.

(13) The Government of Colombia has not taken any significant steps to investigate or prosecute cases of drug-related corruption, nor has that government undertaken a meaningful investigation into allegations that the campaign treasury of President Samper received millions of dollars from the Cali cartel or into allegations of extensive corruption in the Congress of Colombia.

(14) The Government of Colombia has not demonstrated the political will to move against major drug traffickers in Colombia, and President Samper has not used his considerable public influence to build political support for direct, effective action against drug kingpins and the scourge of drugs in Colombia.

(15) The Government of Colombia has not arrested or imprisoned any significant member of the Cali drug cartel, a cartel which accounts for at least 80 percent of the cocaine that is shipped into the United States.

(16) Colombia has in effect laws to address drugs and drug-related corruption in a meaningful manner, but the Government of Colombia does not enforce such laws.

(17) The democratically-elected Government of Colombia is being subjugated to the interests of drug traffickers in Colombia.

(18) On February 6, 1995, the President of Colombia outlined a program of the Government of Colombia called the ''Program of the War Against Illicit Drugs''.

(19) In promising to pursue the program, the President of Colombia stated that Colombia ''will continue fighting [narcotics] because we are convinced that the struggle against this serious scourge is a moral imperative, a response to a public health problem, and, most of all, an issue of national security.''

SEC. 3. SANCTIONS.

Subject to sections 4 and 6, the following sanctions shall apply against Colombia as of February 6, 1996:

(1) BILATERAL ASSISTANCE.—Funds available under the following programs of assistance may not be obligated or expended to provide assistance with respect to Colombia:

(A) DEVELOPMENT ASSISTANCE.—Assistance to carry out chapter 1 of part I of the Foreign Assistance Act of 1961.

(B) ECONOMIC SUPPORT FUND ASSISTANCE.—Assistance to carry out chapter 4 of part II of the Foreign Assistance Act of 1961.

(C) FOREIGN MILITARY FINANCING.—Financing under section 23 of the Arms Export Control Act.

(D) IMET ASSISTANCE.—Assistance to carry out chapter 5 of part II of the Foreign Assistance Act of 1961.

(E) OVERSEAS PRIVATE INVESTMENT CORPORATION.—Activities of the Overseas Private Investment Corporation under title IV of chapter 2 of part I of the Foreign Assistance Act of 1961.

(F) EXPORT-IMPORT BANK.—Financing by the Export-Import Bank of the United States under the Export-Import Bank Act of 1945.

(2) MULTILATERAL DEVELOPMENT BANKS.—The Secretary of the Treasury shall instruct each United States executive director of a multilateral development bank to vote against any loan or other utilization of the funds of the respective bank to or for Colombia.

(3) LICENSES FOR COMMERCIAL ARMS EXPORTS.—Appropriated funds may not be obligated or expended to license the commercial export of items on the United States Munitions List under section 38 of the Arms Export Control Act to Colombia.

(4) MILITARY ACTIVITIES.—Appropriated funds may not be obligated or expended for purposes of carrying out military activities in Colombia or that benefit Colombia, including joint military activities involving the Armed Forces of the United States and the Armed Forces of Colombia.

(5) TRADE PREFERENCES.—

(A) ANDEAN TRADE PREFERENCE ACT.—The President shall withdraw the designation of Colombia as a beneficiary country under section 203 of the Andean Trade Preference Act (19 U.S.C. 3202). The President shall make such withdrawal without regard to the procedures set forth in subsection (e) of that section. Such withdrawal shall apply to goods entered, or withdrawn from warehouse for consumption, after the date that is 45 days after the date sanctions under this section first apply to Colombia and such goods shall be subject to duty at the rates of duty specified for such goods under the general subcolumn of column 1 of the Harmonized Tariff Schedule of the United States.

(B) TRADE ACT OF 1974.—The President shall terminate the designation of Colombia as a beneficiary developing country under section 502 of the Trade Act of 1974 (19 U.S.C. 2462). The President shall terminate such designation without regard to the procedures set forth in subsection (a)(2) of that section. Such withdrawal shall apply to goods entered, or withdrawn from warehouse for consumption, after the date that is 45 days after the date sanctions under this section first apply to Colombia and such goods shall be subject to duty at the rates of duty specified for such goods under the general subcolumn of column 1 of the Harmonized Tariff Schedule of the United States.

(C) OTHER TRADE PREFERENCE PROGRAMS.—Colombia may not be designated as eligible to receive preferential trade treatment under any other program.

(D) FREE TRADE AGREEMENTS.—Colombia shall not be—

(i) extended tariff or quota treatment equivalent to that accorded to members of the North American Free Trade Agreement; or

(ii) allowed to participate in the discussion or implementation of a free trade agreement involving Western Hemisphere countries.

(E) SUPERSEDING EXISTING LAW.—The sanctions described in this paragraph shall apply notwithstanding any other provision of law.

(6) EXCLUSION FROM ENTRY INTO UNITED STATES.—

(A) IN GENERAL.—The President shall take all reasonable steps provided by law to ensure that public officials in Colombia, regardless of rank, who are implicated in drug-related corruption, their immediate relatives, and business partners are not permitted entry into the United States, consistent with the provisions of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) APPLICABILITY.—Subparagraph (A) shall apply in the case of a public official in Colombia, and the relatives and business partners of such official, until the completion by the Government of Colombia of an investigation into the drug-related corruption of the official that is satisfactory to the Secretary of State and the Attorney General of the United States and is so certified to the President.

SEC. 4. DETERMINATION AND CERTIFICATION.

(a) CERTIFICATION PROCEDURES FOR INITIAL PERIOD.—Subject to section 7(a)(1), the sanctions described in section 3 shall not apply to Colombia during the period beginning February 6, 1996, and ending February 5, 1997, if the President determines and certifies to the appropriate congressional committees on February 6, 1996, the matters set forth in subsection (b).

(b) DETERMINATION.—The determination referred to in subsection (a)(1) is the following:

(1) That the Government of Colombia has made substantial progress in the following matters:

(A) Investigating contributions by drug traffickers to political parties in Colombia.

(B) Providing funding for a sustainable alternative development program to encourage Colombia farmers to grow legal crops.

(C) Utilizing the law enforcement resources of Colombia to investigate, capture, convict, and imprison major drug lords in Colombia and their accomplices.

(D) Implementing and funding fully a proposed plan for the improvement of the administration of the Ministry of Justice of Colombia.

(E) Acting effectively to confiscate profits from activities relating to illegal drugs.

(F) Enacting legislation to implement the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

(G) Dismantling the infrastructure in Colombia that is used for processing illegal drugs, interdicting the chemicals used for such processing, and seizing or disabling vehicles (including airplanes and ships) used to transport processed illegal drugs.

(H) Investing in technology to improve surveillance of airports, waterways, and seaports in Colombia.

(I) Constructing an installation for the Colombia Coast Guard on San Andres Island, Colombia, in order to provide effective surveillance of airplane and ship traffic that departs from the island.

(J) Improving the aircraft detection and interception systems of Colombia, including the purchase of aircraft detectors.

(K) Encouraging and participating in the adoption of an Inter-American convention to ban the establishment of a financial safe haven in any country in the Western Hemisphere.

(2) That the Government of Colombia has accomplished the following:

(A) The reform of the penal code of Colombia in order to increase penalties for drug traffickers and to remove opportunities for such traffickers to enter into plea bargains.

(B) The creation of an effective investigation unit to detect and bring to prosecution individuals in Colombia who engage in corrupt activities related to drugs.

(C) The enactment of legislation to implement the statute prohibiting money laundering that was enacted by the Colombia legislature in 1994.

(D) The destruction of 44,000 hectares of coca and poppy plants in Colombia by January 1, 1996.

(c) CERTIFICATION PROCEDURES FOR SUBSEQUENT PERIOD.—Subject to section 7(a)(1), the sanctions described in section 3 shall not apply to Colombia, and any trade designations withdrawn or terminated under section 3(5) shall be reinstated with respect to Colombia, if the President determines and certifies to the appropriate congressional committees on February 6, 1997, the matters set forth in subsection 6(b).

SEC. 5. DISCRETIONARY SANCTIONS.

(a) AUTHORITY.—The President may impose on Colombia the sanctions described in section 4, or such other sanctions as the President considers appropriate, if the President determines that the Government of Colombia is not cooperating with the United States in counter-drug activities in and with respect to Colombia.

(b) REQUIREMENTS FOR IMPOSITION.—The President shall impose sanctions under this section by transmitting to the appropriate congressional committees a notice of the imposition of the sanctions. The notice shall set forth the sanctions imposed and the effective date of the sanctions.

(c) TERMINATION OF SANCTIONS.—(1) Subject to section 7(a)(2), sanctions imposed under this section shall terminate 45 days after the date on which the President transmits to the appropriate congressional committees the determination and certification referred to in section 6(a).

(2) Upon the termination of sanctions under this section, any trade designation withdrawn or terminated under section 3(5) shall be reinstated with respect to Colombia.

(d) EXPIRATION OF AUTHORITY.—The authority of the President to impose sanctions under this section shall expire on February 5, 1996.

SEC. 6. TERMINATION OF SANCTIONS.

(a) IN GENERAL.—(1) Subject to subsection (c) and section 7(a)(2), the sanctions described in section 3 shall terminate 45 days after the date on which the President determines and certifies to the appropriate congressional committees the matters set forth in subsection (b).

(2) Upon the termination of sanctions under this subsection, any trade designation withdrawn or terminated under section 3(5) shall be reinstated with respect to Colombia.

(b) DETERMINATION.—The determination referred to in subsection (a)(1) is the following:

(1) That the Government of Colombia continues to make substantial progress with respect to the following matters:

(A) Investigating contributions by drug traffickers to political parties in Colombia.

(B) Prosecuting the persons responsible for illegal contributions to political parties and campaigns.

(C) Providing funding for a sustainable alternative development program to encourage Colombia farmers to grow legal crops.

(D) Utilizing the law enforcement resources of Colombia to investigate, capture, convict, and imprison major drug lords in Colombia and their accomplices.

(E) Implementing a reform of the penal code of Colombia so as to punish and incarcerate drug traffickers and to terminate the availability of lenient plea bargains.

(F) Deploying an effective investigation unit to detect and bring to prosecution individuals in Colombia who engage in corrupt activities related to drugs.

(G) Implementing and funding fully a proposed plan for the improvement of the administration of the Ministry of Justice of Colombia.

(H) Acting effectively to confiscate profits from activities relating to illegal drugs.

(I) Enforcing effectively the statute prohibiting money laundering that was enacted by the Colombia legislature in 1994.

(J) Investing in technology to improve surveillance of airports, waterways, and seaports in Colombia and utilizing such technology.

(K) Improving the aircraft detection and interception systems of Colombia and utilizing such systems.

(L) Encouraging and participating in the adoption of an Inter-American convention to ban the establishment of a financial safe haven in any country in the Western Hemisphere.

(2) That the Government of Colombia has accomplished the following:

(A) The enactment of legislation to implement the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.

(B) The destruction of all remaining hectares of illicit crops in Colombia.

(C) The construction of an installation for the Colombia Coast Guard on San Andres Island, Colombia, and in order to provide effective surveillance of airplane and ship traffic that departs from the island.

(c) DATE OF TRANSMITTAL.—The President shall transmit the determination and certification described in this section, if at all, not earlier than February 6, 1997.

SEC. 7. CONGRESSIONAL REVIEW.

(a) IN GENERAL.—

(1) REVIEW OF APPLICABILITY.—The sanctions described in section 3 shall apply to Colombia notwithstanding a determination of the President under subsection (a) or (c) of section 4 if, within 45 days after receipt of a certification under such subsection (a) or (c), respectively, Congress enacts a joint resolution disapproving the determination contained in such certification. The effective date of such sanctions shall be the date on which Congress enacts a joint resolution disapproving the determination concerned.

(2) REVIEW OF TERMINATION.—The sanctions described in section 3, and the sanctions authorized by section 5, shall not terminate notwithstanding a determination of the President under section 6(a) or 5(c), respectively, if, within 45 days after receipt of a certification under such section 6(a) or 5(c), respectively, Congress enacts a joint resolution disapproving the determination contained in such certification.

(b) PROCEDURES.—The procedures for the consideration of a joint resolution disapproving a determination under this section shall be governed by the procedures set forth in section 490A(f)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291k(f)(2)).

SEC. 8. RELATIONSHIP TO OTHER CERTIFICATION REQUIREMENTS WITH RESPECT TO COLOMBIA.

In fiscal year 1996 and in any other fiscal year in which sanctions are imposed on Colombia under this Act, the President shall transmit the applicable determination and certification under this Act in lieu of the determination and certification, if any, required with respect to Colombia in such fiscal year under section 490A of the Foreign Assistance Act of 1961 (22 U.S.C. 2291k).

SEC. 9. REPORTS.

(a) REQUIREMENT.—Subject to subsection (b), the Secretary of State shall submit to the appropriate congressional committees a report on—

(1) the progress made by the Government of Colombia in the matters set forth in paragraph (1) of section 4(b); and

(2) the accomplishments of that government with respect to the matters set forth in paragraph (2) of that section.

(b) DATES OF SUBMITTAL.—The Secretary shall submit a report under this subsection not later than—

(1) September 1, 1995; and

(2) September 1 of each year thereafter until the year following the year in which sanctions, if any, on Colombia under this Act terminate.

SEC. 10. DEFINITIONS.

As used in this Act:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) DRUG.—The term ''drug'' refers to any substance that, if subject to the jurisdiction of the United States, would be a controlled substance within the meaning of section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)).

(3) DRUG TRAFFICKER.—The term ''drug trafficker'' means any person who transports, transfers, or otherwise disposes of illegal drugs, to another, as consideration for anything of value, or makes or obtains control of illegal drugs with the intent to so transport, transfer, or dispose of.

(4) MULTILATERAL DEVELOPMENT BANKS.—The term ''multilateral development banks'' includes the International Bank for Reconstruction and Development, the International Development Association, and the Inter-American Development Bank.

[From the Wall Street Journal, Apr. 4, 1995]

COLOMBIA, AMERICA'S FAVORITE ''NARCO-DEMOCRACY''

(By William J. Bennett and Jesse Helms)

The deluge of illegal drugs flooding into the U.S. has become one of the principal threats to our national security. More Americans die each year from the use of cocaine, heroin and other illegal drugs than from international terrorism. Yet, while the Clinton administration has rightly maintained a tough line with Libya, Iran and other governments known to be sponsoring terrorism, it has let Colombia—which ships more cocaine into the U.S. than any other country—completely off the hook. It is time for the administration to stiffen its spine and show some resolve in its anti-drug efforts.

The administration's recent annual review of international cooperation on counter-drug efforts by major drug-producing and trafficking countries is instructive. Under this review, countries that fail to meet certain minimum standards of performance in combating drug trafficking are supposed to be denied U.S. aid. The Clinton administration acknowledged in its report that Colombia has indeed failed to meet minimum standards, yet, amazingly, granted Colombia a ''national interest waiver'' allowing U.S. aid to flow into Colombia despite its miserable record.

This is a grave moral and geopolitical mistake. All available evidence clearly indicates Colombia has totally capitulated to the drug lords. By extending certification to Colombia, despite overwhelming evidence that its government is rife with narco-corruption, the Clinton administration has sent a troubling signal to all drug-producing nations: The U.S. will impose no penalty for collusion in trafficking with the drug lords.

Colombia is no borderline case. It has indisputably become a ''narco-democracy''—a country with a facade of democratic government that is effectively controlled by drug kingpins who manipulate the political establishment with cocaine money. According to the administration's own background papers on Colombia:

The Cali cartel has been left free by the Colombian government to exploit the banking system and launder vast sums of drug money with impunity.

There is practically no effective investigation or prosecution of the more than 15,000 current cases of corruption involving government officials (more than half of them senior-level authorities).

A ''guilt-laundering'' system exists, in which Cali drug lords surrender, and submit to a jerry-rigged plea-bargaining system that leaves their assets intact and allows them to plead to minor charges.

The government's eradication programs have been half-hearted at best, despite massive increases in the growing of opium and new cocaine cultivation.

High-level government collusion enables the shipment of enormous quantities of cocaine into the U.S., with 727 jets transiting in Mexico with tons of the drug.

There is evidence of the corruption of many members of the Colombian Congress, and increasing evidence of presidential ties to the drug cartels.

The Clinton administration cannot plead ignorance as the excuse for its abdication of responsibility. But conditions in Colombia are in fact worse than even the administration's report acknowledges. The influence of the cartels and their blood money pervades almost all aspects of Columbia's political, social and economic life. Cartel money finances political campaigns. It silences journalists. It buys judges. It infiltrates virtually every major business activity in Columbia—from cut flowers, to oil, to paper, to banking.

Colombia is now the primary base for the cartels to extend their drug operations throughout the hemisphere. Despite the fact that the Cali cartel now supplies more than 80% of all the cocaine entering the U.S., the Colombian government has failed to arrest or prosecute even one significant cartel member. To the contrary, Colombia has given the cartel cover and protection from international extradition, allowing these drugs to end up on American streets and in American schools, where they destroy the lives of American children.

We believe the Colombian government collusion with the drug lords poses a direct threat to the national security of the U.S. It is time to meet this threat head-on. And since the Clinton administration has failed to provide leadership on this issue, it is all the more important that Congress assume responsibility. That is why a Senate Foreign Relations subcommittee will hold a hearing today on the issue. And why legislation will be introduced this week to cut off all economic support, trade benefits, and military assistance to Colombia by Feb. 6, 1996, unless the president of the United States can certify that Colombian President Ernesto Samper has implemented the reform agenda he promised the U.S. Congress he would enact.

Elements of this agenda include investigating the financing by drug traffickers of political parties and candidates in Colombia; putting law enforcement resources behind investigating, capturing, convicting and imprisoning major drug lords in Colombia; ending the ''guilt-laundering'' system; confiscating assets of cartel leaders; and destroying 44,000 hectares (108,680 acres) of coca and poppy plants in Colombia by Jan. 1, 1996 (and all remaining acreage by Jan. 1, 1997).

The Colombian leaders must be sent a clear and unmistakable message: In the war on drugs, they can either continue to ally themselves with the cartels, and thereby become a pariah state like Libya and Iran; or they can return to the community of civilized nations, fulfill the promises President Samper made, and join with the U.S. in an effort to put the cartels out of business. The choice is theirs.

WASHINGTON, DC,
July 15, 1994.

HON. JESSE HELMS,
Ranking Committee on Foreign Relations, Senate Dirksen Office Building, Washington, DC.

DEAR SENATOR HELMS: Next month I will assume the Presidency of Colombia at a very important time in the relations between our two countries and in our common struggle against drug trafficking. I am well aware of your dedication and interest in this issue and I appreciate your efforts in support of Colombia. As I prepare my administration for the challenges which lie ahead, I wanted to take this opportunity to share with you my views about the ways we can strengthen our fight against drug trafficking.

I know, in a very personal way, the kind of threat drugtraffickers represent to our democracies. The four bullets still lodged in my body are a constant reminder of the 1989 Cartel attempt to assassinate me at Bogota International Airport. I was lucky, unlike many of my compatriots who have fallen victim of the brutal violence the cartels have wreaked in my country.

Once again, we are the target of their diabolic machinations. The taping of telephone conversations between a Cali Cartel leader and a journalist known to be on the Cartel's payroll revealed their frustrated efforts to infiltrate the campaign organizations of Colombian presidential candidates.

I was perfectly aware of this threat when I entered the Presidential race. That is why I established an independent moral ombudsman in my campaign. That is why my campaign books and records have always been open to public scrutiny. I also expelled several sympathizers when it became evident that they were not up to our rigid ethical standards. We rejected several contributions because of their unclear or obscure origin. That is why I am completely confident that my campaign was successful in rejecting drug traffickers undercover efforts to spread their corrupting influence. Nevertheless, I have called for a special investigation to carefully examine all of these issues and will take further action as needed to protect the integrity of my government.

Those who thought that the drug war was over with the destruction of Pablo Escobar's organization were wrong. We are entering what could be the last but decisive phase of the drug war. The Cartels know that their campaign of terror and intimidation has failed. Nevertheless, they will try to regain the ground lost during the past years. The Cali Cartel will rely on powerful weapons of choice: violence and fear, bank accounts, legal loopholes, computer networks and corruption.

Today, the task is much more complex and the international community has to readjust its strategy, sharpen its skills and develop new legal and institutional tools. Starting on the day of my inauguration, I will aggressively seek to secure the tools we will need to win, both at home and abroad. I invite the United States to join Colombia in leading this effort.

First, we will continue doing what we have done successfully: vigorously applying all our law enforcement resources to investigate, track and put in jail the drug lords and their accomplices. We know who the bosses of the Cali Cartel are and we will capture them. To achieve that goal we need a continuous commitment from the U.S. in terms of technical support, training, intelligence and evidence sharing. We must establish a high-level bilateral commission to permanently evaluate our cooperation, improve its performance and promptly overcome any problem or obstacle.

My administration will accelerate the reform of Colombia's penal code, increasing the penalties for drug traffickers and removing the loopholes in our plea-bargaining system. We will not tolerate leniency.

Drug traffickers failed in taking over our democracy through terrorism and assassination. Now they want to destroy it through infiltration and corruption. They will not succeed. An ''elite corp'' of investigators will be created to track down corruption and send the political cronies of the cartels to jail and we will present to Colombia's Congress stringent anti-corruption legislation. Additionally, we will introduce new legislation to strengthen our laws against money-laundering, that should be enforced with the support of a U.S.-Colombian financial crime task force, conformed by our best prosecutors and experts.

Equally important, we will urge the U.S. Congress to establish mandatory targets for the reduction of domestic drug consumption and to provide the resources needed to achieve those targets.

Our two countries cannot solely bear the burden of the global war on drugs. Consequently, my administration will work towards the enactment of the following initiatives:

The creation of a Caribbean Basin multilateral anti-narcotics force.

Joining current radar capabilities in a Hemispheric network to track trafficking activities.

The implementation of a global export monitoring system to impose strict controls on the flows of precursor chemicals, crucial to drug production, as well as assault and automatic weapons used by cartel hitmen.

The adoption of a new Inter-American convention to ban financial safe havens in the hemisphere. Drug Traffickers cannot be allowed to enjoy the benefits of their ill-gotten gains.

These are concrete initiatives I will launch August 7th, the day of my inauguration. I hope the United States will choose to help Colombia win the drug war instead of being paralyzed by the drug lords' disinformation campaign. I invite the United States to redouble its faith in the determination and courage of Colombians by joining us again in the difficult battles that lie ahead.

My administration looks forward to working with you on these issues and others of interest to both our countries.

Sincerely,

ERNESTO SAMPER-PIZANO,
President-elect of Colombia.

SPEECH BY DR. ERNESTO SAMPER PIZANO, PRESIDENT OF COLOMBIA, AT THE PRESENTATION OF THE POLICY AGAINST DRUGS, SANTAFÉ DE BOGOTA, FEBRUARY 6, 1995

I wish to take the opportunity, on the occasion of the appointment of the Manger of the Illicit Crops Alternative Development Plan, to outline the Program of the War Against Illicit Drugs that my Administration will carry out in the years ahead. At the same time, I also wish to inform you about what we have already achieved in the first few months of my Administration.

Colombia has been seriously engaged for several years in the war against drug trafficking. Many of our countrymen have fallen in this battle, and the economic price we have had to pay has been very high, requiring us to postpone other important needs and make great sacrifices.

We are fighting this battle and we will continue fighting because we are convinced that the struggle against this serious scourge is a moral imperative, a response to a public health problem, and, most of all, an issue of national security.

AN INTEGRATED POLICY

The challenge posed by drug traffickers demands an integrated policy. We cannot continue in a cycle of action and reactions. This leads to doubt and uncertainty about the effectiveness of what we are doing. My Government is committed to an integrated policy that will be led and supervised directly by the President of the Republic.

The new policy's components are as follows:

1. Crop eradication

Unfortunately, Colombia has become a coca producing country: 14 percent of the land under coca cultivation worldwide is in our country.

Between 1993 and 1994, the number of hectares under cultivation increased 13 percent.

We will eradicate the coca and poppy crops. We will take advantage of the fact that most of these crops are grown for commercial reasons and are not for traditional use, as in other neighboring countries.

We have begun ''Operation Radiance'' that will destroy all existing illicit crops in the country in the next two years. The target for this year is 44,000 hectares.

The Government will be especially careful to ensure that these operations cause the least adverse social and environmental impact.

Those who criticize spraying operations often forget that the worst ecological damage is being caused by those who are destroying our natural reserves to grow illicit drugs. Two and a half hectares of forest are destroyed in order to plant one hectare of illicit crop, at the expense of approximately 180,000 hectares each year. If production continues like this, according to U.N. calculations, before the end of the century Colombia will have lost one-third of its tropical rain forest.

2. Alternative development plan

The objective of the Alternative Development Plan that we are announcing today is to provide an alternative means of living for the 300,000 small coca growers.

And, simultaneously to develop preventive programs in other areas of the country which are abandoned and could become areas for producing new crops. We do not want confrontations to happen again like the ones in Guaviare and Putumayo last year.

I have requested the Solidarity Network to institute programs in the most sensitive areas so that government programs will begin work before the drug traffickers arrive.

The Plan will provide better roads, health, education and working conditions to small farmers in isolated areas.

Likewise, with the assistance of government programs, the trading and marketing of substitute crops will begin.

The Plan will duplicate substitution programs that have been successful in other places.

In order to finance this ambitious crop substitution program, we have a US$150 million budget which we hope to double with international assistance.

My goal is to eliminate all illicit crops by the end of my term in office.

3. Industrial production of drugs

In addition to coca cultivation, we are also a drug producing country. To eliminate production, we will attack the infrastructure used for the processing of drugs, such as laboratories, importation of processing chemicals, and vehicles used to transport drugs.

With the use of the reinstalled radar system in the South, we will interdict the entry of coca paste, the essential raw material for the production of cocaine.

4. Distribution

Colombia will take strong actions to destroy the internal systems for the distribution and export of drugs through the following programs:

Investment in technology to improve the control capacity of airports, waterways and seaports.

Build a coast guard base on San Andres Island with resources already allocated in the 1995 and 1996 budgets, that will control all air and sea traffic arriving and departing from the island.

Improve the airplane interception system through the purchase of detectors, aerial platforms, and electronic intelligence gathering equipment.

5. Money laundering

Recent estimates show that profits from drug trafficking can reach nearly US$500 billion a year, which is ten times Colombia's gross national product.

Most of these funds are ''laundered'' through world financial markets. It is very important that controls be established in each country as well as at the international level.

If we allow the income produced by drugs, 75 percent of which is held in international financial centers, to be ''recycled'' into legitimate business, we will never be able to end drug trafficking.

At the hemispheric summit called by President Clinton and held in Miami, Colombia suggested that the countries of the region hold a convention to consider a War against Money Laundering. This initiative was received with enthusiasm. The organizational details of this convention will be spelled out during the first quarter of 1995.

On the domestic front, with the support of the Attorney General's Office, the Banking Superintendency, the DIAN (tax and national customs department), and the Stock Market Superintendency, we will act more forcefully to confiscate profits from illicit enrichment. We have already proposed changes in the law to give my Government the necessary powers to carry this out.

6. The rise of domestic consumption

Colombia is at risk of becoming a drug consuming country, according to the figures during the last few years.

We will strongly fight against any increase in drug use, particularly among our youth.

The Government's action in this regard will be directed at drug prevention, rehabilitation, special attention to individuals that are vulnerable to becoming drug users, and a massive education effort through the media and education centers, under the coordination of the Youth Vice-Ministry, on the harmful effects of drug use.

7. Law enforcement and administration of justice

The ''Surrender to Justice'' policy has become an open door to impunity because of inadequate convictions and sentencing by certain judges and prosecutors.

Its implementation included minimum sentences and granted maximum benefits.

We are going to reformulate the policy, so that turning oneself in is no longer perceived as a way to avoid prosecution.

We know that criminals will not turn themselves in if we do not maintain pressure on them. We will pursue them until either we catch them or they surrender.

We are convinced that the new policy, with international judicial cooperation, will enable us to successfully fight against criminal cartels.

8. Changes in justice administration

Those who think that all these changes require basic reform of our justice system are right. The battle against drugs must be fought within the rule of law. With our current weak judicial system and inefficient criminal policy, we will not be able to subject organized crime to the laws and justice of the State.

A Justice Department Plan, with allocations of around $500 million, will make the administration of justice more effective.

It is the intention of my Government to modernize the justice system to include a new program to find ways to defeat organized crime, especially kidnappers and drug cartels.

9. Prosecution of cartels

The Government has the clear intention to pursue, apprehend, prosecute, and convict drug traffickers. We are actively working to achieve this goal as soon as possible. To obtain it, we will improve our intelligence gathering capabilities against drug cartels with technical assistance from various foreign governments, starting, of course, with help from the Government of the United States.

10. International responsibility

It is clear that our objectives cannot be fulfilled entirely without more help and support from the international community. Colombia's efforts will have little impact on international narco-trafficking—

If the rising levels of consumption do not decrease;

If the control of air and sea traffic is not intensified;

If progress is not made to control international money laundering activities; and,

If the sale of precursor chemicals is not reduced.

Colombia will be alert to the international achievements on each of these issues while maintaining its own responsibility to combat the drug problem.

