United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *104th* CONGRESS, FIRST SESSION

Vol. 141 WASHINGTON, TUESDAY, MARCH 7, 1995 *No. 42*

Senate

(Legislative day of Monday, March 6, 1995)

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The guest Chaplain, the Reverend Dr. Neal T. Jones, Columbia Baptist Church, Falls Church, VA, offered the following prayer:

Let us pray:

Heavenly Father, help us to discover an everlasting joy to replace our perennial search for happiness. We are weary of hunting for momentary happiness. We are tired of recreation that does not recreate. We are tired of smiling with a lump in our throat. We are exhausted by moments of leisure when we cannot shed our pain.

We praise You that we have located the Master, our joyful Person. For the joy that was set before Him, He endured the cross. We ask for the power to pursue the joy of purpose. Thank You that joy can come in our pain because our purpose is great. Restore unto us the joy of living with Your help.

In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, the Senate will resume consideration of S. 244, the Paperwork Reduction Act. Under the agreement four amendments remain in order to the bill.

We hope to finish the bill and handle all amendments prior to the policy luncheon. Any votes will be stacked to begin at 2:15 or later, depending on how much debate time remains. For the luncheons we will be in recess from 12:30 until 2:15.

After disposition of the Paperwork Reduction Act, we will begin consideration of H.R. 889, the supplemental appropriations bill.

So I advise my colleagues there could be votes throughout the afternoon and into the evening.

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

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

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

PAPERWORK REDUCTION ACT OF 1995

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 244, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 244) to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan will offer an amendment on which there will be 10 minutes equally divided.

Mr. LEVIN. I thank the Chair.

AMENDMENT NO. 319

(Purpose: To provide for the elimination and modification of reports by Federal departments and agencies to the Congress, and for other purposes)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. COHEN, proposes an amendment numbered 319.

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

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

(The text of the amendment appears in today's RECORD under ''Amendments Submitted.'')

Mr. LEVIN. Mr. President, I am pleased to offer today in behalf of Senator COHEN and myself the Federal Reports Elimination and Modification Act of 1995 as an amendment to the pending bill.

Our amendment will eliminate over 200 outdated and unnecessary reporting requirements. These are reporting requirements which have been placed into the law over many, many years that are now useless. These are over 200 reports that are not needed or used by congressional committees. They require up to $10 million of cost in their preparation. We have gone through each of the reports mandated by law. We have talked to each of the agencies. We have consulted with each of the congressional committees. This is the list of those reports which are totally dispensable which for the most part no one even uses anymore. But they just stay in the law, filed every year or every 6 months by agencies at great cost.

My subcommittee, the oversight subcommittee of governmental affairs, which Senator COHEN now chairs and which I am now the ranking member of, has gone through all of the reporting requirements. We have again made this assessment as to those reports. Each committee having proposed what their needs are, these reports are the ones that are no longer needed.

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

This legislation is designed to improve the efficiency of agency operations by eliminating unnecessary paperwork and staff time by consolidating the amount of information that flows from the agencies to Congress.

So this amendment is the product of a coordinated and a thorough and aggressive effort to identify the congressionally mandated agency reporting requirements that have outlived their usefulness and now serve only as an unnecessary drain on agency resources, resources that could be devoted to more important program use. In fact, the Congressional Budget Office estimates that enactment of this legislation could result in savings of up to $5 to $10 million.

This is the second wave of reports elimination from the Subcommittee on Oversight of Government Management which Senator COHEN chairs and on which I now serve as the ranking Democrat. We passed a similar bill that eliminated or modified other reporting requirements in 1985.

Since it had been over 8 years since that effort, I decided it was time once again to take a look at agency reporting requirements that we, in Congress, have enacted and take those reports that have outlived their usefulness off our books. That is much easier said than done. There are literally thousands of different congressionally mandated reporting requirements. Each of those reporting requirements was enacted for a reason. To make a responsible choice about whether or not a particular reporting requirement should be eliminated, that reason must be identified and evaluated as to whether it remains valid. That is time-consuming, painstaking work; however, it is necessary work.

For example, by the time the 1985 legislation was enacted into law, the number of report eliminations contained in the bill had dropped from over 100 on introduction to just 23. The General Accounting Office [GAO] did a review of the 1985 reports elimination effort to see why the number of reports in the bill dropped so drastically. GAO uncovered certain weaknesses in that effort; primarily that the agencies did not consult with Congress when making their recommendations for eliminations or modifications and that the agency recommendations were not accompanied by adequate justifications.

We took heed of GAO's findings in developing this legislation. The 1985 legislation was based on a list of agency recommendations generated by the Office of Management and Budget. This time around, there was no such list available, so we had to generate our own. In 1993, Senator COHEN and I wrote to all 89 executive and independent agencies and asked that they identify reports required by law that they believe are no longer necessary or useful and, therefore, that could be eliminated or modified. In our request letter, we stressed the importance of a clear and substantiated justification for each recommendation made.

We received responses from about 80 percent of the agencies. For the most part, the agencies made a serious effort to review and recommend a respectable number of reporting requirements for elimination, but given the opportunity our effort presented, some were surprisingly less aggressive. Certain agencies already had report elimination projects underway. For example, the Department of Defense, at the request of Senator MCCAIN, conducted an internal review of the congressionally mandated reporting requirements for all of its services. Numerous reporting requirements were then eliminated and modified in the fiscal year 1995 defense authorization bill and were not included, therefore, in this legislation.

After receiving the agency responses, a member of the subcommittee staff generated a master list of all the agency recommendations. At the same time we sent to the chairman and ranking member of each of the relevant Senate committees, for their review and comment, the recommendations made by the agencies under their respective jurisdictions. Feedback from the committees of jurisdiction is necessary to ensure that this effort eliminates as many reporting requirements as possible without losing needed information. We also asked that the committees provide us with any additional recommendations for eliminations or modifications they might have.

Many of the committees responded to the request for comments. Those responses were generally supportive of the subcommittee's efforts and most contained only a few changes to the agency recommendations. Those changes were primarily requests by committees to retain reports under their jurisdiction because the information contained in the report is of use to the committee or, in some cases, of use to outside organizations. We adjusted the master list of eliminations and modifications based on those committee comments. Subcommittee staff then worked with the Senate legislative counsel's office to check statutory references to make sure we are addressing the correct provisions in law.

Senator COHEN and I introduced S. 2156 on May 25, 1994. As introduced, the bill contained nearly 300 recommendations for eliminations or modifications. Senators GLENN, ROTH, STEVENS, and MCCAIN cosponsored that bill.

Shortly after the introduction of S. 2156, Senator COHEN and I again wrote to all the committees and asked for comments on the bill as introduced. This was a continuation of our effort to avoid the problems of the 1985 effort by including the committees of jurisdiction in each step of the development of S. 2156. Certain committees have responded to that second request and generally they have asked for few changes to the bill.

While most of the recommendations we received from the agencies and included in the bill concern targeted, agency-specific reporting requirements, we did receive several recommendations regarding governmentwide reporting requirements. Again, we turned to the committees of jurisdiction for guidance on how or whether to enact these governmentwide agency recommendations. A number of these recommendations concerned reporting requirements that fall under various financial management statutes such as the Chief Financial Officers Act. Our bill does not address these particular recommendations due to the proposal contained in H.R. 3400 and other legislation to allow the administration to set up a pilot program aimed at streamlining the reporting and other requirements contained in these laws.

We are in the process of reviewing other governmentwide reporting requirements to see if some changes can be made. For instance, there were several recommendations to change inspector general [IG] reports from semiannual to annual. From our initial discussions with the IG community and the relevant committee staff it seems that it might be possible to make this shift without jeopardizing the oversight responsibilities of the IG's. We will continue to discuss this recommendation to see if we can't achieve some change. Another issue that we will be looking at is creating thresholds for governmentwide reporting requirements. We received several recommendations from smaller agencies that talked of the burden of complying with certain governmentwide reporting requirements that have no relevance to their small agency.

Every reporting requirement takes away resources that could be used elsewhere in the agency. Sometimes the burden is slight—as low as a few hundred dollars. Sometimes the burden is great—as high as a few million dollars. Enactment of this legislation will save time and money.

This legislation gets at those reports that no one uses. These are the reports that come into our offices and sit in staff in-boxes for weeks, maybe months, until they are either rerouted to someone else or filed in that popular circular file drawer. On several occasions in the process of drafting this legislation, agencies told us that, for whatever reason, they hadn't been doing or had never done the reporting requirement they were now seeking to eliminate. Apparently no one had noticed the agency's failure to report or, if they did, no one complained. We have taken care to be aggressive in identifying reports, but deferential to the committees with substantive responsibility that may use these reports.

This amendment, which is the same as S. 2156 with a few changes, is a bipartisan effort. It was unanimously reported out of the Governmental Affairs Committee by voice vote on August 2, 1994. We tried to get it to the floor last

year, but were unable to do so. I am pleased that the Senate will act on this legislation today to move the Federal Report Elminiation and Modification Act of 1995 one step closer to becoming law. In today's day and age, we need all the resources we can get. The longer the reporting requirements contained in this bill stay on the books, the more resources are unnecessarily spent to comply. I thank Senator COHEN and his staff for their assistance in developing and moving this bill through the legislative process. I also want to take this opportunity to thank Tony Coe of the Senate legislative counsel's office for his fine work in drafting this legislation. I also want to thank Kay Dekuiper who was a member of the Oversight Subcommittee staff when this legislation was being developed and who did the bulk of the hard, tedious work putting this legislation together. She has since left the Senate to pursue her career elsewhere, but our appreciation for her efforts while she was here remain undiminished.

Mr. President, I believe this amendment has been cleared on the other side. I spoke to Senator ROTH about this last night. He, again, was a supporter of this in the last Congress.

This matter came up quite quickly last night, so we did not even have an opportunity to list him as a cosponsor. I am quite confident, however, from his quick comments to me last night on the floor, that he does support this amendment.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, on behalf of the manager of this legislation, my understanding is that this is not a controversial amendment. I am basing that, at least partially, on the assurances of the distinguished Senator from Michigan. I also understand from the staff that this amendment is acceptable.

So, at this juncture, there will be no objection to this amendment.

Mr. LEVIN. Again I thank the manager of the bill for his support.

Mr. NUNN. Mr. President, I urge adoption of the amendment.

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

The amendment (No. 319) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 320

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE] proposes an amendment numbered 320.

The amendment is as follows:

At the appropriate place, add the following new section:

SEC. . SENSE OF CONGRESS.

It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

Mr. WELLSTONE. Mr. President, let me start out with a definition for my colleagues. The definition of hunger. This amendment talks about hunger among children.

The mental and physical condition that comes from not eating enough food due to insufficient economic, family or community resources.

Mr. President, the way in which this is measured would be if there was a ''yes'' on at least five of the following eight questions.

Does your household ever run out of money to buy food to make a meal?

Do you or other adult members of your household ever eat less than you feel you should because there is not enough money to buy food?

Do you or other adult members of your household ever cut the size of meals or skip meals because there is not enough money for food?

Do your children ever eat less than you feel they should because there is not enough money for food?

Do you ever cut the size of your children's meals or do they ever skip meals because there is not enough money for food?

Do your children ever say they are hungry because there is not enough food in the house?

Do you ever rely on a limited number of foods to feed your children because you are running out of money to buy food for a meal?

Do any of your children ever go to bed hungry because there is not enough money to buy food?

Mr. President, the Food Research Action Council Community Childhood Hunger Identification Project, estimated in 1991 that there are 5.5 million children under 12 years of age who are hungry in the United States. Let me repeat that. There are 5.5 million children today, with existing programs of support, who are hungry in the United States of America.

Mr. President, the U.S. Council of Mayors Status Report on Hunger and Homelessness in American Cities in 1994 found that 64 percent of the persons receiving food assistance were from families with children.

I could go on with other definitions and would be pleased to do so as we move forward with this amendment.

Homelessness. The U.S. Council of Mayors Status Report on Hunger and Homelessness in American Cities estimated that 26 percent of the requests at the emergency shelters were for children, homeless children.

In 1988, the National Academy of Sciences, Institute of Medicine, estimated that there were 100,000 children who are homeless each day—100,000 children, Mr. President, homeless in the United States of America.

Mr. President, on the very first day or the second day of this session, going back to the Congressional Accountability Act, I brought this amendment to the floor. I said that I feared that what was going to happen in the 104th Congress would go way beyond the goodness of people and that part of the safety net would be eviscerated, in particular, support for children in America. That was voted down. I could not get the Senate to go on record.

Then, Mr. President, with the unfunded mandates bill, I came out and said, ''Why don't we at least do a child impact statement so we know what we are doing with these cuts, be they rescissions or proposed cuts in the budget and reconciliation bill?'' That was voted down.

Then I brought a motion to refer which was a direction back to the Budget Committee as a part of the balanced budget amendment. At that time, I held up some headlines, and I said, ''I have been told by colleagues, 'Senator WELLSTONE, there is no reason for you to come out here with scare tactics because we are not going to cut nutrition programs for children. We are not going to do anything that could lead to more hunger or homelessness among children.' ''

I came out here just last week with several headlines, one from February 23, ''House Panel Votes Social Funding Cuts, Republicans Trim Nutrition and Housing.'' Another one, ''House Panel Moves to Cut Federal Child Care, School Lunch Fund.''

Mr. President, today, just by way of background, what is the headline in the Washington Post, Tuesday, March 7? It is a front-page story about a school in Fayette, MS. The headline is ''School Fearful That Johnny Can't Eat''—not ''School Fearful That 'Johnny Can't Read' ''—''School Fearful That 'Johnny Can't Eat.' ''

The Congress' school lunch debate worries some in rural Mississippi.

I got a little boy come in here every morning and eats everybody's food. Just licks the plate. And you know he's not the only one,'' said Jeanette Reeves, eagle-eyed and dressed in starched white, a cafeteria manager who doesn't have to tell the children twice to eat all their lima beans. ''Many of these children get their only meals right here at school. Lord, it'll be cruel to change that.

That, Mr. President, is a front-page story from the Washington Post. Now we are moving to the point where we are not worried about whether ''Johnny can't read.'' We are worried about whether or not ''Johnny can't eat''—cuts in School Lunch Programs and School Breakfast Programs and Child Nutrition Programs.

Mr. President, the same Washington Post piece, page A–4, headline: ''House Panel Votes to Curtail Program for Disabled Children.''

Mr. President, I think we have just plain run out of excuses here on the Senate side.

Let me just give a little bit more context. Last week we had charts out on the importance of the debt and the annual budget deficits. I have brought some charts out about the importance of children in America.

Mr. President, I ask unanimous consent to have printed in the RECORD an article by Bob Herbert, ''Inflicting Pain on Children,'' in a New York Times op-ed piece, Saturday, February 25.

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

[From the New York Times, Feb. 25, 1995]

INFLICTING PAIN ON CHILDREN

(By Bob Herbert)

THE HELPLESS ARE TAKING THE BRUNT OF THE REPUBLICANS' ATTACK ON OUR SOCIAL SYSTEM

The Republican jihad against the poor, the young and the helpless rolls on. So far no legislative assault has been too cruel, no budget cut too loathsome for the party that took control of Congress at the beginning of the year and has spent all its time since then stomping on the last dying embers of idealism and compassion in government.

This week Republicans in the House began approving measures that would take food off the trays of hungry school children and out of the mouths of needy infants. With reckless disregard for the human toll that is sure to follow, they have also aimed their newly powerful budget-reducing weapons at programs that provide aid to handicapped youngsters, that support foster care and adoption,that fight drug abuse in schools and that provide summer jobs for needy youths.

They have also targeted programs that provide fuel oil to the poor and assistance to homeless veterans. And they have given the back of their hand to President Clinton's national service corps.

The United States has entered a nightmare period in which the overwhelming might of the Federal Government is being used to deliberately inflict harm on the least powerful people in the nation. The attacks on children have been the worst. If the anti-child legislation that is moving with such dispatch through the House actually becomes law, ''the results will be cataclysmic,'' according to James Weill, general counsel to the Children's Defense Fund.

Mr. Weill said: ''The Republican leadership has targeted children for almost all of the pain. They've cut, I think, $7 billion out of the child nutrition programs, and that's not even counting food stamps, which they haven't done yet.

''Foster care and adoption have been cut by $4 billion over five years. They've cut Aid to Families with Dependent Children, and they're eliminating most of the entitlements as they go along. They're just smashing their way through all of the children's programs. To me, this so-called revolution is more like a massacre of the innocents.''

President Clinton denounced the cuts and accused the G.O.P. majority in Congress of ''making war on children.'' At a press conference yesterday in Ottawa, Canada, Mr. Clinton said: ''What they want to do is make war on the kids of this country to pay for the capital gains tax cut. That's what's going on.''

There is a breathless, frenzied quality to the Republican assault, as if the party leaders recognize that they must get their work done fast—while the Democrats are still in a post-election stupor, and before the public at large becomes aware of the extremes of suffering and social devastation that are in the works.

''This agenda is too harsh,'' said Senator Paul Wellstone, a Democrat from Minnesota. ''I realize that the Republicans won the election, but these measures are too extreme, too mean-spirited. They go beyond what the goodness of the people in this country would permit. Most Americans do not want to see vulnerable people hurt, especially children.''

Mr. Wellstone has irritated some of his Republican colleagues by frequently offering a legislative amendment that says the Senate ''will not enact any legislation that will increase the number of children who are hungry or homeless.'' Each time it is offered, the amendment is defeated.

The Senate majority leader, Bob Dole, dismissed the Wellstone amendment as an ''extraneous'' measure designed solely to make Republicans ''look heartless and cold.'' No doubt. But Senator Wellstone is right on target when he says that the Republican legislative strategy was carefully designed to hurt the people ''who aren't the big players, who aren't the heavy hitters, who don't make big contributions, who don't have lobbyists, who don't have clout.''

If anything is funny in this dismal period, it's that the Republicans are touchy about being called heartless and cold. That's a riot. Has anyone listened to Newt Gingrich lately? To Dick Armey? To Phil Gramm? This is the coldest crew to come down the pike since the Ice Age.

An indication of just how cold and heartless the Republicans have become is the startling fact that Mr. Dole, of all people, is starting to look a little warm and fuzzy.

Mr. WELLSTONE. I quote from that article:

The Republican jihad against the poor, the young and the helpless rolls on. So far no legislative assault has been too cruel, no budget cut too loathsome for the party that took control of Congress at the beginning of the year and has spent all its time since then stomping on the last dying embers of idealism and compassion in government.

This week Republicans in the House began approving measures that would take food off the trays of hungry schoolchildren and out of the mouths of needy infants. With reckless disregard for the human toll that is sure to follow, they have also aimed their newly powerful budget-reducing weapons at programs that provide aid to handicapped youngsters, that support foster care and adoption, that fight drug abuse in schools and that provide summer jobs for needy youths.

Mr. President, 1 day in the life of American children: 636 babies are born to women who had late or no prenatal care. One day in the life of American children: 801 babies are born at low birthweight; by the way, to many women who never had any proper nutrition, and we now have proposed cuts in the Women, Infants, and Children Program. One day in the life of American children: 1,234 children run away from their homes. One day in the life of American children: 2,255 teenagers drop out of school each school day. One day in the life of American children: 2,868 babies are born into poverty. One day in the life of American children: 7,945 children are reported abused or neglected. One day in the life of American children: 100,000 children are homeless. One day in the life of American children: Three children die from child abuse. One day in the life of American children: 9 children are murdered; 13 children die from guns; 27 children—a classroomful—die from poverty; 63 babies die before they are 1 month old—63 babies die before they are 1 month old; and 101 babies die before their 1st birthday.

Mr. President, it is just time for the U.S. Senate to go on record. Let me just make it clear again what this amendment does. This amendment on the paperwork reduction bill is just a sense-of-the-Senate amendment. We are not going to do anything that creates more hunger or homelessness among children. There is no excuse not to go on record. The U.S. Senate needs to take this position.

Mr. President, a little bit more in context, I have a report: ''Unshared Sacrifice; The House of Representatives' Shameful Assault on America's Children,'' March 1995, the Children's Defense Fund, that I ask be printed in the RECORD.

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

[From the Children's Defense Fund, March 1995]

UNSHARED SACRIFICE—THE HOUSE OF REPRESENTATIVES' SHAMEFUL ASSAULT ON AMERICA'S CHILDREN

INTRODUCTION

In a ''revolution'' that so far has spared just about everyone else, the House leadership and key committee majorities have targeted America's children for the earliest, broadest, and by far the deepest pain in budget cuts, program restructuring, and rescissions. In less than two weeks key committees and subcommittees have voted to cut $40 billion from crucial child survival programs, and to end the federal safety net for children and their families. This is a wholly unshared sacrifice: the House seems to be postponing for a later day, if ever, any contemplation of major cuts for other constituencies. Savings from savage cuts in programs for needy and helpless children would be used to fund a new and unnecessary defense build-up; to pay for a capital gains tax cut of which 71 percent goes to the richest 1 percent of Americans; and to reduce a tax on the richest 13 percent of the elderly by $56 billion (over 10 years) when that tax goes to pay part of Medicare's cost.

While the House majority's welfare plan has gotten most media attention, that plan's unprecedented savaging of children is merely symptomatic of a broad-gauged assault on hungry children's nutrition programs, disabled children's disability assistance, preschool children's child care and child development centers, unemployed youths' summer jobs, sick children's medical care, and abused children's foster care and hope for adoptive families. Block grants, rescissions, and consolidations are being used in a multifront attack on children's services. Not even proven money-saving programs like Head Start have been spared. And in the midst of this series of brutal reductions, the most severe have been reserved for the most vulnerable children—those who are disabled or in foster care.

Based on data from the Congressional Budget Office, the Department of Health and

Human Services and the Department of Agriculture, and analysis of congressional numbers by the Children's Defense Fund, $40 billion in core safety net program cuts were adopted in the past two weeks that would force out of these programs millions of the children eligible under current rules (see chart, next page).

These numbers assume that states would reduce spending by the amount of federal reductions, and do so by eliminating eligible children from the program rather than reducing benefits across-the-board. In some programs like AFDC and SSI, the strategy of dropping children is virtually dictated by the proposed legislation. In others, it is possible for states to spread out the cuts and reduce benefits for more children, but completely deny benefits to fewer. In that case, many more children would be hurt, but the damage to each would be a bit less. In either instance, the pain will be massive.

The numbers in this report actually understate the real depth of the cuts, since they assume there is no recession driving up the number of children needing help; assume there are no transfers from the new block grants to other programs (as is allowed with some of the funds); assume that there are not larger cuts in state funds by states that would be freed from any matching requirements; and do not account for how cuts in one area (such as AFDC) will drive up the need in other areas (such as foster care). Moreover, the AFDC losses in 2000 disguise the full impact of the House welfare plan: 3 million to 5 million children could lose AFDC when that plan is fully phased in.

THE UNSHARED SACRIFICE

	Dollars cut over 5 years	Dollars cut in the fifth year (2000)	Children losing benefits in the year 2000	Percentage of all eligible children who would lose benefits in the year 2000
AFDC	$12.8 billion	$3.7 billion	1.7 million (3–5 million in later years).	18.1
SSI for children	$12.1 billion	$5.5 billion	516,000	67.0
Foster Care and Adoption Assistance	$5.5 billion	$1.7 billion	111,000	26.0
School Lunches	$2 billion	$510 million	2.22 million	8.8
Child Care	$2.5 billion	$612 million	378,000	24.0
Child and Adult Care Food Program	$4.6 billion	$1.1 billion	1,048,000	50.0

This assault on America's children is also an assault on America's future. The millions of infants and toddlers who would be denied food necessary for their physical and intellectual development in the years ahead are the ones America will want to be computer programmers in 2017. The millions of five-year-olds who would be denied any cash aid for housing, food, or clothing are the ones we will want to be learning in college or apprenticing in industry in 2010. The thousands of battered 10-year-olds denied counseling and foster care and adoptive homes are the ones we will want not to be violent 16-year-olds in 2001. By ravaging the childhoods of millions of American children, the House simultaneously will be pillaging America's economic and democratic future.

The assault on children is unique in its size and severity. No other group, except for legal aliens, has been touched by more than a small fraction of the cuts aimed at children. No massively subsidized corporation has yet to see a dime threatened. (In fact, a handful of big businesses got a $1 billion gift from higher prices on infant formula—and less formula purchased—when the House Committee on Economic and Educational Opportunities voted down competitive bidding in the WIC program, a step USDA says will cause ''increased malnutrition, growth stunting, and iron deficiency anemia.'') No farmer has had his crop subsidies cut. No military or civil service retiree—or member of Congress—has seen his pay or health insurance or retirement benefits cut. Defense contractors have been given a gift of new and higher spending. Programs for poor families have faced extra cuts in order to spare traditional ''pork'' like visitors' centers or NRA-sponsored efforts to teach school children to shoot guns.

The House majority has put almost all its cost-cutting effort into slashing and burning its way through programs for children and the parents, grandparents, foster parents, and others who are struggling to care for them.

This is not what America voted for last November. This is not what Americans want. This is not what America needs. Nevertheless, in just 10 days in February, House committees voted to slash these basic supports:

Food for children. The House Economic and Educational Opportunities Committee voted to take away the guarantee that low-income children can get free or reduced-price school lunches and breakfasts. The plan indiscriminately lumps these school-based programs together and cuts them by $2 billion over five years. In a separate block grant, the committee ended the guarantee of food for children in Head Start and child care centers through the Child and Adult Care Food Program and lumped this with the WIC program of food for poor pregnant women and infants, the summer food program, and food for the homeless, and cut the package by $5 billion over five years. Cutting fat? Hardly. Experts estimate that hundreds of millions fewer meals would be served to needy children in the year 2000, thanks to the cut. And 60,000 Head Start placements are likely to end because programs will have to spend the Head Start money on food to replace the child care food program cut for hundreds of thousands of children. Sharing the pain? Hardly. No other food program has yet been cut, whether the cafeteria for members of the House of Representatives or the programs that feed the elderly. House Speaker Gingrich has promised, as well as he should, not to cut food programs for the elderly. But it is perverse to treat food for seniors as deserving of protection but food for children as a waste of national resources. We can afford to feed both.

Income support for children. The House Ways and Means Committee's Human Resources subcommittee voted to take away the guarantee that poor children can get AFDC; voted to order states to deny throughout childhood any aid to children born out of wedlock to young mothers (even though the mother may eventually requalify for aid); and voted to limit to five years the receipt of welfare for children who might still qualify despite the other rule changes. In the year 2000, $3.7 billion will be taken away from poor children. Is this aimed at parents and personal responsibility? Not really. The plan cuts off children even when parents can get benefits, cuts off families even when they have been working and complying with all rules, and tells a child who has been living with his low-income, elderly grandparents since birth that she'll get no help after the age of five. Cutting fat? No! In the year 2000, 1.7 million children who by definition do not have enough for food or shelter are projected to lose AFDC. Even more will lose help if states cut back further or divert state and federal AFDC funds to other purposes. Sharing the pain? Hardly.

Mr. WELLSTONE. I will just read a couple of operative paragraphs.

In a ''revolution'' that so far has spared just about everyone else, the House leadership and key committee majorities have targeted America's children for the earliest, broadest, and by far the deepest pain in budget cuts, program restructuring, and rescissions. In less than two weeks key committees and subcommittees have voted to cut $40 billion from crucial child survival programs, and to end the federal safety net for children and their families. This is a wholly unshared sacrifice: the House seems to be postponing for a later day, if ever, any contemplation of major cuts for other constituencies. Savings from savage cuts in program for needy and helpless children would be used to fund a new and unnecessary defense build-up; to pay for a capital gains tax cut of which 71 percent goes to the richest 1 percent of Americans; and to reduce a tax on the richest 13 percent of the elderly by $56 billion (over 10 years) when that tax goes to pay part of Medicare's cost.

Mr. President, when I go to gatherings of senior citizens, they list children and their grandchildren right at the top of their concerns. We talk about their concerns about block granting congregate dining and Meals on Wheels, which older Americans made sure did not happen in the House. The first thing they say to me is, ''Senator, we also want to make sure that the school lunch program is not eliminated or cut back. We want to make sure that there are not cuts in childhood nutrition programs.''

Mr. President, I say to my colleagues that we do not have, in this Contract With America, we have not seen in any of these rescissions, we have not seen in any of the action on the House side, one word about oil company subsidies being cut, one word about coal company subsidies being cut, one word about pharmaceutical company subsidies being cut, one word about the privileged, about the powerful, about Pentagon contractors having to sacrifice at all.

Instead, those citizens who are being asked to sacrifice and tighten their belts are the very citizens who cannot—the children in this country. I suggest today that there is a reason for that. They are the citizens who are not the heavy hitters. They are the citizens who are not the well connected. They are the citizens who do not have all the

lobbyists. They are the citizens with the least amount of political power. I do not think we should be making decisions on that basis.

How interesting it is, Mr. President, that we are willing to cut free lunches for children, but we are not willing to ban gifts and cut free lunches for Senators and Representatives. Let me repeat that once again: How interesting it is that in the U.S. Congress, on the House side, there is a willingness to cut free lunches for hungry children, but no commitment to have a gift ban and end free lunches for Representatives and Senators. That small example tells a large story about what is going on here right now in the U.S. Congress.

Mr. President, people voted for change. But it always begged the question, What kind of change? With these cuts in nutrition programs, now we have to have fear, in the schools of Ohio, Minnesota, Mississippi, and all across the land, not that Johnny cannot read, but that Johnny cannot eat. These cuts go beyond the goodness of people in this country.

This is not what people voted for. And when we see the rescissions coming over, and some of these block grants and mean-spirited cutbacks in child nutrition programs, and mean-spirited cuts in other children's programs that will lead to more homeless, all I ask my colleagues in the U.S. Senate to do today is to go on record with a mild sense-of-the-Senate resolution that we will not do anything that will increase more hunger or homelessness among children.

Now, Mr. President, I say to my colleagues—because I have had this amendment on the floor over and over again—that I do not think they can hide any longer. First, at the beginning of the session, it was all about prerogative, not on the Congressional Accountability Act.

I also heard about this type of rationale and even read in the New York Times Magazine about this the other day in relation to gift ban. No, we do not want to do that because we want to show that we are in control. Or we do not want to give a Senator ink. I did not think we made decisions on that basis, but the gift ban amendment was voted down. This amendment was voted down also. Then I brought it up again on unfunded mandates—it was voted down. Then I brought it up as just a motion to refer to the Budget Committee, not as an amendment to the constitutional amendment to balance the budget. Senator HATCH was on the floor, a Senator whom I deeply respect, and he said, ''Look, Senator WELLSTONE, I really think that this is based upon your opposition to the balanced budget amendment, and these amendments are not going to be amendments we will accept.'' Fine.

But now we have a bill that is sailing through the Senate. There is tremendous support for it. I support it. And all I am doing, since this bill is out here, is asking for a sense of the Senate. We see the front page stories; we hear it on the radio; we see it on television. Sometimes, I think, Mr. President, if I had time, I would retrace the hunger tour that Senator Robert Kennedy took. I really would. I almost feel as though Senators need to see it themselves.