It is not a matter of unloading one's responsibility onto others. It is simply a matter of understanding that the complexity and seriousness of the drug trafficking problem are so extensive that its solution requires EVERYONE'S PARTICIPATION, with no exceptions nor excuses.

RESULTS

Now let me review the results obtained in the first few months since we began this integrated program.

During the first months of my Administration, until December 1994:

1. 6,950 hectares of illicit crops were eradicated, double the amount from the same period last year.

2. 18,416 kilos of cocaine were seized, an increase of 428% compared to the same period last year.

3. 20,200 kilos of coca paste was seized, 782% more than the same period the year before.

4. 194 cocaine laboratories were destroyed.

5. 530,000 gallons of fluid and 213,000 kilos of solid chemical precursors were seized, up from 219,000 gallons and 108,000 kilos seized the previous year.

6. 940 people linked to drug trafficking activities were arrested, of them 59 were foreigners and 5 were extradited.

7. Special Joint Command operations, whose basic responsibility is to pursue the heads of the drug trafficking cartels, were doubled.

It is clear that these statistics indicate progress in the eradication, capture, and interdiction campaign that we expect to continue.

More than that, during the first six months of my Government:

1. A disciplinary emergency was declared for the City of Cali police. More than half of the officers were dismissed.

2. The National Police Anti-Corruption Unit was created.

3. The United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances was ratified.

4. Thanks to the action of the National Government and the cooperation of the political parties, we were able to defeat a legislative proposal that would have greatly weakened the legal barriers to illicit enrichment.

5. Money laundering was classified as a crime and national legislation has been drafted and submitted to Congress as part of the anti-corruption statute, which will soon be passed by Congress.

6. A budget of $150 million per year was allocated for the next three years for the Alternative Development Plan we are presenting today.

7. The Attorney General's Office was reorganized to make it more effective in the fight against drug trafficking.

8. The Security Administration Department (DAS) was reorganized in order to improve the professional capabilities to combat organized crime.

9. Prison Emergency was declared in order to control highly dangerous prisoners, to clean up the areas surrounding maximum security prisons, and to improve performance of prison guards.

10. The Surrender to Justice Policy Study Commission was created by decree No. 159, 1995, in order to study and report on sentences and benefits adjustments, as well as to suggest any other reforms to the policy by March 6.

CONCLUSIONS

The Government of Colombia has been active for several years in the struggle against drug trafficking.

My Government reiterates its commitment to continue our efforts as I have described above.

The country has an excellent team to undertake this program including: The Attorney General of the Nation, the Ministers of Defense and Justice, as well as the DAS Director and the National Police Director, who have been working coherently and effectively since the beginning of my Administration in this struggle against drugs.

In the development of this program, Colombia has had the cooperation of several foreign governments among them the U.S. Government.

We trust that the policies and the facts presented here, together with the achievements of my predecessor's government, will renew the confidence that has characterized the relations between our two countries over the years.

Anything other than a strong bilateral relationship based on confidence would weaken the joint efforts we have undertaken and would only benefit the drug cartels' interests.

Colombia accepts international cooperation to achieve its anti-drug objectives, but only after acknowledgment of its sovereign right to formulate this policy on its own.

Over the years, during many administrations, we have never accepted any type of conditions from abroad.

I am optimistic that in the near future we will defeat the scourge of narco-trafficking.

The Colombian people deserve a better international image than that created by organized crime.

We deserve to be known as a country that respects the law.

We deserve to be judged on the basis of the majority of our hard working citizens who love their country, who fight for its progress, and who desire to leave their children the possibility of a life led with dignity.

To achieve this, we all have to make a commitment to fight against violence, beginning with narco-trafficking, which has plagued us like a curse.

We do not want any more heroes or martyrs buried in our cemeteries. Therefore, we must and we will bring crime and violence under control.

As President, I am sure that this would have been the wish of the four presidential candidates, the 23 magistrates, the 63 journalists, and the three thousand policemen who in the last ten years lost their lives fighting narco-trafficking.

In their memory we will overcome future difficulties. We are working very hard on this problem and we will continue to do so.

Thank you very much.

Mr. MACK. Mr. President, there are any number of reasons, from the massive amount of cocaine entering the United States from Colombia, to the rise in high school drug use over the past 2 years, that I could rely on to explain my decision to cosponsor the Narcotics National Emergency Sanctions Act [NNESA]. The poor performance of Colombia's government in interrupting the flow of heroin, marijuana, and cocaine that originates or is processed in Colombia, would be justification enough for the extraordinary measures created by the NNESA. Above all, however, I am moved by the rank corruption the drug trade has spawned in Colombia and the colossal abuse of public trust by officials who ally themselves with criminals rather than the people they serve.

Colombia's government institutions, including the courts, the Congress, and the highest levels of the executive, have been penetrated by the influence of narcotics traffickers. Not surprisingly, in 1994, Colombia failed to meet minimum standards of performance in combating drug trafficking. The Clinton administration responded by granting a national interest waiver. Although it is possible to imagine circumstances in which a national interest waiver might be justified, Colombia is not such a case.

Colombia deserves to be taken out of the normal narcotics cooperation certification process because it is in a league of its own. We do not seek to penalize Colombia unnecessarily, or to impose an arbitrary standard. The NNESA responds directly to public commitments President Samper has repeatedly made to improve Colombia's anti-narcotics performance.

Unfortunately, the Clinton administration itself has sent mixed signals about its commitment to the fight against illegal drugs. Enforcement of drug laws enjoys low priority at the Justice Department where Federal mandatory minimum prison terms are criticized as too harsh. Nationwide, Federal prosecutions of narcotics-related crimes have dropped dramatically since 1992. Colombia and Peru were refused intelligence information crucial to the interdiction of narcotics flights for several months in 1994. Although later overturned, the decision to cut off intelligence sharing dealt a severe blow to counter-drug efforts and broadcast the administration's ambivalence about the drug war. Overall, international interdiction efforts receive little support and dwindling resources in spite of efforts by some officials to protect this indispensable function.

The Clinton White House must restore anti-narcotics policy to the top priority status it has enjoyed under previous administrations. It can start by endorsing the NNESA and sending an unambiguous message to Colombia: the United States has no national interest in cooperating with any government that colludes with drug traffickers.

By Mr. FORD:

S. 682. A bill to provide for the certification by the Federal Aviation Administration of airports serving commuter air carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

COMMUTER AIRPORT SAFETY LEGISLATION

Mr. FORD. Mr. President, today I am introducing legislation which will provide authority for the Federal Aviation Administration to issue safety certificates to airports serving commuter aircraft of 10 or more passenger seats. The FAA's authority to issue airport certificates is currently limited to airports serving air carrier aircraft with more than 30 passenger seats. This legislation is a result of a recent study of commuter airline safety conducted by the National Transportation Safety Board, which led the Federal Aviation Administration to issue a series of recommendations. The legislation I am proposing today compliments that regulatory effort by providing specific authority for the Federal Aviation Administrator to insure the safety of commuter airports. Safety improvements called for by new airport certification requirements will be eligible for grant funding consideration under the FAA's Airport Improvement Program.

This legislation will not mandate the issuance of airport certificates to commuter airports. It will only provide general authority pursuant to which the FAA Administrator may promulgate appropriate regulatory standards. To do so, the FAA will need to issue a proposed regulation that will undergo a public comment process before any final regulation will be issued as they do with any other safety regulation.

I am aware of a serious sense within the airport community with this new FAA authority. I would urge the FAA to initiate a negotiated process with the airport community which has been successful in the past. I understand the FAA is currently organizing a working group of affected aviation groups to assist in defining potential costs and reasonable certification requirements. I would urge the FAA to work with the industry as the goal of all concerned is safety.

FAA is often criticized for the tombstone mentality in that safety regulations are often the result of major accidents. The new authority in this legislation is proactive in nature. This legislation will put in place reasonable safety standards to protect commuter airline passengers before there are any fatalities. Let us not wait until an accident to justify the need for safety improvements. I commend the leadership at the FAA—David Hinson, Administrator and Linda Daschle, Deputy Administrator for this change in attitude. It is refreshing that FAA is looking forward instead of backward.

Mr. President, I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

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

S. 682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 44706(a)(1) of title 49, United States Code, is amended to read as follows:

''(1) that serves any scheduled passenger operation of an air carrier aircraft designed for more than 9 passenger seats or any unscheduled passenger operation of an air carrier aircraft designed for more than 30 passenger seats;''.

By Mr. FRIST (for himself, Mr. ASHCROFT, Mr. BROWN, Mr. INHOFE, and Mr. SANTORUM):

S. 683. A bill to protect and enforce the equal privileges and immunities of citizens of the United States and the constitutional rights of the people to choose Senators and Representatives in Congress; to the Committee on Rules and Administration.

ELECTORAL RIGHTS ENFORCEMENT ACT

Mr. FRIST. Mr. President, as a strong supporter of congressional term limits and one who has promised voluntarily to limit my own tenure in Congress, I am today introducing a bill that would allow States to set their own limits.

The American people have spoken. Approximately 80 percent of them support term limits. Measures limiting congressional service have been passed in one form or another in 22 States. This Congress needs to restore the faith of a wary American public in its Federal Government by addressing this issue.

The legislation which I am introducing today would recognize the rights of the States to place term limits on their elected officials. Some may view this statute as redundant because the States already have the right to impose term limits on their Members of Congress. But a legal challenge by term-limit opponents is currently under consideration by the Supreme Court.

This legislation is designed to insulate State-imposed term limits from court challenges. It is based on section 5 of the 14th amendment, which lets Congress enforce the rights to due process and equal protection of the laws. To enhance fair and open competition for elective offices and promote effective representative government, States should be allowed to limit congressional terms. The legislation is also based on other rights afforded in other amendments to the Constitution.

Perhaps most importantly, this bill would restore the power to the American people to set the limits they prefer, without congressional interference. This Congress has already acknowledged that many of the important decisions about how this country is run should be left to the States. I believe that our citizens should determine whether and how to impose limits on their congressional representatives.

I hope that my colleagues will join me in supporting this important measure.

ADDITIONAL COSPONSORS

S. 256

At the request of Mr. DOLE, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor 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. 281

At the request of Mr. D'AMATO, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 281, a bill to amend title 38, United States Code, to change the date for the beginning of the Vietnam era for the purpose of veterans benefits from August 5, 1964, to December 22, 1961.

S. 303

At the request of Mr. PRESSLER, his name was added as a cosponsor of S. 303, a bill to establish rules governing product liability actions against raw materials and bulk component suppliers to medical device manufacturers, and for other purposes.

S. 403

At the request of Mr. AKAKA, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 403, a bill to amend title 38, United States Code, to provide for the organization and administration of the Readjustment Counseling Service, to improve eligibility for readjustment counseling and related counseling, and for other purposes.

S. 413

At the request of Mr. DASCHLE, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 413, a bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under such act, and for other purposes.

S. 440

At the request of Mr. WARNER, the names of the Senator from Alaska [Mr. MURKOWSKI], the Senator from Virginia [Mr. ROBB], and the Senator from Nebraska [Mr. EXON] were added as cosponsors of S. 440, a bill to amend title 23, United States Code, to provide for the designation of the National Highway System, and for other purposes.

S. 490

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 490, a bill to amend the Clean Air Act to exempt agriculture-related facilities from certain permitting requirements, and for other purposes.

S. 565

At the request of Mr. PRESSLER, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of S. 565, a bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes.

S. 568

At the request of Mr. COATS, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 568, a bill to provide a tax credit for families, to provide certain tax incentives to encourage investment and increase savings, and to place limitations on the growth of spending.

S. 647

At the request of Mr. LOTT, the names of the Senator from Louisiana [Mr. BREAUX] and the Senator from Louisiana [Mr. JOHNSTON] were added as cosponsors of S. 647, a bill to amend section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 to require phasing-in of certain amendments of or revisions to land and resource management plans, and for other purposes.

SENATE JOINT RESOLUTION 26

At the request of Mr. SIMPSON, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of Senate Joint Resolution 26, a joint resolution designating April 9, 1995, and April 9, 1996, as ''National Former Prisoner of War Recognition Day.''

SENATE JOINT RESOLUTION 31

At the request of Mr. HATCH, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of Senate Joint Resolution 31, a joint resolution proposing an amendment to the Constitution of the United States to grant Congress and the States the power to prohibit the physical desecration of the flag of the United States.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the names of the Senator from Ohio [Mr. GLENN] and the Senator from Nebraska [Mr. EXON] were added as cosponsors of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

SENATE RESOLUTION 100

At the request of Mrs. HUTCHISON, the name of the Senator from Alabama [Mr. HEFLIN] was added as a cosponsor of Senate Resolution 100, a resolution to proclaim April 5, 1995, as National 4-H Day, and for other purposes.

SENATE RESOLUTION 103—TO PROCLAIM NATIONAL CHARACTER COUNTS WEEK

Mr. DOMENICI (for himself, Mr. NUNN, Mr. DODD, Mr. COCHRAN, Ms. MIKULSKI, Mr. BENNETT, Mr. LIEBERMAN, Mr. KEMPTHORNE, Mr. DORGAN, Mr. FRIST, and Mr. ROCKEFELLER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 103

Whereas young people will be the stewards of our communities, nation, and world in critical times, and the present and future well-being of society requires an involved, caring citizenry with good character;

Whereas concerns about the character training of children have taken on a new sense of urgency as violence by and against youth threatens the physical and psychological well-being of the United States;

Whereas, more than ever, children need strong and constructive guidance from their families, their communities, and institutions such as schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of the individual citizens comprising the nation;

Whereas the public good is advanced when young people are taught the importance of good character, and that character counts in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and, therefore, conscientious efforts must be made by youth-influencing institutions and individuals to help young people develop the essential traits and characteristics that comprise good character;

Whereas character development is, first and foremost, an obligation of families, efforts by religious institutions, schools, and youth, civic, and human service organizations also play a very important role in supporting family efforts by fostering and promoting good character;

Whereas the Senate encourages students, teachers, parents, youth, and community leaders to recognize the valuable role youth in the United States play in the present and future of the United States, and to recognize that character plays an important role in the future of the United States;

Whereas, in July 1992, the Aspen Declaration was written by an eminent group of educators, youth leaders, and ethics scholars for the purpose of articulating a coherent framework for character education appropriate to a diverse and pluralistic society;

Whereas the Aspen Declaration states that ''Effective character education is based on core ethical values which form the foundation of democratic society'';

Whereas the core ethical values identified by the Aspen Declaration constitute the 6 core elements of character;

Whereas the 6 core elements of character are trustworthiness, respect, responsibility, justice and fairness, caring, and civic virtue and citizenship.

Whereas the 6 core elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the Aspen declaration states that ''The character and conduct of our youth reflect the character and conduct of society; therefore, every adult has the responsibility to teach and model the core ethical values and every social institution has the responsibility to promote the development of good character.'';

Whereas the Senate encourages individuals and organizations, especially the individuals and organizations that have an interest in the education and training of our youth, to adopt the 6 core elements of character as intrinsic to the well-being of individuals, communities, and society as a whole; and

Whereas the Senate encourages communities, especially school and youth organizations, to integrate the 6 core elements of character into programs serving students and children: Now, therefore, be it

Resolved, That the Senate proclaims the week of October 15 through October 21, 1995, as National Character Counts Weeks, and requests the President to issue a proclamation calling upon the people of the United States and interested groups to embrace the 6 core elements of character and to observe the week with appropriate ceremonies and activities.

Mr. DOMENICI. Mr. President, today in the City of Roswell, NM, the water bills that are sent out by the utility companies has this on them, and everyone will receive this as part of their water bill in this city: ''Character counts. Trustworthiness. Tell the truth. Be sincere.''

One of the six pillars of character established by a broad-based coalition some 2½ years ago, a broad-based group of Americans, was trustworthiness. That means do not lie, be sincere, tell the truth—all the basic things that we thought were part of the character of America.

In addition, five other pillars of character were determined to be the essence—the essence—of the character of the United States in the past that we have lost and that we must get back. The remaining ones are respect, responsibility, fairness, caring and citizenship.

Today, on the floor of the Senate, a number of Senators have joined me in a Character Counts Coalition, which has in the U.S. Senate one principal objective; that is, the introduction and passage of a resolution which will set aside the week of October 15 through the 21 as ''National Character Counts Week.''

That resolution will be adopted by the Senate and the House, and it will go out into the land—hopefully, the President will speak to it—and the budding, blooming, blossoming enthusiasm among the people to reinject into society these six pillars of character will, once again, get a spurt of support from us.

But far more important than the 10 Senators—five from each party: Senator NUNN joining me as vice chair, Senator DODD, Senator COCHRAN, Senator MIKULSKI, Senator BENNETT, Senator LIEBERMAN, Senator KEMPTHORNE and Senator DORGAN and Senator FRIST, who is on the floor, join me in this resolution.

What is going on out there in the country? First of all, Mr. President, I am very, very proud that the State of New Mexico is moving into the forefront of States that are trying to build a broad-based community support for these six pillars of character. I am very pleased to suggest that in New Mexico, there are now four cities that, with their school boards, are moving in harmony to make these six pillars of character part of daily life, believe it or not, on a volunteer basis.

Public schools in the State of New Mexico are saying to their teachers, ''Let's make these six pillars of character part of our daily curriculum.'' In fact, in the city of Albuquerque, 36 teachers have been trained so that they can begin to put into the curriculum of our grade schools instruction, activities, examples of these six pillars of character. As a matter of fact, there is sort of a model evolving out of New Mexico, wherein a public school will take one of these pillars of character by the month. And so in a month, it will be trustworthiness month and the children will work on it with their teachers and the teachers will work among themselves to let trustworthiness permeate the school and what it means truly counts. Maybe the next month they will do responsibility, and for a month responsibility will permeate the classroom.

Now we are trying to go one step further, Mr. President, and let these permeate the community, so that in each of our cities, there is a broad-based council—all volunteers, from all walks of life and all institutions—who are building a format to get each of these pillars of character to permeate the community in one way or another.

I just gave an example of this very interesting city, Roswell, which has already decided to put the first of the pillars on their electric or water bills. I do not remember which. If I said water bill, let us stay with it. But essentially, everybody will receive in the mail at least a little notice: ''Character counts. Trustworthiness. Tell the truth. Be sincere.''

Think if this happens, if we are able to join the people of this country, the grassroots of this country in our cities and in our States to mobilize their enthusiasm to get this message across to our children, to our businessmen, to their employees, to those who take care of our families or the families themselves, we may indeed—not this Senator, and not the 10 who are joining on this resolution—but those who had the idea to begin with and those who are working hard at it in the communities, this may turn into a huge chorus to be followed by actions to be followed by change, wherein maybe—maybe—society, which is yearning for something, will end up saying maybe it is we want people to be responsible, maybe it is that we want our people to learn what fairness is, what respect is, what responsibility is, what caring is and, yes, in a broader concept of what citizenship is.

Now, frankly, in the State of New Mexico, the city of Albuquerque, we have now put a major manual together which other cities are asking for as to how we did this.

Who got together and formed the counsel? How did the school board get involved? How are the schools reacting to it? Most of all, how are the parents

reacting to it? Is there any antagonism towards it? We would like to say we have found none.

Who will stand up and say that it is not right that we put back into our schools the concept of trustworthiness or responsibility or caring or respect. Nobody yet has done that. We think that these words are acceptable to everyone.

Everyone knows they would like to see this back into the fabric of this country. In my own State, the Governor has decided that Character Counts Will be a major effort of him and his wife in their term.

In the city of Albuquerque, I was joined by the mayor, and Albuquerque has declared itself the character community. Soon they will put forth a public relations campaign, joined by the media, we hope, which will try to make this pervasive within the community of Albuquerque.

Every city can do this, not because of the 10 Senators, and maybe 70, who will join this resolution and help pass it, but because we are merely supporting the effort which is budding among our people for something different in the classroom, something different on the street corner, something different in our businesses. There is much enthusiasm for this as one of those rare possibilities.

I do not claim to be either the inventor of this or the one that dreamt it up. What I am very proud of is that I saw it, and joined with other Senators to at least lend our support in the U.S. Congress to designating a week in our country when we thoroughly respect and help promote those in our country who are talking about the six pillars of character, and that character counts.

I have a statement which quotes a number of columnists and journalists in my State, editorials of the major papers, placing greater emphasis on common values that have served America so well. It is worth the extra effort that this will involve. There is no other practical way to make children safe and at the same time fight the violence, drugs, disrespect for property rights and others, speaking of this program of Character Counts, Albuquerque Journal.

Mr. NUNN. Mr. President, I rise today in strong support of the resolution submitted by my distinguished colleague Senator DOMENICI, Senate Resolution 103. This resolution, which would designate the week of October 15–21, 1995, as the second annual National Character Counts Week.

Last year I joined with Senator DOMENICI and several of our other colleagues in introducing similar legislation, and was very pleased that the proposal was extremely well-received by my colleagues, as well as people in New Mexico, Georgia, and throughout our Nation. This resolution represents a renewal of that effort.

This group of our Senate colleagues has come together again this year to continue its recognition of the fact that our Nation is experiencing a crisis of values. This crisis is reflected in the rising tide of violence that kills little children in the cross-fire on school yards and in front of their houses, in the increasing number of children who kill each other and others. This crisis goes beyond crime. It is reflected, also, in the recent survey of youngsters conducted by the Josephson Institute of Ethics. These ordinary youngsters may never by involved in crime, drug abuse, or teenage pregnancy, but they still acknowledge disturbing ethical lapses: 2 out of 5 high school age boys and one in four girls have stolen something from a store; nearly two-thirds of all high school students and one-third of all college students had cheated on an exam, and more than one-third of males and one-fifth of females aged 19–24 said they would lie to get a job and nearly one-fifth of college students had already done so in the last year; 21 percent said they would falsify a report to keep a job.

As a character in John Steinbeck's novel ''Of Mice and Men'' complained, ''Nothing is wrong anymore.'' Unfortunately, a lot is wrong, and our society seems reluctant to admit the problem.

This is the core message of character counts, that there are core values that our society agrees on and that should guide our decisionmaking. These values, as set out in the resolution, are trustworthiness, respect, responsibility, fairness, caring, and citizenship. These values are supported by an extremely broad and diverse coalition of people, including former Secretary of Education William Bennett, former Congresswoman Barbara Jordan, actor-producer Tom Selleck, and Children's Defense Fund Founder Marian Wright Edelman. Among our colleagues, Senators with such diverse political viewpoints as Senator HELMS and Senator BOXER consponsored last year's resolution. I come before the Senate today on behalf of this group to urge continued attention to this important problem.

We must remember that all those children who are never taught the values of trustworthiness, respect, responsibility, fairness, caring, and citizenship are future citizens.

This is a resolution considered by Members of the Senate and House in Washington, DC. But it is the parents, teachers, coaches, ministers, big brothers and sisters in local communities who will lead the fight for values in our Nation. As a result of the efforts by the character counts coalition, people in all areas of the country are more aware of the problems we face, and have begun to incorporate these values into their everyday lives and those of their children. Senator DOMENICI has outlined some of these efforts. This year, we introduce this resolution to remind the Senate that the work on this issue is far from over, and again to enlist their support in reinstating these values to their proper places as fundamental to our society. I am proud to join my colleagues, especially Senator DOMENICI, in this effort once again, and I urge the Senate to support this resolution.

Mr. BENNETT. I thank the Chair and I thank the distinguished Senator from New Mexico.

He has taken this time this morning to talk about a project that he and the senior Senator from Georgia [Mr. NUNN] initiated in the 103rd Congress, of which I was delighted to be a member. This is the program called character counts, whereby we are talking on the floor of the Senate and in our home States about the six pillars of character which the Senator from New Mexico and the Senator from Georgia have outlined, along with others in the character counts coalition, others outside of Government. I will not review all of those details because they have been spread on the record, but I think it is appropriate for us to pause for a moment and talk about the impact that we have had with this effort.

As I have talked about this in my own home State, the reaction has been: ''Why are you doing this? Why take the time to talk about something so much a cliche as character— character counts for our kids. Well, everybody is for that. It is like the old cliche, truth, justice and the American way coming out of the comic book character. We don't need to talk about that. Everybody agrees about that.''

And then, as I talk about it, some more people begin to realize that maybe we do need to talk about it. Because bit by bit over the years, the American commitment to individual character, the American commitment to teaching individual character attributes to our children has diminished, not by design but more by inertia.

If you watch the television today, that being our principal source of entertainment and information, you find that references to character are constantly being eroded. For the sake of today's television drama, we glorify selfishness. For the sake of today's television action, we glorify someone who triumphs in a physical way out of a sense of selfishness, and cleverness and character and commitment and cooperation all seem to be disappearing.

What we have done with the character counts coalition is reintroduce into the national dialog those aspects of character that we ought to be talking about. Have we made a dramatic impact? No. Have we caused great national consciousness to rise on these issues? No. But have we begun to turn over one little pebble at a time in the great national mosaic references to selfishness and self-glory and turn them over to become references to cooperation and character? Yes. Over time, that is the slow, steady process that will change the mosaic, that will change the overall look of the national scene.

So we are in this, I say to the Senator and to the Senate as a whole, for the long term. We are in this to keep

this dialog going one stone at a time in the mosaic. When we view it in that fashion, I am very gratified by the progress we have made since the last Congress. As we keep the dialog going, as we keep the steady drumbeat going, we have hopes and, indeed, indication that we are succeeding in quietly and slowly turning around this debate.

So I hope that we can keep this up. I commend the Senator from New Mexico for his diligence and his persistence, and that in some future Congress, people will look back and say, ''You know, it was slow and steady, but ultimately those people determined to inject character education into our national fabric have produced the long-term effects that they were hoping for.''

Thus, Mr. President, I am delighted to be associated with this. I pledge myself to stay in for the long term, the way the Senator from New Mexico is in for the long term, and I have hope that in the long term we will see the deterioration of character that has been going on in this country for so long begin to turn around and change and go in the right direction.

I thank the Senator for his leadership and pledge my myself to this effort.

Mr. DOMENICI. Mr. President, I yield 4 minutes to the Senator from Tennessee.

CHARACTER IS UNIVERSAL

Mr. FRIST. Mr. President, I rise today to join my colleagues on both sides of the aisle to speak just for a few moments on character.

Last year, this body passed a resolution that formally endorsed the six character traits set forth in Aspen, CO, in 1992 by a group of scholars, educators, and youth advocates.

People with different backgrounds came together in Aspen in search of consensus on character. Despite their differences, they found that all could agree on those values of trustworthiness, respect, responsibility, fairness, caring, and citizenship.

Mr. President, consensus on character is possible because character is universal, because character counts. The stamp of character has always been unmistakable. We have seen it in our leaders, in people like Abraham Lincoln and Rosa Parks. We have seen it in our communities, in volunteers who give of their time, their energy, and their resources on behalf of those less fortunate.

We have all glimpsed the glory of character in our lifetimes. And in our heart of hearts, we know that the worth of character outweighs those fleeting benefits of cheap substitutes such as wealth and power.

Yet, throughout history, Mr. President, character has been under unrelenting assault. Today in this country, many of our children simply do not even know the meaning of the word. There are very few role models, very few heroes. Even here in Washington, where character should be synonymous with leadership, many pursue less worthy goals.

The time has come, Mr. President, for those in Washington to stand up and up the ante. Battles have been lost but the war is far from over.

Having just spent every day of last year interacting with Tennesseans, traveling to every county throughout Tennessee, I can say that there is a hunger across America for community built on character.

We must teach our children, first by example, and then through lessons of the past, that character counts.

Today, I urge my colleague to renew their commitment to high personal standards, whatever the cost, and endorse this resolution. We were elected to do no less.

Thank you, Mr. President.

Mr. DOMENICI. Parliamentary inquiry, Mr. President. Do I not have time?

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator is correct. The Senator has 4 minutes and 15 seconds.

Mr. DOMENICI. I was going to yield the remainder of the time to Senator DORGAN, a new member of the coalition.

CHARACTER COUNTS

Mr. DORGAN. Mr. President, I am delighted to join my colleague from New Mexico on this resolution, proclaiming that character counts. A group of people in this body and in our country have put together an effort here that I think is important to our young people.

As I was thinking about coming over and talking about character today, I remembered something I read about an 11-year-old boy named Robert Sandifer. Robert is dead. He lies today in a coffin somewhere in the city of Chicago, killed by a bullet to the back of his head at age 11.

At that young age, Robert, who by then had 23 felony charges, was 4 feet 6 inches tall and weighed no more than about 85 pounds. He was buried with a stuffed animal in his casket, as family and friends said their goodbyes.

In Robert's 11 years, he lived the life of a hardened criminal. Yet, if we look at the rest of his life, when he was taken from his mother in 1986, State social workers found scars on his face, cord-like marks on his abdomen, and cigarette burns on his neck and his buttocks. He was a victim of substantial abuse, who turned to a life of crime and then was executed at the age of 11.

As we look at Robert's life, we can feel sorry for him for the abuse he suffered, but we shouldn't make excuses for his behavior. During the course of his young life, Robert had already committed substantial, violent criminal acts. And it seems to me, there comes a time when we need to stand up and say what he did was wrong, despite the reasons he might have had for turning to a life of crime.

Is Robert's story unusual? No, not really. Day after day, in city after city, we hear stories like this. And it breaks your heart. Something is wrong in this country. Something is dramatically wrong, and we need to fix it.