All I am saying is, the writing is on the wall. We see where the deep cuts are. We see what its effects on children are going to be. Everybody agrees that these programs are harsh, that these programs will have a very serious impact on children, the most vulnerable of our citizens, the poor children of America.

I am saying, because all eyes are on the Senate to put a stop to this, today is the day. Let Members go on record. We can do this on a nonpartisan basis. We should have Democrats and Republicans in a resounding vote go on record that we will not do anything to create more hunger or homelessness among children. Let Members agree on that. Let Members agree when it comes to deficit reduction, there will be a standard of fairness. Let Members agree we will represent children in America and we will represent them well. Let Members agree this is a part of the priorities of what we stand for. Let Members put to rest the fears that so many people have in this country that what is happening right now in the Congress is a juggernaut that is mean spirited, that will hurt so many children in the country.

We, today, can go on record saying we are not going to do that. That is what I ask my colleagues to do.

Mr. President, I do not really understand. One of the things that has been interesting to me is the silence on the other side of the aisle. We know rescissions are coming over here. We know the kind of cuts that have already taken place in committee and on the floor in the House of Representatives. So there is not one Senator who can look me in the eye and say any longer, ''Senator WELLSTONE, you're crying Chicken Little.'' That is what some of my colleagues had to say to me at the beginning of the session.

But now the evidence is irrefutable and irreducible. We know the proposed cuts. We know what is coming over here. I do not think there is one Senator who can come out on the floor and say to me today ''You are wrong, we don't need to go on record with this statement, because no one will do this to children in America.'' The evidence is clear it is being done. Nor are there any excuses any longer about it being the beginning of the session or about it being the constitutional amendment to balance the budget. It is all very clear.

One more time, Mr. President:

It is the sense of the Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

Is that too much to ask of my colleagues?

Moments in America for children, a Children's Defense Fund study last year:

Every 5 seconds of the school day a student drops out of public school;

Every 30 seconds a baby is born into poverty;

Every 2 minutes a baby is born at low birthweight;

Every 2 minutes a baby is born to a mother who had late or no prenatal care;

Every 4 minutes a child is arrested for an alcohol-related crime;

Every 7 minutes a child is arrested for a drug crime;

Every 2 hours a child is murdered;

Every 4 hours a child commits suicide.

Mr. President, we cannot savage children in America today. It is unconscionable, as I look at what the House of Representatives is doing right now, that we in the U.S. Congress seem to be willing to cut free lunches for poor children in America, but we have not yet passed a gift ban that would end free lunches for Representatives and Senators. Today I ask the U.S. Senate, Democrats and Republicans alike, to go on record, ''It is the sense of Congress that Congress should not enact or adopt any legislation that would increase the number of children who are hungry or homeless.''

How much time do I have left?

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Minnesota has 23 minutes 15 seconds.

Mr. WELLSTONE. Mr. President, I reserve the remainder of my time

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, we have no request for time on this side. We are prepared to yield our time back if the Senator from Minnesota is ready to conclude the debate.

Mr. WELLSTONE. Mr. President, before I do, and while my colleague is on the floor, I would like to get his attention just for a moment. I will be pleased to do so, and I understand the votes will all take place after our caucus meetings this afternoon.

I have a lot of respect for the whip. I think we have a good friendship, agree or disagree, on all issues. But I want my colleague to know why I continue to bring this amendment to the floor. It certainly is not for ink because there has not been a lot of coverage for this amendment.

I said at the beginning I was going to do it, and every day as I read the papers and hear what is happening on the House side, I realize that it is really going to be up to the Senate, Republicans and Democrats alike, in a careful nonpartisan way to take certain action that I think 90 percent of the people in the country want us to take.

Part of that action is to certainly not, for example, cut nutrition programs for children. I refer the Senator from Mississippi to this article today regarding Fayette, MS, and there were

two parts to this. There are wonderful interviews with some of the parents and some of the women who work at the cafeteria and teachers who work with children about the tremendous fear.

The headline is ''School Fearful That 'Johnny Can't Eat','' not ''Johnny Can't Read.''

Congress' school lunch debate worries some in rural Mississippi. The Senator may have been off the floor. It starts out with this quote. I find this quote to be, at a personal level—it moves me and really worries me.

''I got a little boy come in here every morning and eats everybody's food. Just licks the plate. And you know he's not the only one,'' said Jeanette Reeves, eagle-eyed and dressed in starched white, a cafeteria manager who doesn't have to tell the children twice to eat all their lima beans. ''Many of these children get their only meals right here at school. Lord, it'll be cruel to change that.''

And then there are some teachers, I say to my colleague from Mississippi. This is in Fayette, MS, and they say, ''Listen, these children just cannot learn, if they are not going to have at least one good meal a day, they can't learn, they can't do well in school.''

Mr. President, we all say we are for the children in America. As I have said on the floor before, I think that includes all God's children, not just our children, and that includes the children that are poor and, unfortunately, a sizable percentage of children in America are poor.

I say to my colleague from Mississippi, if there is no further debate, I would be pleased to yield back the remainder of my time, but I am hoping that in the absence of debate today that finally the Senate is willing to go on record:

It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

I do not think there should be one Senator who should have a problem voting for this. I think it is time we go on record as an institution. If there is no debate, I take that silence as consent, and I yield back the remainder of my time.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I will be happy to yield back the remainder of time, but first, since my State has been referred to several times—that is normal, if you want to make a case, it has been the practice around here for 20 years to attack Mississippi.

Frankly, we do not appreciate that. But also I just want to emphasize, there is a lot of misinformation out here. What we would like to do is to take nutrition programs, a lot of other programs, reform them, get the fraud out of them where it exists—and it may not be the case in the nutrition program—cut back on administration costs because there is a lot of waste and money going to the administration of these programs instead of getting to children, food for children, nutrition for children.

One of the points that people in Washington seem to miss is——

Mr. WELLSTONE. Will the Senator yield? Can I ask the Senator before he moves to table if I could have a couple minutes to respond?

Mr. LOTT. I am sure we can work that out.

Mr. WELLSTONE. I thank the Senator.

Mr. LOTT. I just ask the Senators here, is there anybody among us who would not like to see us find some savings in programs, maybe actually get more money to the children? What I understand is being proposed in the House of Representatives actually with the block grants is that you would get more money actually going for food to the children by cutting out the bureaucracy and the redtape.

It seems to me like that is a good idea: More flexibility for the States, a better way, perhaps, being found to administer these programs. The Governors believe that can happen—the Governor of my State, the Governor of Michigan.

So what we are talking about is a better program, a better deal that will help more children. What we have been doing is we are feeding bureaucrats. How about if we feed the children instead?

What everybody is saying is we cannot change anything. ''Oh, no, don't touch this one, don't touch that one.'' For 40 years this stuff has been building up. It is a bureaucratic nightmare, with all kinds of waste. It is time that we find a way to improve some of these programs. We believe we can do that. That is all we are seeking with these nutrition programs. There is a tremendous amount of misinformation out there on this and other programs.

Last week we had debate on the balanced budget amendment. They said, ''Oh, we don't need this. Let's just go and find a way to reduce the deficit.'' And then the list begins: ''Oh, but, you can't touch this program, you can't even improve it, you can't limit the rate of increase in spending on programs.''

That is all we are talking about. Most of these programs we are not talking about cutting a nickel; we are talking about controlling the rate of growth. So here they come, the same crowd we heard in the eighties: ''Oh, don't cut this one, don't cut that one, don't cut the Low Income Energy Assistance Program,'' that gives $19 million for air conditioning in the State of Florida, and I am sure a lot of money for air conditioning in my State.

We all have our little program and say, ''Don't touch this one.'' You cannot have it both ways. You cannot find ways to begin to control spending and reduce the deficit without looking at every program, every agency, every department and seeing if we cannot do a better job. If we say do not touch any program, we will never get anything done.

I did not want to start a full debate here, but I had to at least get that on the record. I think what we are talking about is better programs, less bureaucracy, and more funds for people who really need the help.

Does the Senator wish to use additional time?

Mr. WELLSTONE. Mr. President, if I might just ask for 5 minutes.

Mr. LOTT. Since the Senator yielded back his time, I will yield back 5 minutes from our time.

Mr. WELLSTONE. Mr. President, I thank the Senator from Mississippi.

Let me just be really clear about, first of all, what this vote is on. I do take exception to some of what my colleague had to say. But I am not even debating today whether or not some of what has been proposed in block grants will work better or not. I take what the Senator has said to be said in good faith.

What this amendment says is the Senate goes on record that we will not enact or adopt any legislation which will increase the number of children hungry or homeless.

So the Senator from Mississippi would agree with me on that. He has not proposed that we do make cuts that would increase hunger and homelessness.

This does not cast judgment on any particular proposal. Given what is moving through and given some of the discussion, let us go on record that we are not going to do anything that would do that. I should think the Senator would agree. That is my first point. To vote for this means that Senators are willing to go on record saying certainly one thing that is important to us is not to increase any hunger or homelessness among children. That is all this says. That is point one.

Point two—and I say this with some sense of sadness to my colleague—actually there is a considerable amount of empirical data about the cuts. I have before me a Department of Agriculture study, and actually there are many other studies that are now coming out about the cuts that are being proposed, cuts I say to my colleague, in child nutrition programs State by State. Alabama, school-age children, fiscal year 1996, $1,972,000; preschool children, $15,098,000; Mississippi—but I will get to Minnesota so you do not think it is just Mississippi—$2,421,000 for school-age children and $14 million cuts for preschool children in nutrition programs. In my State of Minnesota, cuts of $1,627,000 for school-age children and $15,189,000 for preschool children.

That is why I am worried about this, I say to my colleague from Mississippi. So, first, there is no one any longer who is really arguing we are not facing deep cuts that will have a harmful effect on children. But, even if I was to agree with what my colleague just said, that is not what this amendment is about. We should together vote for

this because then we make it clear that regardless of our disagreement about specific policies, one thing we are in agreement on is that the Senate as an institution certainly is not going to take any action that would increase hunger or homelessness among children. I do not know how my colleagues can continue to vote against this.

Finally, I would like to say this by way of an apology because I agree with my colleague from Mississippi about this. I think this is a powerful story, but in no way, shape or form did I intend to pick on Mississippi. I believe that one of the things we do over and over again is that we look everywhere but home. It is so easy for those of us in Pennsylvania or Minnesota to focus on Mississippi, and I fully understand the sentiment of my colleague from Mississippi. Unfortunately, Mr. President, I say to my colleague, I can point to children that are struggling in Minnesota. I am sure that the Presiding Officer can in Pennsylvania. The kind of issues that concern me are all across the United States of America, not just in the State of Mississippi, which, indeed, is a wonderful State. But this is a wonderful story because it puts faces, it puts real people, it puts real children behind all the statistics, and that is why I use this as an example.

Mr. President, I thank the Senator from Mississippi. I really hope I will have support from colleagues on this.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. I yield back the remainder of our time, and I move to table the amendment. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. Mr. President, does the Chair have business pending?

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota [Mr. WELLSTONE] is recognized to offer an amendment on which there shall be 90 minutes equally divided.

Mr. WELLSTONE. Mr. President, yesterday, I had reserved time for another slot and had considered an amendment, which is the gift ban amendment, and again the connection I make over and over again today, it just strikes me as being more than ironic; I think it is unconscionable that, apparently, as I look at what the House of Representatives is doing right now, we are willing to cut free lunches for children but we are not willing to pass a gift ban that ends free lunches for Senators and Representatives.

However, Mr. President, while I think there has to be action on this, I look forward to working with my colleagues, Senator LEVIN from Michigan, Senator FEINGOLD, Senator LAUTENBERG, and certainly the majority leader, who has gone on record in favor of this. So this amendment will be in the Chamber, though not today, and we will have a vote on it. I will not propose this amendment today.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. I would like to say to the Senator from Minnesota and remind all of our colleagues that the majority leader, Senator DOLE, has indicated this issue will be addressed. He is working on legislation in the gift ban area, and I do expect that we will have a vote in this area in the not too distant future. So rest assured, we are going to take up this issue.

Mr. WELLSTONE. Mr. President, I thank my colleague from Mississippi, and I would just say I appreciate that. Rest assured, I will be out in the Chamber with other colleagues with this amendment and keep pushing this, and hopefully we will all do this together.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. GREGG. Mr. President, at this time I had the right to offer an amendment. I do not intend to offer the amendment at this time and withdraw that right.

THE OREGON OPTION

Mr. HATFIELD. Mr. President, recently, the State of Oregon and several Federal agencies signed a memorandum of understanding to create a new partnership which will test unique methods of delivering Government services in a better and more efficient manner. When this revolutionary partnership, called the Oregon option, is fully implemented, Federal grants or transfers to State and local governments in Oregon will be based on results rather than compliance with procedures.

I believe that this project has the potential to vastly improve intergovernmental service delivery in my State and may well prove to be a national model for future governmental partnerships. For this reason, I am pleased the managers of the pending legislation, the Paperwork Reduction Act of 1995, have included in their bill my sense-of-the-Senate resolution urging the Federal Government to continue to be an active partner in this effort.

Mr. President, I would specifically like to thank Senators ROTH and GLENN for their assistance and would also like to thank Senator NUNN for his help in including my amendment.

Mr. COHEN. Mr. President, as a cosponsor of this important legislation, I am pleased that the Senate will soon pass the Paperwork Reduction Act of 1995. I am a longtime supporter of the Paperwork Reduction Act which seeks to reduce the Federal paperwork burdens imposed on the public.

I have been particularly concerned about the effects of the Federal regulatory burden on small businesses throughout my years in Congress. Americans spend billions of hours a year filling out forms, surveys, questionnaires, and other information requests for the Federal Government at a cost of several hundred billions dollars. Increasing paperwork burdens force small businesses to redirect scarce resources away from activities that might otherwise allow them to provide better services to their customers or provide additional jobs. America's small businesses are the backbone of our economy and, as such we need to ensure that they are not crippled by regulatory burdens that hinder their ability to compete in the increasingly competitive global marketplace.

I am also pleased to cosponsor an amendment offered by Senator LEVIN to eliminate or modify over 200 statutory reporting requirements that have outlived their usefulness. This is an issue that Senator LEVIN and I have worked on for a number of years in our capacity as chairman and ranking minority member of the Governmental Affairs Subcommittee on Oversight of Government Management. The Levin amendment is consistent with efforts by the administration and the Congress to reinvent Government and make it more efficient. It is based on a bill Senator LEVIN and I introduced last Congress which CBO estimated would reduce agencies' reporting costs by $5 to $10 million annually. The legislation was the product of more than a year's worth of discussions with Government agencies and congressional committees.

Examples of the types of reports that the amendment will eliminate or modify include a provision to eliminate an annual Department of Energy reporting requirement on naval petroleum and oil shale reserves production. The same data included in this report is included in the naval petroleum reserves annual report. Another provision would modify the Department of Labor's annual report to include the Department's audited financial statements and, thereby, eliminate the need for a separate annual report for all money received and disbursed by the Department.

The Levin amendment is consistent with the goals of the Paperwork Reduction Act. It is intended to reduce the paperwork burdens placed on Federal agencies and streamline the information that flows from these agencies to the Congress.

Mr. President, I would now like to make a few statements about the overall legislation. The bill before us contains provisions to maximize the use of information collected by the Federal Government and keep in place the 1980 act's goal of reducing the paperwork burdens imposed on the public through

an annual governmentwide paperwork reduction goal of 5 percent.

It reauthorizes the Office of Information and Regulatory Affairs [OIRA], within the Office of Management and Budget [OMB], which implements the act and requires each Federal agency to thoroughly review proposed paperwork requirements to make sure they are truly needed and have a practical utility. It also enhances public participation in reviewing paperwork requirements.

The bill clarifies that the act applies to all Government-sponsored paperwork, eliminating any confusion over the coverage of so-called third party burdens—those imposed by one private party on another due to a Federal regulation—caused by the U.S. Supreme Court's 1989 decision in Dole versus United Steelworkers of America. This decision created a loophole for agencies to avoid public comment and OMB review. Florida Gov. Lawton Chiles, who authorized the Paperwork Reduction Act when he was in the Senate, filed on amicus brief with the Supreme Court arguing that no such exemption for third party paperwork burdens where intended when the act was created. Unfortunately, the Court held that the plain meaning of the statute could not support such a finding.

Finally, I am pleased that the Governmental Affairs Committee accepted an amendment I offered in committee to make changes to the information technology provisions of the bill and allow the opportunity for information technology reform later this Congress. This is an important issue that warrants separate legislative consideration. In closing, I want to commend Senators ROTH, GLENN, and NUNN for their work in this area. The bill enjoys broad bipartisan support and I hope my colleagues will move expeditiously to vote on final passage.

RECESS UNTIL 2:15 P.M.

Mr. GREGG. Mr. President, I ask unanimous consent that the Senate now stand in recess until 2:15.

There being no objection, the Senate, at 12:23 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ABRAHAM).

PAPERWORK REDUCTION ACT OF 1995

The Senate continued with the consideration of the bill.

VOTE ON MOTION TO TABLE AMENDMENT NO. 320

The PRESIDING OFFICER. The question now occurs on the motion to table amendment No. 320, offered by the Senator from Minnesota [Mr. WELLSTONE].

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Oklahoma [Mr. INHOFE] is necessarily absent.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of death in the family.

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

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—51

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

NAYS—47

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

NOT VOTING—2

Inhofe	Pryor

So the motion to lay on the table the amendment (No. 320) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall it pass?

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of death in the family.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—99

Abraham	Boxer	Campbell
Akaka	Bradley	Chafee
Ashcroft	Breaux	Coats
Baucus	Brown	Cochran
Bennett	Bryan	Cohen
Biden	Bumpers	Conrad
Bingaman	Burns	Coverdell
Bond	Byrd	Craig
D'Amato	Hollings	Murkowski
Daschle	Hutchison	Murray
DeWine	Inhofe	Nickles
Dodd	Inouye	Nunn
Dole	Jeffords	Packwood
Domenici	Johnston	Pell
Dorgan	Kassebaum	Pressler
Exon	Kempthorne	Reid
Faircloth	Kennedy	Robb
Feingold	Kerrey	Rockefeller
Feinstein	Kerry	Roth
Ford	Kohl	Santorum
Frist	Kyl	Sarbanes
Glenn	Lautenberg	Shelby
Gorton	Leahy	Simon
Graham	Levin	Simpson
Gramm	Lieberman	Smith
Grams	Lott	Snowe
Grassley	Lugar	Specter
Gregg	Mack	Stevens
Harkin	McCain	Thomas
Hatch	McConnell	Thompson
Hatfield	Mikulski	Thurmond
Heflin	Moseley-Braun	Warner
Helms	Moynihan	Wellstone

NOT VOTING—1

Pryor

So the bill (S. 244) as amended was passed as follows:

S. 244

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—PAPERWORK REDUCTION

SEC. 101. SHORT TITLE.

This title may be cited as the ''Paperwork Reduction Act of 1995''.

SEC. 102. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended to read as follows:

''CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

''§ 3501. Purposes

''The purposes of this chapter are to—

''(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;

''(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained,

used, shared and disseminated by or for the Federal Government;

''(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;

''(4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;

''(5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;

''(6) strengthen the partnership between the Federal Government and State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government;

''(7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology;

''(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to—

''(A) privacy and confidentiality, including section 552a of title 5;

''(B) security of information, including the Computer Security Act of 1987 (Public Law 100–235); and

''(C) access to information, including section 552 of title 5;

''(9) ensure the integrity, quality, and utility of the Federal statistical system;

''(10) ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public; and

''(11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this chapter.

''§ 3502. Definitions

''As used in this chapter—

''(1) the term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

''(A) the General Accounting Office;

''(B) Federal Election Commission;

''(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

''(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;

''(2) the term 'burden' means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for—

''(A) reviewing instructions;

''(B) acquiring, installing, and utilizing technology and systems;

''(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;

''(D) searching data sources;

''(E) completing and reviewing the collection of information; and

''(F) transmitting, or otherwise disclosing the information;

''(3) the term 'collection of information'—

''(A) means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

''(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

''(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes; and

''(B) shall not include a collection of information described under section 3518(c)(1);

''(4) the term 'Director' means the Director of the Office of Management and Budget;

''(5) the term 'independent regulatory agency' means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

''(6) the term 'information resources' means information and related resources, such as personnel, equipment, funds, and information technology;

''(7) the term 'information resources management' means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;

''(8) the term 'information system' means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

''(9) the term 'information technology' has the same meaning as the term 'automatic data processing equipment' as defined by section 111(a) (2) and (3)(C) (i) through (v) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a) (2) and (3)(C) (i) through (v));

''(10) the term 'person' means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

''(11) the term 'practical utility' means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

''(12) the term 'public information' means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public; and

''(13) the term 'recordkeeping requirement' means a requirement imposed by or for an agency on persons to maintain specified records.

''§ 3503. Office of Information and Regulatory Affairs

''(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

''(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information resources management policy.

''(c) The Administrator and employees of the Office of Information and Regulatory Affairs shall be appointed with special attention to professional qualifications required to administer the functions of the Office described under this chapter. Such qualifications shall include relevant education, work experience, or related professional activities.

''§ 3504. Authority and functions of Director

''(a)(1) The Director shall oversee the use of information resources to improve the efficiency and effectiveness of governmental operations to serve agency missions, including service delivery to the public. In performing such oversight, the Director shall—

''(A) develop, coordinate and oversee the implementation of Federal information resources management policies, principles, standards, and guidelines; and

''(B) provide direction and oversee—

''(i) the review of the collection of information and the reduction of the information collection burden;

''(ii) agency dissemination of and public access to information;

''(iii) statistical activities;

''(iv) records management activities;

''(v) privacy, confidentiality, security, disclosure, and sharing of information; and

''(vi) the acquisition and use of information technology.

''(2) The authority of the Director under this chapter shall be exercised consistent with applicable law.

''(b) With respect to general information resources management policy, the Director shall—

''(1) develop and oversee the implementation of uniform information resources management policies, principles, standards, and guidelines;

''(2) foster greater sharing, dissemination, and access to public information, including through—

''(A) the use of the Government Information Locator Service; and

''(B) the development and utilization of common standards for information collection, storage, processing and communication, including standards for security, interconnectivity and interoperability;

''(3) initiate and review proposals for changes in legislation, regulations, and agency procedures to improve information resources management practices;

''(4) oversee the development and implementation of best practices in information resources management, including training; and

''(5) oversee agency integration of program and management functions with information resources management functions.

''(c) With respect to the collection of information and the control of paperwork, the Director shall—

''(1) review proposed agency collections of information, and in accordance with section

3508, determine whether the collection of information by or for an agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

''(2) coordinate the review of the collection of information associated with Federal procurement and acquisition by the Office of Information and Regulatory Affairs with the Office of Federal Procurement Policy, with particular emphasis on applying information technology to improve the efficiency and effectiveness of Federal procurement and acquisition and to reduce information collection burdens on the public;

''(3) minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected;

''(4) maximize the practical utility of and public benefit from information collected by or for the Federal Government; and

''(5) establish and oversee standards and guidelines by which agencies are to estimate the burden to comply with a proposed collection of information.

''(d) With respect to information dissemination, the Director shall develop and oversee the implementation of policies, principles, standards, and guidelines to—

''(1) apply to Federal agency dissemination of public information, regardless of the form or format in which such information is disseminated; and

''(2) promote public access to public information and fulfill the purposes of this chapter, including through the effective use of information technology.

''(e) With respect to statistical policy and coordination, the Director shall—

''(1) coordinate the activities of the Federal statistical system to ensure—

''(A) the efficiency and effectiveness of the system; and

''(B) the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes;

''(2) ensure that budget proposals of agencies are consistent with system-wide priorities for maintaining and improving the quality of Federal statistics and prepare an annual report on statistical program funding;

''(3) develop and oversee the implementation of Governmentwide policies, principles, standards, and guidelines concerning—

''(A) statistical collection procedures and methods;

''(B) statistical data classification;

''(C) statistical information presentation and dissemination;

''(D) timely release of statistical data; and

''(E) such statistical data sources as may be required for the administration of Federal programs;

''(4) evaluate statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;

''(5) promote the sharing of information collected for statistical purposes consistent with privacy rights and confidentiality pledges;

''(6) coordinate the participation of the United States in international statistical activities, including the development of comparable statistics;

''(7) appoint a chief statistician who is a trained and experienced professional statistician to carry out the functions described under this subsection;

''(8) establish an Interagency Council on Statistical Policy to advise and assist the Director in carrying out the functions under this subsection that shall—

''(A) be headed by the chief statistician; and

''(B) consist of—

''(i) the heads of the major statistical programs; and

''(ii) representatives of other statistical agencies under rotating membership; and

''(9) provide opportunities for training in statistical policy functions to employees of the Federal Government under which—

''(A) each trainee shall be selected at the discretion of the Director based on agency requests and shall serve under the chief statistician for at least 6 months and not more than 1 year; and

''(B) all costs of the training shall be paid by the agency requesting training.

''(f) With respect to records management, the Director shall—

''(1) provide advice and assistance to the Archivist of the United States and the Administrator of General Services to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information resources management policies, principles, standards, and guidelines established under this chapter;

''(2) review compliance by agencies with—

''(A) the requirements of chapters 29, 31, and 33 of this title; and

''(B) regulations promulgated by the Archivist of the United States and the Administrator of General Services; and

''(3) oversee the application of records management policies, principles, standards, and guidelines, including requirements for archiving information maintained in electronic format, in the planning and design of information systems.

''(g) With respect to privacy and security, the Director shall—

''(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies;

''(2) oversee and coordinate compliance with sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

''(3) require Federal agencies, consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

''(h) With respect to Federal information technology, the Director shall—

''(1) in consultation with the Director of the National Institute of Standards and Technology and the Administrator of General Services—

''(A) develop and oversee the implementation of policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic evaluations of major information systems; and

''(B) oversee the development and implementation of standards under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d));

''(2) monitor the effectiveness of, and compliance with, directives issued under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759);

''(3) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy;

''(4) ensure, through the review of agency budget proposals, information resources management plans and other means—

''(A) agency integration of information resources management plans, program plans and budgets for acquisition and use of information technology; and

''(B) the efficiency and effectiveness of inter-agency information technology initiatives to improve agency performance and the accomplishment of agency missions; and

''(5) promote the use of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

''§ 3505. Assignment of tasks and deadlines

''In carrying out the functions under this chapter, the Director shall—

''(1) in consultation with agency heads, set an annual Governmentwide goal for the reduction of information collection burdens by at least five percent, and set annual agency goals to—

''(A) reduce information collection burdens imposed on the public that—

''(i) represent the maximum practicable opportunity in each agency; and

''(ii) are consistent with improving agency management of the process for the review of collections of information established under section 3506(c); and

''(B) improve information resources management in ways that increase the productivity, efficiency and effectiveness of Federal programs, including service delivery to the public;

''(2) with selected agencies and non-Federal entities on a voluntary basis, conduct pilot projects to test alternative policies, practices, regulations, and procedures to fulfill the purposes of this chapter, particularly with regard to minimizing the Federal information collection burden; and

''(3) in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Archivist of the United States, and the Director of the Office of Personnel Management, develop and maintain a Governmentwide strategic plan for information resources management, that shall include—

''(A) a description of the objectives and the means by which the Federal Government shall apply information resources to improve agency and program performance;

''(B) plans for—

''(i) reducing information burdens on the public, including reducing such burdens through the elimination of duplication and meeting shared data needs with shared resources;

''(ii) enhancing public access to and dissemination of, information, using electronic and other formats; and

''(iii) meeting the information technology needs of the Federal Government in accordance with the purposes of this chapter; and

''(C) a description of progress in applying information resources management to improve agency performance and the accomplishment of missions.

''§ 3506. Federal agency responsibilities

''(a)(1) The head of each agency shall be responsible for—

''(A) carrying out the agency's information resources management activities to improve agency productivity, efficiency, and effectiveness; and

''(B) complying with the requirements of this chapter and related policies established by the Director.

''(2)(A) Except as provided under subparagraph (B), the head of each agency shall designate a senior official who shall report directly to such agency head to carry out the responsibilities of the agency under this chapter.

''(B) The Secretary of the Department of Defense and the Secretary of each military department may each designate senior officials who shall report directly to such Secretary to carry out the responsibilities of the department under this chapter. If more than one official is designated, the respective duties of the officials shall be clearly delineated.

''(3) The senior official designated under paragraph (2) shall head an office responsible for ensuring agency compliance with and prompt, efficient, and effective implementation of the information policies and information resources management responsibilities established under this chapter, including the reduction of information collection burdens on the public. The senior official and employees of such office shall be selected with special attention to the professional qualifications required to administer the functions described under this chapter.

''(4) Each agency program official shall be responsible and accountable for information resources assigned to and supporting the programs under such official. In consultation with the senior official designated under paragraph (2) and the agency Chief Financial Officer (or comparable official), each agency program official shall define program information needs and develop strategies, systems, and capabilities to meet those needs.

''(b) With respect to general information resources management, each agency shall—

''(1) manage information resources to—

''(A) reduce information collection burdens on the public;

''(B) increase program efficiency and effectiveness; and

''(C) improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security;

''(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that shall describe how information resources management activities help accomplish agency missions;

''(3) develop and maintain an ongoing process to—

''(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;

''(B) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and

''(C) establish goals for improving information resources management's contribution to program productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

''(4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency's information resources, including directories necessary to fulfill the requirements of section 3511 of this chapter; and

''(5) in consultation with the Director and the Director of the Office of Personnel Management, conduct formal training programs to educate agency program and management officials about information resources management.

''(c) With respect to the collection of information and the control of paperwork, each agency shall—

''(1) establish a process within the office headed by the official designated under subsection (a), that is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved under this chapter, to—

''(A) review each collection of information before submission to the Director for review under this chapter, including—

''(i) an evaluation of the need for the collection of information;

''(ii) a functional description of the information to be collected;

''(iii) a plan for the collection of the information;

''(iv) a specific, objectively supported estimate of burden;

''(v) a test of the collection of information through a pilot program, if appropriate; and

''(vi) a plan for the efficient and effective management and use of the information to be collected, including necessary resources;

''(B) ensure that each information collection—

''(i) is inventoried, displays a control number and, if appropriate, an expiration date;

''(ii) indicates the collection is in accordance with the clearance requirements of section 3507; and

''(iii) contains a statement to inform the person receiving the collection of information—

''(I) the reasons the information is being collected;

''(II) the way such information is to be used;

''(III) an estimate, to the extent practicable, of the burden of the collection; and

''(IV) whether responses to the collection of information are voluntary, required to obtain a benefit, or mandatory; and

''(C) assess the information collection burden of proposed legislation affecting the agency;

''(2)(A) except as provided under subparagraph (B), provide 60-day notice in the Federal Register, and otherwise consult with members of the public and affected agencies concerning each proposed collection of information, to solicit comment to—

''(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

''(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

''(iii) enhance the quality, utility, and clarity of the information to be collected; and

''(iv) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology; and

''(B) for any proposed collection of information contained in a proposed rule (to be reviewed by the Director under section 3507(d)), provide notice and comment through the notice of proposed rulemaking for the proposed rule and such notice shall have the same purposes specified under subparagraph (A) (i) through (iv); and

''(3) certify (and provide a record supporting such certification, including public comments received by the agency) that each collection of information submitted to the Director for review under section 3507—

''(A) is necessary for the proper performance of the functions of the agency, including that the information has practical utility;

''(B) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

''(C) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined under section 601(6) of title 5, the use of such techniques as—

''(i) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

''(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; or

''(iii) an exemption from coverage of the collection of information, or any part thereof;

''(D) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;

''(E) is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

''(F) contains the statement required under paragraph (1)(B)(iii);

''(G) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

''(H) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

''(I) to the maximum extent practicable, uses information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public.