How do we fix it? Well, we have to again begin teaching values and character in this country—in our homes, in our communities, in our schools, in our churches. We need to reinforce the importance of good moral character every day, in every way.

Edmund Burke once stated, ''All that is necessary for evil to triumph is for good people to do nothing.'' Good people all across this country must look around and understand that, in many respects, our moral compass is off.

Two of our major growth industries in America are security and gambling. Those are the growth industries. If you want to get in on the ground floor and get a good job, work as a prison or security guard or for the gambling industry.

Or, for another indication of what's wrong in our country, turn on the television this morning; what do we see? We entertain ourselves by other people's dysfunctional behavior and portray it as normal. Oprah, Phil, Ricki, Geraldo—we amuse ourselves by watching all of this dysfunctional behavior.

What are our children to think, watching violence hour after hour, night after night, on television? The average child will see 8,000 murders on TV before leaving elementary school. What are our people, especially our young people, to think?

The effort called for in the character counts resolution is very simple. It is to say that all people, good people in this country, people in their homes and in their communities, in school after school across our country, need to, every day and in every way, teach our kids about certain basic values—about trustworthiness, about respect, about justice, about caring, about responsibility, about citizenship. It is our job to reinforce in every conceivable way those kinds of values in America's youth.

I understand that bad news travels halfway around the world before good news gets its shoes on. I understand all that. There is plenty of bad news and there are plenty of storm clouds in this country when we talk about American youth.

But I also recognize that there are many wonderful stories as well, about young people across our country doing well and caring and helping others, and we should reaffirm their efforts.

On the other hand, when we see and hear the gripping, wrenching stories of Robert Sandifer and others, we need to understand that these are things we can do something about.

Character counts is an effort, an educational effort and a citizenship effort all across this country, to say kids matter, values matter, character matters, and we can do something about it if we only work together and try. That is why I am pleased to join my colleague from New Mexico and others in

this Chamber as a sponsor of this resolution, and I hope we will pass this measure and give voice to this kind of initiative.

I yield the floor.

Mr. DODD. Mr. President, I am pleased this morning to join with the distinguished Senator from New Mexico and a bipartisan group of my colleagues to submit this Senate Resolution designating October 15 through October 21, 1995, as National Character Counts Week.

One does not need a doctorate in sociology to know that something has gone terribly wrong for many young Americans. Teen pregnancy is exploding; violence by and against children is out of control; basic norms of civility have broken down in too many troubled communities.

Births to unwed women increased 70 percent between 1983 and 1993, according to the Census Bureau. Last year, one in four American children under 18 lived with a single parent who had never been married. Deaths of children due to homicide have tripled since 1960, becoming the fourth leading cause of death among children ages 1 to 9, the third leading cause for children 10 to 14, and the second leading cause of death for adolescents ages 15 to 19. The perpetrators of these crimes are very often other children.

A series of complex trends have caused these problems, and there are no easy solutions to them. Better education, prevention, and punishment, and help for families in trouble must all play a role. But we must also acknowledge that there is only so much government can do. An effective cure for the plagues devastating young America must include a large dose of individual responsibility and character building.

That is why I am so pleased to continue to be a part of the informal Senate Character Counts Coalition, led by Senator DOMENICI. My colleagues and I began last year to promote the idea of character education in our public schools as a part of the solution to the problems that plague young America. And we continue that effort today.

I believe that it is entirely appropriate for schools to teach students the importance of qualities like honesty, courage, respect, responsibility, fairness, caring, citizenship, and loyalty. These ideals are not controversial, revolutionary concepts. They transcend individual religions and philosophies.

Education should be more than the transmission of facts. It should be more than the molding of an intellect. Education should help teach young people all they need to know to be full participants in our society. Strengthening the mind is not enough: We should also nurture the character.

While I believe this approach is common sense to most Americans, it has nonetheless raised eyebrows and concerns about the appropriate role of the schools. I believe these concerns are unfounded. Clearly, schools will never replace the family. Parents and grandparents, churches, and synagogues should and will always be the primary influences on children's values and systems of belief. To promote character education is not to challenge those influences, but to complement them.

Character education is an idea whose time has come, and Congress has begun to recognize that fact. Last year's Improving America's Schools Act included several provisions that offer new support for character education. An amendment I offered to the Safe and Drug-Free Schools and Communities Act provides local schools with more flexibility to use these Federal funds for character education.

During consideration by the full Senate of the same bill, Senator DOMENICI and I expanded on this effort by adopting an additional and distinct programs to provide grants for States and local partnerships that want to implement character education programs. In addition, Congress also established the first National Character Counts Week, which was celebrated in schools and communities across the country.

Character education alone will obviously not solve this country's moral crisis or save young America. But it should certainly be part of any plan to help young America save itself.

For these reasons, I am very pleased to join once again with Senator DOMENICI, Senator NUNN, and others to submit this resolution to establish a 1995 National Character Counts Week. I hope my other colleagues will join us in supporting this and other character education efforts.

Ms. MIKULSKI. Mr. President, I want to thank the Senator from New Mexico for being the organizer of the Character Counts Coalition here in the U.S. Senate.

We are men and women, Democrats and Republicans, from all geographic parts of the United States of America, and we are united with one voice today to talk about why character counts and why we need to instill these pillars of character in our public schools, our nonprofit organizations, and throughout the United States of America through every cultural method of communication.

Mr. President, we are 6 years from the year 2000. A new century is coming. A new millennium is about to be born. We in America need to ask ourselves, what will the United States of America be in the 21st century? Will we be a superpower? Yes. We will be a superpower because of our economic structure. We will be a superpower because of our military might. But we will also be a superpower because the people of the United States have been empowered by a set of values.

I believe the continuity that will sustain us between the centuries is our values. It is the core values that are expressed in the pillars of character, trustworthiness, fairness, justice and caring, civic virtue, and citizenship. These are the aspects of continuity that will help us not only cope with change but to embrace change and lead us into the 21st century.

For some time, I have been concerned that in the United States of America we have gone from being a progressive society to being a permissive society. Instead of having character, you are rewarded if you are a character.

To that end, I have been concerned that we call celebrities heroes. I will tell you what a hero really is. It is a man or woman who makes significant personal sacrifice, maybe even risking their lives for a greater good with no personal gain.

Right now, there are foster mothers throughout the United States of America caring for children who are abused, caring for children who have AIDS. Those people are heroes.

They are willing to make personal sacrifices with no personal gain for the greater good. They are people with strong values.

They know they have a call to duty, a call to responsibility and understanding that for every right there is a responsibility, for every opportunity there is an obligation.

Mr. President, we need to keep advocating a society based on virtue and value and not a society where every aspect of our cultural communication regards and exploits violence and vulgarity. This is not what the United States is about, and this is not what built the United States of America.

What built America was virtue and value. Those are the ties that bind, the habits of the heart, neighbor helping neighbor, personal respect for yourself and respect for others.

This coalition wants to reinforce those values that have sustained America through good times and bad, through war and through peace. That is why I am advocating the Character Coalition and the inculcation of these values once again through our public schools and nonprofits.

My State of Maryland has been dedicated to character education. Over a decade ago, Blair Lee, a former Governor, had a values commission. Our Maryland attorney general encouraged values to be taught in the schools. We are now again moving on innovative character education programs.

In my own hometown of Baltimore, the public schools are making sure that character counts. In many of our schools and higher education facilities, they are looking at how to have institutes to be able to advocate character.

Mr. President, this initiative is important because we need to concentrate on community building and individual capacity among our young people so they can be part of a larger community. We need to be sure that we strengthen the American family and extend that to a larger community.

I am happy to lend my voice and my efforts for a cause that I believe transcends party and geographic lines because it is not only the laws on the books that help govern us as a society,

it is the laws you carry in your heart that govern your day to day behavior, and the way you react with one another, your neighbors, and the larger community. I believe the pillars of character count, and I am happy to be part of this coalition.

Mr. LIEBERMAN. Mr. President, I am pleased to join Senator DOMENICI and other cosponsors of this resolution designating the week of October 15, 1995, as Character Counts Week. This is the second year I have worked with a bipartisan group of Senators to promote character education. Our goal is to support the many Americans who are working to strengthen the moral fiber of our children through character education. The resolution specifically embraces six ethical values common to this diverse group of Senators and, we believe, to all Americans—trustworthiness, respect, responsibility, fairness, caring, and citizenship.

We are dedicated to instilling these six pillars of character in our youth. Too many forces in our society teach children to reject these values and too few individuals and institutions reinforce them. The media often glorifies deceitful, violent characters. The breakdown of the family has left many children without consistent caretakers and role models that can nourish their moral development. Even some government policies send the wrong message. Our current welfare system, for example, fosters dependency rather than responsibility and self-sufficiency.

This resolution reflects our support for the education, community, and religious organizations that are working at the grassroots level to promote character education. As politicians we should reinforce their efforts wherever we can. Too often politicians are wary of using their position and the law to reinforce specific moral objectives for fear of weakening the separation of church and state. But the laws society enacts and observes are ultimately expressions of values. They serve as a moral structure for our civilization. We cannot and should not downplay this connection.

This resolution will help reinforce the importance of developing our children's character and will add momentum to the many character education programs underway today. I am committed to working with my colleagues to find other ways to build character education into public and private programs through our political leadership and legislative work.

SENATE RESOLUTION 104—RELATIVE TO S. 676

Mr. GRAMS submitted the following resolution; which was referred to the Committee on the Judiciary:

S.RES. 104

Resolved, That the bill S. 676 entitled ''A bill for the relief of D.W. Jacobson, Ronald Karkala, and Paul Bjorgen of Grand Rapids, Minnesota, and for other purposes.'' is referred, with all accompanying papers, to the chief judge of the United States Court of Federal Claims for a report in accordance with sections 1492 and 2509 of title 28, United States Code.

SENATE RESOLUTION 103—RELATIVE TO IRAN

Mr. D'AMATO submitted the following resolution; which was referred to the Committee on Foreign Relations:

S.RES. 105

Whereas, an estimated crowd of 100,000 Iranian people assembled in Southern Teheran on April 4, 1995 to protest sharp price increases and a shortage of water, and other important staples of daily life;

Whereas, the Iranian Revolutionary Guard and the Bassidj, a political militia, have been granted the right to ''shoot-to-kill'' in order to quell disturbances;

Whereas, these force, supplemented by armed helicopter gunships, on April 14, 1995, opened fire on the demonstrators killing as many as 150 people, thereby ending the protest: Now, therefore, be it

Resolved, That it is the Sense of the Senate that the President should—

Immediately condemn this brutal suppression of a crowd of protesters resulting in the death of as many as 150 people by the Government of Iran and instruct the United States Ambassador to the United Nations to bring this matter before the United Nations Security Council with the intent of pursuing a Security Council condemnation of Iran.

● Mr. D'AMATO. Mr. President, I submit a sense-of-the-Senate resolution condemning the violent suppression of a protest in Southern Teheran yesterday by the Iranian Revolutionary Guards and the political militia. The protesters were demonstrating against the doubling of public transportation, gasoline, basic foodstuffs, and drinking water.

When the protesters gathered in the morning of April 4, 1995, their numbers were few. By the afternoon, the crowd swelled to over 100,000. According to Iranfax, a daily brief on Iranian affairs, the crowd overwhelmed police who were shooting tear gas at them and seized their weapons. As the protests spread to other districts in Teheran, the Government called out the Revolutionary Guards and the Bassidj, a political militia, to quell the riots.

Soon, helicopter gunships and troops arrived and began to fire into the crowds. According to the latest reports, at least 150 people died in the attacks. We have no way of knowing how many were injured. Owing to the order of last year that allowed for a shoot-to-kill policy by government troops against civilians, this outcome should have been expected.

Nor should this be surprising because it came from this terrorist regime. Any government willing to do this to its own people, will have no qualms about killing and maiming foreigners. This is why Iran is so dangerous.

This resolution is simple. It requests that the President immediately condemn this brutal act and instruct the United States Ambassador to the United Nations to bring this matter before the Security Council with the intent of pursuing a Security Council condemnation of Iran.

Mr. President, we cannot allow Iran to slaughter its people. This brutal regime has abused the human rights of so many people, inside its country and outside. The time for their atrocious abuses to end is now.

I hope that my colleagues join me in support of this important resolution.●

AMENDMENTS SUBMITTED

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

INOUYE AMENDMENT NO. 453

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to the bill (H.R. 1158) making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes; as follows:

In chapter V of title I, under the heading ''CONSTRUCTION'' under the heading ''SMITHSONIAN INSTITUTION'' under the heading ''OTHER RELATED AGENCIES'' strike '': *Provided further,* That notwithstanding any other provision of law, the provisions of the Davis-Bacon Act shall not apply to any contract associated with the construction of facilities for the National Museum of the American Indian.''.

WELLSTONE AMENDMENTS NOS. 454–456

(Ordered to lie on the table.)

Mr. WELLSTONE submitted three amendments intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill (H.R. 1158), supra; as follows:

AMENDMENT NO. 454

On page 31, strike lines 10 through 13.

On page 55, line 4, strike ''$4,800,000,000'' and insert ''$4,758,000,000''.

AMENDMENT NO. 455

On page 31, strike lines 14 through 18.

On page 55, line 4, strike ''$4,800,000,000'' and insert ''$4,758,000,000''.

AMENDMENT NO. 456

On page 6, strike lines 8 through 13.

On page 55, line 4, strike ''$4,800,000,000'' and insert ''$4,765,000,000''.

PACKWOOD AMENDMENT NO. 457

(Ordered to lie on the table.)

Mr. PACKWOOD submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill (H.R. 1158), supra; as follows:

At the appropriate place add the following new section:

SEC. . Nothing in section 204 of the Unfunded Mandates Reform Act of 1995 (Public Law 104–4) shall be construed to affect the applicability of the Federal Advisory Committee Act (5 U.S.C. App.) to meetings between Federal, State, and tribal officials

concerning Federal efforts to increase salmon populations in the Columbia River Basin. Federal establishment or utilization of advisory committees (as defined under section 3(2) of the Federal Advisory Committee Act) to assist the Federal Government in such efforts shall continue to be governed by the Federal Advisory Committee Act.

BINGAMAN AMENDMENTS NOS. 458–459

(Ordered to lie on the table.)

Mr. BINGAMAN submitted two amendments intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill (H.R. 1158), supra; as follows:

AMENDMENT NO. 458

On pages 35 through 43, strike all beginning with ''$15,200,000'' on page 35, line 21, through ''$1,300,000,000'' on page 43, line 17, and insert in lieu thereof the following:

''$5,200,000 are rescinded as follows: from the Elementary and Secondary Education Act of 1965, title X–B, $4,600,000; from the Goals 2000: Educate America Act, title VI, $600,000.

SEC. 602. Of the funds made available in fiscal year 1995 to the Department of Labor in Public Law 103–333 for compliance assistance and enforcement activities, $8,975,000 are rescinded.

CHAPTER VII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $460,000 are rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $238,137 are rescinded.

OFFICE OF TECHNOLOGY ASSESSMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $650,000 are rescinded.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public law 103–283, $600,000 are rescinded.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $150,000 are rescinded.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $100,000 are rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $8,867,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,628,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $93,566,000 are rescinded.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

OFFICE OF THE SECRETARY

WORKING CAPITAL FUND

(RESCISSION)

The obligation authority under this heading in Public Law 103–331 is hereby reduced by $4,000,000.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds made available under this heading, $5,300,000 are rescinded: *Provided,* That the Secretary shall not enter into any contracts for ''Small Community Air Service'' beyond September 30, 1995, which require compensation fixed and determined under subchapter II of chapter 417 of Title 49, United States Code (49 U.S.C. 41731–42) payable by the Department of Transportation: *Provided further,* That no funds under this head shall be available for payments to air carriers under subchapter II.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the amounts provided under this hearing in Public Law 103–331, $3,700,000 are rescinded.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

Of the available balances under this heading, $34,298,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $400,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the available balances under this heading, $1,000,000 are rescinded: *Provided,* That the following proviso in Public Law 103–331 under this heading is repealed, ''*Provided further,* That of the funds available under this head, $17,500,000 is available only for permanent change of station moves for members of the air traffic work force''.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $31,850,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $7,500,000 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this account, $1,310,000,000''.

Mr. LEVIN. Mr. President, the Senator from Minnesota has raised an important issue, whether the benefits of national nutritional standards for families and children receiving Federal food assistance could be reduced if each State were given the power to determine its own standards. There is another issue which is also overlooked: Federal nutritional messages are sometimes inconsistent and can result in national standards taht do not make sense. Such standards should be amended to be more consistent with USDA's nutritional advice to WIC and other food program participants.

The USDA and other Federal agencies and nutritional experts advise that fruit is an essential element of a nutritional diet. The USDA's food pyramid specifically recommends that people eat 2 to 4 servings of fruit per day. The WIC Program distributes literature urging that participants eat fruit and ''use fruit in cereal.'' Yet, USDA still enforces a regulation prohibiting the inclusion of certain nutritious cereals, such as Raisin Bran, in the WIC food package because of the sugar content of the fruit they contain.

That makes no sense.

USDA should revise its current WIC Program regulations to conform to its own dietary and nutritional guidelines. USDA is being inconsistent when it does not allow WIC participants to purchase cereals because of the recommended fruit they contain. It is because of this kind of regulation that national standards fall into disrepute, and encourage calls for State assumption of Federal standard-making authority.

AMENDMENT NO. 459

On pages 35 through 43, strike all beginning with ''$15,200,000'' on page 35, line 21, through ''$1,300,000,000'' on page 43, line 17, and insert in lieu thereof the following: ''$5,200,000 are rescinded as follows: from the Elementary and Secondary Education Act of 1965, title X–B, $4,600,000; from the Goals 2000: Educate America Act, title VI, $600,000.

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,916,000 are rescinded from title II, part B, section 222 of the Higher Education Act.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $26,360,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $29,360,000 are rescinded.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $7,000,000 are rescinded.

GENERAL PROVISIONS

FEDERAL DIRECT STUDENT LOAN PROGRAM

SEC. 601. Section 458(a) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a) is amended—

(1) by striking ''$345,000,000'' and inserting ''$250,000,000''; and

(2) by striking ''$2,500,000,000'' and inserting ''$2,405,000,000''.

SEC. 602. Of the funds made available in fiscal year 1995 to the Department of Labor in Public Law 103–333 for compliance assistance and enforcement activities, $8,975,000 are rescinded.

CHAPTER VII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $460,000 are rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $238,137 are rescinded.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $650,000 are rescinded.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $187,000 are rescinded.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

SENATE OFFICE BUILDINGS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $850,000 are rescinded.

CAPITAL POWER PLANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $1,650,000 are rescinded.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $5,000,000 are rescinded.

BOTANIC GARDEN

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available until expended by transfer under this heading in Public Law 103–283, $7,000,000 are rescinded.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $600,000 are rescinded.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $150,000 are rescinded.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $100,000 are rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $8,867,000 are rescinded.

CHAPTER VIII

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,000,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $13,050,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $33,250,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $1,340,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $69,000,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,628,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $93,566,000 are rescinded.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

OFFICE OF THE SECRETARY

WORKING CAPITAL FUND

(RESCISSION)

The obligation authority under this heading in Public Law 103–331 is hereby reduced by $4,000,000.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds made available under this heading, $5,300,000 are rescinded: *Provided*, That the Secretary shall not enter into any contracts for ''Small Community Air Service'' beyond September 30, 1995, which require compensation fixed and determined under subchapter II of chapter 417 of Title 49, United States Code (49 U.S.C. 41731–42) payable by the Department of Transportation: *Provided further*, That no funds under this head shall be available for payments to air carriers under subchapter II.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $3,700,000 are rescinded.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

Of the available balances under this heading, $34,298,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $400,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the available balances under this heading, $1,000,000 are rescinded: *Provided*, That the following proviso in Public Law 103–331 under this heading is repealed, ''*Provided further*, That of the funds available under this head, $17,500,000 is available only for permanent change of station moves for members of the air traffic work force''.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $31,850,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $7,500,000 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this account, $1,310,000,000''.

BRADLEY AMENDMENT NO. 460

(Ordered to lie on the table.)

Mr. BRADLEY submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

On page 4, line 20, strike ''$1,500,000'' and insert ''$12,678,000''.

BUMPERS (AND BRYAN) AMENDMENTS NOS. 460–463

(Ordered to lie on the table.)

Mr. BUMPERS (for himself and Mr. BRYAN) submitted three amendments intended to be proposed by them to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

AMENDMENT NO. 461

Strike lines 3–7 on page 4 of the Committee substitute, and insert in lieu thereof the following: ''deleting '$85,500,000' and by inserting '$0.'''

AMENDMENT NO. 462

Strike lines 3–7 on page 4 of the Committee substitute, and insert in lieu thereof the following: ''deleting ''$85,500,000'' and by inserting ''$50,000,000''. *Provided,* That none of these funds may be used for non-generic activities by recipients other than those identified at 7 C.F.R. 1485.13(a)(1)(i)(J), 1485.13(a)(2)(ii), 1485.15(c), or other recipients that are new-to-export entities.''

AMENDMENT NO. 463

Add the following immediately after line 16 of the Committee substitute:

''SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

''The paragraph under this heading in Public Law 103–330 (108 Stat. 2441) is amended by inserting before the period at the end, the following: '': *Provided further,* That notwithstanding any other provision of law, up to $10,000,000 of nutrition services and administration funds may be available for grants to WIC State agencies for promoting immunization through such efforts as immunization screening and voucher incentive programs.''

INOUYE (AND MCCAIN) AMENDMENT NO. 464

(Ordered to lie on the table.)

Mr. INOUYE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by them to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

On page 57, line 16, insert after ''rescinded,'' the following: ''except that the percentage of such rescission relating to public housing for Indian families shall not exceed the percentage of amounts made available under this heading in Public Law 103–327 for development or acquisition costs of public housing that is allocated for the development or acquisition cost of public housing for Indian families, and''.

INOUYE AMENDMENT NO. 465

(Ordered to lie on the table.)

Mr. INOUYE submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

On page 81, line 11, strike ''governor of the state'' and insert ''Governor of a State or the Indian tribe, as defined in section 101(36) of the Act (42 U.S.C. 9601(36)), of an affected reservation''.

INOUYE (AND OTHERS) AMENDMENT NO. 466

(Ordered to lie on the table.)

Mr. INOUYE (for himself, Mr. BOND, and Mr. MCCAIN) submitted an amendment to be proposed by them to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

To the Committee Substitute (Amdt. No. 420).

On page 57, after line 3, insert the following:

HOME INVESTMENT PARTNERSHIPS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $100,000,000 are rescinded: *Provided,* That the Secretary may transfer to this account funds, up to the amount rescinded by this paragraph, from unobligated balances of the Department of Housing and Urban Development earmarked for incremental housing units.

On page 57, line 14, strike ''$451,000,000'' and insert in lieu thereof ''$351,000,000''.

On page 57, line 15, strike ''including'' and insert in lieu thereof ''excluding $100,000,000 previously earmarked for''.

STEVENS AMENDMENT NO. 467

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

On page 81, line 18, add a new section as follows:

SEC. . (a.) As provided in subsection (b), an Environmental Impact Statement prepared pursuant to the National Environmental Policy Act or a subsistence evaluation prepared pursuant to the Alaska National Interest Lands Conservation Act for a timber sale or offering to one party shall be deemed sufficient if the Forest Service sells the timber to an alternate buyer.

(b.) The provision of this section shall apply to the timber specified in the Final Supplement to 1981–86 and 1986–90 Operating Period EIS (''1989 SEIS''), November, 1989, in the North and East Kuiu Final Environmental Impact Statement, January 1993; in the Southeast Chichagof Project Area Final Environmental Impact Statement, September 1992; and in the Kelp Bay Environmental Impact Statement, February 1992, and supplemental evaluations related thereto.

FEINGOLD (AND KOHL) AMENDMENTS NOS. 468–469

(Ordered to lie on the table.)

Mr. FEINGOLD (for himself and Mr. KOHL) submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

AMENDMENT NO. 468

On page 40, line 11, strike out ''$13,050,000'' and insert in lieu thereof ''$21,050,000''.

AMENDMENT NO. 469

On page 68, between lines 6 and 7, insert the following:

CHAPTER XII

DEPARTMENT OF DEFENSE—MILITARY OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, NAVY

(RESCISSION)

Of the funds available under this heading in title II of Public Law 103–335, $9,000,000 are rescinded.

JEFFORDS (AND OTHERS) AMENDMENT NO. 470

(Ordered to lie on the table.)

Mr. JEFFORDS (for himself, Mr. WELLSTONE, Mr. CHAFEE, Mr. DASCHLE, Mr. ROTH, Mr. KERRY, Mr. CAMPBELL, Mr. HARKIN, Mr. KOHL, Mr. FEINGOLD, Mr. LEAHY, Mr. PELL, and Mr. KENNEDY) submitted an amendment intended to be proposed by them to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

On page 14, line 12, strike the period and insert '', of which not more than $20,500,000 shall constitute a reduction in the amount available for solar and renewable energy activities and at least $14,500,000 shall constitute a reduction in the amount available for nuclear activities.''.

LEAHY AMENDMENT NO. 471

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

On page 68, between lines 6 and 7, insert the following:

CHAPTER XII

DEPARTMENT OF DEFENSE—MILITARY PROCUREMENT

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds available under this heading in title III of Public Law 103–335, $69,300,000 are rescinded.

BOXER AMENDMENT NO. 472

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

On page 68, between lines 6 and 7, insert the following:

CHAPTER XII

DEPARTMENT OF DEFENSE—MILITARY PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

(RESCISSION)

Of the funds available under this heading in title III of Public Law 103–335, $11,000,000 are rescinded.

HARKIN (AND OTHERS) AMENDMENTS NOS. 473–474

(Ordered to lie on the table.)

Mr. HARKIN (for himself, Mr. LEAHY, Mr. HOLLINGS, Mr. REID, Mr. PRYOR, Mr. DODD, Mr. KERRY, and Mr. KENNEDY) submitted two amendments intended to be proposed by them to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

AMENDMENT NO. 473

Strike page 7, line 14, through page 36, line 12, and insert:

INTERNATIONAL BROADCASTING OPERATIONS

(RESCISSION)

Of the funds made available under this heading to the Board for International Broadcasting in Public Law 103–317, are rescinded.

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 103–317, $5,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $17,100,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(INCLUDING RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $1,000,000 are rescinded.

In addition, under this heading in Public Law 103–317, after the word ''grants'', insert the following: ''and administrative expenses''. After the word ''expended'', insert the following: '': *Provided*, That the Council is authorized to accept, hold, administer, and use gifts, both real and personal, for the purpose of aiding or facilitating the work of the Council''.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $19,500,000 are rescinded.

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for the Manufacturing Extension Partnership and the Quality Program, $27,100,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $37,600,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $8,000,000 are rescinded.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,500,000 are rescinded.

NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $7,600,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSIONS)

Of unobligated balances available under this heading pursuant to Public Law 103–75, Public Law 102–368, and Public Law 103–317, $47,384,000 are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

UNITED STATES COURT OF INTERNATIONAL TRADE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,100,000 are rescinded.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded: *Provided*, That no funds in that public law shall be available to implement section 24 of the Small Business Act, as amended.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $2,000,000 are rescinded.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $30,000,000 are rescinded.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $14,617,000 are rescinded.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,000,000 are rescinded, of which $2,000,000 are from funds made available for activities related to the implementation of the Chemical Weapons convention.

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

From unobligated balances available under this heading, $2,000,000 are rescinded.

UNITED STATES INFORMATION AGENCY

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

RADIO CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

RADIO FREE ASIA

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $10,000,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $50,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $81,500,000 are rescinded.

ATOMIC ENERGY DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Acts, $113,000,000 are rescinded.

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316, and prior years' Energy and Water Development Acts, $15,000,000 are rescinded.

DEPARTMENTAL ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $20,000,000 are rescinded.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Acts, $30,000,000 are rescinded.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316 $5,000,000 are rescinded.

CHAPTER IV

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

(RESCISSION)

Of the unearmarked and unobligated balances of funds available in Public Law 103–87 and Public Law 103–306, $100,000,000 are rescinded: *Provided,* That not later than thirty days after the enactment of this Act the Director of the Office of Management and Budget shall submit a report to Congress setting forth the accounts and amounts which are reduced pursuant to this paragraph.

CHAPTER V

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the funs available under this heading in Public Law 103–332, $70,000 are rescinded, to be derived from amounts available for developing and finalizing the Roswell Resource Management Plan/Environmental Impact Statement and the Carlsbad Resource Management Plan Amendment/Environment Impact Statement: *Provided,* That none of the funds made available in such Act or any other appropriations Act may be used for finalizing or implementing either such plan.

CONSTRUCTION AND ACCESS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–332, Public Law 103–138, and Public Law 102–381, $2,100,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–381, Public Law 101–121, and Public Law 100–446, $1,497,000 are rescinded.

United States Fish and Wildlife Service

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds made available under this heading or the heading Construction and Anadromous Fish in Public Law 103–332, Public Law 103–138, Public Law 103–75, Public Law 102–381, Public Law 102–154, Public Law 102–368, Public Law 101–512, Public Law 101–121, Public Law 101–446, and Public Law 100–202, $13,215,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, and Public Law 101–512, $3,893,000 are rescinded.

National Biological Survey

RESEARCH, INVENTORIES, AND SURVEYS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $12,544,000 are rescinded.

National Park Service

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $25,970,000 are rescinded.

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $7,480,000 are rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, Public Law 102–154, Public Law 101–512, Public Law 101–121, Public Law 100–446, Public Law 100–202, Public Law 99–190, Public Law 98–473, and Public Law 98–146, $11,297,000 are rescinded.

Minerals Management Service

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $814,000 are rescinded.

Bureau of Indian Affairs

OPERATION OF INDIAN PROGRAMS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $11,350,000 are rescinded: *Provided,* That the first proviso under this head in Public Law 103–332 is amended by striking ''$330,111,000'' and inserting in lieu thereof ''$329,361,000''.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $9,571,000 are rescinded.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the funds provided under this heading in Public Law 103–332, $1,900,000 are rescinded.

Territorial and International Affairs

ADMINISTRATION OF TERRITORIES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,900,000 are rescinded.

TRUST TERRITORY OF THE PACIFIC ISLANDS

(RESCISSION)

Of the funds available under this heading in Public Law 99–591, $32,139,000 are rescinded.

COMPACT OF FREE ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $1,000,000 are rescinded.

DEPARTMENT OF AGRICULTURE

Forest Service

FOREST RESEARCH

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $6,000,000 are rescinded.

STATE AND PRIVATE FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $6,250,000 are rescinded.

INTERNATIONAL FORESTRY

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $7,824,000 are rescinded: *Provided,* That the first proviso under this head in Public Law 103–332 is amended by striking ''1994'' and inserting in lieu thereof ''1995''.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $3,020,000 are rescinded.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $20,750,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $11,000,000 are rescinded.

ENERGY CONSERVATION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, $34,928,000 are rescinded.

Of the funds available under this heading in Public Law 103–138, $13,700,000 are rescinded.

DEPARTMENT OF EDUCATION

Office of Elementary and Secondary Education

INDIAN EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,000,000 are rescinded.

OTHER RELATED AGENCIES

Smithsonian Institution

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

(RESCISSIONS)

Of the funds available under this heading in Public Law 102–381, and Public Law 103–138, $1,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–154, Public Law 102–381, Public Law 103–138, and Public Law 103–332, $11,237,000 are rescinded: *Provided,* That of the amounts proposed herein for rescission, $2,500,000 are from funds previously appropriated for the National Museum of the American Indian: *Provided further,* That notwithstanding any other provision of law, the provisions of the Davis-Bacon Act shall not apply to any contract associated with the construction of facilities for the National Museum of the American Indian.

National Gallery of Art

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $407,000 are rescinded.

John F. Kennedy Center for the Performing Arts

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

Woodrow Wilson International Center for Scholars

SALARIES AND EXPENSES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,000,000 are rescinded.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

GENERAL PROVISIONS

SEC. 501. No funds made available in any appropriations Act may be used by the Department of the Interior, including but not limited to the United States Fish and Wildlife Service and the National Biological Service, to search for the Alabama sturgeon in the Alabama River, the Cahaba River, the Tombigbee River or the Tennessee-Tombigbee Waterway in Alabama or Mississippi.

SEC. 502. (a) None of the funds made available in Public Law 103–332 may be used by the United States Fish and Wildlife Service to implement or enforce special use permit numbered 72030.

(b) The Secretary of the Interior shall immediately reinstate the travel guidelines specified in special use permit numbered 65715 for the visiting public and employees of the Virginia Department of Conservation and Recreation at Back Bay National Wildlife Refuge, Virginia. Such guidelines shall remain in effect until such time as an agreement described in subsection (c) becomes effective, but in no case shall remain in effect after September 30, 1995.

(c) It is the sense of Congress that the Secretary of the Interior and the Governor of Virginia should negotiate and enter into a long term agreement concerning resources management and public access with respect to Back Bay National Wildlife Refuge and False Cape State Park, Virginia, in order to improve the implementation of the missions of the Refuge and Park.

SEC. 503. (a) No funds available to the Forest Service may be used to implement Habitat Conservation Areas in the Tongass National Forest for species which have not been declared threatened or endangered pursuant to the Endangered Species Act, except that with respect to goshawks the Forest Service may impose interim Goshawk Habitat Conservation Areas not to exceed 300 acres per active nest consistent with the guidelines utilized in national forests in the continental United States.

(b) The Secretary shall notify Congress within 30 days of any timber sales which may be delayed or canceled due to the Goshawk Habitat Conservation Areas described in subsection (a).

SEC. 504. RENEWAL OF PERMITS FOR GRAZING ON NATIONAL FOREST LANDS.

Notwithstanding any other law, at the request of an applicant for renewal of a permit that expires on or after the date of enactment of this Act for grazing on land located in a unit of the National Forest System, the Secretary of Agriculture shall reinstate, if necessary, and extend the term of the permit until the date on which the Secretary of Agriculture completes action on the application, including action required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

CHAPTER VI

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,521,220,000 are rescinded, including $46,404,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $15,000,000 for the School-to-Work Opportunities Act, $15,600,000 for title III, part A of the Job Training Partnership Act, $20,000,000 for the title III, part B of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $33,000,000 for carrying out title II, part A of such Act, $472,010,000 for carrying out title II, part C of such Act, $750,000 for the National Commission for Employment Policy and $421,000 for the National Occupational Information Coordinating Committee: *Provided,* That service delivery areas may transfer up to 50 percent of the amounts allocated for program years 1994 and 1995 between the title II–B and title II–C programs authorized by the Job Training Partnership Act, if such transfers are approved by the Governor.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(RESCISSION)

Of the funds made available under this leading in Public law 103–333, $20,000,000 are rescinded, and amounts which may be expended from the Employment Security Administration account in the Unemployment Trust Fund are reduced from $3,269,097,000 to $3,221,397,000.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103–333, $1,100,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $42,071,000 are rescinded.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,300,000 are rescinded. $2,185,935,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103–333, $67,000,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 to invest in a state-of-the-art computing network, $88,283,000 are rescinded.

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, there are rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(E) of the Social Security Act (as amended by Public Law 100–485) is amended by adding before the ''and'': ''reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,300,000,000 for the purpose of determining the amount of the payment under subsection (l) to which each State is entitled),''.

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(RESCISSION)

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $6,000,000 are rescinded.

COMMUNITY SERVICES BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $13,988,000 are rescinded.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $42,000,000 are rescinded from section 639(A) of the Head Start Act, as amended.

ADMINISTRATION ON AGING

(AGING SERVICES PROGRAMS)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $899,000 are rescinded.

OFFICE OF THE SECRETARY

POLICY RESEARCH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,918,000 are rescinded.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $82,600,000 are rescinded, including $55,800,000 from funds made available for State and local education systemic improvement, and $11,800,000 from funds made available for Federal activities under the Goals 2000: Educate America Act; and $15,000,000 are rescinded from funds made available under the School to Work Opportunities Act, including $4,375,000 for National programs and $10,625,000 for State grants and local partnerships.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $80,400,000 are rescinded as follows: $72,500,000 from the Elementary and Secondary Education Act, title I, part A, $2,000,000 from part B, and $5,900,000 from part E, section 1501.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $211,417,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II–B, $69,000,000, title IV, $75,000,000, title V–C, $2,000,000, title IX–B, $1,000,000, title X–D, $1,500,000, section 10602, $1,630,000, title XII, $20,000,000, and title XIII–A, $8,900,000; from the Higher Education Act, section 596, $13,875,000; from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000;

and from funds for the Civil Rights Act of 1964, title IV, $7,412,000.

BILINGUAL AND IMMIGRANT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $32,380,000 are rescinded from funding for title VII–A and $11,000,000 from part C of the Elementary and Secondary Education Act.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $60,566,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III–A, and –B, $43,888,000 and from title IV–A and –C, $8,891,000 from the Adult Education Act, part B–7, $7,787,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $10,000,000 are rescinded from funding for the Higher Education Act, title IV, part H–1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $46,583,000 are rescinded as follows: from amounts available for the Higher Education Act, title IV–A, chapter 5, $496,000, title IV–A–2, chapter 2, $600,000, title IV–A–6, $2,000,000, title V–C, subparts 1 and 3, $16,175,000, title title IX–B, $10,100,000, title IX–E, $3,500,000, title IX–G, $2,888,000, title X–D, $2,900,000, and title XI–A, $500,000; Public Law 102–325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $6,424,000.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $3,300,000 are rescinded, including $1,500,000 for construction.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 are rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses are rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $15,200,000 are rescinded as follows: from the Elementary and Secondary Education Act, title III–A, $5,000,000, title III–B, $5,000,000, and title X–B, $4,600,000; from the Goals 2000: Educate America Act, title VI, $600,000.

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,916,000 are rescinded from title II, part B, section 222 of the Higher Education Act.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $17,791,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $11,965,000 are rescinded.

AMENDMENT NO. 474

Strike page 7, line, through page 36, line 12, and insert:

INTERNATIONAL BROADCASTING OPERATIONS

(RESCISSION)

Of the funds made available under this heading, to the Board for International Broadcasting in Public Law 103–317, $102,000,000 are rescinded.

DEPARTMENT OF JUSTICE

IMMIMGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317; $1,000,000 are rescinded.

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 103–317, $5,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $17,100,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(INCLUDING RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $1,000,000 are rescinded.

In addition, under this heading in Public Law 103–317, after the word ''grants'', insert the following: ''and administrative expenses''. After the word ''expended'', insert the following: '':*Provided*, That the Council is authorized to accept, hold, administer, and use gifts, both real and personal, for the purpose of aiding or facilitating the work of the Council''.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $19,500,000 are rescinded.

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for the Manufacturing Extension Partnership and the Quality Program, $27,100,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $37,600,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $8,000,000 are rescinded.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,500,000 are rescinded.

NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $7,600,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSIONS)

Of unobligated balances available under this heading pursuant to Public Law 103–75, Public Law 102–368, and Public Law 103–317, $47,384,000 are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

UNITED STATES COURT OF INTERNATIONAL TRADE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,100,000 are rescinded.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded: *Provided*, That no funds in that public law shall be available to implement section 24 of the Small Business Act, as amended.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds available under this heading in Public Law 103–317, $15,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $2,000,000 are rescinded.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $30,000,000 are rescinded.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $14,617,000 are rescinded.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,000,000 are

rescinded, of which $2,000,000 are from funds made available for activities related to the implementation of the Chemical Weapons Convention

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

From unobligated balances available under this heading, $2,000,000 are rescinded.

UNITED STATES INFORMATION AGENCY

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

RADIO CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

RADIO FREE ASIA

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $10,000,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $50,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $81,500,000 are rescinded.

ATOMIC ENERGY DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Act, $113,000,000 are rescinded.

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316, and prior years' Energy and Water Development Acts, $15,000,000 are rescinded.

DEPARTMENTAL ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $20,000,000 are rescinded.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Acts, $30,000,000 are rescinded.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $5,000,000 are rescinded.

CHAPTER IV

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

(RESCISSION)

Of the unearmarked and unobligated balances of funds available in Public Law 103–87 and Public Law 103–306, $100,000,000 are rescinded: *Provided*, That not later than thirty days after the enactment of this Act the Director of the Office of Management and Budget shall submit a report to Congress setting forth the accounts and amounts which are reduced pursuant to this paragraph.

CHAPTER V

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $70,000 are rescinded, to be derived from amounts available for developing and finalizing the Roswell Resource Management Plan/Environmental Impact Statement and the Carlsbad Resource Management Plan Amendment Environmental Impact Statement: *Provided*, That none of the funds made available in such Act or any other appropriations Act may be used for finalizing or implementing either such plan.

CONSTRUCTION AND ACCESS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, and Public Law 102–381, $2,100,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 102–381, Public Law 101–121, and Public Law 100–446, $1,497,000 are rescinded.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading or the Heading Construction and Anadromous Fish in Public Law 103–332, Public Law 103–138, Public Law 103–75, Public Law 102–381, Public Law 102–154, Public Law 102–368, Public Law 101–512, Public Law 101–121, Publc Law 100–446, and Public Law 100–202, $13,215,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, and Public Law 101–512, $3,893,000 are rescinded.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES, AND SURVEYS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $12,544,000 are rescinded.

NATIONAL PARK SERVICE

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $25,970,000 are rescinded.

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $7,480,000 are rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, Public Law 102–154, Public Law 101–512, Public Law 101–121, Public Law 100–446, Public Law 100–202, Public Law 99–190, Public Law 98–473, and Public Law 98–146, $11,297,000 are rescinded.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $814,000 are rescinded.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $11,350,000 are rescinded: *Provided*, That the first proviso under this head in Public Law 103–332 is amended by striking ''$330,111,000'' and inserting in lieu thereof ''$329,361,000''.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $9,571,000 are rescinded.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the funds provided under this heading in Public Law 103–332, $1,900,000 are rescinded.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,900,000 are rescinded.

TRUST TERRITORY OF THE PACIFIC ISLANDS

(RESCISSION)

Of the funds available under this heading in Public Law 99–591, $32,139,000 are rescinded.

COMPACT OF FREE ASSOCIATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,000,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, $6,000,000 are rescinded.

STATE AND PRIVATE FORESTRY

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $6,250,000 are rescinded.

INTERNATIONAL FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $7,824,000 are rescinded: *Provided*, That the first proviso under this head in Public Law 103–332 is amended by striking ''1994'' and inserting in lieu thereof ''1995''.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $3,020,000 are rescinded.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $20,750,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $11,000,000 are rescinded.

ENERGY CONSERVATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $34,928,000 are rescinded.

Of the funds available under this heading in Public Law 103–138, $13,700,000 are rescinded.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,000,000 are rescinded.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

(RESCISSIONS)

Of the funds available under this heading in Public Law 102–381, and Public Law 103–138, $1,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–154, Public Law 102–381, Public Law 103–138, and Public Law 103–332, $11,237,000 are rescinded: *Provided*, That of the amounts proposed herein for rescission, $2,500,000 are from funds previously appropriated for the National Museum of the American Indian: *Provided further*, That notwithstanding any other provision of law, the provisions of the Davis-Bacon Act shall not apply to any contract associated with the construction of facilities for the National Museum of the American Indian.

NATIONAL GALLERY OF ART

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, $407,000 are rescinded.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,000,000 are rescinded.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

GENERAL PROVISIONS

SEC. 501. No funds made available in any appropriations Act may be used by the Department of the Interior, including but not limited to the United States Fish and Wildlife Service and the National Biological Service, to search for the Alabama sturgeon in the Alabama River, the Cahaba River, the Tombigbee River or the Tennessee-Tombigbee Waterway in Alabama or Mississippi.

SEC. 502. (a) None of the funds made available in Public Law 103–332 may be used by the United States Fish and Wildlife Service to implement or enforce special use permit numbered 72030.

(b) The Secretary of the Interior shall immediately reinstate the travel guidelines specified in special use permit numbered 65715 for the visiting public and employees of the Virginia Department of Conservation and Recreation at Back Bay National Wildlife Refuge, Virginia. Such guidelines shall remain in effect until such time as an agreement described in subsection (c) becomes effective, but in no case shall remain in effect after September 30, 1995.

(c) It is the sense of Congress that the Secretary of the Interior and the Governor of Virginia should negotiate and enter into a long term agreement concerning resources management and public access with respect to Back Bay National Wildlife Refuge and False Cape State Park, Virginia, in order to improve the implementation of the missions of the Refuge and Park.

SEC. 503. (a) No funds available to the Forest Service may be used to implement Habitat Conservation Areas in the Tongass National Forest for species which have not been declared threatened or endangered pursuant to the Endangered Species Act, except that with respect to goshawks the Forest Service may impose interim Goshawk Habitat Conservation Areas not to exceed 300 acres per active nest consistent with the guidelines utilized in national forests in the continental United States.

(b) The Secretary shall notify Congress within 30 days of any timber sales which may be delayed or canceled due to the Goshawk Habitat Conservation Areas described in subsection (a).

SEC. 504. RENEWAL OF PERMITS FOR GRAZING ON NATIONAL FOREST LANDS.

Notwithstanding any other law, at the request of an applicant for renewal of a permit that expires on or after the date of enactment of this Act for grazing on land located in a unit of the National Forest System, the Secretary of Agriculture shall reinstate, if necessary, and extend the term of the permit until the date on which the Secretary of Agriculture completes action on the application, including action required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

CHAPTER VI

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,521,220,000 are rescinded, including $46,404,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $15,000,000 for the School-to-Work Opportunities Act, $15,600,000 for title III, part A of the Job Training Partnership Act, $20,000,000 for the title III, part B of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $33,000,000 for carrying out title II, part A of such Act, $472,010,000 for carrying out title II, part C of such Act, $750,000 for the National Commission for Employment Policy and $421,000 for the National Occupational Information Coordinating Committee: *Provided*, That service delivery areas may transfer up to 50 percent of the amounts allocated for program years 1994 and 1995 between the title II–B and title II–C programs authorized by the Job Training Partnership Act, if such transfers are approved by the Governor.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $20,000,000 are rescinded, and amounts which may be expended from the Employment Security Administration account in the Unemployment Trust Fund are reduced from $3,269,097,000 to $3,221,397,000.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103–333, $1,100,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $42,071,000 are rescinded.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,300,000 are rescinded.

NATIONAL INSTITUTES OF HEALTH

BUILDINGS AND FACILITIES

(RESCISSION)

Of the available balances under this heading, $79,289,000 are rescinded.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $14,700,000 are rescinded.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,320,000 are rescinded.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

(RESCISSION)

Of the Federal funds made available under this heading in Public Law 103–333, $3,132,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Funds made available under this heading in Public Law 103–333 are reduced from $2,207,235,000 to $2,185,935,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading Public Law 103–333, $67,000,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 to invest in a state-of-the-art computing network, $88,283,000 are rescinded.

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, there are rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(E) of the Social Security Act (as amended by Public Law 100–485) is amended by adding before the ''and'': ''reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,300,000,000 for the purpose of determining the amount of the payment under subsection (l) to which each State is entitled),''.

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(RESCISSION)

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $6,000,000 are rescinded.

COMMUNITY SERVICES BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $13,988,000 are rescinded.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $42,000,000 are rescinded from section 639(A) of the Head Start Act, as amended.

ADMINISTRATION ON AGING

(AGING SERVICES PROGRAMS)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $899,000 are rescinded.

OFFICE OF THE SECRETARY

POLICY RESEARCH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,918,000 are rescinded.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $82,600,000 are rescinded, including $55,800,000 from funds made available for State and local education systemic improvement, and $11,800,000 from funds made available for Federal activities under the Goals 2000: Educate America Act; and $15,000,000 are rescinded from funds made available under the School to Work Opportunities Act, including $4,375,000 for National programs and $10,625,000 for State grants and local partnerships.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $80,400,000 are rescinded as follows: $72,500,000 from the Elementary and Secondary Education Act, title I, part A, $2,000,000 from part B, and $5,900,000 from part E, section 1501.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $211,417,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II–B, $69,000,000, title IV, $75,000,000, title V–C, $2,000,000, title IX–B, $1,000,000, title X–D, $1,500,000,000, section 10602, $1,630,000, title XII, $20,000,000, and title XIII–A, $8,900,000; from the Higher Education Act, section 596, $13,875,000; from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000; and from funds for the Civil Rights Act of 1964, title IV, $7,412,000.

BILINGUAL AND IMMIGRANT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $32,380,000 are rescinded from funding for title VII–A and $11,000,000 from part C of the Elementary and Secondary Education Act.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $60,566,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III–A, and –B, $43,888,000 and from title IV–A and –C, $8,891,000; from the Adult Education Act, part B–7, $7,787,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $10,000,000 are rescinded from funding for the Higher Education Act, title IV, part H–1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $46,583,000 are rescinded as follows: from amounts available for the Higher Education Act, title IV–A, chapter 5, $496,000, title IV–A–2, chapter 2, $600,000, title IV–A–6, $2,000,000, title V–C, subparts 1 and 3, $16,175,000, title IX–B, $10,100,000, title IX–E, $3,500,000, title IX–G, $2,888,000, title X–D, $2,900,000, and title XI–A, $500,000; Public Law 102–325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $6,424,000.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $3,300,000 are rescinded, including $1,500,000 for construction.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 are rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses are rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $15,200,000 are rescinded as follows: from the Elementary and Secondary Education Act, title III–A, $5,000,000, title III–B, $5,000,000, and title X–B, $4,600,000; from the Goals 2000: Educate America Act, title VI, $600,000.

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,916,000 are rescinded from title II, part B, section 222 of the Higher Education Act.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $17,791,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $11,965,000 are rescinded.

DASCHLE (AND LEVIN) AMENDMENT NO. 475

(Ordered to lie on the table.)

Mr. DASCHLE (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to amendment to be proposed by them to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 33 strike lines 1 through line 4 on page 55 and insert the following:

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $236,417,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II–B, $69,000,000, title IV, $100,000,000, title V–C, $2,000,000, title IX–B, $1,000,000, title X–D, $1,500,000, section 10602, $1,630,000, title XII, $20,000,000, and title XIII–A, $8,900,000; from the Higher Education Act, section 596, $13,875,000; from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000; and from funds for the Civil Rights Act of 1964, title IV, $7,412,000.

BILINGUAL AND IMMIGRANT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $32,380,000 are

rescinded from funding for title VII–A and $11,000,000 from part C of the Elementary and Secondary Education Act.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $60,566,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III–A, and –B, $43,888,000 and from title IV–A and –C, $8,891,000; from the Adult Education Act, part B–7, $7,787,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $10,000,000 are rescinded from funding for the Higher Education Act, title IV, part H–1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $57,783,000 are rescinded as follows: from amounts available for the Higher Education Act, title IV–A, chapter 5, $496,000, title IV–A–2, chapter 1, $11,200,000, title IV–A–2, chapter 2, $600,000, title IV–A–6, $2,000,000, title V–C, subparts 1 and 3, $16,175,000, title IX–B, $10,100,000, title IX–E, $3,500,000, title IX–G, $2,888,000, title X–D, $2,900,000, and title XI–A, $500,000; Public Law 102–325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $6,424,000.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $3,300,000 are rescinded, including $1,500,000 for construction.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 are rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses are rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $15,200,000 are rescinded as follows: from the Elementary and Secondary Education Act, title III–A, $5,000,000, title III–B, $5,000,000, and title X–B, $4,600,000; from the Goals 2000: Educate America Act, title VI, $600,000.

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,916,000 are rescinded from title II, part B, section 222 of the Higher Education Act.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $26,360,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $29,360,000 are rescinded.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $7,000,000 are rescinded.

GENERAL PROVISIONS

FEDERAL DIRECT STUDENT LOAN PROGRAM

SEC. 601. Section 458(a) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)) is amended—

(1) by striking ''$345,000,000'' and inserting ''$250,000,000''; and

(2) by striking ''$2,500,000,000'' and inserting ''$2,405,000,000''.

SEC. 602. Of the funds made available in fiscal year 1995 to the Department of Labor in Public Law 103–333 for compliance assistance and enforcement activities, $8,975,000 are rescinded.

CHAPTER VII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $460,000 are rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $238,137 are rescinded.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $650,000 are rescinded.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $187,000 are rescinded.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

SENATE OFFICE BUILDINGS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $850,000 are rescinded.

CAPITAL POWER PLANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $2,650,000 are rescinded.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $5,000,000 are rescinded.

BOTANIC GARDEN

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available until expended by transfer under this heading in Public Law 103–283, $7,000,000 are rescinded.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $600,000 are rescinded.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $150,000 are rescinded.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENESES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $100,000 are rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $8,867,000 are rescinded.

CHAPTER VIII

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,000,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $13,050,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $33,250,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $1,340,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $69,000,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,628,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $93,566,000 are rescinded.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

OFFICE OF THE SECRETARY

WORKING CAPITAL FUND

(RESCISSION)

The obligation authority under this heading in Public Law 103–331 is hereby reduced by $4,000,000.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds made available under this heading, $5,300,000 are rescinded: *Provided,* That the Secretary shall not enter into any contracts for ''Small Community Air Service'' beyond September 30, 1995, which require compensation fixed and determined

under subchapter II of chapter 417 of Title 49, United States Code (49 U.S.C. 41731–42) payable by the Department of Transportation: *Provided further,* That no funds under this head shall be available for payments to air carriers under subchapter II.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $3,700,000 are rescinded.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

Of the available balances under this heading, $34,298,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $400,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the available balances under this heading, $1,000,000 are rescinded: *Provided,* That the following proviso in Public Law 103–331 under this heading is repealed, ''*Provided further,* That of the funds available under this head, $17,500,000 is available only for permanent change of station moves for members of the air traffic work force''.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $31,850,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $7,500,000 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this account, $1,300,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $45,950,000.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $123,590,000, of which $27,640,000 shall be deducted from amounts made available for the Applied Research and Technology Program authorized under section 307(e) of title 23, United States Code, and $50,000,000 shall be deducted from the amounts available for the Congestion Pricing Pilot Program authorized under section 1002(b) of Public Law 102–240, and $45,950,000 shall be deducted from the limitation on General Operating Expenses: *Provided,* That the amounts deducted from the aforementioned programs are rescinded.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–211, $50,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $20,000,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

(TRANSFER OF FUNDS)

Section 341 of Public Law 103–331 is amended by deleting ''and received from the Delaware and Hudson Railroad,'' after ''amended,''.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $7,768,000 are rescinded.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $250,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $17,650,000: *Provided,* That such reduction shall be made from obligational authority available to the Secretary for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities.

Notwithstanding Section 313 of Public Law 103–331, the obligation limitations under this heading in the following Department of Transportation and Related Agencies Appropriations Acts are reduced by the following amounts:

Public Law 102–143, $62,833,000, to be distributed as follows:

(a) $2,563,000, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities: *Provided,* That the foregoing reduction shall be distributed according to the reductions identified in Senate Report 104–17, for which the obligation limitation in Public Law 102–143 was applied; and

(b) $60,270,000, for new fixed guideway systems, to be distributed as follows:

$2,000,000, for the Cleveland Dual Hub Corridor Project;

$930,000, for the Kansas City-South LRT Project;

$1,900,000, for the San Diego Mid-Coast Extension Project;

$34,200,000, for the Hawthorne-Warwick Commuter Rail Project;

$8,000,000, for the San Jose-Gilroy Commuter Rail Project;

$3,240,000, for the Seattle-Tacoma Commuter Rail Project; and

$10,000,000, for the Detroit LRT Project.

Public Law 101–516, $4,460,000, for new fixed guideway systems, to be distributed as follows:

$4,460,000 for the Cleveland Dual Hub Corridor Project.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 901. Of the funds provided in Public Law 103–331 for the Department of Transportation working capital fund (WCF), $4,000,000 are rescinded, which limits fiscal year 1995 WCF obligational authority for elements of the Department of Transportation funded in Public Law 103–331 to no more than $89,000,000.

SEC. 902. Of the total budgetary resources available to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1995 for civilian and military compensation and benefits and other administrative expenses, $10,000,000 are permanently canceled.

SEC. 903. Section 326 of Public Law 103–122 is hereby amended to delete the words ''or previous Acts'' each time they appear in that section.

CHAPTER X

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(TRANSFER OF FUNDS)

Of the funds made available for the Federal Buildings Fund in Public Law 103–329, $5,000,000 shall be made available by the General Service Administration to implement an agreement between the Food and Drug Administration and another entity for space, equipment and facilities related to seafood research.

OFFICE OF PERSONNEL MANAGEMENT

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE BENEFITS

For an additional amount for ''Government payment for annuitants, employee life insurance'', $9,000,000 to remain available until expended.

DEPARTMENT OF THE TREASURY

DEPARTMENT OFFICES

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $100,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $160,000 are rescinded.

UNITED STATES MINT

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103–329, insert ''not to exceed'' after ''of which''.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–123, $1,500,000 are rescinded.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $1,490,000 are rescinded.

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

In the paragraph under this heading in Public Law 103–329, in section 3, after ''$119,000,000'', insert ''annually''.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $171,000 are rescinded.

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities authorized by Public Law 100–690, an additional amount of $13,200,000, to remain available until expended for transfer to the United States Customs Service, ''Salaries and expenses'' for carrying out border enforcement activities: *Provided*, That of the funds made available under this heading in Public Law 103–329, $13,200,000 are rescinded.