''(d) With respect to information dissemination, each agency shall—

''(1) ensure that the public has timely and equitable access to the agency's public information, including ensuring such access through—

''(A) encouraging a diversity of public and private sources for information based on government public information, and

''(B) agency dissemination of public information in an efficient, effective, and economical manner;

''(2) regularly solicit and consider public input on the agency's information dissemination activities; and

''(3) not, except where specifically authorized by statute—

''(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;

''(B) restrict or regulate the use, resale, or redissemination of public information by the public;

''(C) charge fees or royalties for resale or redissemination of public information; or

''(D) establish user fees for public information that exceed the cost of dissemination.

''(e) With respect to statistical policy and coordination, each agency shall—

''(1) ensure the relevance, accuracy, timeliness, integrity, and objectivity of information collected or created for statistical purposes;

''(2) inform respondents fully and accurately about the sponsors, purposes, and uses of statistical surveys and studies;

''(3) protect respondents' privacy and ensure that disclosure policies fully honor pledges of confidentiality;

''(4) observe Federal standards and practices for data collection, analysis, documentation, sharing, and dissemination of information;

''(5) ensure the timely publication of the results of statistical surveys and studies, including information about the quality and limitations of the surveys and studies; and

''(6) make data available to statistical agencies and readily accessible to the public.

''(f) With respect to records management, each agency shall implement and enforce applicable policies and procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design and operation of information systems.

''(g) With respect to privacy and security, each agency shall—

''(1) implement and enforce applicable policies, procedures, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for the agency;

''(2) assume responsibility and accountability for compliance with and coordinated management of sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

''(3) consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

''(h) With respect to Federal information technology, each agency shall—

''(1) implement and enforce applicable Governmentwide and agency information technology management policies, principles, standards, and guidelines;

''(2) assume responsibility and accountability for information technology investments;

''(3) promote the use of information technology by the agency to improve the productivity, efficiency, and effectiveness of agency programs, including the reduction of information collection burdens on the public and improved dissemination of public information;

''(4) propose changes in legislation, regulations, and agency procedures to improve information technology practices, including changes that improve the ability of the agency to use technology to reduce burden; and

''(5) ensure responsibility for maximizing the value and assessing and managing the risks of major information systems initiatives through a process that is—

''(A) integrated with budget, financial, and program management decisions; and

''(B) used to select, control, and evaluate the results of major information systems initiatives.

''§ 3507. Public information collection activities; submission to Director; approval and delegation

''(a) An agency shall not conduct or sponsor the collection of information unless in advance of the adoption or revision of the collection of information—

''(1) the agency has—

''(A) conducted the review established under section 3506(c)(1);

''(B) evaluated the public comments received under section 3506(c)(2);

''(C) submitted to the Director the certification required under section 3506(c)(3), the proposed collection of information, copies of pertinent statutory authority, regulations, and other related materials as the Director may specify; and

''(D) published a notice in the Federal Register—

''(i) stating that the agency has made such submission; and

''(ii) setting forth—

''(I) a title for the collection of information;

''(II) a summary of the collection of information;

''(III) a brief description of the need for the information and the proposed use of the information;

''(IV) a description of the likely respondents and proposed frequency of response to the collection of information;

''(V) an estimate of the burden that shall result from the collection of information; and

''(VI) notice that comments may be submitted to the agency and Director;

''(2) the Director has approved the proposed collection of information or approval has been inferred, under the provisions of this section; and

''(3) the agency has obtained from the Director a control number to be displayed upon the collection of information.

''(b) The Director shall provide at least 30 days for public comment prior to making a decision under subsection (c), (d), or (h), except as provided under subsection (j).

''(c)(1) For any proposed collection of information not contained in a proposed rule, the Director shall notify the agency involved of the decision to approve or disapprove the proposed collection of information.

''(2) The Director shall provide the notification under paragraph (1), within 60 days after receipt or publication of the notice under subsection (a)(1)(D), whichever is later.

''(3) If the Director does not notify the agency of a denial or approval within the 60-day period described under paragraph (2)—

''(A) the approval may be inferred;

''(B) a control number shall be assigned without further delay; and

''(C) the agency may collect the information for not more than 2 years.

''(d)(1) For any proposed collection of information contained in a proposed rule—

''(A) as soon as practicable, but no later than the date of publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information and any information requested by the Director necessary to make the determination required under this subsection; and

''(B) within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information contained in the proposed rule;

''(2) When a final rule is published in the Federal Register, the agency shall explain—

''(A) how any collection of information contained in the final rule responds to the comments, if any, filed by the Director or the public; or

''(B) the reasons such comments were rejected.

''(3) If the Director has received notice and failed to comment on an agency rule within 60 days after the notice of proposed rulemaking, the Director may not disapprove any collection of information specifically contained in an agency rule.

''(4) No provision in this section shall be construed to prevent the Director, in the Director's discretion—

''(A) from disapproving any collection of information which was not specifically required by an agency rule;

''(B) from disapproving any collection of information contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection;

''(C) from disapproving any collection of information contained in a final agency rule, if the Director finds within 60 days after the publication of the final rule that the agency's response to the Director's comments filed under paragraph (2) of this subsection was unreasonable; or

''(D) from disapproving any collection of information contained in a final rule, if—

''(i) the Director determines that the agency has substantially modified in the final rule the collection of information contained in the proposed rule; and

''(ii) the agency has not given the Director the information required under paragraph (1) with respect to the modified collection of information, at least 60 days before the issuance of the final rule.

''(5) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

''(6) The decision by the Director to approve or not act upon a collection of information contained in an agency rule shall not be subject to judicial review.

''(e)(1) Any decision by the Director under subsection (c), (d), (h), or (j) to disapprove a collection of information, or to instruct the agency to make substantive or material change to a collection of information, shall be publicly available and include an explanation of the reasons for such decision.

''(2) Any written communication between the Office of the Director, the Administrator of the Office of Information and Regulatory Affairs, or any employee of the Office of Information and Regulatory Affairs and an agency or person not employed by the Federal Government concerning a proposed collection of information shall be made available to the public.

''(3) This subsection shall not require the disclosure of—

''(A) any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy; or

''(B) any communication relating to a collection of information which has not been approved under this chapter, the disclosure of which could lead to retaliation or discrimination against the communicator.

''(f)(1) An independent regulatory agency which is administered by 2 or more members of a commission, board, or similar body, may by majority vote void—

''(A) any disapproval by the Director, in whole or in part, of a proposed collection of information of that agency; or

''(B) an exercise of authority under subsection (d) of section 3507 concerning that agency.

''(2) The agency shall certify each vote to void such disapproval or exercise to the Director, and explain the reasons for such vote. The Director shall without further delay assign a control number to such collection of information, and such vote to void the disapproval or exercise shall be valid for a period of 3 years.

''(g) The Director may not approve a collection of information for a period in excess of 3 years.

''(h)(1) If an agency decides to seek extension of the Director's approval granted for a currently approved collection of information, the agency shall—

''(A) conduct the review established under section 3506(c), including the seeking of comment from the public on the continued need for, and burden imposed by the collection of information; and

''(B) after having made a reasonable effort to seek public comment, but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved collection of information, submit the collection of information for review and approval under this section, which shall include an explanation of how the agency has used the information that it has collected.

''(2) If under the provisions of this section, the Director disapproves a collection of information contained in an existing rule, or recommends or instructs the agency to make a substantive or material change to a collection of information contained in an existing rule, the Director shall—

''(A) publish an explanation thereof in the Federal Register; and

''(B) instruct the agency to undertake a rulemaking within a reasonable time limited to consideration of changes to the collection of information contained in the rule and thereafter to submit the collection of information for approval or disapproval under this chapter.

''(3) An agency may not make a substantive or material modification to a collection of information after such collection has been approved by the Director, unless the modification has been submitted to the Director for review and approval under this chapter.

''(i)(1) If the Director finds that a senior official of an agency designated under section 3506(a) is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed collections of information in specific program areas, for specific purposes, or for all agency purposes.

''(2) A delegation by the Director under this section shall not preclude the Director from reviewing individual collections of information if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

''(j)(1) The agency head may request the Director to authorize a collection of information, if an agency head determines that—

''(A) a collection of information—

''(i) is needed prior to the expiration of time periods established under this chapter; and

''(ii) is essential to the mission of the agency; and

''(B) the agency cannot reasonably comply with the provisions of this chapter because—

''(i) public harm is reasonably likely to result if normal clearance procedures are followed;

''(ii) an unanticipated event has occurred; or

''(iii) the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information or is reasonably likely to cause a statutory or court ordered deadline to be missed.

''(2) The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved, shall assign the collection of information a control number. Any collection of information conducted under this subsection may be conducted without compliance with the provisions of this chapter for a maximum of 90 days after the date on which the Director received the request to authorize such collection.

''§ 3508. Determination of necessity for information; hearing

''Before approving a proposed collection of information, the Director shall determine whether the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent that the Director determines that the collection of information by an agency is unnecessary for the proper performance of the functions of the agency, for any reason, the agency may not engage in the collection of information.

''§ 3509. Designation of central collection agency

''The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by the designation may not obtain for itself information for the agency which is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority to designate under this section is subject to the provisions of section 3507(f) of this chapter.

''§ 3510. Cooperation of agencies in making information available

''(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained by a collection of information if the disclosure is not inconsistent with applicable law.

''(b)(1) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information.

''(2) The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

''§ 3511. Establishment and operation of Government Information Locator Service

''(a) In order to assist agencies and the public in locating information and to promote information sharing and equitable access by the public, the Director shall—

''(1) cause to be established and maintained a distributed agency-based electronic Government Information Locator Service (hereafter in this section referred to as the 'Service'), which shall identify the major information systems, holdings, and dissemination products of each agency;

''(2) require each agency to establish and maintain an agency information locator service as a component of, and to support the establishment and operation of the Service;

''(3) in cooperation with the Archivist of the United States, the Administrator of General Services, the Public Printer, and the Librarian of Congress, establish an interagency committee to advise the Secretary of Commerce on the development of technical standards for the Service to ensure compatibility, promote information sharing, and uniform access by the public;

''(4) consider public access and other user needs in the establishment and operation of the Service;

''(5) ensure the security and integrity of the Service, including measures to ensure that only information which is intended to be disclosed to the public is disclosed through the Service; and

''(6) periodically review the development and effectiveness of the Service and make recommendations for improvement, including other mechanisms for improving public access to Federal agency public information.

''(b) This section shall not apply to operational files as defined by the Central Intelligence Agency Information Act (50 U.S.C. 431 et seq.).

''§ 3512. Public protection

''Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain, provide, or disclose information to or for any agency or person if the collection of information subject to this chapter—

''(1) does not display a valid control number assigned by the Director; or

''(2) fails to state that the person who is to respond to the collection of information is not required to comply unless such collection displays a valid control number.

''§ 3513. Director review of agency activities; reporting; agency response

''(a) In consultation with the Administrator of General Services, the Archivist of the United States, the Director of the National Institute of Standards and Technology, and the Director of the Office of Personnel Management, the Director shall periodically review selected agency information resources management activities to ascertain the efficiency and effectiveness of such activities to improve agency performance and the accomplishment of agency missions.

''(b) Each agency having an activity reviewed under subsection (a) shall, within 60 days after receipt of a report on the review, provide a written plan to the Director describing steps (including milestones) to—

''(1) be taken to address information resources management problems identified in the report; and

''(2) improve agency performance and the accomplishment of agency missions.

''§ 3514. Responsiveness to Congress

''(a)(1) The Director shall—

''(A) keep the Congress and congressional committees fully and currently informed of the major activities under this chapter; and

''(B) submit a report on such activities to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary.

''(2) The Director shall include in any such report a description of the extent to which agencies have—

''(A) reduced information collection burdens on the public, including—

''(i) a summary of accomplishments and planned initiatives to reduce collection of information burdens;

''(ii) a list of all violations of this chapter and of any rules, guidelines, policies, and procedures issued pursuant to this chapter; and

''(iii) a list of any increase in the collection of information burden, including the authority for each such collection;

''(B) improved the quality and utility of statistical information;

''(C) improved public access to Government information; and

''(D) improved program performance and the accomplishment of agency missions through information resources management.

''(b) The preparation of any report required by this section shall be based on performance

results reported by the agencies and shall not increase the collection of information burden on persons outside the Federal Government.

"§ 3515. Administrative powers

''Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

"§ 3516. Rules and regulations

''The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

"§ 3517. Consultation with other agencies and the public

''(a) In developing information resources management policies, plans, rules, regulations, procedures, and guidelines and in reviewing collections of information, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

''(b) Any person may request the Director to review any collection of information conducted by or for an agency to determine, if, under this chapter, a person shall maintain, provide, or disclose the information to or for the agency. Unless the request is frivolous, the Director shall, in coordination with the agency responsible for the collection of information—

''(1) respond to the request within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension; and

''(2) take appropriate remedial action, if necessary.

"§ 3518. Effect on existing laws and regulations

''(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information resources management activities is subject to the authority of the Director under this chapter.

''(b) Nothing in this chapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

''(c)(1) Except as provided in paragraph (2), this chapter shall not apply to the collection of information—

''(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

''(B) during the conduct of—

''(i) a civil action to which the United States or any official or agency thereof is a party; or

''(ii) an administrative action or investigation involving an agency against specific individuals or entities;

''(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

''(D) during the conduct of intelligence activities as defined in section 3.4(e) of Executive Order No. 12333, issued December 4, 1981, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

''(2) This chapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

''(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89–306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

''(e) Nothing in this chapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

"§ 3519. Access to information

''Under the conditions and procedures prescribed in section 716 of title 31, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of the responsibilities of the Comptroller General. For the purpose of obtaining such information, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records, regardless of form or format, of the Office.

"§ 3520. Authorization of appropriations

''(a) Subject to subsection (b), there are authorized to be appropriated to the Office of Information and Regulatory Affairs to carry out the provisions of this chapter, and for no other purpose, $8,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

''(b)(1) No funds may be appropriated pursuant to subsection (a) unless such funds are appropriated in an appropriation Act (or continuing resolution) which separately and expressly states the amount appropriated pursuant to subsection (a) of this section.

''(2) No funds are authorized to be appropriated to the Office of Information and Regulatory Affairs, or to any other officer or administrative unit of the Office of Management and Budget, to carry out the provisions of this chapter, or to carry out any function under this chapter, for any fiscal year pursuant to any provision of law other than subsection (a) of this section.''.

SEC. 103. PAPERWORK BURDEN REDUCTION INITIATIVE REGARDING THE QUARTERLY FINANCIAL REPORT PROGRAM AT THE BUREAU OF THE CENSUS.

(a) PAPERWORK BURDEN REDUCTION INITIATIVE REQUIRED.—As described in subsection (b), the Bureau of the Census within the Department of Commerce shall undertake a demonstration program to reduce the burden imposed on firms, especially small businesses, required to participate in the survey used to prepare the publication entitled ''Quarterly Financial Report for Manufacturing, Mining, and Trade Corporations''.