INDEPENDENT AGENCIES

Of the funds made available under this heading in Public Laws 101–136, 101–509, 102–27, 102–141, 103–123, 102–393, 103–329, $1,842,885,000 are rescinded from the following projects in the following amounts:

Alabama:
Montgomery, U.S. Courthouse annex, $46,320,000
Arkansas:
Little Rock, Courthouse, $13,816,000
Arizona:
Bullhead City, FAA grant, $2,200,000
Lukeville, commercial lot expansion, $1,219,000
Nogales, Border Patrol, headquarters, $2,998,000
Phoenix, U.S. Federal Building, Courthouse, $121,890,000
San Luis, primary lane expansion and administrative office space, $3,496,000
Sierra Vista, U.S. Magistrates office, $1,000,000
Tucson, Federal Building, U.S. Courthouse $121,890,000
California:
Menlo Park, United States Geological Survey office laboratory building, $6,868,000
Sacramento, Federal Building-U.S. Courthouse, $142,902,000
San Diego, Federal building-Courthouse, $3,379,000
San Francisco, Lease purchase, $9,702,000
San Francisco, U.S. Courthouse, $4,378,000
San Francisco, U.S. Court of Appeals annex, $9,003,000
San Pedro, Customhouse, $4,887,000
Colorado:
Denver, Federal building-Courthouse, $8,006,000
District of Columbia:
Central and West heating plants, $5,000,000
Corps of Engineers, headquarters, $37,618,000
General Services Administration, Southeast Federal Center, headquarters, $25,000,000
U.S. Secret Service, headquarters, $113,084,000
Florida:
Ft. Myers, U.S. Courthouse, $24,851,000
Jacksonville, U.S. Courthouse, $10,633,000
Tampa, U.S. Courthouse, $14,998,000
Georgia:
Albany, U.S. Courthouse, $12,101,000
Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000
Atlanta, Centers for Disease Control, $14,110,000
Atlanta, Centers for Disease Control, Roybal Laboratory, $47,000,000
Savannah, U.S. Courthouse annex, $3,000,000
Hawaii:
Hilo, federal facilities consolidation, $12,000,000
Illinois:
Chicago, SSA DO, $2,167,000
Chicago, Federal Center, $47,682,000
Chicago, Dirksen building, $1,200,000
Chicago, J.C. Kluczynski building, $13,414,000
Indiana:
Hammond, Federal Building, U.S. Courthouse, $52,272,000
Jeffersonville, Federal Center, $13,522,000
Kentucky:
Covington, U.S. Courthouse, $2,914,000
London, U.S. Courthouse, $1,523,000
Louisiana:
Lafayette, U.S. Courthouse, $3,295,000
Maryland:
Avondale, DeLaSalle building, $16,671,000
Bowie, Bureau of Census, $27,877,000
Prince Georges/Montgomery Counties, FDA consolidation, $284,650,000
Woodlawn, SSA building, $17,292,000
Massachusetts:
Boston, U.S. Courthouse, $4,076,000
Missouri:
Cape Girardeau, U.S. Courthouse, $3,688,000
Kansas City, U.S. Courthouse, $100,721,000
Nebraska:
Omaha, Federal Building, U.S. Courthouse, $9,291,000
Nevada:
Las Vegas, U.S. Courthouse, $4,230,000
Reno, Federal building-U.S. Courthouse, $1,465,000
New Hampshire:
Concord, Federal building-U.S. Courthouse, $3,519,000
New Jersey:
Newark, parking facility, $9,000,000
Trenton, Clarkson Courthouse, $14,107,000
New Mexico:
Albuquerque, U.S. Courthouse, $47,459,000
Santa Teresa, Border Station, $4,004,000
New York:
Brooklyn, U.S. Courthouse, $43,717,000
Holtsville, IRS Center, $19,183,000
Long Island, U.S. Courthouse, $27,198,000
North Dakota:
Fargo, Federal building-U.S. Courthouse, $20,105,000
Pembina, Border Station, $93,000
Ohio:
Cleveland, Celebreeze Federal building, $10,972,000
Cleveland, U.S. Courthouse, $28,246,000
Steubenville, U.S. Courthouse, $2,820,000
Youngstown, Federal Building-U.S. Courthouse, $4,574,000
Oklahoma:
Oklahoma City, Murrah Federal building, $5,290,000
Oregon:
Portland, U.S. Courthouse, $5,000,000
Pennsylvania:
Philadelphia, Byrne-Green Federal building-Courthouse, $30,628,000
Philadelphia, Nix Federal building-Courthouse, $13,814,000
Philadelphia, Veterans Administration, $1,276,000
Scranton, Federal Building-U.S. Courthouse, $9,969,000
Rhode Island:
Providence, Kennedy Plaza Federal Courthouse, $7,740,000
South Carolina:
Columbia, U.S. Courthouse annex, $592,000
Tennessee:
Greeneville, U.S. Courthouse, $2,936,000
Texas:
Austin, Veterans Administration annex, $1,028,000
Brownsville, U.S. Courthouse, $4,339,000
Corpus Christi, U.S. Courthouse, $6,446,000
Laredo, Federal building-U.S. Courthouse, $5,986,000
Lubbock, Federal building-Courthouse, $12,167,000
Ysleta, site acquisition and construction, $1,727,000
U.S. Virgin Islands:
Charlotte Amalie, St. Thomas, U.S. Courthouse, $2,184,000
Virginia:
Richmond, Courthouse annex, $12,509,000
Washington:
Blaine, Border Station, $4,472,000
Point Roberts, Border Station, $698,000
Seattle, U.S. Courthouse, $10,949,000
Walla Walla, Corps of Engineers building, $2,800,000
West Virginia:
Beckley, Federal building-U.S. Courthouse, $33,097,000
Martinsburg, IRS center, $4,494,000
Wheeling, Federal building-U.S. Courthouse, $35,829,000
Nationwide chlorofluorocarbons program, $12,300,000
Nationwide energy program, $15,300,000

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $3,140,000 are rescinded.

CHAPTER XI

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster Relief'' for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,900,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DISASTER RELIEF EMERGENCY CONTINGENCY FUND

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $4,783,707,000.

LAUTENBERG AMENDMENTS NOS. 476–478

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted three amendments to be proposed by him to the bill, H.R. 1158, supra; as follows:

AMENDMENT NO. 476

On page 21, line 26, strike ''$11,000,000'' and insert ''$19,400,000''.

On page 31, strike lines 10 through 13.

AMENDMENT NO. 477

On page 21, line 26, strike ''$11,000,000'' and insert ''$19,400,000. Notwithstanding any other provision of this Act, no provision shall reduce funding for the Child Care and Development Block Grant.''

AMENDMENT NO. 478

On page 21, line 26, strike all that follows through page 31, line 13 and insert the following:

$19,400,000 are rescinded.

ENERGY CONSERVATION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, $34,928,000 are rescinded.

Of the funds available under this heading in Public Law 103–138, $13,700,000 are rescinded.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,000,000 are rescinded.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

(RESCISSIONS)

Of the funds available under this heading in Public Law 102–381, and Public Law 103–138, $1,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–154, Public Law 102–381, Public Law 103–138, and Public Law 103–332, $11,237,000 are rescinded: *Provided*, That of the amounts proposed herein for rescission, $2,500,000 are from funds previously appropriated for the National Museum of the American Indian: *Provided further*, That notwithstanding any other provision of law, the provisions of the Davis-Bacon Act shall not apply to any contract associated with the construction of facilities for the National Museum of the American Indian.

NATIONAL GALLERY OF ART

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $407,000 are rescinded.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,000,000 are rescinded.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

GENERAL PROVISIONS

SEC. 501. No funds made available in any appropriations Act may be used by the Department of the Interior, including but not limited to the United States Fish and Wildlife Service and the National Biological Service, to search for the Alabama sturgeon in the Alabama River, the Cahaba River, the Tombigbee River or the Tennessee-Tombigbee Waterway in Alabama or Mississippi.

SEC. 502. (a) None of the funds made available in Public Law 103–332 may be used by the United States Fish and Wildlife Service to implement or enforce special use permit numbered 72030.

(b) The Secretary of the Interior shall immediately reinstate the travel guidelines specified in special use permit numbered 65715 for the visiting public and employees of the Virginia Department of Conservation and Recreation at Back Bay National Wildlife Refuge, Virginia. Such guidelines shall remain in effect until such time as an agreement described in subsection (c) becomes effective, but in no case shall remain in effect after September 30, 1995.

(c) It is the sense of Congress that the Secretary of the Interior and the Governor of Virginia should negotiate and enter into a long term agreement concerning resources management and public access with respect to Back Bay National Wildlife Refuge and False Cape State Park, Virginia, in order to improve the implementation of the missions of the Refuge and Park.

SEC. 503. (a) No funds available to the Forest Service may be used to implement Habitat Conservation Areas in the Tongass National Forest for species which have not been declared threatened or endangered pursuant to the Endangered Species Act, except that with respect to goshawks the Forest Service may impose interim Goshawk Habitat Conservation Areas not to exceed 300 acres per active nest consistent with the guidelines utilized in national forests in the continental United States.

(b) The Secretary shall notify Congress within 30 days of any timber sales which may be delayed or canceled due to the Goshawk Habitat Conservation Areas described in subsection (a).

CHAPTER VI

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,521,220,000 are rescinded, including $46,404,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $15,000,000 for the School-to-Work Opportunities Act, $15,600,000 for title III, part A of the Job Training Partnership Act, $20,000,000 for the title III, part B of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $33,000,000 for carrying out title II, part A of such Act, $472,010,000 for carrying out title II, part C of such Act, $750,000 for the National Commission for Employment Policy and $421,000 for the National Occupational Information Coordinating Committee: *Provided*, That service delivery areas may transfer up to 50 percent of the amounts allocated for program years 1994 and 1995 between the title II–B and title II–C programs authorized by the Job Training Partnership Act, if such transfers are approved by the Governor.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(RESCISSIONS)

Of the funds made available in the first paragraph under this heading in Public Law 103–333, $11,263,000 are rescinded.

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $3,177,000 are rescinded.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $20,000,000 are rescinded, and amounts which may be expended from the Employment Security Administration account in the Unemployment Trust Fund are reduced from $3,269,097,000 to $3,221,397,000.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103–333, $1,100,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $42,071,000 are rescinded.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,300,000 are rescinded.

NATIONAL INSTITUTES OF HEALTH

BUILDINGS AND FACILITIES

(RESCISSION)

Of the available balances under this heading, $79,289,000 are rescinded.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $14,7000,000 are rescinded.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,320,000 are rescinded.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

(RESCISSION)

Of the Federal funds made available under this heading in Public Law 103–333, $3,132,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Funds made available under this heading in Public Law 103–333 are reduced from $2,207,135,000 to $2,185,935,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103–333, $67,000,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 to invest in a

state-of-the-art computing network, $88,283,000 are rescinded.

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, there are rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(E) of the Social Security Act (as amended by Public Law 100–485) is amended by adding before the ''and'': ''reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,300,000,000 for purposes of determining the amount of the payment under subsection (l) to which each State is entitled),''.

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(RESCISSION)

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $6,000,000 are rescinded.

COMMUNITY SERVICES BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $26,988,000 are rescinded.

AKAKA AMENDMENT NO. 479

(Ordered to lie on the table.)

Mr. AKAKA submitted an amendment intended to be proposed by him to the bill (H.R. 1158), supra; as follows:

On page 31, strike line 9 and insert the following: ''Public Law 103–333, $10,988,000 are rescinded.''

On page 31, between lines 9 and 10, insert the following:

''Of the funds made available under this heading in Public Law 103–333 and reserved by the Secretary pursuant to section 674(a)(1) of the Community Services Block Grant Act, $1,900,000 are rescinded.''

On page 32, line 5, strike ''$2,918,000'' and insert ''$4,018,000''.

MOSELEY-BRAUN AMENDMENT NO. 480

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted an amendment intended to be proposed by her to the bill (H.R. 1158), supra; as follows:

On page 18, line 15, strike ''$25,970,000'' and insert ''$27,970,000''.

On page 20, line 23, strike ''$6,250,000'' and insert ''$8,050,000''.

On page 21, line 4, strike ''$3,000,000'' and insert ''$4,000,000''.

On page 21, line 22, strike ''$20,750,000'' and insert ''$15,950,000''.

BOND AMENDMENTS NOS. 481–482

(Ordered to lie on the table.)

Mr. BOND submitted two amendments intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill (H.R. 1158), supra; as follows:

AMENDMENT NO. 481

At the appropriate place in amendment No. 420 add the following:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

The Department of Housing and Urban Development shall employ no more than 90 Schedule C employees at any one time during FY 1995; no person who has been a Schedule C employee during FY 1995 shall be converted to a Schedule A, B, or noncareer or career SES employee during FY 1995, or otherwise hired by contract. The Department of Housing and Urban Development shall employ no more than 22 noncareer SES employees at any one time during FY 1995.

AMENDMENT NO. 482

At the appropriate place in amount No. 420 add the following:

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

GENERAL PROVISIONS

Section 14(c)(1) of the United States Housing Act of 1937 is amended to read as follows: ''(1) which projects are owned or controlled by public housing agencies or are made available to eligible low-income families pursuant to an agreement between the public housing agency and a housing provider.''.

GORTON AMENDMENTS NOS. 483–486

(Ordered to lie on the table.)

Mr. GORTON submitted four amendments intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill (H. R. 1158), supra; as follows:

AMENDMENT NO. 483

On page 23, strike lines 17 and 18 and insert in lieu thereof the following:

''Of the available balances under this heading, $3,000,000 are rescinded.''

AMENDMENT NO. 484

On page 19, line 2, strike ''$11,297,000'' and insert: ''$9,983,000''.

On page 21, line 17, strike $3,020,000'' and insert: ''$3,720,000''.

On page 21, line 17, after ''rescinded'' insert ''and the Chief of the Forest Service shall not exercise any option of purchase or initiate any new purchases of land, with obligated or unobligated funds, in Washington County, Ohio, and Lawrence County, Ohio, during fiscal year 1995''.

On page 44, line 77, insert the following:

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL AID HIGHWAYS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this heading in Public Law 100–17, $690,074 are rescinded.

AMENDMENT NO. 485

On page 17 of the bill, strike lines 14 through 17.

AMENDMENT NO. 486

On page 26, after line 2, insert the following:

This section shall only apply to permits that were not extended or replaced with a new term grazing permit solely because the analysis required by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws has not been completed and also shall include permits that expired in 1994 and in 1995 before the date of enactment of this Act.

HATFIELD AMENDMENT NO. 487

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

On page 44 line 16 insert:

'': *Provided further,* Of the available contract authority balances under this heading in Public Law 97–424, $13,340,000 are rescinded; and of the available balances under this heading in Public Law 100–17, $126,608,000 are rescinded.

''MISCELLANEOUS HIGHWAY DEMONSTRATION PROJECTIONS

''(RESCISSIONS)

''Of the available appropriated balances provided in Public Law 93–87; Public Law 98–8; Public Law 98–473; and Public Law 100–71, $12,004,450 are rescinded.''

HOLLINGS AMENDMENTS NOS. 488–489

(Ordered to lie on the table.)

Mr. HOLLINGS submitted two amendments intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

AMENDMENT NO. 488

On page 9 of the substitute amendment, strike line 1 through line 23 and insert the following:

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $3,100,000 are rescinded.

CONSTRUCTION OF RESEARCH FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $30,000,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $25,100,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $13,000,000 are rescinded.

GOES SATELLITE CONTINGENCY FUND

(RESCISSION)

Of the unobligated balances available under this heading, $2,500,000 are rescinded.

AMENDMENT NO. 489

On page 7 of the substitute amendment, strike line 13 through line 8 on page 13 and insert the following:

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 103–317, $5,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, 17,100,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(INCLUDING RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $1,000,000 are rescinded.

In addition, under this heading in Public Law 103–317, after the word ''grants'', insert the following: ''and administrative expenses''. After the word ''expended'', insert the following: '': *Privided*, That the Council is authorized to accept, hold, administer, and use gifts, both real and personal, for the purpose of aiding or facilitating the work of the Council''.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $21,000,000 are rescinded.

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Pubic Law 103–317 for the Manufacturing Extension Partnership and the Quality Program, $7,100,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $32,000,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $14,000,000 are rescinded.

NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $7,600,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSIONS)

Of unobligated balances available under this heading pursuant to Public Law 103–75, Public Law 102–368, and Public Law 103–317, $47,384,000 are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

UNITED STATES COURT OF INTERNATIONAL TRADE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $6,100,000 are rescinded.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded: *Provided*, That no funds in that public law shall be available to implement section 24 of the Small Business Act, as amended.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $2,000,000 are rescinded.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $30,000,000 are rescinded.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $20,000,000 are rescinded.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,000,000 are rescinded, of which $2,000,000 are from funds made available for activities related to the implementation of the Chemical Weapons Convention.

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

From unobligated balances available under this heading, $2,000,000 are rescinded.

UNITED STATES INFORMATION AGENCY

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

RADIO CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading, $11,000,000 are rescinded.

RADIO FREE ASIA

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

PELL (AND OTHERS) AMENDMENT NO. 490

(Ordered to lie on the table.)

Mr. PELL (for himself, Mrs. FEINSTEIN, Mr. FEINGOLD, Ms. MOSELEY-BRAUN, and Mr. SIMON) submitted and intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

On page 33, line 9, strike ''$236,417,000'' and insert ''$242,417,000''.

On page 33, line 14, strike ''$8,900,000'' and insert ''$14,900,000''.

On page 34, line 4, strike ''$60,566,000'' and insert ''$54,566,000''.

On page 34, line 7, strike ''$8,891,000'' and insert ''$2,891,000''.

Mr. PELL. Mr. President, I offer this amendment on behalf of myself, Senator FEINSTEIN, Senator FEINGOLD, Senator SIMON, and Senator MOSELEY-BRAUN.

The amendment will ensure continued funding for the National Center for Research in Vocational Education. The Center is a consortium of institutions of higher education in California, Wisconsin, Illinois, New York, and Virginia. The Center is widely recognized for the important research work it does in vocational education, and it would be very unfortunate, indeed, if funding to permit it to continue its work were curtailed.

As my colleagues know, we will soon be considering reauthorization of the Vocational Education Act. The work of the Center has provided the authorizing committee invaluable information to help guide and facilitate our work. But even more critical, their research efforts are vital to improving the quality of vocational education throughout our Nation.

I view the amendment as an important placeholder so that when the Senate and House conferees meet on this legislation, they will have the opportunity to give this matter full and complete consideration. I am very hopeful they will ultimately decide to retain funding for the Center, but without this amendment there will be no chance whatsoever to provide continued funding for the Center and the important work it does.

WELLSTONE AMENDMENTS NOS. 491–495

(Ordered to lie on the table.)

Mr. WELLSTONE submitted five amendments intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

AMENDMENT NO, 491

On page 29, strike ''$2,185,935,000'' and insert ''$2,191,435,000''.

Notwithstanding any other provision of this Act, the amount to become available on October 1, 1995, for necessary expenses in carrying out the functions of the Robert T.

Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), shall not exceed $4,794,500,000.

AMENDMENT NO. 492

On page 31, strike lines 10 through 13.

Notwithstanding any other provision of this Act, the amount to become available on October 1, 1995, for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), shall not exceed $4,785,500,000.

AMENDMENT NO. 493

On pages 6, strike lines 8 through 13.

Notwithstanding any other provision of this Act, the amount to become available on October 1, 1995, for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), shall not exceed $4,785,500,000.

AMENDMENT NO. 494

On page 31, strike lines 14 through 18.

Notwithstanding any other provision of this Act, the amount to become available on October 1, 1995, for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), shall not exceed $4,785,500,000.

AMENDMENT NO. 495

On page 14, line 12, strike ''$81,500,000 are rescinded'' and insert ''$67,000,000 are rescinded.

Notwithstanding any other provision of this Act, the amount to become available on October 1, 1995, for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), shall not exceed $4,785,500,000.''

KERRY AMENDMENTS NOS. 496–498

(Ordered to lie on the table.)

Mr. KERRY submitted three amendments intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

AMENDMENT NO. 496

At the appropriate place insert the following:

(RESCISSION)

Notwithstanding any other provision of this Act, of the funds made available under the heading ''DEPARTMENT OF EDUCATION'', under the heading ''SCHOOL IMPROVEMENT PROGRAMS'', in Public Law 103–333, no funds are rescinded from title IV of the Elementary and Secondary Education Act: *Provided*, That notwithstanding any other provision of this Act, the additional amount otherwise provided in this Act in Chapter XI for ''DISASTER RELIEF EMERGENCY CONTINGENCY FUND'' for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) to become available on October 1, 1995, is reduced by $100,000,000.''.

AMENDMENT NO. 497

On page 4, strike lines 1 through 7 and insert the following:

GENERAL PROVISIONS

Section 715 of Public Law 103–330 is amended by striking ''$85,500,000'' and inserting ''$0''. Notwithstanding any other provision of this Act, only $14,500,000 made available in Public Law 103–333 under the heading ''DEPARTMENT OF EDUCATION'', under the heading ''SCHOOL IMPROVEMENT PROGRAMS'', shall be rescinded.

AMENDMENT NO. 498

In amendment 420, on page 60, line 9, after ''1995'' and before the period, insert the following: ''*Provided further*, That with respect to Transfer Plans of Action approved on or before September 30, 1995, the Secretary may release up to $150 million in support of such transfers''.

SARBANES AMENDMENTS NOS. 499–500

(Ordered to lie on the table.)

Mr. SARBANES submitted two amendments intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

AMENDMENT NO. 499

On page 59, line 16, before the period insert the following: '': *Provided further*, That of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, the Secretary may obligate $262,000,000 for public housing for Indian families, and an additional $262,000,000 of the unobligated funds available for new incremental rental subsidy contracts under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), for loan management set-asides, for section 8 contract amendments, or for expiring contracts for the tenant-based existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), provided under the heading 'ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS' are rescinded (subject to the determination by the Secretary of the distribution of such rescissions)''.

AMENDMENT NO. 500

On page 59, line 16, before the period insert the following: '': *Provided further*, That of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, the Secretary may obligate $100,000,000 and not more than $262,000,000 for public housing for Indian families, and an amount equal to the amount obligated for public housing for Indian families shall be rescinded from the obligated funds available for new incremental rental subsidy contracts under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), or for loan management set-asides, (subject to the determination by the Secretary of the distribution of such rescissions)''.

BREAUX (AND OTHERS) AMENDMENTS NOS. 501–502

(Ordered to lie on the table.)

Mr. BREAUX (for himself, Mr. NUNN, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mr. DODD, and Ms. MIKULSKI) submitted two amendments intended to be proposed by them to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

AMENDMENT NO. 501

At the end of the amendment, add the following:

SEC. . PARAMOUNT PROVISIONS.

(a) Appropriation for Disaster Relief Emergency Contingency Fund.—NOTWITHSTANDING ANY PROVISION OF THIS ACT THAT MAY APPROPRIATE A GREATER AMOUNT, THERE IS APPROPRIATED, FOR NECESSARY EXPENSES IN CARRYING OUT THE FUNCTIONS OF THE ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT (42 U.S.C. 5121 ET SEQ.), $4,632,000,000.

(b) RESCISSION OF FUNDS MADE AVAILABLE FOR THE NATIONAL AND COMMUNITY SERVICE PROGRAM.—Notwithstanding any other provision of this Act that may rescind a greater amount, of the funds made available under the heading ''Corporation for National and Community Service/National and Community Service Programs/Operating Expenses'' in Public Law 103–327, $42,000,000 are rescinded.

AMENDMENT NO. 502

At the end of the amendment, add the following:

SEC. . PARAMOUNT PROVISIONS.

(a) APPROPRIATION FOR DISASTER RELIEF EMERGENCY CONTINGENCY FUND.—Notwithstanding any provision of this Act that may appropriate a greater amount, there is appropriated, for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $4,425,890,000.

(b) RESCISSION OF FUNDS MADE AVAILABLE FOR THE NATIONAL AND COMMUNITY SERVICE PROGRAM.—Notwithstanding any other provision of this Act that may rescind a greater amount, of the funds made available under the heading ''CORPORATION FOR NATIONAL AND COMMUNITY SERVICE/NATIONAL AND COMMUNITY SERVICE PROGRAMS/OPERATING EXPENSES'' in Public Law 103–327, $42,000,000 are rescinded.

MOSELEY-BRAUN (AND SIMON) AMENDMENT NO. 503

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN (for herself and Mr. SIMON) submitted an amendment intended to be proposed by them to the bill H.R. 1158, supra; as follows:

On page 18, line 16, strike ''$25,970,000'' and insert ''$27,970,000''.

On page 20, line 23, strike ''$6,250,000'' and insert ''$8,050,000''.

On page 21, line 4, strike ''$3,000,000'' and insert ''$4,000,000''.

On page 21, line 22, strike ''$20,750,000'' and insert ''$15,950,000''.

HOLLINGS AMENDMENT NO. 504

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 7 of the substitute amendment, strike line 13 through line 8 on page 13 and insert the following:

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 103–317, $5,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $17,100,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(INCLUDING RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $1,000,000 are rescinded.

In addition, under this heading in Public Law 103–317, after the word ''grants'', insert the following: ''and administrative expenses''. After the word ''expended'', insert the following: '': *Provided*, That the Council is authorized to accept, hold, administer, and use gifts, both real and personal, for the purpose of aiding or facilitating the work of the Council''.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $19,500,000 are rescinded.

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for the Manufacturing Extension Partnership and the Quality Program, $7,100,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $32,600,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $14,000,000 are rescinded.

NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $7,600,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSIONS)

Of unobligated balances available under this heading pursuant to Public Law 103–75, Public Law 102–368, and Public Law 103–317, $47,384,000 are rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

UNITED STATES COURT OF INTERNATIONAL TRADE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,100,000 are rescinded.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded: *Provided*, That no funds in that public law shall be available to implement section 24 of the Small Business Act, as amended.

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $2,000,000 are rescinded.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $30,000,000 are rescinded.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $25,000,000 are rescinded.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,000,000 are rescinded, of which $2,000,000 are from funds made available for activities related to the implementation of the Chemical Weapons Convention.

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

From unobligated balances available under this heading, $2,000,000 are rescinded.

UNITED STATES INFORMATION AGENCY

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

RADIO CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading, $9,000,000 are rescinded.

RADIO FREE ASIA

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

MURKOWSKI AMENDMENT NO. 505

(Ordered to lie on the table.)

Mr. MURKOWSKI submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 20, between lines 13 and 14, insert the following:

DEPARTMENTAL OFFICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332 for the Office of Aircraft Services, $150,000 of the amount available for administrative costs are rescinded, and in expending other amounts made available, the Director of the Office of Aircraft Services shall, to the extent practicable, provide aircraft services through contracting.

KEMPTHORNE AMENDMENT NO. 506

(Ordered to lie on the table.)

Mr. KEMPTHORNE submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 11, line 19, strike ''$2,000,000 are rescinded.'' and insert the following: $2,500,000 are rescinded.

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

For the Advisory Commission on Intergovernmental Relations for purposes of section 306 of the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), $500,000.

KERRY (AND OTHERS) AMENDMENT NO. 507

(Ordered to lie on the table.)

Mr. KERRY (for himself, Mr. HOLLINGS, Mr. KENNEDY, Mr. REID, and Mr. PELL) submitted an amendment intended to be proposed by them to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

On page 4, strike lines 1 through 7 and insert the following:

GENERAL PROVISIONS

Section 715 of Public Law 103–330 is amended by striking ''$85,500,000'' and inserting ''$70,800,000''. Notwithstanding any other provision of this Act, no funds made available in Public Law 103–333 under the heading ''SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION'' under the subheading ''SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES'' SHALL BE RESCINDED.

BURNS AMENDMENT NO. 508

(Ordered to lie on the table.)

Mr. BURNS submitted an amendment intended to be proposed by him to the bill, H.R. 1158, supra; as follows:

At the appropriate place, insert:

(a) SCHEDULE FOR NEPA COMPLIANCE.—Each National Forest System unit shall establish and adhere to a schedule for the completion of NEPA analysis and decisions on all allotments within the National Forest System unit for which NEPA analysis is needed. The schedule for completion of NEPA analysis and decisions shall not extend beyond December 31, 2004.

(b) RE-ISSUANCE PENDING NEPA COMPLIANCE.—Notwithstanding any other law, tern grazing permits which expire or are waived before the date scheduled for the NEPA analysis and decision pursuant to the schedule developed by individual Forest Service System units, shall be issued on the same terms and conditions and for the full term of the expired or waived permit. Upon completion of the scheduled NEPA analysis and decision for the allotment, the terms and conditions of existing grazing permits may be modified or re-issued.

PRESSLER AMENDMENTS NOS. 509–510

(Ordered to lie on the table.)

Mr. PRESSLER submitted two amendments intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

AMENTMENT NO. 509

At the appropriate place in amendment No. 420 add the following:

SECTION 1. EXCEPTION FOR FARMERS AND FARM SUPPLIERS FROM TRANSPORTATION LIMITATIONS ON MAXIMUM DRIVING AND ON-DUTY TIME.

(a) EXCEPTION FOR FARMERS AND FARM SUPPLIERS.—Regulations prescribed by the Secretary of Transportation under section 31502 of title 49, United States Code, regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply to farmers or retail farm suppliers transporting agricultural commodities or farm supplies for agricultural purposes if such transportation is limited to an area within a 100-air mile radius of the source of the commodities or the distribution point for the farm supplies.

(b) Conforming Regulations.—The Secretary shall amend part 395 of title 49, Code of Federal Regulations, to reflect the exception provided by subsection (a).

AMENDMENT NO. 510

At the appropriate place in amendment No. 420 add the following:

(a) EXCEPTION FOR TRANSPORTING AGRICULTURAL COMMODITIES AND SUPPLIES.—None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Department of Transportation until the Secretary of Transportation establishes that the regulations prescribed by the Secretary of Transportation under section 31502 of title 49, United States Code, regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply to drivers transporting agricultural commodities or farm supplies for agricultural purposes if such transportation is limited to an area within a 100-air-mile radius of the source of the commodities or the distribution point for the farm supplies.

(b) CONFORMING REGULATIONS.—The Secretary shall amend part 395 of title 49, Code of Federal Regulations, to reflect the exception provided by subsection (a).

SIMON (AND OTHERS) AMENDMENTS NOS. 511–513

(Ordered to lie on the table.)