(b) BURDEN REDUCTION INITIATIVES TO BE INCLUDED IN THE DEMONSTRATION PROGRAM.—The demonstration program required by subsection (a) shall include the following paperwork burden reduction initiatives:

(1) FURNISHING ASSISTANCE TO SMALL BUSINESS CONCERNS.—

(A) The Bureau of the Census shall furnish advice and similar assistance to ease the burden of a small business concern which is attempting to compile and furnish the business information required of firms participating in the survey.

(B) To facilitate the provision of the assistance described in subparagraph (A), a toll-free telephone number shall be established by the Bureau of the Census.

(2) VOLUNTARY PARTICIPATION BY CERTAIN BUSINESS CONCERNS.—

(A) A business concern may decline to participate in the survey, if the firm has—

(i) participated in the survey during the period of the demonstration program described under subsection (c) or has participated in the survey during any of the 24 calendar quarters previous to such period; and

(ii) assets of $50,000,000 or less at the time of being selected to participate in the survey for a subsequent time.

(B) A business concern may decline to participate in the survey, if the firm—

(i) has assets of greater than $50,000,000 but less than $100,000,000 at the time of selection; and

(ii) participated in the survey during the 8 calendar quarters immediately preceding the firm's selection to participate in the survey for an additional 8 calendar quarters.

(3) EXPANDED USE OF SAMPLING TECHNIQUES.—The Bureau of the Census shall use statistical sampling techniques to select firms having assets of $100,000,000 or less to participate in the survey.

(4) ADDITIONAL BURDEN REDUCTION TECHNIQUES.—The Director of the Bureau of the Budget may undertake such additional paperwork burden reduction initiatives with respect to the conduct of the survey as may be deemed appropriate by such officer.

(c) DURATION OF THE DEMONSTRATION PROGRAM.—The demonstration program required by subsection (a) shall commence on October 1, 1995, and terminate on the later of—

(1) September 30, 1998; or

(2) the date in the Act of Congress providing for authorization of appropriations for section 91 of title 13, United States Code, first enacted following the date of the enactment of this Act, that is September 30, of the last fiscal year providing such an authorization under such Act of Congress.

(d) DEFINITIONS.—For purposes of this section:

(1) The term ''burden'' shall have the meaning given that term by section 3502(2) of title 44, United States Code.

(2) The term ''collection of information'' shall have the meaning given that term by section 3502(3) of title 44, United States Code.

(3) The term ''small business concern'' means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the regulations promulgated pursuant thereto.

(4) The term ''survey'' means the collection of information by the Bureau of the Census at the Department of Commerce pursuant to section 91 of title 13, United States Code, for the purpose of preparing the publication entitled ''Quarterly Financial Report for Manufacturing, Mining, and Trade Corporations''.

SEC. 104. OREGON OPTION PROPOSAL.

(a) FINDINGS.—The Senate finds that—

(1) Federal, State and local governments are dealing with increasingly complex problems which require the delivery of many kinds of social services at all levels of government;

(2) historically, Federal programs have addressed the Nation's problems by providing categorical assistance with detailed requirements relating to the use of funds which are often delivered by State and local governments;

(3) although the current approach is one method of service delivery, a number of problems exist in the current intergovernmental structure that impede effective delivery of vital services by State and local governments;

(4) it is more important than ever to provide programs that respond flexibly to the

needs of the Nation's States and communities, reduce the barriers between programs that impede Federal, State and local governments' ability to effectively deliver services, encourage the Nation's Federal, State and local governments to be innovative in creating programs that meet the unique needs of the people in their communities while continuing to address national goals, and improve the accountability of all levels of government by better measuring government performance and better meeting the needs of service recipients;

(5) the State and local governments of Oregon have begun a pilot project, called the Oregon Option, that will utilize strategic planning and performance-based management that may provide new models for intergovernmental social service delivery;

(6) the Oregon Option is a prototype of a new intergovernmental relations system, and it has the potential to completely transform the relationships among Federal, State and local governments by creating a system of intergovernmental service delivery and funding that is based on measurable performance, customer satisfaction, prevention, flexibility, and service integration; and

(7) the Oregon Option has the potential to dramatically improve the quality of Federal, State and local services to Oregonians.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Oregon Option project has the potential to improve intergovernmental service delivery by shifting accountability from compliance to performance results and that the Federal Government should continue in its partnership with the State and local governments of Oregon to fully implement the Oregon Option.

SEC. 105. TERMINATION OF REPORTING REQUIREMENTS.

(a) TERMINATION.—

(1) IN GENERAL.—Subject to the provisions of paragraph (2), each provision of law requiring the submittal to Congress (or any committee of the Congress) of any annual, semiannual or other regular periodic reports specified on the list described under subsection (c) shall cease to be effective, with respect to that requirement, 5 years after the date of the enactment of this Act.

(2) EXCEPTION.—The provisions of paragraph (1) shall not apply to any report required under—

(A) the Inspector General Act of 1978 (5 U.S.C. App.; Public Law 95–452); or

(B) the Chief Financial Officers Act of 1990 (Public Law 101–576).

(b) IDENTIFICATION OF WASTEFUL REPORTS.—The President shall include in the first annual budget submitted pursuant to section 1105 of title 31, United States Code, after the date of enactment of this Act a list of reports that the President has determined are unnecessary or wasteful and the reasons for such determination.

(c) LIST OF REPORTS.—The list referred to under subsection (a) includes only the annual, semiannual, or other regular periodic reports on the list prepared by the Clerk of the House of Representatives for the first session of the One Hundred Third Congress under Clause 2 of Rule III of the Rules of the House of Representatives.

SEC. 106. EFFECTIVE DATE.

The provisions of this title and the amendments made by this title shall take effect on June 30, 1995.

TITLE II—FEDERAL REPORT ELIMINATION AND MODIFICATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Federal Report Elimination and Modification Act of 1995''.

SEC. 202. TABLE OF CONTENTS.

The table of contents for this title is as follows:

Subtitle I—Departments

CHAPTER 1—DEPARTMENT OF AGRICULTURE

SEC. 1011. REPORTS ELIMINATED.

(a) REPORT ON MONITORING AND EVALUATION.—Section 1246 of the Food Security Act of 1985 (16 U.S.C. 3846) is repealed.

(b) REPORT ON RETURN ON ASSETS.—Section 2512 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421b) is amended—

(1) in subsection (a), by striking ''(a) IMPROVING'' and all that follows through ''FORECASTS.—''; and

(2) by striking subsection (b).

(c) REPORT ON FARM VALUE OF AGRICULTURAL PRODUCTS.—Section 2513 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421c) is repealed.

(d) REPORT ON ORIGIN OF EXPORTS OF PEANUTS.—Section 1558 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 958) is repealed.

(e) REPORT ON REPORTING OF IMPORTING FEES.—Section 407 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) through (h) as subsections (b) through (g), respectively.

(f) REPORT ON AGRICULTURAL INFORMATION EXCHANGE WITH IRELAND.—Section 1420 of

the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1551) is amended—

(1) in subsection (a), by striking ''(a)''; and

(2) by striking subsection (b).

(g) REPORT ON POTATO INSPECTION.—Section 1704 of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 499n note) is amended by striking the second sentence.

(h) REPORT ON TRANSPORTATION OF FERTILIZER AND AGRICULTURAL CHEMICALS.—Section 2517 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 4077) is repealed.

(i) REPORT ON UNIFORM END-USE VALUE TESTS.—Section 307 of the Futures Trading Act of 1986 (Public Law 99–641; 7 U.S.C. 76 note) is amended by striking subsection (c).

(j) REPORT ON PROJECT AREAS WITH HIGH FOOD STAMP PAYMENT ERROR RATES.—Section 16(i) of the Food Stamp Act of 1977 (7 U.S.C. 2025(i)) is amended by striking paragraph (3).

(k) REPORT ON EFFECT OF EFAP DISPLACEMENT ON COMMERCIAL SALES.—Section 203C(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking the last sentence.

(l) REPORT ON WIC EXPENDITURES AND PARTICIPATION LEVELS.—Section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended—

(1) by striking paragraphs (8) and (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (8) and (9), respectively.

(m) REPORT ON WIC MIGRANT SERVICES.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by striking subsection (j).

(n) REPORT ON DEMONSTRATIONS INVOLVING INNOVATIVE HOUSING UNITS.—Section 506(b) of the Housing Act of 1949 (42 U.S.C. 1476(b)) is amended by striking the last sentence.

(o) REPORT ON ANNUAL UPWARD MOBILITY PROGRAM ACTIVITY.—Section 2(a)(6)(A) of the Act of June 20, 1936 (20 U.S.C. 107a(a)(6)(A)), is amended by striking ''including upward mobility'' and inserting ''excluding upward mobility''.

(p) REPORT ON LAND EXCHANGES IN COLUMBIA RIVER GORGE NATIONAL SCENIC AREA.—Section 9(d)(3) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544g(d)(3)) is amended by striking the second sentence.

(q) REPORT ON INCOME AND EXPENDITURES OF CERTAIN LAND ACQUISITIONS.—Section 2(e) of Public Law 96–586 (94 Stat. 3382) is amended by striking the second sentence.

(r) REPORT ON SPECIAL AREA DESIGNATIONS.—Section 1506 of the Agriculture and Food Act of 1981 (16 U.S.C. 3415) is repealed.

(s) REPORT ON EVALUATION OF SPECIAL AREA DESIGNATIONS.—Section 1510 of the Agriculture and Food Act of 1981 (16 U.S.C. 3419) is repealed.

(t) REPORT ON AGRICULTURAL PRACTICES AND WATER RESOURCES DATA BASE DEVELOPMENT.—Section 1485 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5505) is amended—

(1) in subsection (a), by striking ''(a) REPOSITORY.—''; and

(2) by striking subsection (b).

(u) REPORT ON PLANT GENOME MAPPING.—Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(v) REPORT ON APPRAISAL OF PROPOSED BUDGET FOR FOOD AND AGRICULTURAL SCIENCES.—Section 1408(g) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(w) REPORT ON ECONOMIC IMPACT OF ANIMAL DAMAGE ON AQUACULTURE INDUSTRY.—Section 1475(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(e)) is amended—

(1) in paragraph (1), by striking ''(1)''; and

(2) by striking paragraph (2).

(x) REPORT ON AWARDS MADE BY THE NATIONAL RESEARCH INITIATIVE AND SPECIAL GRANTS.—Section 2 of the Act of August 4, 1965 (7 U.S.C. 450i), is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

(y) REPORT ON PAYMENTS MADE UNDER RESEARCH FACILITIES ACT.—Section 8 of the Research Facilities Act (7 U.S.C. 390i) is repealed.

(z) REPORT ON FINANCIAL AUDIT REVIEWS OF STATES WITH HIGH FOOD STAMP PARTICIPATION.—The first sentence of section 11(l) of the Food Stamp Act of 1977 (7 U.S.C. 2020(l)) is amended by striking '', and shall, upon completion of the audit, provide a report to Congress of its findings and recommendations within one hundred and eighty days''.

(aa) REPORT ON RURAL TELEPHONE BANK.—Section 408(b)(3) of the Rural Electrification Act of 1936 (7 U.S.C. 948(b)(3)) is amended by striking out subparagraph (I) and redesignating subparagraph (J) as subparagraph (I).

SEC. 1012. REPORTS MODIFIED.

(a) REPORT ON ANIMAL WELFARE ENFORCEMENT.—The first sentence of section 25 of the Animal Welfare Act (7 U.S.C. 2155) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(5) the information and recommendations described in section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830).''.

(b) REPORT ON HORSE PROTECTION ENFORCEMENT.—Section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830) is amended by striking ''On or before the expiration of thirty calendar months following the date of enactment of this Act, and every twelve calendar months thereafter, the Secretary shall submit to the Congress a report upon'' and inserting the following: ''As part of the report submitted by the Secretary under section 25 of the Animal Welfare Act (7 U.S.C. 2155), the Secretary shall include information on''.

(c) REPORT ON AGRICULTURAL QUARANTINE INSPECTION FUND.—The Secretary of Agriculture shall not be required to submit a report to the appropriate committees of Congress on the status of the Agricultural Quarantine Inspection fund more frequently than annually.

(d) REPORT ON ESTIMATED EXPENDITURES UNDER FOOD STAMP PROGRAM.—The third sentence of section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2027(a)(1)) is amended—

(1) by striking ''by the fifteenth day of each month'' and inserting ''for each quarter or other appropriate period''; and

(2) by striking ''the second preceding month's expenditure'' and inserting ''the expenditure for the quarter or other period''.

(e) REPORT ON COMMODITY DISTRIBUTION.—Section 3(a)(3)(D) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100–237; 7 U.S.C. 612c note) is amended by striking ''annually'' and inserting ''biennially''.

(f) REPORT ON PRIORITIES FOR RESEARCH, EXTENSION, AND TEACHING.—Section 1407(f)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(1)) is amended—

(1) in the paragraph heading, by striking ''ANNUAL REPORT'' and inserting ''REPORT''; and

(2) by striking ''Not later than June 30 of each year'' and inserting ''At such times as the Joint Council determines appropriate''.

(g) 5-YEAR PLAN FOR FOOD AND AGRICULTURAL SCIENCES.—Section 1407(f)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(2)) is amended by striking the second sentence.

(h) REPORT ON EXAMINATION OF FEDERALLY SUPPORTED AGRICULTURAL RESEARCH AND EXTENSION PROGRAMS.—Section 1408(g)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)(1)) is amended by inserting ''may provide'' before ''a written report''.

(i) REPORT ON EFFECTS OF FOREIGN OWNERSHIP OF AGRICULTURAL LAND.—Section 5(b) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3504(b)) is amended to read as follows:

''(b) An analysis and determination shall be made, and a report on the Secretary's findings and conclusions regarding such analysis and determination under subsection (a) shall be transmitted within 90 days after the end of—

''(1) the calendar year in which the Federal Report Elimination and Modification Act of 1995 is enacted; and

''(2) the calendar year which occurs every ten years thereafter.''.

CHAPTER 2—DEPARTMENT OF COMMERCE

SEC. 1021. REPORTS ELIMINATED.

(a) REPORT ON VOTING REGISTRATION.—Section 207 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa–5) is repealed.

(b) REPORT ON ESTIMATE OF SPECIAL AGRICULTURAL WORKERS.—Section 210A(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1161(b)(3)) is repealed.

(c) REPORT ON LONG RANGE PLAN FOR PUBLIC BROADCASTING.—Section 393A(b) of the Communications Act of 1934 (47 U.S.C. 393a(b)) is repealed.

(d) REPORT ON STATUS, ACTIVITIES, AND EFFECTIVENESS OF UNITED STATES COMMERCIAL CENTERS IN ASIA, LATIN AMERICA, AND AFRICA AND PROGRAM RECOMMENDATIONS.—Section 401(j) of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a(j)) is repealed.

(e) REPORT ON KUWAIT RECONSTRUCTION CONTRACTS.—Section 606(f) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 is repealed.

(f) REPORT ON UNITED STATES-CANADA FREE TRADE AGREEMENT.—Section 409(a)(3)(B) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended to read as follows:

''(3) The United States members of the working group established under article 1907 of the Agreement shall consult regularly with the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and advisory committees established under section 135 of the Trade Act of 1974 regarding—

''(A) the issues being considered by the working group; and

''(B) as appropriate, the objectives and strategy of the United States in the negotiations.''.

(g) REPORT ON ESTABLISHMENT OF AMERICAN BUSINESS CENTERS AND ON ACTIVITIES OF THE INDEPENDENT STATES BUSINESS AND AGRICULTURE ADVISORY COUNCIL.—Section 305 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5825) is repealed.

(h) REPORT ON FISHERMAN'S CONTINGENCY FUND REPORT.—Section 406 of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1846) is repealed.

(i) REPORT ON USER FEES ON SHIPPERS.—Section 208 of the Water Resources Development Act of 1986 (33 U.S.C. 2236) is amended by—

(1) striking subsection (b); and

(2) redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

SEC. 1022. REPORTS MODIFIED.

(a) REPORT ON FEDERAL TRADE PROMOTION STRATEGIC PLAN.—Section 2312(f) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f) is amended to read as follows:

''(f) REPORT TO THE CONGRESS.—The chairperson of the TPCC shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Foreign Affairs of the House of Representatives, not later than September 30, 1995, and annually thereafter, a report describing—

''(1) the strategic plan developed by the TPCC pursuant to subsection (c), the implementation of such plan, and any revisions thereto; and

''(2) the implementation of sections 303 and 304 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5823 and 5824) concerning funding for export promotion activities and the interagency working groups on energy of the TPCC.''.

(b) REPORT ON EXPORT POLICY.—Section 2314(b)(1) of the Export Enhancement Act of 1988 (15 U.S.C. 4729(b)(1)) is amended—

(1) in subparagraph (E) by striking out ''and'' after the semicolon;

(2) in subparagraph (F) by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new subparagraphs:

''(G) the status, activities, and effectiveness of the United States commercial centers established under section 401 of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a);

''(H) the implementation of sections 301 and 302 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5821 and 5822) concerning American Business Centers and the Independent States Business and Agriculture Advisory Council;

''(I) the programs of other industrialized nations to assist their companies with their efforts to transact business in the independent states of the former Soviet Union; and

''(J) the trading practices of other Organization for Economic Cooperation and Development nations, as well as the pricing practices of transitional economies in the independent states, that may disadvantage United States companies.''.

CHAPTER 3—DEPARTMENT OF DEFENSE

SEC. 1031. REPORTS ELIMINATED.

(a) REPORT ON SEMATECH.—Section 274 of The National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1071) is amended—

(1) in section 6 by striking out the item relating to section 274; and

(2) by striking out section 274.

(b) REPORT ON REVIEW OF DOCUMENTATION IN SUPPORT OF WAIVERS FOR PEOPLE ENGAGED IN ACQUISITION ACTIVITIES.—

(1) IN GENERAL.—Section 1208 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 1701 note) is repealed.

(2) CLERICAL AMENDMENT TO TABLE OF CONTENTS.—Section 2(b) of such Act is amended by striking out the item relating to section 1208.

CHAPTER 4—DEPARTMENT OF EDUCATION

SEC. 1041. REPORTS ELIMINATED.

(a) REPORT ON PERSONNEL REDUCTION AND ANNUAL LIMITATIONS.—Subsection (a) of section 403 of the Department of Education Organization Act (20 U.S.C. 3463(a)) is amended—

(1) in paragraph (2), by striking all beginning with ''and shall,'' through the end thereof and inserting a period; and

(2) by redesignating paragraph (3) as paragraph (2).

(b) REPORT ON PROJECTS FUNDED BY THE FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING.—Section 3232 of the Fund for the Improvement and Reform of Schools and Teaching Act (20 U.S.C. 4832) is amended—

(1) in the section heading, by striking ''**AND REPORTING**'';

(2) in subsection (a), by striking ''(a) EXEMPLARY PROJECTS.—''; and

(3) by striking subsections (b) and (c).

(c) REPORT ON THE SUCCESS OF FIRST ASSISTED PROGRAMS IN IMPROVING EDUCATION.—Section 6215 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 4832 note) is amended—

(1) by amending the section heading to read as follows:

''**SEC. 6215. EXEMPLARY PROJECTS.**'';

(2) in subsection (a), by striking ''(a) EXEMPLARY PROJECTS.—''; and

(3) by striking subsections (b) and (c).

(d) REPORT ON SUPPORTED EMPLOYMENT ACTIVITIES.—Subsection (c) of section 311 of the Rehabilitation Act of 1973 (20 U.S.C. 777a(c) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(e) REPORT ON THE CLIENT ASSISTANCE PROGRAM.—Subsection (g) of section 112 of the Rehabilitation Act of 1973 (20 U.S.C. 732(g)) is amended—

(1) by striking paragraphs (4) and (5); and

(2) in paragraph (6), by striking ''such report or for any other'' and inserting ''any''.

(f) REPORT ON THE SUMMARY OF LOCAL EVALUATIONS OF COMMUNITY EDUCATION EMPLOYMENT CENTERS.—Section 370 of the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2396h) is amended—

(1) in the section heading, by striking ''**AND REPORT**'';

(2) in subsection (a), by striking ''(a) LOCAL EVALUATION.—''; and

(3) by striking subsection (b).

(g) REPORT ON THE ADMINISTRATION OF THE VOCATIONAL EDUCATION ACT OF 1917.—Section 18 of the Vocational Education Act of 1917 (20 U.S.C. 28) is repealed.

(h) REPORT BY THE INTERDEPARTMENTAL TASK FORCE ON COORDINATING VOCATIONAL EDUCATION AND RELATED PROGRAMS.—Subsection (d) of section 4 of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (20 U.S.C. 2303(d)) is repealed.

(i) REPORT ON THE EVALUATION OF THE GATEWAY GRANTS PROGRAM.—Subparagraph (B) of section 322(a)(3) of the Adult Education Act (20 U.S.C. 1203a(a)(3)(B)) is amended by striking ''and report the results of such evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate''.

(j) REPORT ON THE BILINGUAL VOCATIONAL TRAINING PROGRAM.—Paragraph (3) of section 441(e) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2441(e)(3)) is amended by striking the last sentence thereof.

(k) REPORT ON ADVISORY COUNCILS.—Section 448 of the General Education Provisions Act (20 U.S.C. 1233g) is repealed.

SEC. 1042. REPORTS MODIFIED.

(a) REPORT ON THE CONDITION OF BILINGUAL EDUCATION IN THE NATION.—Section 6213 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 3303 note) is amended—

(1) in the section heading, by striking ''**REPORT ON**'' and inserting ''**INFORMATION REGARDING**''; and

(2) by striking the matter preceding paragraph (1) and inserting ''The Secretary shall collect data for program management and accountability purposes regarding—''.

(b) REPORT TO CONGRESS ON THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—Subsection (b) of section 724 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11434(b)) is amended by striking paragraph (4) and the first paragraph (5) and inserting the following:

''(4) The Secretary shall prepare and submit a report to the appropriate committees of the Congress at the end of every other fiscal year. Such report shall—

''(A) evaluate the programs and activities assisted under this part; and

''(B) contain the information received from the States pursuant to section 722(d)(3).''.

(c) REPORT TO GIVE NOTICE TO CONGRESS.—Subsection (d) of section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089(d)) is amended—

(1) in the first sentence by striking ''the items specified in the calendar have been completed and provide all relevant forms, rules, and instructions with such notice'' and inserting ''a deadline included in the calendar described in subsection (a) is not met''; and

(2) by striking the second sentence.

(d) ANNUAL REPORT ON ACTIVITIES UNDER THE REHABILITATION ACT OF 1973.—Section 13 of the Rehabilitation Act of 1973 (20 U.S.C. 712) is amended by striking ''twenty'' and inserting ''eighty''.

(e) REPORT TO THE CONGRESS REGARDING REHABILITATION TRAINING PROGRAMS.—The second sentence of section 302(c) of the Rehabilitation Act of 1973 (20 U.S.C. 774(c)) is amended by striking ''simultaneously with the budget submission for the succeeding fiscal year for the Rehabilitation Services Administration'' and inserting ''by September 30 of each fiscal year''.

(f) REPORT PREPARED BY THE DEPARTMENT OF THE INTERIOR ON INDIAN CHILDREN AND THE BILINGUAL EDUCATION ACT.—

(1) REPEAL.—Subsection (c) of section 7022 of the Bilingual Education Act (20 U.S.C. 3292) is repealed.

(2) ANNUAL REPORT.—Paragraph (3) of section 7051(b)(3) of the Bilingual Education Act (20 U.S.C. 3331(b)(3)) is amended—

(A) in subparagraph (D), by striking ''and'' after the semicolon;

(B) in subparagraph (E), by striking the period and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

''(F) the needs of the Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including those tribes and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C. 452 et seq.); and

''(G) the extent to which the needs described in subparagraph (F) are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.''.

(g) ANNUAL EVALUATION REPORTS.—Section 417 of the General Education Provisions Act (20 U.S.C. 1226c) is amended—

(1) in the section heading, by striking ''ANNUAL'' and inserting ''BIENNIAL''; and

(2) in subsection (a)—

(A) by striking ''December'' and inserting ''March'';

(B) by striking ''each year,'' and inserting ''every other year''; and

(C) by striking ''an annual'' and inserting ''a biennial'';

(3) in subparagraph (B), by striking ''previous fiscal year'' and inserting ''2 preceding fiscal years''; and

(4) in subparagraph (C), by striking ''previous fiscal year'' and inserting ''2 preceding fiscal years''.

(h) ANNUAL AUDIT OF STUDENT LOAN INSURANCE FUND.—Section 432(b) of the Higher Education Act of 1965 (20 U.S.C. 1082(b)) is amended to read as follows:

''(b) FINANCIAL OPERATIONS RESPONSIBILITIES.—The Secretary shall, with respect to the financial operations arising by reason of this part prepare annually and submit a budget program as provided for wholly owned Government corporations by chapter 91 of title 31, United States Code. The transactions of the Secretary, including the settlement of insurance claims and of claims for payments pursuant to section 1078 of this title, and transactions related thereto and vouchers approved by the Secretary in connection with such transactions, shall be final and conclusive upon all accounting and other officers of the Government.''.

CHAPTER 5—DEPARTMENT OF ENERGY

SEC. 1051. REPORTS ELIMINATED.

(a) REPORTS ON PERFORMANCE AND DISPOSAL OF ALTERNATIVE FUELED HEAVY DUTY VEHICLES.—Paragraphs (3) and (4) of section 400AA(b) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(3), 6374(b)(4)) are repealed.

(b) REPORT ON WIND ENERGY SYSTEMS.—Section 9(a)(3) of the Wind Energy Systems Act of 1980 (42 U.S.C. 9208(a)(3)) is repealed.

(c) REPORT ON COMPREHENSIVE PROGRAM MANAGEMENT PLAN FOR OCEAN THERMAL ENERGY CONVERSION.—Section 3(d) of the Ocean Thermal Energy Conversion Research, Development, and Demonstration Act (42 U.S.C. 9002(d)) is repealed.

(d) REPORTS ON SUBSEABED DISPOSAL OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—Subsections (a) and (b)(5) of section 224 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10204(a), 10204(b)(5)) are repealed.

(e) REPORT ON FUEL USE ACT.—Sections 711(c)(2) and 806 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8421(c)(2), 8482) are repealed.

(f) REPORT ON TEST PROGRAM OF STORAGE OF REFINED PETROLEUM PRODUCTS WITHIN THE STRATEGIC PETROLEUM RESERVE.—Section 160(g)(7) of the Energy Policy and Conservation Act (42 U.S.C. 6240(g)(7)) is repealed.

(g) REPORT ON NAVAL PETROLEUM AND OIL SHALE RESERVES PRODUCTION.—Section 7434 of title 10, United States Code, is repealed.

(h) REPORT ON EFFECTS OF PRESIDENTIAL MESSAGE ESTABLISHING A NUCLEAR NONPROLIFERATION POLICY ON NUCLEAR RESEARCH AND DEVELOPMENT COOPERATIVE AGREEMENTS.—Section 203 of the Department of Energy Act of 1978—Civilian Applications (22 U.S.C. 2429 note) is repealed.

(i) REPORT ON WRITTEN AGREEMENTS REGARDING NUCLEAR WASTE REPOSITORY SITES.—Section 117(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10137(c)) is amended by striking the following: ''If such written agreement is not completed prior to the expiration of such period, the Secretary shall report to the Congress in writing not later than 30 days after the expiration of such period on the status of negotiations to develop such agreement and the reasons why such agreement has not been completed. Prior to submission of such report to the Congress, the Secretary shall transmit such report to the Governor of such State or the governing body of such affected Indian tribe, as the case may be, for their review and comments. Such comments shall be included in such report prior to submission to the Congress.''.

(j) QUARTERLY REPORT ON STRATEGIC PETROLEUM RESERVES.—Section 165(b) of the Energy Policy and Conservation Act (42 U.S.C. 6245(b)) is repealed.

(k) REPORT ON THE DEPARTMENT OF ENERGY.—The Federal Energy Administration Act of 1974 (15 U.S.C. 790d), is amended by striking out section 55.

SEC. 1052. REPORTS MODIFIED.

(a) REPORTS ON PROCESS-ORIENTED INDUSTRIAL ENERGY EFFICIENCY AND INDUSTRIAL INSULATION AUDIT GUIDELINES.—

(1) Section 132(d) of the Energy Policy Act of 1992 (42 U.S.C. 6349(d)) is amended—

(A) in the language preceding paragraph (1), by striking ''Not later than 2 years after October 24, 1992, and annually thereafter'' and inserting ''Not later than October 24, 1995, and biennially thereafter'';

(B) in paragraph (4), by striking ''and'' at the end;

(C) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following new paragraph:

''(6) the information required under section 133(c).''.

(2) Section 133(c) of the Energy Policy Act of 1992 (42 U.S.C. 6350(c)) is amended—

(A) by striking, ''October 24, 1992'' and inserting ''October 24, 1995''; and

(B) by inserting ''as part of the report required under section 132(d),'' after ''and biennially thereafter,''.

(b) REPORT ON AGENCY REQUESTS FOR WAIVER FROM FEDERAL ENERGY MANAGEMENT REQUIREMENTS.—Section 543(b)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(b)(2)) is amended—

(1) by inserting '', as part of the report required under section 548(b),'' after ''the Secretary shall''; and

(2) by striking ''promptly''.

(c) REPORT ON THE PROGRESS, STATUS, ACTIVITIES, AND RESULTS OF PROGRAMS REGARDING THE PROCUREMENT AND IDENTIFICATION OF ENERGY EFFICIENT PRODUCTS.—Section 161(d) of the Energy Policy Act of 1992 (42 U.S.C. 8262g(d)) is amended by striking ''of each year thereafter,''; and inserting ''thereafter as part of the report required under section 548(b) of the National Energy Conservation Policy Act,''.

(d) REPORT ON THE FEDERAL GOVERNMENT ENERGY MANAGEMENT PROGRAM.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) the information required under section 543(b)(2); and'';

(2) in paragraph (2), by striking ''and'' after the semicolon;

(3) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(4) the information required under section 161(d) of the Energy Policy Act of 1992.''.

(e) REPORT ON ALTERNATIVE FUEL USE BY SELECTED FEDERAL VEHICLES.—Section 400AA(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(1)(B)) is amended by striking ''and annually thereafter''.

(f) REPORT ON THE OPERATION OF STATE ENERGY CONSERVATION PLANS.—Section 365(c) of the Energy Policy and Conservation Act (42 U.S.C. 6325(c)) is amended by striking ''report annually'' and inserting '', as part of the report required under section 657 of the Department of Energy Organization Act, report''.

(g) REPORT ON THE DEPARTMENT OF ENERGY.—Section 657 of the Department of Energy Organization Act (42 U.S.C. 7267) is amended by inserting after ''section 15 of the Federal Energy Administration Act of 1974,'' the following: ''section 365(c) of the Energy Policy and Conservation Act, section 304(c) of the Nuclear Waste Policy Act of 1982,''.