Mr. SIMON (for himself, Ms. MOSELEY-BRAUN, and Mr. BOND) submitted three amendments intended to be proposed by them to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

AMENDMENT NO. 511

On page 19, line 2, strike ''$11,297,000 are rescinded.'' and insert ''$10,597,000 are rescinded. Notwithstanding any other provision of this Act that may rescind a lesser amount of the funds made available under the heading 'POWER MARKETING ADMINISTRATIONS/CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION' IN PUBLIC LAW 103–316, $30,700,000 ARE RESCINDED.''.

AMENDMENT NO. 512

On page 19, line 2, strike ''$11,297,000 are rescinded.'' and insert ''$10,597,000 are rescinded. Notwithstanding any other provision of this Act that may reduces an obligation limitation under the heading 'FEDERAL-AID HIGHWAYS / (LIMITATION ON OBLIGATIONS) / (HIGHWAY TRUST FUND)' in Public Law 103–331, the obligation limitation is reduced by $124,290,000.''.

AMENDMENT NO. 513

On page 19, line 2, strike ''$11,297,000'' and insert ''$10,597,000''.

Mr. SIMON. Mr. President, I am introducing an amendment for myself and my colleagues from Illinois and Missouri. Quite simply it restores $700,000 to the land acquisition account of the National Park Service for the Jefferson National Expansion Memorial. One hundred acres on the riverbank of the Mississippi River in East St. Louis, IL was designated in 1992 as a National Park. Included in the authorization was $2 million allocation for land acquisition. This $700,000 is well within that allocation.

The park is designed to be an extension of the Arch Park in St. Louis, MO. It enjoys the bipartisan support of Governors and delegations in both Illinois and Missouri and for a good reason. Similar to the resources and effort that went into revitalizing the riverfront in St. Louis, investors on both sides of the river have and will continue considerable private sector donations towards development of the park.

Those important investment by the private sector are jeopardized if the Federal Government backs out of its commitment to share in the development of the park. A great deal is at stake in the development of the park. It's influence in the years ahead on the economy of East St. Louis could be significant. For that reason my colleagues and I share a commitment to this project and its success.

SIMON AMENDMENT NO. 514

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 26, strike lines 12 through 20 and insert in lieu thereof the following: ''Public Law 103–333, 1,359,210,000 are rescinded, including $46,404,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $15,000,000 for the School-to-Work Opportunities Act, $15,600,000 for title III, part A of the Job Training Partnership Act, $20,000,000 for the title III, part B of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $33,000,000 for carrying out title II, part A of such Act, $310,000,000 for * * *.

SIMON AMENDMENT NO. 515

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill H.R. 1158, supra, as follows:

Strike page 34 and insert:

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $52,779,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III–A, and –B, $43,888,000 and from title IV–A and –C, $8,891,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $10,000,000 are rescinded from funding for the Higher Education Act, title IV, part H–1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $57,783,000 are rescinded as follows: from amounts available for the Higher Education Act, title IV–A, chapter 5, $496,000, title IV–A–2, chapter 1, $11,200,000, title IV–A–2, chapter 2, $600,000, title IV–A–6, $2,000,000, title V–C, subparts 1 and 3, $16,175,000, title IX–B, $10,100,000, title IX–E, $3,500,000, title IX–G, $2,888,000, title X–D, $2,900,000, and title XI–A, $500,000; Public Law 102–325, $1,000,000; and the Excellence in Mathematics,

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SIMON (AND OTHERS) AMENDMENT NO. 516

(Ordered to lie on the table.)

Mr. SIMON (for himself, Mrs. FEINSTEIN, and Ms. MOSELEY-BRAUN) submitted an amendment intended to be proposed by them to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 31, strike lines 1 through 5.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF EMERGENCY CONTINGENCY FUND

Notwithstanding any other provision of this Act, the additional amount otherwise provided in this Act in chapter XI for ''DISASTER RELIEF EMERGENCY CONTINGENCY FUND'' for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance act (42 U.S.C. 5121 et seq.) shall be ''$4,794,000,000.''

SIMON (AND OTHERS) AMENDMENT NO. 517

(Ordered to lie on the table.)

Mr. SIMON (for himself, Mr. FEINGOLD, and Mr. WELLSTONE) submitted an amendment intended to be proposed by them to the bill H.R. 1158, supra; as follows:

On page 26, beginning with line 12, strike all through page 36, line 25, and insert the following:

Public Law 103–333, $1,506,220,000 are rescinded, including $46,404,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $15,600,000 for title III, part A of the Job Training Partnership Act, $20,000,000 for the title III, part B of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $33,000,000 for carrying out title II, part A of such Act, $472,010,000 for carrying out title II, part C of such Act, $750,000 for the National Commission for Employment Policy and $421,000 for the National Occupational Information Coordinating Committee: *Provided,* That service delivery areas may transfer up to 50 percent of the amounts allocated for program years 1994 and 1995 between the title II–B and title II–C programs authorized by the Job Training Partnership Act, if such transfers are approved by the Governor.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(RESCISSIONS)

Of the funds made available in the first paragraph under this heading in Public Law 103–333, $11,263,000 are rescinded.

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $3,177,000 are rescinded.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $20,000,000 are rescinded, and amounts which may be expended from the Employment Security Administration account in the Unemployment Trust Fund are reduced from $3,269,097,000 to $3,221,397,000.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103–333, $1,100,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $42,071,000 are rescinded.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,300,000 are rescinded.

NATIONAL INSTITUTES OF HEALTH

BUILDINGS AND FACILITIES

(RESCISSION)

Of the available balances under this heading, $79,289,000 are rescinded.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $14,700,000 are rescinded.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,320,000 are rescinded.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

(RESCISSION)

Of the Federal funds made available under this heading in Public Law 103–333, $3,132,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Funds made available under this heading in Public Law 103–333 are reduced from $2,207,135,000 to $2,185,935,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103–333, $67,000,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 to invest in a state-of-the-art computing network, $88,283,000 are rescinded.

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, there are rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(E) of the Social Security Act (as amended by Public Law 100–485) is amended by adding before the ''and'': ''reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,300,000,000 for the purpose of determining the amount of the payment under subsection (l) to which each State is entitled),''.

COMMUNITY SERVICES BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $26,988,000 are rescinded.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $8,400,000 are rescinded.

ADMINISTRATION ON AGING

(AGING SERVICES PROGRAMS)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $899,000 are rescinded.

OFFICE OF THE SECRETARY

POLICY RESEARCH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,918,000 are rescinded.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $67,600,000 are rescinded, including $55,800,000 from funds made available for State and local education systemic improvement, and $11,800,000 from funds made available for Federal activities under the Goals 2000: Educate America Act.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $80,400,000 are rescinded as follows: $72,500,000 from the Elementary and Secondary Education Act, title I, part A, $2,000,000 from part B, and $5,900,000 from part E, section 1501.

IMPACT AID

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $16,293,000 for section 8002 are rescinded.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $236,417,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II–B, $69,000,000, title IV, $100,000,000, title V–C, $2,000,000, title IX–B, $1,000,000, title X–D, $1,500,000, section 10602, $1,630,000, title XII, $20,000,000, and title XIII–A, $8,900,000; from the Higher Education Act, section 596, $13,875,000; from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000; and from funds for the Civil Rights Act of 1964, title IV, $7,412,000.

BILINGUAL AND IMMIGRANT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $32,380,000 are rescinded from funding for title VII–A and $11,000,000 from part C of the Elementary and Secondary Education Act.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $52,779,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III–A, and –B, $43,888,000 and from title IV–A and –C, $8,891,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $10,000,000 are rescinded from funding for the Higher Education Act, title IV, part H–1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $20,308,000 are rescinded as follows: from amounts available for the Higher Education Act, title IV–A, chapter 5, $496,000, title IV–A–2, chapter 2, $600,000, title IV–A–6, $2,000,000, title IX–E, $3,500,000, title IX–G, $2,888,000, title X–D, $2,900,000, and title XI–A, $500,000; Public Law 102–325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $6,424,000.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $3,300,000 are rescinded, including $1,500,000 for construction.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 are rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses are rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $15,200,000 are rescinded as follows: from the Elementary and Secondary Education Act, title III–A, $5,000,000, title III–B, $5,000,000, and title X–B, $4,600,000; from the Goals 2000: Educate America Act, title VI, $600,000.

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,916,000 are rescinded from title II, part B, section 222 of the Higher Education Act.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $26,360,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $29,360,000 are rescinded.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $7,000,000 are rescinded.

GENERAL PROVISIONS

FEDERAL DIRECT STUDENT LOAN PROGRAM

SEC. 601. Notwithstanding any other provision of law, the Secretary of Education shall recover from the reserve funds held by guaranty agencies (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j))) an aggregate amount that is not less than $500,000,000 for fiscal year 1995.

SIMON AMENDMENT NO. 518

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

At the appropriate place, insert the following new section:

NO RESTRICTIONS ON IRS ENFORCEMENT FUNDING OR PERSONNEL

SEC. . Notwithstanding any other provision of this Act, there shall be no rescission of any amount of the $4,385,459,000 made available under the heading ''TAX LAW ENFORCEMENT'' in Public Law 103–329 and there shall be no restrictions on the hiring or deployment of additional revenue officers during fiscal year 1995.

SIMON AMENDMENT NO. 519

(Ordered to lie on the table.)

Mr. SIMON submitted an amendment intended to be proposed by him to the bill, H.R. 1158, supra; as follows:

At the end of the bill, insert the following:

SEC. . SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds that—

(1) the Inspector General of the Department of Education has testified that $11,000,000,000 of Federal student loans are at risk because of conflicts of interest at guaranty agencies;

(2) a review by the Department of Education found that a large guaranty agency increased such agency's income, at a significant cost to taxpayers, by creating, and contracting with, a new, separate corporation;

(3) the Inspector General identified a guaranty agency that contracts for services with a for-profit company owned by a guaranty agency official; and

(4) the Department of Education found that another guaranty agency used Federal funds for excessive salaries, and to purchase furs, artwork, expensive and unnecessary automobiles, resort retreats, and other items not critical to the Federal purpose of providing student access to loans and protecting the Federal guarantee of student loans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Secretary of Education should fully investigate the types of guaranty agency activities and arrangements described in subsection (a), and, where appropriate, should take prompt and decisive action to protect the Federal fiscal interest.

KASSEBAUM (AND SNOWE) AMENDMENT NO. 520

(Ordered to lie on the table.)

Mrs. KASSEBAUM (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by them to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

On page 31, strike lines 10 through 18, and insert the following:

DISASTER RELIEF EMERGENCY CONTINGENCY FUND

Notwithstanding the matter under this heading in chapter XI, for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $4,749,600,000, to become available on October 1, 1995, and remain available until expended: *Provided*, That such amount is subject to the limitations specified in the matter under this heading in chapter XI.

BINGAMAN AMENDMENT NO. 521

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

Beginning on page 35, strike line 21 and all that follows through page 43, line 17, and insert the following:

Public Law 103–333, $5,200,000 are rescinded as follows: from the Elementary and Secondary Education Act of 1965, part B of title X, $4,600,000, and from the Goals 2000: Educate America Act, title VI, $600,000.

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,916,000 are rescinded from title II, part B, section 222 of the Higher Education Act.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $26,360,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $29,360,000 are rescinded.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $7,000,000 are rescinded.

GENERAL PROVISIONS

FEDERAL DIRECT STUDENT LOAN PROGRAM

SEC. 601. Section 458(a) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)) is amended—

(1) by striking ''$345,000,000'' and inserting ''$250,000,000''; and

(2) by striking ''$2,500,000,000'' and inserting ''$2,405,000,000''.

SEC. 602. Of the funds made available in fiscal year 1995 to the Department of Labor in Public Law 103–333 for compliance assistance and enforcement activities, $8,975,000 are rescinded.

CHAPTER VII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $460,000 are rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $238,137 are rescinded.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $650,000 are rescinded.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $187,000 are rescinded.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

SENATE OFFICE BUILDINGS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $850,000 are rescinded.

CAPITAL POWER PLANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $1,650,000 are rescinded.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $5,000,000 are rescinded.

BOTANIC GARDEN

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available until expended by transfer under this heading in Public Law 103–283, $7,000,000 are rescinded.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $600,000 are rescinded.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $150,000 are rescinded.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $100,000 are rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $8,867,000 are rescinded.

CHAPTER VIII

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,000,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $13,050,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $33,250,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $1,340,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $69,000,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,628,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $93,566,000 are rescinded.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

OFFICE OF THE SECRETARY

WORKING CAPITAL FUND

(RESCISSION)

The obligation authority under this heading in Public Law 103–331 is hereby reduced by $4,000,000.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds made available under this heading, $5,300,000 are rescinded: *Provided,* That the Secretary shall not enter into any contracts for ''Small Community Air Service'' beyond September 30, 1995, which require compensation fixed and determined under subchapter II of chapter 417 of Title 49, United States Code (49 U.S.C. 41731–42) payable by the Department of Transportation: *Provided further,* That no funds under this head shall be available for payments to air carriers under subchapter II.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $3,700,000 are rescinded.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

Of the available balances under this heading, $34,298,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $400,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the available balances under this heading, $1,000,000 are rescinded: *Provided,* That the following proviso in Public Law 103–331 under this heading is repealed, ''*Provided further,* That of the funds available under this head, $17,500,000 is available only for permanent change of station moves for members of the air traffic work force''.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $31,850,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $7,500,000 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this account, $1,310,000,000 are rescinded.

HARKIN AMENDMENTS NOS. 522–523

(Ordered to lie on the table.)

Mr. HARKIN submitted two amendments intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill, H.R. 1158, supra; as follows:

AMENDMENT NO. 522

On page 81, between lines 16 and 17, insert the following:

(RESCISSION)

SEC. . Of the funds available under Public Law 103–335 for intelligence activities, $14,400,000 are rescinded.

On page 27, strike lines 4–12.

AMENDMENT NO. 523

On page 68, between lines 6 and 7, insert the following:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(RESCISSION)

Of the funds available under this heading in title IV of Public Law 103–335, $100,000,000 are rescinded.

On page 33, line 11, strike ''title IV, $100,000,000.''

KENNEDY AMENDMENTS NOS. 524–526

(Ordered to lie on the table.)

Mr. KENNEDY submitted three amendments intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

AMENDMENT NO. 524

Strike from page 55, line 1 through page 65, line 26 and insert the following:

DISASTER RELIEF EMERGENCY CONTINGENCY FUND

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $4,590,000,000, to become available on October 1, 1995, and remain available until expended: *Provided,* That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NATIONAL FLOOD INSURANCE FUND

(TRANSFER OF FUNDS)

Of the funds available from the National Flood Insurance Fund for activities under the National Flood Insurance Reform Act of 1994, an additional amount not to exceed $331,000 shall be transferred as needed to the ''Salaries and expenses'' appropriation for flood mitigation and flood insurance operations, and an additional amount not to exceed $5,000,000 shall be transferred as needed to the ''Emergency management planning and assistance'' appropriation for flood mitigation expenses pursuant to the National Flood Insurance Reform Act of 1994.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 are rescinded: *Provided,* That $20,000,000 of this amount is to be taken from the $771,000,000 earmarked for the equipment and land and structures object classifications, which amount does not become available until August 1, 1995: *Provided further,* That of the $16,214,684,000 made available under this heading in Public Law 103–327, the $9,920,819,000 restricted by section 509 of Public Law 103–327 for personnel compensation and benefits expenditures is reduced to $9,890,819,000.

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and prior years, $50,000,000 are rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 are rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $451,000,000 of funds for development or acquisition costs of public housing (including public housing for Indian families) are rescinded, except that such rescission shall not apply to funds for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the existing public housing inventory, or to funds related to litigation settlements or court orders, and the Secretary shall not be required to make any remaining funds available pursuant to section 213(d)(1)(A) of the Housing and Community Development Act of 1994; $2,406,789,000 of funds for new incremental rental subsidy contracts under the section 8 existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section

8(o) of the Act (42 U.S.C. 1437f(o)), including $100,000,000 from new programs and $350,000,000 from pension fund rental assistance as provided in Public Law 103–327, are rescinded, and the remaining authority for such purposes shall be only for units necessary to provide housing assistance for residents to be relocated from existing Federally subsidized or assisted housing, for replacement housing for units demolished, reconstructed, or otherwise disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the public housing inventory, for funds related to litigation settlements or court orders, for amendments to contracts to permit continued assistance to participating families, or to enable public housing authorities to implement ''mixed population'' plans for developments housing primarily elderly residents; $500,000,000 of funds for expiring contracts for the tenant-based existing housing certificate program (42 U.S.C. 1437f) and the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)), provided under the heading ''Assistance for the renewal of expiring section 8 subsidy contracts'' are rescinded, and the Secretary shall require that $500,000,000 of funds held as project reserves by the local administering housing authorities which are in excess of current needs shall be utilized for such renewals; $835,150,000 of amounts earmarked for the modernization of existing public housing projects pursuant to section 14 of the United States Housing Act of 1937 are rescinded and the Secretary may take actions necessary to assure that such rescission is distributed among public housing authorities, to the extent practicable, as if such rescission occurred prior to the commencement of the fiscal year; $106,000,000 of amounts earmarked for special purpose grants are rescinded; $152,500,000 of amounts earmarked for loan management set-asides are rescinded; and $90,000,000 of amounts earmarked for the lead-based paint hazard reduction program are rescinded.

(DEFERRAL)

Of funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $465,100,000 of amounts earmarked for the preservation of low-income housing programs (excluding $17,000,000 of previously earmarked, plus an additional $5,000,000, for preservation technical assistance grant funds pursuant to section 253 of the Housing and Community Development Act of 1987, as amended) shall not become available for obligation until September 30, 1995: *Provided,* That, notwithstanding any other provision of law, pending the availability of such funds, the Department of Housing and Urban Development may suspend further processing of applications with the exception of applications regarding properties for which an owner's appraisal was submitted on or before February 6, 1995, or for which a notice of intent to transfer the property was filed on or before February 6, 1995.

HOUSING COUNSELING ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 are rescinded.

NEHEMIAH HOUSING OPPORTUNITIES FUND

(RESCISSION)

Of the funds transferred to this revolving fund in prior years, $17,700,000 are rescinded.

ADMINISTRATIVE PROVISIONS

Section 14 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

''(q)(1) Notwithstanding any other provision of law, a public housing agency may use modernization assistance provided under section 14 for any eligible activity currently authorized by this Act or applicable appropriation Acts (including section 5 replacement housing) for a public housing agency, including the demolition of existing units, for replacement housing, for temporary relocation assistance, for drug elimination activities, and in conjunction with other programs; provided the public housing agency consults with the appropriate local government officials (or Indian tribal officials) and with tenants of the public housing development. The public housing agency shall establish procedures for consultation with local government officials and tenants.

''(2) The authorization provided under this subsection shall not extend to the use of public housing modernization assistance for public housing operating assistance.''.

The above amendment shall be effective for assistance appropriated on or before the effective date of this Act.

Section 18 of the United States Housing Act of 1937 is amended by—

(1) inserting ''and'' at the end of subsection (b)(1);

(2) striking all that follows after ''Act'' in subsection (b)(2) and inserting in lieu thereof the following: '', and the public housing agency provides for the payment of the relocation expenses of each tenant to be displaced, ensures that the rent paid by the tenant following relocation will not exceed the amount permitted under this Act and shall not commence demolition or disposition of any unit until the tenant of the unit is relocated;'';

(3) striking (b)(3);

(4) striking ''(1)'' in subsection (c);

(5) striking (c)(2);

(6) inserting before the period at the end of subsection (d) the following: '', provided that nothing in this section shall prevent a public housing agency from consolidating occupancy within or among buildings of a public housing project, or among projects, or with other housing for the purpose of improving the living conditions of or providing more efficient services to its tenants'';

(7) striking ''under section (b)(3)(A)'' in each place it occurs in subsection (e);

(8) redesignating existing subsection (f) as subsection (g); and

(9) inserting a new subsection (f) as follows:

''(f) Notwithstanding any other provision of law, replacement housing units for public housing units demolished may be built on the original public housing site or the same neighborhood if the number of such replacement units is significantly fewer than the number of units demolished.''.

Section 304(g) of the United States Housing Act of 1937 is hereby repealed.

The above two amendments shall be effective for plans for the demolition, disposition or conversion to homeownership of public housing approved by the Secretary on or before September 30, 1995.

Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection:

''(z) TERMINATION OF SECTION 8 CONTRACTS AND REUSE OF RECAPTURED BUDGET AUTHORITY.—

''(1) GENERAL AUTHORITY.—The Secretary may reuse any budget authority, in whole or part, that is recaptured on account of termination of a housing assistance payments contract (other than a contract for tenant-based assistance) only for one or more of the following:

''(A) TENANT-BASED ASSISTANCE.—Pursuant to a contract with a public housing agency, to provide tenant-based assistance under this section to families occupying units formerly assisted under the terminated contract.

''(B) PROJECT-BASED ASSISTANCE.—Pursuant to a contract with an owner, to attach assistance to one or more structures under this section.

''(2) FAMILIES OCCUPYING UNITS FORMERLY ASSISTED UNDER TERMINATED CONTRACT.—Pursuant to paragraph (1), the Secretary shall first make available tenant- or project-based assistance to families occupying units formerly assisted under the terminated contract. The Secretary shall provide project-based assistance in instances only where the use of tenant-based assistance is determined to be infeasible by the Secretary.

''(3) EFFECTIVE DATE.—This subsection shall be effective for actions initiated by the Secretary on or before September 30, 1995.''.

INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $500,000 are rescinded.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $124,000,000 are rescinded.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $0 are rescinded.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $9,635,000 are rescinded.

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $9,806,805 are rescinded: *Provided,* That notwithstanding any other provision of law, the Environmental Protection Agency shall not be required to site a computer to support the regional acid deposition monitoring program in the Bay City, Michigan, vicinity.

AMENDMENT NO. 525

Strike from page 32, line 8 through page 55, line 16 and insert the following:

Of the funds made available under this heading in Public Law 103–333, –00– are rescinded, including –00– from funds made

available for State and local education systemic improvement, and –00– from funds made available for Federal activities under the Goals 2000: Educate America Act; and –00– are rescinded from funds made available under the School to Work Opportunities Act, including –00– for National programs and –00– for State grants and local partnerships.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, –00– are rescinded as follows: –00– from the Elementary and Secondary Education Act, title I, part A, –00– from part B, and –00– from part E, section 1501, and $2,000,000 are rescinded from part B of title I of the Elementary and Secondary Education Act of 1965.

IMPACT AID

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $16,293,000 for section 8002 are rescinded.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $67,417,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II–B, –00–, title IV, –00–, title V–C, $2,000,000, title IX–B, $1,000,000, title X–D, $1,500,000, section 10602, $1,630,000, title XII, $20,000,000, and title XIII–A, $8,900,000; from the Higher Education Act, section 596, $13,875,000; from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000; and from funds for the Civil Rights Act of 1964, title IV, $7,412,000.

BILINGUAL AND IMMIGRANT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $6,967,000 are rescinded from funding for title VII of the Elementary and Secondary Education Act.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $52,779,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III–A, and –B, $43,888,000 and from title IV–A and –C, $8,891,000 from the Adult Education Act, part B–7, –00–.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $10,000,000 are rescinded from funding for the Higher Education Act, title IV, part H–1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $46,583,000 are rescinded as follows: from amounts available for the Higher Education Act, title IV–A, chapter 5, $496,000, title IV–A–2, chapter 1, –00–, title IV–A–2, chapter 2, $600,000, title IV–A–6, $2,000,000, title V–C, subparts 1 and 3, $16,175,000, title IX–B, $10,100,000, title IX–E, $3,500,000, title IX–G, $2,888,000, title X–D, $2,900,000, and title XI–A, $500,000; Public Law 102–325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $6,424,000.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $3,300,000 are rescinded, including $1,500,000 for construction.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 are rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses are rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $600,000 are rescinded as follows: from the Elementary and Secondary Education Act, title III–A, –00–, title III–B, –00–, and title X–B, –00–; from the Goals 2000: Educate America Act, title VI, $600,000.

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,916,000 are rescinded from title II, part B, section 222 of the Higher Education Act.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $26,360,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $29,360,000 are rescinded.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $7,000,000 are rescinded.

GENERAL PROVISIONS

FEDERAL DIRECT STUDENT LOAN PROGRAM

SEC. 601. Section 458(a) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)) is amended—

(1) by striking ''$345,000,000'' and inserting ''$298,000,000''; and

(2) by striking ''$2,500,000,000'' and inserting ''$2,405,000,000''.

SEC. 602. Of the funds made available in fiscal year 1995 to the Department of Labor in Public Law 103–333 for compliance assistance and enforcement activities, $8,975,000 are rescinded.

CHAPTER VII

LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

PAYMENTS TO WIDOWS AND HEIRS OF DECEASED MEMBERS OF CONGRESS

For payment to the family trust of Dean A. Gallo, late a Representative from the State of New Jersey, $133,600.

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $460,000 are rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $238,137 are rescinded.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $650,000 are rescinded.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $187,000 are rescinded.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

SENATE OFFICE BUILDINGS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $850,000 are rescinded.

CAPITAL POWER PLANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $1,650,000 are rescinded.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $5,000,000 are rescinded.

BOTANIC GARDEN

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available until expended by transfer under this heading in Public Law 103–283, $7,000,000 are rescinded.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $600,000 are rescinded.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $150,000 are rescinded.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $100,000 are rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $8,867,000 are rescinded.

CHAPTER VIII

DEPARTMENT OF DEFENSE—MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,000,000 are rescinded.

MILITARY CONSTRUCTION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $13,050,000 are rescinded.

MILITARY CONSTRUCTION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $33,250,000 are rescinded.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $1,340,000 are rescinded.

NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $69,000,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $10,628,000 are rescinded.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

(RESCISSION)

Of the funds made available under this heading in Public Law 103–307, $93,566,000 are rescinded.

CHAPTER IX

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

OFFICE OF THE SECRETARY

WORKING CAPITAL FUND

(RESCISSION)

The obligation authority under this heading in Public Law 103–331 is hereby reduced by $4,000,000.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the funds made available under this heading, $5,300,000 are rescinded: *Provided,* That the Secretary shall not enter into any contracts for ''Small Community Air Service'' beyond September 30, 1995, which require compensation fixed and determined under subchapter II of chapter 417 of Title 49, United States Code (49 U.S.C. 41731–42) payable by the Department of Transportation: *Provided further,* That no funds under this head shall be available for payments to air carriers under subchapter II.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $3,700,000 are rescinded.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

Of the available balances under this heading, $34,298,000 are rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $400,000 are rescinded.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(RESCISSION)

Of the available balances under this heading, $1,000,000 are rescinded: *Provided,* That the following proviso in Public Law 103–331 under this heading is repealed, ''*Provided further,* That of the funds available under this head, $17,500,000 is available only for permanent change of station moves for members of the air traffic work force''.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $31,850,000 are rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $7,500,000 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available contract authority balances under this account, $1,300,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $45,950,000.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $123,590,000, of which $27,640,000 shall be deducted from amounts made available for the Applied Research and Technology Program authorized under section 307(e) of title 23, United States Code, and $50,000,000 shall be deducted from the amounts available for the Congestion Pricing Pilot Program authorized under section 1002(b) of Public Law 102–240, and $45,950,000 shall be deducted from the limitation on General Operating Expenses: *Provided,* That the amounts deducted from the aforementioned programs are rescinded.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–211, $50,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $20,000,000 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

OFFICE OF THE ADMINISTRATOR

(TRANSFER OF FUNDS)

Section 341 of Public Law 103–331 is amended by deleting ''and received from the Delaware and Hudson Railroad,'' after ''amended,''.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $7,768,000 are rescinded.

NATIONAL MAGNETIC LEVITATION PROTOTYPE DEVELOPMENT PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the available balances of contract authority under this heading, $250,000,000 are rescinded.

FEDERAL TRANSIT ADMINISTRATION

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(RESCISSION)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $17,650,000: *Provided,* That such reduction shall be made from obligational authority available to the Secretary for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities.

Notwithstanding Section 313 of Public Law 103–331, the obligation limitations under this heading in the following Department of Transportation and Related Agencies Appropriations Acts are reduced by the following amounts:

Public Law 102–143, $62,833,000, to be distributed as follows:

(a) $2,563,000, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities: *Provided,* That the foregoing reduction shall be distributed according to the reductions identified in Senate Report 104–17, for which the obligation limitation in Public Law 102–143 was applied; and

(b) $60,270,000, for new fixed guideway systems, to be distributed as follows:

$2,000,000, for the Cleveland Dual Hub Corridor Project;

$930,000, for the Kansas City-South LRT Project;

$1,900,000, for the San Diego Mid-Coast Extension Project;

$34,200,000, for the Hawthorne-Warwick Commuter Rail Project;

$8,000,000, for the San Jose-Gilroy Commuter Rail Project;

$3,240,000, for the Seattle-Tacoma Commuter Rail Project; and

$10,000,000, for the Detroit LRT Project.

Public Law 101–516, $4,460,000, for new fixed guideway systems, to be distributed as follows:

$4,460,000 for the Cleveland Dual Hub Corridor Project.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 901. Of the funds provided in Public Law 103–331 for the Department of Transportation working capital fund (WCF), $4,000,000 are rescinded, which limits fiscal year 1995 WCF obligational authority for elements of the Department of Transportation funded in Public Law 103–331 to no more than $89,000,000.

SEC. 902. Of the total budgetary resources available to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1995 for civilian and military compensation and benefits and other administrative expenses, $10,000,000 are permanently canceled.

SEC. 903. Section 326 of Public Law 103–122 is hereby amended to delete the words ''or previous Acts'' each time they appear in that section.

CHAPTER X

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(TRANSFER OF FUNDS)

Of the funds made available for the Federal Buildings Fund in Public Law 103–329, $5,000,000 shall be made available by the General Services Administration to implement an agreement between the Food and Drug Administration and another entity for space, equipment and facilities related to seafood research.

OFFICE OF PERSONNEL MANAGEMENT

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE BENEFITS

For an additional amount for ''Government payment for annuitants, employee life insurance'', $9,000,000 to remain available until expended.

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $100,000 are rescinded.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $160,000 are rescinded.

UNITED STATES MINT

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

In the paragraph under this heading in Public Law 103–329, insert ''not to exceed'' after ''of which''.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–123, $1,500,000 are rescinded.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $1,490,000 are rescinded.

ADMINISTRATIVE PROVISION—INTERNAL REVENUE SERVICE

In the paragraph under this heading in Public Law 103–329, in section 3, after ''$119,000,000'', insert ''annually''.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $171,000 are rescinded.

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For activities authorized by Public Law 100–690, an additional amount of $13,200,000, to remain available until expended for transfer to the United States Customs Service, ''Salaries and expenses'' for carrying out border enforcement activities: *Provided*, That of the funds made available under this heading in Public Law 103–329, $13,200,000 are rescinded.

INDEPENDENT AGENCIES

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

Of the funds made available under this heading in Public Laws 101–136, 101–509, 102–27, 102–141, 103–123, 102–393, 103–329, $1,842,885,000 are rescinded from the following projects in the following amounts:

Alabama:
Montgomery, U.S. Courthouse annex, $46,320,000
Arkansas:
Little Rock, Courthouse, $13,816,000
Arizona:
Bullhead City, FAA grant, $2,200,000
Lukeville, commercial lot expansion, $1,219,000
Nogales, Border Patrol, headquarters, $2,998,000
Phoenix, U.S. Federal Building, Courthouse, $121,890,000
San Luis, primary lane expansion and administrative office space, $3,496,000
Sierra Vista, U.S. Magistrates office, $1,000,000
Tucson, Federal Building, U.S. Courthouse, $121,890,000
California:
Menlo Park, United States Geological Survey office laboratory building, $6,868,000
Sacramento, Federal Building-U.S. Courthouse, $142,902,000
San Diego, Federal Building-Courthouse, $3,379,000
San Francisco, Lease purchase, $9,702,000
San Francisco, U.S. Courthouse, $4,378,000
San Francisco, U.S. Court of Appeals annex, $9,003,000
San Pedro, Customhouse, $4,887,000
Colorado:
Denver, Federal Building-Courthouse, $8,006,000
District of Columbia:
Central and West heating plants, $5,000,000
Corps of Engineers, headquarters, $37,618,000
General Services Administration, Southeast Federal Center, headquarters, $25,000,000
U.S. Secret Service, headquarters, $113,084,000
Florida:
Ft. Myers, U.S. Courthouse, $24,851,000
Jacksonville, U.S. Courthouse, $10,633,000
Tampa, U.S. Courthouse, $14,998,000
Georgia:
Albany, U.S. Courthouse, $12,101,000
Atlanta, Centers for Disease Control, site acquisition and improvement, $25,890,000
Atlanta, Centers for Disease Control, $14,110,000
Atlanta, Centers for Disease Control, Roybal Laboratory, $47,000,000
Savannah, U.S. Courthouse annex, $3,000,000
Hawaii:
Hilo, federal facilities consolidation, $12,000,000
Illinois:
Chicago, SSA DO, $2,167,000
Chicago, Federal Center, $47,682,000
Chicago, Dirksen building, $1,200,000
Chicago, J.C. Kluczynski building, $13,414,000
Indiana:
Hammond, Federal Building, U.S. Courthouse, $52,272,000
Jeffersonville, Federal Center, $13,522,000
Kentucky:
Covington, U.S. Courthouse, $2,914,000
London, U.S. Courthouse, $1,523,000
Louisiana:
Lafayette, U.S. Courthouse, $3,295,000
Maryland:
Avondale, DeLaSalle building, $16,671,000
Bowie, Bureau of Census, $27,877,000
Prince Georges/Montgomery Counties, FDA consolidation, $284,650,000
Woodlawn, SSA building, $17,292,000
Masschusetts:
Boston, U.S. Courthouse, $4,076,000
Missouri:
Cape Girardeau, U.S. Courthouse, $3,688,000
Kansas City, U.S. Courthouse, $100,721,000
Nebraska:
Omaha, Federal Building, U.S. Courthouse, $9,291,000
Nevada:
Las Vegas, U.S. Courthouse, $4,230,000
Reno, Federal Building-U.S. Courthouse, $1,465,000
New Hampshire:
Concord, Federal Building-U.S. Courthouse, $3,519,000
New Jersey:
Newark, parking facility, $9,000,000
Trenton, Clarkson Courthouse, $14,107,000
New Mexico:
Albuquerque, U.S. Courthouse, $47,459,000
Santa Teresa, Border Station, $4,004,000
New York:
Brooklyn, U.S. Courthouse, $43,717,000
Holtsville, IRS Center, $19,183,000
Long Island, U.S. Courthouse, $27,198,000
North Dakota:
Fargo, Federal Building-U.S. Courthouse, $20,105,000
Pembina, Border Station, $93,000
Ohio:
Cleveland, Celebreeze Federal Building, $10,972,000
Cleveland, U.S. Courthouse, $28,246,000
Steubenville, U.S. Courthouse, $2,820,000
Youngstown, Federal Building—U.S. Courthouse, $4,574,000
Oklahoma:
Oklahoma City, Murrah Federal Building, $5,290,000
Oregon:
Portland, U.S. Courthouse, $5,000,000
Pennsylvania:
Philadelphia, Byrne-Green Federal Building—Courthouse, $30,628,000
Philadelphia, Nix Federal building—Courthouse, $13,814,000
Philadelphia, Veterans Administration, $1,276,000
Scranton, Federal Building—U.S. Courthouse, $9,969,000
Rhode Island:
Providence, Kennedy Plaza Federal Courthouse, $7,740,000
South Carolina:
Columbia, U.S. Courthouse annex, $592,000
Tennessee:
Greeneville, U.S. Courthouse, $2,936,000
Texas:
Austin, Veterans Administration annex, $1,028,000
Brownsville, U.S. Courthouse, $4,339,000
Corpus Christi, U.S. Courthouse, $6,446,000
Laredo, Federal Building—U.S. Courthouse, $5,986,000
Lubbock, Federal Building—Courthouse, $12,167,000
Ysleta, site acquisition and construction, $1,727,000
U.S. Virgin Islands:
Charlotte Amalie, St. Thomas, U.S. Courthouse, $2,184,000
Virginia:
Richmond, Courthouse annex, $12,509,000
Washington:
Blaine, Border Station, $4,472,000
Point Roberts, Border Station, $698,000
Seattle, U.S. Courthouse, $10,949,000
Walla Walla, Corps of Engineers building, $2,800,000
West Virginia:
Beckley, Federal Building—U.S. Courthouse, $33,097,000
Martinsburg, IRS center, $4,494,000
Wheeling, Federal Building—U.S. Courthouse, $35,829,000
Nationwide chlorofluorocarbons program, $12,300,000
Nationwide energy program, $15,300,000

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $3,140,000 are rescinded.

CHAPTER XI

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster Relief'' for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $1,900,000,000, to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DISASTER RELIEF EMERGENCY CONTINGENCY FUND

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $4,800,000,000, to become available on October 1, 1995, and remain available until expended: *Provided*, That such amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: *Provided further*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

HATFIELD AMENDMENT NO. 526

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to the bill H.R. 1158, supra; as follows:

On page 9, line 12, of the Committee substitute, strike ''$37,600,000'' and inset in lieu thereof ''$30,600,000''.

GRAMM AMENDMENT NO. 527

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 10, line 6 of the Committee substitute, insert the following:

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $15,000,000 are rescinded.

REID AMENDMENT NO. 528

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

At the appropriate place, insert the following:

PROHIBITION OF BENEFITS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES

SEC. . None of the funds made available in this Act may be used to provide any benefit or assistance to any individual in the United States when it is known to a Federal entity or official to which the funds are made available that—

(1) the individual is not lawfully within the United States;

(2) the direct Federal assistance or benefit to be provided is other than search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risks or hazards; dissemination of public information and assistance regarding health and safety measures; the provision of food, water, medicine, and other essential needs, including movement of supplies or persons; and reduction of immediate threats to life, property, and public health and safety;

(3) temporary housing assistance provided in this Act may be made available to individuals and families for a period of up to 90 days without regard to the requirements of paragraph (4);

(4) immediately upon the enactment of this Act, other than for the purposes set forth in paragraphs (2) and (3), any Federal entity or official who makes available funds under this Act shall take reasonable steps to determine whether any individual or company seeking to obtain such funds is lawfully within the United States;

(5) in no case shall such Federal entity, official, or their agent discriminate against any individual with respect to filing, inquiry, or adjudication of an application for funding on the bases of race, color, creed, handicap, religion, gender, national origin, citizenship status, or form of lawful immigration status; and

(6) the implementation of this section shall not require the publication or implementation of any intervening regulations.

KENNEDY (AND DODD) AMENDMENT NO. 529

(Ordered to lie on the table.)

Mr. KENNEDY (for himself and Mr. DODD) submitted an amendment intended to be proposed by them to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 31, strike lines 10 through 18 and insert the following:

DISASTER RELIEF EMERGENCY CONTINGENCY FUND

Notwithstanding any other provision of this Act, the amount available under the heading ''Disaster Relief Emergency Contingency Fund'' in chapter XI shall be reduced by $50,400,000.

GRAMM AMENDMENT NO. 530

(Ordered to lie on the table.)

Mr. GRAMM submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 9 of the substitute amendment, strike line 7 through line 16 and insert the following:

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $32,600,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $13,000,000 are rescinded.

LEAHY AMENDMENTS NOS. 531–532

(Ordered to lie on the table.)

Mr. LEAHY submitted two amendments intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

AMENDMENT NO. 531

On page 7, strike out line 13 and all that follows through page 7, line 17, and insert the following:

Notwithstanding any other provision of this Act, that may rescind a greater amount under the heading:

''RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $19,070,000 are rescinded.''

AMENDMENT NO. 532

On page 36, strike lines 6–12 and insert the following:

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $19,070,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $11,360,000 are rescinded.

MACK AMENDMENT NO. 533

(Ordered to lie on the table.)

Mr. MACK submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 81, between lines 13 and 14, insert the following:

SEC. . PROHIBITION OF RETROACTIVE APPLICATION OF OUTER CONTINENTAL SHELF LANDS ACT.

None of the funds made available in any appropriations Act for fiscal year 1995 may be used by the Minerals Management Service of the Department of the Interior to apply or enforce Section 8(k) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(k)) to any contract for the removal of sand, gravel or shell resources from the Outer Continental Shelf executed prior to the enactment of Public Law 103–426.

KENNEDY AMENDMENT NO. 534

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

At the end of Amendment 420 insert:

''It is the sense of the Senate that—

''(1) the Congress of the United States should act as quickly as possible to amend the Internal Revenue Code to end the tax avoidance by United States citizens who relinquish their United States citizenship; and

''(2) The effective date of such amendment to the Internal Revenue Code should be February 6, 1995.''

BURNS AMENDMENT NO. 535

(Ordered to lie on the table.)

Mr. BURNS submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill 1158, supra; as follows:

At the appropriate place, insert:

(a) SCHEDULE FOR NEPA COMPLIANCE.—Each National Forest System unit shall establish and adhere to a schedule for the completion of NEPA analysis and decisions on all allotments within the National Forest System unit for which NEPA analysis is needed. The schedule for completion of NEPA analysis and decisions shall not extend beyond December 31, 2004.

(b) RE-ISSUANCE PENDING NEPA COMPLIANCE.—Notwithstanding any other law, term grazing permits which expire or are waived before the date scheduled for the NEPA analysis and decision pursuant to the schedule developed by individual Forest Service System units, shall be issued on the same terms and conditions and for the full term of the expired or waived permit. Upon completion of scheduled NEPA analysis and decision for the allotment, the terms and conditions of existing grazing permits may be modified or re-issued.

LEVIN (AND OTHERS) AMENDMENT NO. 536

(Ordered to lie on the table.)

Mr. LEVIN (for himself, Mr. SPECTER, Mr. KOHL, Mr. GLENN, Mr. SANTORUM, and Mr. SIMON) submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 7, strike line 23 and insert the following: ''Public Law 103–317, $3,000,000 and rescinded. Notwithstanding any other provision of law, $2,000,000 of the amount rescinded under the preceding sentence may be deducted from the total amount of unobligated funds in the Immigration Emergency Fund.

''Notwithstanding any other provision of this Act, of the funds made available under the heading 'Department of Commerce—National Oceanic and Atmospheric Administration—Operations, Research, and Facilities' in Public Law 103–317, $35,600,000 are rescinded.''.

LAUTENBERG AMENDMENT NO. 537

(Ordered to lie on the table.)

Mr. LAUTENBERG submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 43, line 17, strike the numeral and insert $1,318,000,000.

On page 46, strike all beginning on line 6 through the end of line 11.

KENNEDY AMENDMENT NO. 538

(Ordered to lie on the table.)

Mr. KENNEDY submitted an amendment intended to be proposed by him to amendment No. 420 proposed by Mr. HATFIELD to the bill H.R. 1158, supra; as follows:

On page 36 after line 5, insert:

''PROGRAM ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $4,424,000 are rescinded.''

On page 34, line 18, strike $57,783,000, and insert in lieu ''$53,359,000''.

On Page 35, line 2, strike $6,424,000, and insert in lieu of ''$2,000,000''.

LEAHY (AND HARKIN) AMENDMENT NO. 539

(Ordered to lie on the table.)

Mr. LEAHY (for himself and Mr. HARKIN) submitted an amendment intended to be proposed by them to the bill H.R. 1158, supra; as follows:

In lieu of the matter proposed to be inserted, insert:

INTERNATIONAL BROADCASTING OPERATIONS

(RESCISSION)

Of the funds made available under this heading to the Board for International Broadcasting in Public Law 103–317, $95,000,000 are rescinded.

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading in Public Law 103–317, $5,000,000 are rescinded.

LEGAL ACTIVITIES

ASSET FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $17,100,000 are rescinded.

OUNCE OF PREVENTION COUNCIL

(INCLUDING RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $1,000,000 are rescinded.

In addition, under this heading in Public Law 103–317, after the word ''grants'', insert the following: ''and administrative expenses''. After the word ''expended'', insert the following: *Provided*, That the Council is authorized to accept, hold, administer, and use gifts, both real and personal, for the purpose of aiding or facilitating the work of the Council''.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $19,500,000 are rescinded.

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for the Manufacturing Extension Partnership and the Quality Program, $27,100,000 are rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $37,600,000 are rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $8,000,000 are rescinded

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,500,000 are rescinded.

NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $7,600,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSIONS)

Of unobligated balances available under this heading pursuant to Public Law 103–75, Public Law 102–368, and Public Law 103–317, $47,384,000 are rescinded.

THE JUDICIARY

COURT OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

UNITED STATES COURT OF INTERNATIONAL TRADE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 are rescinded.

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,100,000 are rescinded.

RELATED AGENCY

BUSINESS LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $15,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $2,000,000 are rescinded.

ACQUISITION AND MAINTENANCE OF BUILDING ABROAD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $30,000,000 are rescinded.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING

ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $14,617,000 are rescinded.

RELATED AGENCIES

ARMS CONTROLS AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,000,000 are rescinded, of which $2,000,000 are from funds made available for activities related to the implementation of the Chemical Weapons Convention.

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

From unobligated balances available under this heading, $2,000,000 are rescinded.

UNITED STATES INFORMATION AGENCY

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $5,000,000 are rescinded.

RADIO CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

RADIO FREE ASIA

(RESCISSION)

Of the funds made available under this heading, $6,000,000 are rescinded.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Act, $10,000,000 are rescinded.

CONSTRUCTION, GENERAL

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Act, $50,000,000 are rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $81,500,000 are rescinded.

ATOMIC ENERGY DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Acts, $113,000,000 are rescinded.

MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316, and prior years' Energy and Water Development Acts, $15,000,000 are rescinded.

DEPARTMENTAL ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $20,000,000 are rescinded.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Acts, $30,000,000 are rescinded.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $10,000,000 are rescinded.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $5,000,000 are rescinded.

CHAPTER IV

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

(RESCISSION)

Of the unearmarked and unobligated balances of funds available in Public Law 103–87 and Public Law 103–306, $100,000,000 are rescinded: *Provided*, That not later than thirty days after the enactment of this Act the Director of the Office of Management and Budget shall submit a report to Congress setting forth the accounts and amounts which are reduced pursuant to this paragraph.

CHAPTER V

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $70,000 are rescinded, to be derived from amounts available for developing and finalizing the Roswell Resource Management Plan/Environmental Impact Statement and the Carlsbad Resource Management Plan Amendment/Environmental Impact Statement: *Provided*, That none of the funds made available in such Act or any other appropriations Act may be used for finalizing or implementing either such plan.

CONSTRUCTION AND ACCESS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, and Public Law 102–381, $2,100,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 102–381, Public Law 102–381, Public Law 101–121, and Public Law 100–446, $1,497,000 are rescinded.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading or the heading Construction and Anadromous Fish in Public Law 103–332, Public Law 103–138, Public Law 103–75, Public Law 102–381, Public Law 102–154, Public Law 102–368, Public Law 101–512, Public Law 101–121, Public Law 100–446, and Public Law 100–202, $13,215,000 are rescinded.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, and Public Law 101–512, $3,893,000 are rescinded.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES, AND SURVEYS

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $12,544,000 are rescinded.

NATIONAL PARK SERVICE

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $25,970,000 are rescinded.

URBAN PARK AND RECREATION FUND

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $7,480,000 are rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, Public Law 102–154, Public Law 101–512, Public Law 101–121, Public Law 100–446, Public Law 100–202, Public Law 99–190, Public Law 98–473, and Public Law 98–146, $11,297,000 are rescinded.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $814,000 are rescinded.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $11,350,000 are rescinded: *Provided*, That the first proviso under this head in Public Law 103–332 is amended by striking ''$330,111,000'' and inserting in lieu thereof ''$329,361,000''.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $9,571,000 are rescinded.

INDIAN DIRECT LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the funds provided under this heading in Public Law 103–332, $1,900,000 are rescinded.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,900,000 are rescinded.

TRUST TERRITORY OF THE PACIFIC ISLANDS

(RESCISSION)

Of the funds available under this heading in Public Law 99–591, $32,139,000 are rescinded.

COMPACT OF FREE ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $1,000,000 are rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $6,000,000 are rescinded.

STATE AND PRIVATE FORESTRY

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $6,250,000 are rescinded.

INTERNATIONAL FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $7,824,000 are rescinded: *Provided,* That the first proviso under this head in Public Law 103–332 is amended by striking ''1994'' and inserting in lieu thereof ''1995''.

LAND ACQUISITION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $3,020,000 are rescinded.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $20,750,000 are rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $11,000,000 are rescinded.

ENERGY CONSERVATION

(RESCISSIONS)

Of the funds available under this heading in Public Law 103–332, $34,928,000 are rescinded.

Of the funds available under this heading in Public Law 103–138, $13,700,000 are rescinded.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,000,000 are rescinded.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

(RESCISSIONS)

Of the funds available under this heading in Public Law 102–381 and Public Law 103–138, $1,000,000 are rescinded.

CONSTRUCTION

(RESCISSIONS)

Of the funds made available under this heading in Public Law 102–154, Public Law 102–381, Public Law 103–138 and Public Law 103–332, $11,237,000 are rescinded: *Provided,* That of the amounts proposed herein for rescission, $2,500,000 are from funds previously appropriated for the National Museum of the American Indian: *Provided further,* That notwithstanding any other provision of law, the provisions of the Davis-Bacon Act shall not apply to any contract associated with the construction of facilities for the National Museum of the American Indian.

NATIONAL GALLERY OF ART

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $407,000 are rescinded.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 are rescinded.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,000,000 are rescinded.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 are rescinded.

GENERAL PROVISIONS

SEC. 501. No funds made available in any appropriations Act may be used by the Department of the Interior, including but not limited to the United States Fish and Wildlife Service and the National Biological Service, to search for the Alabama sturgeon in the Alabama River, the Cahaba River, the Tombigbee River or the Tennessee-Tombigbee Waterway in Alabama or Mississippi.

SEC. 502. (a) None of the funds made available in Public Law 103–332 may be used by the United States Fish and Wildlife Service to implement or enforce special use permit numbered 72030.

(b) The Secretary of the Interior shall immediately reinstate the travel guidelines specified in special use permit numbered 65715 for the visiting public and employees of the Virginia Department of Conservation and Recreation at Back Bay National Wildlife Refuge, Virginia. Such guidelines shall remain in effect until such times as an agreement described in subsection (c) becomes effective, but in no case shall remain in effect after September 30, 1995.

(c) It is the sense of Congress that the Secretary of the Interior and the Governor of Virginia should negotiate and enter into a long term agreement concerning resources management and public access with respect to Back Bay National Wildlife Refuge and False Cape State Park, Virginia, in order to improve the implementation of the missions of the Refuge and Park.

SEC. 503. (a) No funds available to the Forest Service may be used to implement Habitat Conservation Areas in the Tongass National Forest for species which have not been declared threatened or endangered pursuant to the Endangered Species Act, except that with respect to goshawks the Forest Service may impose interim Goshawk Habitat Conservation Areas not to exceed 300 acres per active nest consistent with the guidelines utilized in national forests in the continental United States.

(b) The Secretary will notify Congress within 30 days of any timber sales which may be delayed or canceled due to the Goshawk Habitat Conservation Areas described in subsection (a).

SEC. 504. RENEWAL OF PERMITS FOR GRAZING ON NATIONAL FOREST LANDS.

Notwithstanding any other law, at the request of an applicant for renewal of a permit that expires on or after the date of enactment of this Act for grazing on land located in a unit of the National Forest System, the Secretary of Agriculture shall reinstate, if necessary, and extend the term of the permit until the date on which the Secretary of Agriculture completes action on the application, including action required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

CHAPTER VI

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,521,220,000 are rescinded, including $46,404,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $15,000,000 for the School-to-Work Opportunities Act, $15,600,000 for title III, part A of the Job Training Partnership Act, $20,000,000 for the title III, part B of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $33,000,000 for carrying out title II, part A of such Act, $472,010,000 for carrying out title II, part C of such Act, $750,000 for the National Commission for Employment Policy and $421,000 for the National Occupational Information Coordinating Committee: *Provided,* That service delivery areas may transfer up to 50 percent of the amounts allocated for program years 1994 and 1995 between the title II–B and title II–C programs authorized by the Job Training Partnership Act, if such transfers are approved by the Governor.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $20,000,000 are rescinded, and amounts which may be expended from the Employment Security Administration account in the Unemployment Trust Fund are reduced from $3,269,097,000 to $3,221,397,000.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103–333, $1,100,000 are rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $37,571,000 to be derived from accounts other than Trauma Care are rescinded.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,300,000 are rescinded.

NATIONAL INSTITUTES OF HEALTH

BUILDINGS AND FACILITIES

(RESCISSION)

Of the available balances under this heading, $79,289,000 are rescinded.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $14,700,000 are rescinded.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,320,000 are rescinded.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

(RESCISSION)

Of the Federal funds made available under this heading in Public Law 103–333, $3,132,000 are rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Funds made available under this heading in Public Law 103–333 are reduced from $2,207,135,000 to $2,185,935,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

(RESCISSION)

Of the amounts appropriated in the first paragraph under this heading in Public Law 103–333, $67,000,000 are rescinded.

LIMITATION ON ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 to invest in a state-of-the-art computing network, $88,283,000 are rescinded.

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, there are rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(E) of the Social Security Act (as amended by Public Law 100–485) is amended by adding before the ''and'': ''reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1995 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,300,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),''.

STATE LEGALIZATION IMPACT-ASSISTANCE GRANTS

(RESCISSION)

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $6,000,000 are rescinded.

COMMUNITY SERVICES BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $13,988,000 are rescinded.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $42,000,000 are rescinded from section 639(A) of the Head Start Act, as amended.

ADMINISTRATION ON AGING

(AGING SERVICES PROGRAMS)

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $899,000 are rescinded.

OFFICE OF THE SECRETARY

POLICY RESEARCH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,918,000 are rescinded.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $82,600,000 are rescinded, including $55,800,000 from funds made available for State and local education systemic improvement, and $11,800,000 from funds made available for Federal activities under the Goals 2000: Educate America Act; and $15,000,000 are rescinded from funds made available under the School to Work Opportunities Act, including $4,375,000 for National programs and $10,625,000 for State grants and local partnerships.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $80,400,000 are rescinded as follows: $72,500,000 from the Elementary and Secondary Education Act, title I, part A, $2,000,000 from part B, and $5,900,000 from part E, section 1501.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $211,417,000 are rescinded as follows: from the Elementary and Secondary Education Act, title II–B, $69,000,000, title IV, $75,000,000, title V–C, $2,000,000, title IX–B, $1,000,000, title X–D, $1,500,000, section 10602, $1,630,000, title XII, $20,000,000, and title XIII–A, $8,900,000; from the Higher Education Act, section 596, $13,875,000; from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000; and from funds for the Civil Rights Act of 1964, title IV, $7,412,000.

BILINGUAL AND IMMIGRANT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $32,380,000 are rescinded from funding for title VII–A and $11,000,000 from part C of the Elementary and Secondary Education Act.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $60,566,000 are rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III–A, and –B, $43,888,000 and from title IV–A and –C, $8,891,000; from the Adult Education Act, part B–7, $7,787,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $10,000,000 are rescinded from funding for the Higher Education Act, title IV, part H–1.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $46,583,000 are rescinded as follows: from amounts available for the Higher Education Act, title IV–A, chapter 5, $496,000, title IV–A–2, chapter 2, $600,000, title IV–A–6, $2,000,000, title V–C, subparts 1 and 3, $16,175,000, title IX–B, $10,100,000, title IX–E, $3,500,000, title IX–G, $2,888,000, title X–D, $2,900,000, and title XI–A, $500,000; Public Law 102–325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $6,424,000.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $3,300,000 are rescinded, including $1,500,000 for construction.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 are rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses are rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $15,200,000 are rescinded as follows: from the Elementary and Secondary Education Act, title III–A, $5,000,000, title III–B, $5,000,000, and title X–B, $4,600,000; from the Goals 2000: Educate America Act, title VI, $600,000.

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,916,000 are rescinded from title II, part B, section 222 of the Higher Education Act.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public law 103–112, $17,791,000 are rescinded. Of the funds made available under this heading in Public Law 103–333, $11,965,000 are rescinded.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. COATS. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Wednesday, April 5, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on various flat tax proposals.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized

to meet during the session of the Senate on Wednesday, April 5, 1995, at 2 p.m. to hold a hearing on the crisis in Rwanda and Burundi.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COATS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, April 5, 1995, at 10 a.m. for a hearing on the subject of earned income tax credit.

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

COMMITTEE ON THE JUDICIARY

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Wednesday, April 5, 1995.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on the FDA and the future of the American biomedical and food industries, during the session of the Senate on Wednesday, April 5, 1995 at 10 a.m.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. COATS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, April 5, 1995, beginning at 9:30 a.m., in room 485 of the Russell Senate Office Building on providing direct funding through block grants to tribes to administer welfare and other social service programs.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. COATS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 5, 1995, at 10 a.m. to hold an open hearing.

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

SUBCOMMITTEE ON AIRLAND FORCES

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on Airland Forces of the Committee on Armed Services be authorized to meet at 2:30 p.m. on Wednesday, April 5, 1995, in open session, to receive testimony on the future of the North Atlantic Treaty Organization.

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

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS AND COMPETITION

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights and Competition for the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Wednesday, April 5, 1995.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, April 5, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this oversight hearing is to receive testimony on the Forest Service land management planning process.

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

SUBCOMMITTEE ON PERSONNEL

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, April 5, 1995, in open session, to receive testimony regarding the Department of Defense quality of life programs related to the National Defense Authorization Act for fiscal year 1996 and the future years defense program.

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

SUBCOMMITTEE ON PERSONNEL

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet at 2:00 p.m. on Wednesday, April 5, 1995, in open session, to receive testimony regarding the Department of Defense quality of life programs related to the National Defense Authorization Act for fiscal year 1996 and the future years defense program.

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

SUBCOMMITTEE ON SUPERFUND, WASTE CONTROL, AND RISK ASSESSMENT

Mr. COATS. Mr. President, I ask unanimous consent that the Subcommittee on Superfund, Waste Control, and Risk Assessment be granted permission to conduct an oversight hearing Wednesday, April 5, 9:30 p.m. regarding the Comprehensive Environmental Response, Compensation, and Liability Act [CERCLA].

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

ADDITIONAL STATEMENTS

COST ESTIMATE—S. 523

● Mr. MURKOWSKI. Mr. President, at the time the Committee on Energy and Natural Resources filed its report on S. 523, legislation to amend the Colorado River Basin Salinity Control Act, the cost estimate from the Congressional Budget Office was not available. We have since received the estimate, and, for the information of the Senate, I ask that a copy of the cost estimate be printed in the RECORD. The estimate states that enactment would not affect direct spending or receipts and therefore pay-as-you-go procedures would not apply to the bill:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 3, 1995.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 523, a bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

Enactment of S. 523 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JAMES J. BLUM
(For June E. O'Neill).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE, APRIL 3, 1995

1. Bill number: S. 523.

2. Bill title: A bill to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner.

3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources on on March 29, 1995.

4. Bill purpose: S. 523 would authorize appropriations of $75 million for the Bureau of Reclamation to develop a new program to reduce salinity in the Colorado River basin from saline springs, leaking wells, irrigation sources, industrial sources, erosion of public and private land, or other sources. The authorized funds also could be used to cover costs associated with ongoing salinity control projects. The federal government would be reimbursed over time for 30 percent of any appropriations provided for S. 523 through the Upper Colorado River Basin Fund (UCRBF) and the Lower Colorado River Basin Development Fund (LCRBDF), which collect surcharge from power users through the Western Area Power Administration.

5. Estimated cost to the Federal Government: Based on information from the Department of the Interior, CBO estimates that the $75 million in appropriations authorized by S. 523 would be used entirely for new salinity control projects. We expect that funding for these new projects would be required beginning in fiscal year 1996, and that outlays, would reflect historical spending patterns for similar construction projects. Estimated outlays for these projects would total $52 million over the 1996–2000 period, as shown in the following table. Because of the anticipated length of the project, additional outlays would continue beyond fiscal year 2000.

[By fiscal year, in millions of dollars]

	1996	1997	1998	1999	2000
Authorization of appropriations	6	8	10	15	15
Estimated outlays	5	8	10	14	15

The costs of this bill fall within budget function 300.

The bill's reimbursement requirements would not affect outlays over the 1996–2000 period. Fifteen percent of the reimbursable portion of the appropriation would be paid from collections to the UCRBF within 50 years after a project becomes operational,

and the remaining 85 percent of the reimbursable costs would be paid from collections to the LCRBDF as costs for construction are incurred. To cover the reimbursable costs allocated to the UCRBF, CBO expects that the federal government would increase its power surcharge rate beginning in fiscal year 2002. We expect that no rate change would be made to cover costs allocated to the LCRBDF because this fund is currently running an annual surplus of about $9 million.

6. Comparison with spending under current law: None.

7. Pay-as-you-go considerations: None.

8. Estimated cost to State and local governments: None.

9. Estimate comparison: None.

10. Previous CBO estimate: None.

11. Estimate prepared by: Ian McCormick and Susanne S. Mehlman.

12. Estimate approved by:

PAUL N. VAN DE WATER,
Assistant Director for Budget Analysis.●

GET OFF CUBA'S BACK

● Mr. SIMON. Mr. President, William Raspberry's column in the Washington Post and other newspapers around the Nation frequently gives us insights into our society and our policies that are important.

Recently, he had a column under the title ''Get Off Cuba's Back'' that pointed out how ridiculous our current policy toward Cuba is.

As I have said on the floor before, if Fidel Castro and the Soviet Union had a series of meetings to create an American policy that would make sure Castro would remain in power, they could not have devised a better policy than the one the United States has followed.

We should forget our illusions about overthrowing Castro, and move in the direction of trying to influence him to ameliorate his policies.

The William Raspberry column hits the nail on the head.

I ask that the column be printed in the RECORD.

The column follows:

[From the Washington Post, Apr. 3, 1995]

GET OFF CUBA'S BACK

(By William Raspberry)

Why doesn't the United States get off Cuba's back?

The question is meant literally, not rhetorically. In what way is it in the interest of the United States to cut Cuba off from the rest of the world, to wreck its economy and starve its people?

When there was a Cold War, the reasons were understandable enough—even to those who disagreed with them. Cuba was on outpost of international communism and right in our back yard. Communist leaders, whether in the Soviet Union or in China, were eager to use Fidel Castro as an annoyance to the United States and as the means of spreading communism throughout the hemisphere. There were even times when the communist-expansion-by-proxy scheme seemed to be working, and it didn't make sense for us to sit idly by and let it happen.

The alternate? Isolate Cuba from its neighbors, crush pro-communist revolutions wherever they occurred in the region, encourage the Cuban people to overthrow their despotic leader and serve notice to the communist world that it would be permitted no exploitable foothold 90 miles from our shores. That, as far as I can figure it, is how our opposition to Castro's Cuba became such an obsession.

But that was then. This is now, and I cannot find any logical reason for continuing our Cold War attitude toward Cuba—or Castro. Certainly there is no threat that anyone else in Latin America will be tempted to follow Cuba's disastrous economic path. Cuba, no longer anyone's well-financed puppet, is hardly a military or political threat to destabilize its neighbors. And If anything is clear, it's that the Cubans (in Cuba) have no intention of overthrowing the aging Castro.

But even if they did, so what? Absent the Cold War, why do we care that Castro continues to try to manage a communist state? Doesn't China, with whom we are panting to do more business? We're buddy-buddy with the Russians now—lending them money, supporting their leaders and again, doing business with them.

Isn't there business to be done with Cuba? To this recently reformed cigar smoker, the answer is obvious. And not just Habanas, either. There's sugar and rum and tourism on their side and (prospectively) cars and machinery and other sales and service opportunities on ours.

Isn't it likely that international trade and the concomitant exposure of Cuban citizens to the advantages of capitalism would do more to move Cuba away from communism than has a 30-year U.S.-led embargo of the island?

Or can it be that we don't care whether Cuba abandons communism or not? Officially, of course, we do care. It is, ostensibly, what our policy is about. Members of Congress—notably Sen. Jesse Helms (R-N.C.) and much of the Florida delegation—justify their call for yet tougher sanctions against Cuba on the ground that the new measures will finally topple the regime.

My fear is that the motivations are less philosophical—and significantly less noble—than that. Two things seem to be driving our anti-Castro policy: Cubans in Florida and sheer vengeance.

Few politicians with aspirations for national leadership seem willing to take on the Miami-based Cubans who (like the followers of Chiang Kai-shek) see themselves as a sort of government-in-exile and dream of a triumphant return to their homeland. There being no significant pro-Castro lobby here, the hopeful antis carry the political day.

Keeping these next-Christmas-in-Havana dreamers tractable is, I suspect, one reason for our policy. The other may be a sort of institutional rage that Castro has withstood an international missile confrontation, the Bay of Pigs, any number of unsuccessful CIA plots against him and the demise of international communism—and still sits there as a rebuke to our hegemony.

Our officials keep hinting that Castro is ailing, or aging or losing his iron-fisted control. No need to think of economic concessions or diplomatic rethinking now. . . just hold out a few months longer, and watch him fall like a ripe plum.

And, of course, use our political and economic power to shake the tree.

But to what purpose of ours? Isn't it time to stop making our official hatred of one increasingly harmless old man the basis of our foreign policy?

Why don't we get off Cuba's back?●

LONDONDERRY HIGH SCHOOL BAND PERFORMS IN WASHINGTON, DC.

● Mr. SMITH. Mr. President, I rise today to pay tribute to the Londonderry High School ''Lancer'' Marching Band and Colorguard from Londonderry, NH. The Lancers recently performed here in the Nation's Capital for the 1995 Washington, DC St. Patrick's Day parade and received awards for their performance.

The Lancer Marching Band and Colorguard, under the able direction of Mr. Andrew Soucy, have a proud tradition of representing the Granite State in parades across the country. In addition to the St. Patrick's Day parade, they have marched in the Pasadena Tournament of Roses Parade and, just this year, performed for the New England Patriots football team at Foxboro Stadium in Massachusetts.

These fine young men and women demonstrate the hard work and dedication that is characteristic of the Granite State students. They have proven that determination and teamwork are the hallmark of success both as musicians and students. The Lancer Band and Colorguard are outstanding ambassadors for New Hampshire.

Mr. President, I want to express my thanks to both the students and faculty at Londonderry High School for their commitment to excellence. It is an honor to represent them in the U.S. Senate.●

INVEST NOW, OR PAY MORE LATER

● Mrs. FEINSTEIN. Mr. President, I respectfully submit into the CONGRESSIONAL RECORD a statement from Mayor Richard J. Riordan of Los Angeles on the issue of the Davis-Bacon Act and Prevailing Wage laws.

Mr. President, I ask that Mayor Riordan's full statement be printed in the RECORD.

The statement follows:

INVEST NOW, OR PAY MORE LATER

(By Mayor Richard J. Riordan)

''You can pay now or pay later'' is more than grandmotherly advice. It is a healthy dose of financial wisdom which all levels of government ought to heed. In fact, the pay now approach is a goal-oriented investment strategy that considers current and future needs. The pay later scenario is highly reactive, unpredictable and void of strategy.

Unfortunately for Angelenos and our local businesses community, Los Angeles city government is too reliant on the pay later approach, which really translates to ''pay more later.'' The cost to the city by failing to invest is hundreds of millions of dollars in deferred maintenance and the taking of precious investment dollars for short-term crises. For example, due to years of inadequate funding for street maintenance, 111 miles of Los Angeles City streets are beyond repair and must be totally reconstructed at an estimated cost of $150 million. It costs five times as much to reconstruct a street as it does to maintain it.

Investment in affordable housing, streets, sidewalks, parks, library buildings, schools, water storage, railways, airports and port facilities is good business. Directly, this investment in infrastructure generates tens of thousands of construction jobs. Over the long-term, it creates a climate where businesses will stay and come out of their own self-interest because the quality of life is better—streets are safer, long term economic

investment is more secure and more jobs are available.

But it takes a lot more taxpayer dollars to build infrastructure.

It takes investment in human capital, too, and the same ''invest now or pay more later'' logic should apply. There are some existing strong partnerships between the public and private sectors and organized labor which have wisely adopted a goal-oriented strategy. Prevailing wage laws—created by the federal, state and local governments, in partnership with the building trades and business—have attracted skilled labor with the expertise and experience to complete projects on time and within budget. The Santa Monica Freeway is a shining example; it was reconstructed to the highest quality standards, ahead of schedule and under budget in the aftermath of the Northridge earthquake. Public infrastructure projects have also expanded career opportunities for young people. Some of the best technical training in our region is available through the organized building trades. The facilities are first rate, and the curriculum is fully up-to-date and forward looking.

Against the strong arguments for pay-now versus pay more later, those in the Washington beltway who would eliminate the Davis Bacon Act are shortsighted in their thinking. According to a recent study by the University of Utah Economics Department, in the nine states which have repealed prevailing wage laws, the pay more later rule has kicked in, with the net result being reduced wages for construction workers, increased workplace injuries and deaths, a decline in job training, a loss of tax revenue to the state and increased cost overruns.

Retaining the Davis-Bacon Act and our prevailing wage laws is critical to the public private partnership which has worked so well in developing our public infrastructure and the highly skilled workforce upon which it depends. In so doing, we can continue to build great projects, produce the good paying jobs and careers our economy must have, and save millions of taxpayer dollars in the process. And we can all rest a little easier knowing that the next time the earth moves, we will still have skilled contractors and construction workers needed to get the job done.●

KOWTOW: THE STATE DEPARTMENT'S BOW TO BEIJING

● Mr. SIMON. Mr. President, recently, Lorna Hahn had an op-ed piece in the Washington Post titled, ''Kowtow: The State Department's Bow to Beijing.''

What she says there makes eminent sense.

I cannot understand our continuing to give a cold shoulder to President Lee of Taiwan.

I trust our Government will make its decision known soon that it will do the responsible thing and let President Lee come to our country. He is a freely elected president of a multiparty country with a free press. We should not give him the cold shoulder because another nation without these human rights objects.

I ask that the Lorna Hahn item be printed in the RECORD at this point.

The item follows:

KOWTOW—THE STATE DEPARTMENT'S BOW TO BEIJING.

(By Lorna Hahn)

Lee Teng-hui, president of the Republic of China on Taiwan, wishes to accept an honorary degree from Cornell University, where he earned his PhD in agronomy.

Last year, when Cornell made the same offer, Lee was refused entry into the United States because Beijing belligerently reminded the State Department that granting a visa to a Taiwanese leader would violate the principle of ''One China.'' (Cornell subsequently sent an emissary to Taipei for a substitute ceremony.) This year, on Feb. 9, Assistant Secretary of State Winston Lord told a congressional hearing that our government ''will not reverse the policies of six administrations of both parties.''

It is high time it did. The old policy was adopted at a time when China and Taiwan were enemies, Taiwan's government claimed to represent all of China, and Beijing's leaders would never dream of meeting cordially with their counterparts from Taipei. Today, things are very different.

Upon assuming office in 1988, Lee dropped all pretense of ever reconquering the mainland and granted that the Communists do indeed control it. Since then, he has eased tensions and promoted cooperation with the People's Republic of China through the Lee Doctrine, the pragmatic, flexible approach through which he (1) acts independently without declaring independence, which would provoke Chinese wrath and perhaps an invasion; (2) openly recognizes the PRC government and its achievements and asks that it reciprocate, and (3) seeks to expand Taiwan's role in the world while assuring Beijing that he is doing so as a fellow Chinese who has their interests at heart as well.

Lee claims to share Beijing's dream of eventual reunification—provided it is within a democratic, free-market system. Meanwhile, he wants the PRC—and the world—to accept the obvious fact that China has since 1949 been a divided country, like Korea, and that Beijing has never governed or represented Taiwan's people. Both governments, he believes, should be represented abroad while forging ties that could lead to unity.

To this end he has fostered massive investments in the mainland, promoted extensive and frequent business, cultural, educational and other exchanges, and offered to meet personally with PRC President Jiang Zemin to discuss further cooperation. His policies are so well appreciated in Beijing—which fears the growing strength of Taiwan's pro-independence movement—that Jiang recently delivered a highly conciliatory speech to the Taiwanese people in which he suggested that their leaders exchange visits.

If China's leaders are willing to welcome Taiwan's president to Beijing, why did their foreign ministry, on March 9, once again warn that ''we are opposed to Lee Teng-hui visiting the United States in any form''? Because Beijing considers the ''Taiwan question'' to be an ''internal affair'' in which, it claims, the United States would be meddling if it granted Lee a visa.

But Lee does not wish to come here in order to discuss the ''Taiwan question'' or other political matters, and he does not seek to meet with any American officials. He simply wishes to accept an honor from a private American institution, and perhaps discuss with fellow Cornell alumni the factors that have contributed to Taiwan's—and China's—outstanding economic success.

President Clinton has yet to make the final decision regarding Lee's visit. As Rep. Sam Gejdenson (D-Conn.) recently stated: ''It seems to me illogical not to allow President Lee on a private basis to go back to his alma mater.'' As his colleague Rep. Gary Ackerman (D-N.Y.) added: ''It is embarrassing for many of us to think that, after encouraging the people and government on Taiwan to democratize, which they have, [we forbid President Lee] to return to the United States * * * to receive an honorary degree.''●

ETNA SWIMMER WINS GOLD IN PAN AMERICAN GAMES

● Mr. SMITH. Mr. President, I rise today to pay tribute to Barbara (B.J.) Bedford of Etna, NH for capturing three gold medals for swimming in the women's 100 meter and 200 meter backstroke, and as a member of the 4 x 100 meter medley relay, at the Pan American Games held in Mar del Plata, Argentina, March 11 to 26, 1995.

The U.S. Olympic committee sent 800 athletes, including 159 current Olympians, to compete in the 12th Pan Am Games—its largest contingent ever. B.J.'s performance was remarkable and one for which she can be very proud.

B.J. has not only excelled at the Pan Am Games, but she was the bronze medalist in the 100 meter in the 1994 World Championships and is the 11th fastest woman in history in the 100 meter backstroke. At the 1994 Goodwill Games, she won two gold medals in the 200 meter backstroke and 400 meter medley relay and a silver medal in the 100 meter backstroke. She is a three-time U.S. national champion. Currently, B.J. is training for the 1996 Olympics in Gainsville, FL.

B.J. is the daughter of Frederick and Jane Bedford of Etna. She attended Hanover High School and Kimball Union Academy in New Hampshire where she swam with the North Country Aquatics Club. She graduated from the University of Texas in 1994 with a degree in Art History.

On behalf of the citizens of the Granite State, congratulations to Barbara Bedford for a job well done. We are very proud to have this world-class competitor represent New Hampshire at the Pan American Games and look forward to following her future successes. It is an honor to represent Barbara and her family in the U.S. Senate.●

IN TRIBUTE TO NANCY D'ALESANDRO

● Ms. MIKULSKI. Mr. President, I rise today to pay tribute to Mrs. Nancy D'Alesandro, a first-class First Lady of Baltimore. She was a dedicated wife, mother of 6, grandmother of 16 and the driving force behind a family that distinguished itself in Baltimore and in Washington.

Nancy D'Alesandro was a Baltimore institution. There was nobody closer to the street or closer to the people. From 1947 to 1959, her husband Thomas D'Alesandro served as mayor of Baltimore and Nancy was a hands-on first lady. Likewise, she provided endless support during her husband's years in the U.S. House of Representatives.

Devoted to her children, she was there for her son, Thomas D'Alesandro III, who also served a term as mayor of Baltimore and she was there for her daughter Nancy Pelosi, who currently

serves California's Fifth District in the House of Representatives.

She was such an important part of not just the Little Italy section of Baltimore, but of the whole city and its history. She was a tireless worker and a great woman.

She immigrated to Baltimore from Italy and graduated from my high school, the Institute of Notre Dame, in 1926. She and her husband were married for nearly 60 years, until his death in 1987.

Nancy was so good to so many people—the nuns, the people in her neighborhood, people all over town. The city of Baltimore and the State of Maryland are proud and honored to have known her. The great First Lady of Baltimore has been called to glory. We will miss her.●

HEAVEN CAN WAIT

● Mr. SIMON. Mr. President, recently, the Jerusalem Report had a fascinating story about a 15-year-old boy who narrowly missed being recruited for a suicide mission.

It is an important story because of its insight into how people with the wrong motivation can cause such horrible and needless tragedy.

This is a story that ended positively, and the young man, Musa Ziyada, hopes to become a physician. I hope he will, and I wish him the best.

I ask that the Jerusalem Post story be printed in the RECORD at this point.

The story follows:

HEAVEN CAN WAIT

Musa Ziyada arrives for our meeting late. The 15-year-old schoolboy had come home from classes and fallen asleep. Still rubbing his huge almond eyes and yawning occasionally, he finally shuffles into his father's office at 3 in the afternoon in the Rimal district of Gaza city and takes a seat across the table.

It's a wonder he's here at all. On the fifteenth day of Ramadan (or February 14), the anniversary in the Muslim calendar of the 1994 Hebron massacre, Musa, an intelligent and earnest Hamas activist, was supposed to have strapped a belt of eight kilograms of TNT around his waste and entered Israel as a human bomb. By blowing himself up along with as many Israelis as he could manage, he was expecting to go directly to heaven; his victim, he says, would go to hell. He was stopped just days before his mission by his alert father and an uncle, who had grown suspicious and handed him over to the Palestinian police.

''In the mosque, they told me that martyrdom means paradise, and that the only way to paradise is through martyrdom,'' Musa explains. ''But I thank God that the suicide act didn't happen, because now I'm convinced it's wrong—both from a religious and personal point of view.

Musa's smooth olive skin and the downy shadow over his upper lip give him a look of innocence that belies the nature of the lethal journey he almost took. Paradise, he says, is a place where he would find ''all the pleasures of life and more.'' A place with no death (''the last station''), full of palaces and gardens flowing with rivers of milk and delicious wine—with the alcohol taken out.

''They'' told him that as a martyr, he could gain entry to heaven for 70 relatives and friends, no questions asked. And that 70 virgin brides would await him there. ''Wine and women,'' interjects his father, Hisham, with a hearty laugh. ''That was it! Admit it!'' It's in the Koran. Musa retorts quietly, trying not to look embarrassed.

''They'' are two members of the Izz al-Din al-Qassam brigades, the armed wing of Hamas, men in their mid-30s who told Musa he was true martyr material and started to train him. ''They're just ordinary people,'' he says, giving the word 'ordinary' a whole new meaning. ''Their main job is to persuade boys of our age to be suicide bombers.'' Asked whether he questioned why the two didn't go themselves, Musa replies: ''I didn't want to argue, just to be convinced.''

Musa was born in the Bureij refugee camp south of Gaza city in 1980, the fourth of nine children. His father, Hisham, a slim, European-looking man of 43 with blue-green eyes and a loud, ready laugh, hardly looks the part of a parent of a would-be suicide bomber. Sitting in the front office of his family firm, an aluminum window-frame workshop, he is sporting a red polo-neck, black silky jacket, jeans and tartan suspenders.

Hisham can joke about the experience now, and never misses an opportunity to do so. His son solemnly explains that a suicide bomber who blew himself up in Jerusalem in December but who didn't manage to take any Israelis with him will still go to heaven, because his intentions were ''*jihadi.*'' But he'll only get 35 virgins, the father gaffaws.

The Ziyadas are not a religious family, though Musa's mother and grandfather pray as many ordinary Muslims do. But from an early age, Musa was particularly attracted to Islam. At 10, he was a regular at the mosque and was considered something of a prodigy in Koran. By 12, he was a member of Hamas.

''Despite his youth, he was given the title of '*emir,*' or prince, because of his religious proficiency and knowledge of the Koran,'' Hisham relates, with a mixture of pride and bewilderment. ''Musa was trusted. Doctors and engineers used to flock to visit him in our home.'' Musa also loves soccer and played no the mosque team (''a Hamas team—no shorts,'' says Hisham).

About eight months ago, the family left Bureij and moved to Gaza city's Darraj neighborhood, to be closer to the business. Musa was happy with the move and immediately joined the Izz al-Din al-Qassam mosque near his new home. He came with recommendations form the mosque at Bureij, and quickly became something of a local celebrity.

When the bombs started exploding, killing dozens of Israelis from Afulah to Tel Aviv's Dizengoff Street, Musa began to talk about martyrdom and heaven. ''He began to mention it more and more,'' says the father. ''When bombs went off, he'd say 'Wow, I wish I was that martyr.''' He thought the suicide bombing at the Beit Lid junction in January, which killed 21 Israelis, was excellent. ''Still, we didn't think much of it,'' Hisham says. ''That's how some of the boys in the street talk.''

It was the winter vacation from school. Musa said he wanted to spend some time at Bureij with his friends and family that he'd left behind there. He was given permission, and after about 10 days, his father traveled down to check up on him. When he heard from Musa's aunt and sisters there that they had hardly seen him, he began to get suspicious.

One of Hisham's brothers, Samir, is an intelligence officer in the Palestinian police. He was hearing from ''his boys'' in Bureij that Musa had been attending secret sessions in the mosque; he finally came to Hisham and told him he'd better watch his son. The father went to Bureij and made Musa come home.

Musa, meanwhile, had attended two secret sessions with his Hamas operators. The first, he says, was to tell him he'd been chosen and to get his agreement. ''I wanted to be a martyr but I wasn't a volunteer,'' Musa says. ''They convinced me.''

The second session was to explain the outline of what he would have to do. ''I wasn't told the location of the attack, but I was told people would help me and be with me all the time, even inside Israel,'' Musa relates. The third session, for the final details, was set for the 13th of Ramadan. He had told his father that he absolutely had to go back to Bureij that day, to help with a Hamas food distribution. But by then, Hisham had made up his mind that Musa was in trouble, and took him to the police.

''I was scared,'' Musa recalls. ''The police were very nervous around me at the beginning and I was confused. I didn't know what to say.'' Before he could say much, his interrogators found on him a handwritten will that said it all. In it, Musa had asked forgiveness from his family and wrote that he'd see 70 of his relatives and friends in heaven.

Musa spent the next week-and-a-half in custody, and was released a few days before the end of the Ramdan feast. At that point, Hamas spokespeople denied Musa's story, and said the police had tortured him into giving a false confession. Musa claims he was beaten by his interrogators (his father vehemently denies it), but says matter-of-factly that, truth aside, Hamas has to defend its interests.

After months of admonishment from Israel that it has done little to stop Palestinian terrorism, the Palestinian Authority in Gaza is now making efforts, at least to improve its image and impart a sense of goodwill. Yasser Arafat has announced that his police have prevented at least 10 terror attacks recently; and Musa and two other teenage would-be suicide bombers who had changed their minds have been presented to the press in Gaza.

The Israeli public has been outraged by the recent levels of Palestinian terrorism, and after the Beit Lid attack, Prime Minister Yitzhak Rabin predicated a resumption of the autonomy talks with the Palestinians on a serious attempt by Arafat to quell the phenomenon.

Since then, the Palestinian Authority has announced the establishment of military courts and the Palestinian police have carried out a mini-crackdown on the radical Islamic Jihad, which claimed responsibility for Beit Lid and which is an easier target than the more popular Hamas. The offices of the Islamic Jihad newspaper, Istiqlal, have been closed and several of the radical organization's leaders are in detention.

The talks have resumed, but there is evidently still a way to go. Brig. Sa'eb al-Ajez, the National Security Forces commander of the northern Gaza Strip, can barely bring himself to accept any Palestinian responsibility for attacks that have taken place outside Gaza, and instead hints at an Israeli hand in the suicide bombings. ''One has to ask how come the bombs used in Dizengoff and Beit Lid were of such high technical quality, when all the ones we've found in Gaza are so crude,'' he tells The Jerusalem Report in an interview. ''How come someone carrying 20 kgs of explosives creates a blast with the force of 50 kgs?''

He goes on to relate that, according to the Palestinian police, the Beit Lid bombers set out from an area of the Gaza Strip under Israel's control, wearing Israeli army uniforms and driving an Israeli military vehicle. When told that his conspiracy theory would be considered shocking and ridiculous by most

Israelis, he replies, ''I'm not accusing anyone, I'll leave it up to the reader to decide.''

But at the same time, he tells of the exchange of information taking place between Israelis and Palestinians on the military liaison committee, which he terms a success. And he himself has been taking part in joint anti-terror training at the sensitive Erez checkpoint and industrial zone at the Strip's northern border with Israel. The training isn't a formal part of the Oslo agreement. ''The need just arose,'' says Ajez. ''It's in our interest. We need to protect the Erez area, for the sake of our economy.''

What's more, Palestinians argue, they are better positioned to police the Gaza Strip than the Israelis could ever have been. ''We know our people,'' says Brig. Ajez. ''From the first glance we can tell things about them that the Israelis can't. The Palestinian police have only been in Gaza for a matter of months. In another five or six months,'' he declares, ''we'll control the whole area. We'll even know who is blinking and who is not.''

Says another police source, who works in the southern half of the Strip: ''Believe me, when we are on a case, we do a hundred times what the Israelis used to do. We arrest many more people, because we know who they are.''

Musa's father Hisham stresses his abhorrence of terrorism. ''I want you to explain in your magazine that we are completely against these attacks and are doing our best to stop them.'' But asked whether he'd have turned Musa in to the Israelis had they still been in control of Gaza, he replies, ''Of course not, I'd have been a collaborator! I'd just have kept him at home myself. But many people support the Palestinian Authority, like me, and will help for no money.''

Musa has now been persuaded by his father, and an Islamic authority he went to for a second opinion, that it is un-Islamic to appoint the time of one's own death. Musa says he still wants to be a martyr, preferably dying for the cause, ''but not in a suicide attack.''

He expresses no remorse about the fact that he planned to kill as many Israeli bystanders as possible in the process, and says he still supports Hamas's religious and political program. Despite having been saved from the jaws of death, he says he is not angry at Hamas, ''but I may argue with them now.'' At times a little sheepish in front of his father, he comes across as little more than a teen rebel, if a potentially murderous one. He's not too religious to shake a woman's hand, and when an electronic pager goes off in the room, he asks if it's a Gameboy.

When he grows up, Musa says, he wants to be a doctor. ''To heal people?'' this reporter asks, incredulous after hearing the tale of heaven and hell, of eternal life, death and destruction, ''Yes,'' Musa replies quietly, ''to heal people.''●

ORDERS FOR THURSDAY, APRIL 6, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Thursday, April 6; that following the prayer, the Journal of proceedings be approved to date and the two leaders' time be reserved for their use later in the day; and that the Senate then immediately resume consideration of H.R. 1158.

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

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. DOLE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 9:11 p.m., recessed until Thursday, April 6, 1995, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 4, 1995:

THE JUDICIARY

NANCY FRIEDMAN ATLAS, OF TEXAS, TO BE U.S. DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, VICE JAMES DE ANDA, RETIRED.

JOHN GARVAN MURTHA, OF VERMONT, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF VERMONT, VICE FRANKLIN S. BILLINGS, JR., RETIRED.

GEORGE A. O'TOOLE, JR., OF MASSACHUSETTS, TO BE U.S. DISTRICT JUDGE FOR THE DISTRICT OF MASSACHUSETTS, VICE AN ADDITIONAL POSITION IN ACCORDANCE WITH 28 USC 133(B)(1).

LELAND M. SHURIN, OF MISSOURI, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI, VICE SCOTT O. WRIGHT, RETIRED.