(h) REPORT ON COST-EFFECTIVE WAYS TO INCREASE HYDROPOWER PRODUCTION AT FEDERAL WATER FACILITIES.—Section 2404 of the Energy Policy Act of 1992 (16 U.S.C. 797 note) is amended—

(1) in subsection (a), by striking ''The Secretary, in consultation with the Secretary of the Interior and the Secretary of the Army,'' and inserting ''The Secretary of the Interior and the Secretary of the Army, in consultation with the Secretary,''; and

(2) in subsection (b), by striking ''the Secretary'' and inserting ''the Secretary of the Interior, or the Secretary of the Army,''.

(i) REPORT ON PROGRESS MEETING FUSION ENERGY PROGRAM OBJECTIVES.—Section 2114(c)(5) of the Energy Policy Act of 1992 (42 U.S.C. 13474(c)(5)) is amended by striking out the first sentence and inserting in lieu thereof ''The President shall include in the budget submitted to the Congress each year under section 1105 of title 31, United States Code, a report prepared by the Secretary describing the progress made in meeting the program objectives, milestones, and schedules established in the management plan.''.

(j) REPORT ON HIGH-PERFORMANCE COMPUTING ACTIVITIES.—Section 203(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(d)) is amended to read as follows:

''(d) REPORTS.—Not later than 1 year after the date of enactment of this subsection, and thereafter as part of the report required under section 101(a)(3)(A), the Secretary of Energy shall report on activities taken to carry out this Act.''.

(k) REPORT ON NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM.—Section 101(a)(4) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(4)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

''(E) include the report of the Secretary of Energy required by section 203(d); and''.

(l) REPORT ON NUCLEAR WASTE DISPOSAL PROGRAM.—Section 304(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10224(d)) is amended to read as follows:

''(d) AUDIT BY GAO.—If requested by either House of the Congress (or any committee thereof) or if considered necessary by the Comptroller General, the General Accounting Office shall conduct an audit of the Office, in accord with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit a report on the results of each audit conducted under this section.''.

CHAPTER 6—DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 1061. REPORTS ELIMINATED.

(a) REPORT ON THE EFFECTS OF TOXIC SUBSTANCES.—Subsection (c) of section 27 of the Toxic Substance Control Act (15 U.S.C. 2626(c)) is repealed.

(b) REPORT ON COMPLIANCE WITH THE CONSUMER-PATIENT RADIATION HEALTH AND SAFETY ACT.—Subsection (d) of section 981 of the Consumer-Patient Radiation Health and Safety Act of 1981 (42 U.S.C. 10006(d)) is repealed.

(c) REPORT ON EVALUATION OF TITLE VIII PROGRAMS.—Section 859 of the Public Health Service Act (42 U.S.C. 298b–6) is repealed.

(d) REPORT ON MODEL SYSTEM FOR PAYMENT FOR OUTPATIENT HOSPITAL SERVICES.—Paragraph (6) of section 1135(d) of the Social Security Act (42 U.S.C. 1320b–5(d)(6)) is repealed.

(e) REPORT ON MEDICARE TREATMENT OF UNCOMPENSATED CARE.—Paragraph (2) of section 603(a) of the Social Security Amendments of 1983 (42 U.S.C. 1395ww note) is repealed.

(f) REPORT ON PROGRAM TO ASSIST HOMELESS INDIVIDUALS.—Subsection (d) of section 9117 of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 1383 note) is repealed.

SEC. 1062. REPORTS MODIFIED.

(a) REPORT OF THE SURGEON GENERAL.—Section 239 of the Public Health Service Act (42 U.S.C. 238h) is amended to read as follows:

''BIANNUAL REPORT

''SEC. 239. The Surgeon General shall transmit to the Secretary, for submission to the Congress, on January 1, 1995, and on January 1, every 2 years thereafter, a full report of the administration of the functions of the Service under this Act, including a detailed statement of receipts and disbursements.''.

(b) REPORT ON HEALTH SERVICE RESEARCH ACTIVITIES.—Subsection (b) of section 494A of the Public Health Service Act (42 U.S.C. 289c–1(b)) is amended by striking ''September 30, 1993, and annually thereafter'' and inserting ''December 30, 1993, and each December 30 thereafter''.

(c) REPORT ON FAMILY PLANNING.—Section 1009(a) of the Public Health Service Act (42 U.S.C. 300a–7(a)) is amended by striking ''each fiscal year'' and inserting ''fiscal year 1995, and each second fiscal year thereafter,''.

(d) REPORT ON THE STATUS OF HEALTH INFORMATION AND HEALTH PROMOTION.—Section 1705(a) of the Public Health Service Act (42 U.S.C. 300u–4) is amended in the first sentence by striking out ''annually'' and inserting in lieu thereof ''biannually''.

CHAPTER 7—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 1071. REPORTS ELIMINATED.

(a) REPORTS ON PUBLIC HOUSING HOMEOWNERSHIP AND MANAGEMENT OPPORTUNITIES.—Section 21(f) of the United States Housing Act of 1937 (42 U.S.C. 1437s(f)) is repealed.

(b) INTERIM REPORT ON PUBLIC HOUSING MIXED INCOME NEW COMMUNITIES STRATEGY DEMONSTRATION.—Section 522(k)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is repealed.

(c) BIENNIAL REPORT ON INTERSTATE LAND SALES REGISTRATION PROGRAM.—Section 1421 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1719a) is repealed.

(d) QUARTERLY REPORT ON ACTIVITIES UNDER THE FAIR HOUSING INITIATIVES PROGRAM.—Section 561(e)(2) of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(e)(2)) is repealed.

(e) COLLECTION OF AND ANNUAL REPORT ON RACIAL AND ETHNIC DATA.—Section 562(b) of the Housing and Community Development Act of 1987 (42 U.S.C. 3608a(b)) is repealed.

SEC. 1072. REPORTS MODIFIED.

(a) REPORT ON HOMEOWNERSHIP OF MULTIFAMILY UNITS PROGRAM.—Section 431 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12880) is amended—

(1) in the section heading, by striking ''**ANNUAL**''; and

(2) by striking ''The Secretary shall annually'' and inserting ''The Secretary shall no later than December 31, 1995,''.

(b) TRIENNIAL AUDIT OF TRANSACTIONS OF NATIONAL HOMEOWNERSHIP FOUNDATION.—Section 107(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701y(g)(1)) is amended by striking the last sentence.

(c) REPORT ON LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.—Section 2605(h) of the Low-Income Home Energy Assistance Act of 1981 (Public Law 97–35; 42 U.S.C. 8624(h)), is amended by striking out ''(but not less frequently than every three years),''.

CHAPTER 8—DEPARTMENT OF THE INTERIOR

SEC. 1081. REPORTS ELIMINATED.

(a) REPORT ON AUDITS IN FEDERAL ROYALTY MANAGEMENT SYSTEM.—Section 17(j) of the Mineral Leasing Act (30 U.S.C. 226(j)) is amended by striking the last sentence.

(b) REPORT ON DOMESTIC MINING, MINERALS, AND MINERAL RECLAMATION INDUSTRIES.—Section 2 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended by striking the last sentence.

(c) REPORT ON PHASE I OF THE HIGH PLAINS STATES GROUNDWATER DEMONSTRATION PROJECT.—Section 3(d) of the High Plains States Groundwater Demonstration Program Act of 1983 (43 U.S.C. 390g–1(d)) is repealed.

(d) REPORT ON RECLAMATION REFORM ACT COMPLIANCE.—Section 224(g) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(g)) is amended by striking the last 2 sentences.

(e) REPORT ON GEOLOGICAL SURVEYS CONDUCTED OUTSIDE THE DOMAIN OF THE UNITED STATES.—Section 2 of Public Law 87–626 (43 U.S.C. 31(c)) is repealed.

(f) REPORT ON RECREATION USE FEES.—Section 4(h) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6a(h)) is repealed.

(g) REPORT ON FEDERAL SURPLUS REAL PROPERTY PUBLIC BENEFIT DISCOUNT PROGRAM FOR PARKS AND RECREATION.—Section 203(o)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)(1)) is amended by striking ''subsection (k) of this section and''.

SEC. 1082. REPORTS MODIFIED.

(a) REPORT ON LEVELS OF THE OGALLALA AQUIFER.—Title III of the Water Resources Research Act of 1984 (42 U.S.C. 10301 note) is amended—

(1) in section 306, by striking ''annually'' and inserting ''biennially''; and

(2) in section 308, by striking ''intervals of one year'' and inserting ''intervals of 2 years''.

(b) REPORT ON EFFECTS OF OUTER CONTINENTAL SHELF LEASING ACTIVITIES ON HUMAN, MARINE, AND COASTAL ENVIRONMENTS.—Section 20(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346(e)) is amended by striking ''each fiscal year'' and inserting ''every 3 fiscal years''.

CHAPTER 9—DEPARTMENT OF JUSTICE

SEC. 1091. REPORTS ELIMINATED.

(a) REPORT ON CRIME AND CRIME PREVENTION.—(1) Section 3126 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 206 of title 18, United States Code, is amended by striking out the item relating to section 3126.

(b) REPORT ON DRUG INTERDICTION TASK FORCE.—Section 3301(a)(1)(C) of the National Drug Interdiction Act of 1986 (21 U.S.C. 801 note; Public Law 99–570; 100 Stat. 3207–98) is repealed.

(c) REPORT ON EQUAL ACCESS TO JUSTICE.—Section 2412(d)(5) of title 28, United States Code, is repealed.

(d) REPORT ON FEDERAL OFFENDER CHARACTERISTICS.—Section 3624(f)(6) of title 18, United States Code, is repealed.

(e) REPORT ON COSTS OF DEATH PENALTY.—The Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4395; 21 U.S.C. 848 note) is amended by striking out section 7002.

(f) MINERAL LANDS LEASING ACT.—Section 8B of the Mineral Lands Leasing Act (30 U.S.C. 208–2) is repealed.

(g) SMALL BUSINESS ACT.—Subsection (c) of section 10 of the Small Business Act (15 U.S.C. 639(c)) is repealed.

(h) ENERGY POLICY AND CONSERVATION ACT.—Section 252(i) of the Energy Policy Conservation Act (42 U.S.C. 6272(i)) is amended by striking '', at least once every 6 months, a report'' and inserting '', at such intervals as are appropriate based on significant developments and issues, reports''.

(i) REPORT ON FORFEITURE FUND.—Section 524(c) of title 28, United States Code, is amended—

(1) by striking out paragraph (7); and

(2) by redesignating paragraphs (8) through (12) as paragraphs (7) through (11), respectively.

CHAPTER 10—DEPARTMENT OF LABOR

SEC. 1101. REPORTS ELIMINATED.

Section 408(d) of the Veterans Education and Employment Amendments of 1989 (38 U.S.C. 4100 note) is repealed.

SEC. 1102. REPORTS MODIFIED.

(a) REPORT ON THE ACTIVITIES CONDUCTED UNDER THE FAIR LABOR STANDARDS ACT OF 1938.—Section 4(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 204(d)(1)) is amended—

(1) by striking ''annually'' and inserting ''biannually''; and

(2) by striking ''preceding year'' and inserting ''preceding two years''.

(b) ANNUAL REPORT OF THE OFFICE OF WORKERS' COMPENSATION.—

(1) REPORT ON THE ADMINISTRATION OF THE LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT.—Section 42 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 942) is amended—

(A) by striking ''beginning of each'' and all that follows through ''Amendments of 1984'' and inserting ''end of each fiscal year''; and

(B) by adding the following new sentence at the end: ''Such report shall include the annual reports required under section 426(b) of the Black Lung Benefits Act (30 U.S.C. 936(b)) and section 8194 of title 5, United States Code, and shall be identified as the Annual Report of the Office of Workers' Compensation Programs.''.

(2) REPORT ON THE ADMINISTRATION OF THE BLACK LUNG BENEFITS PROGRAM.—Section 426(b) of the ''Black Lung Benefits Act (30 U.S.C. 936(b)) is amended—

(A) by striking ''Within'' and all that follows through ''Congress the'' and inserting ''At the end of each fiscal year, the''; and

(B) by adding the following new sentence at the end: ''Each such report shall be prepared and submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 942).''.

(3) REPORT ON THE ADMINISTRATION OF THE FEDERAL EMPLOYEES' COMPENSATION ACT.—(A) Subchapter I of chapter 81 of title 5, United States Code, is amended by adding at the end thereof the following new section:

''§ 8152. Annual report

''The Secretary of Labor shall, at the end of each fiscal year, prepare a report with respect to the administration of this chapter. Such report shall be submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 942).''.

(B) The table of sections for chapter 81 of title 5, United States Code, is amended by inserting after the item relating to section 8151 the following:

''8152. Annual report.''.

(c) ANNUAL REPORT ON THE DEPARTMENT OF LABOR.—Section 9 of an Act entitled ''An Act to create a Department of Labor'', approved March 4, 1913 (29 U.S.C. 560) is amended by striking ''make a report'' and all that follows through ''the department'' and inserting ''prepare and submit to Congress the financial statements of the Department that have been audited''.

CHAPTER 11—DEPARTMENT OF STATE

SEC. 1111. REPORTS ELIMINATED.

Section 8 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2606) is amended by striking subsection (b), and redesignating subsection (c) as subsection (b).

CHAPTER 12—DEPARTMENT OF TRANSPORTATION

SEC. 1121. REPORTS ELIMINATED.

(a) REPORT ON DEEPWATER PORT ACT OF 1974.—Section 20 of the Deepwater Port Act of 1974 (33 U.S.C. 1519) is repealed.

(b) REPORT ON COAST GUARD LOGISTICS CAPABILITIES CRITICAL TO MISSION PERFORMANCE.—Sections 5(a)(2) and 5(b) of the Coast Guard Authorization Act of 1988 (10 U.S.C. 2304 note) are repealed.

(c) REPORT ON MARINE PLASTIC POLLUTION RESEARCH AND CONTROL ACT OF 1987.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1902 note) is amended by striking ''biennially'' and inserting ''triennially''.

(d) REPORT ON APPLIED RESEARCH AND TECHNOLOGY PROGRAM.—Section 307(e)(11) of title 23, United States Code, is repealed.

(e) REPORTS ON HIGHWAY SAFETY IMPROVEMENT PROGRAMS.—

(1) REPORT ON RAILWAY-HIGHWAY CROSSINGS PROGRAM.—Section 130(g) of title 23, United States Code, is amended by striking the last 3 sentences.

(2) REPORT ON HAZARD ELIMINATION PROGRAM.—Section 152(g) of title 23, United States Code, is amended by striking the last 3 sentences.

(f) REPORT ON HIGHWAY SAFETY PERFORMANCE—FATAL AND INJURY ACCIDENT RATES ON PUBLIC ROADS IN THE UNITED STATES.—Section 207 of the Highway Safety Act of 1982 (23 U.S.C. 401 note) is repealed.

(g) REPORT ON HIGHWAY SAFETY PROGRAM STANDARDS.—Section 402(a) of title 23, United States Code, is amended by striking the fifth sentence.

(h) REPORT ON RAILROAD-HIGHWAY DEMONSTRATION PROJECTS.—Section 163(o) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is repealed.

(i) REPORT ON UNIFORM RELOCATION ACT AMENDMENTS OF 1987.—Section 103(b)(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4604(b)(2)) is repealed.

(j) REPORT ON FEDERAL RAILROAD SAFETY ACT OF 1970.—Section 211 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 440) is repealed.

(k) REPORT ON RAILROAD FINANCIAL ASSISTANCE.—Section 308(d) of title 49, United States Code, is repealed.

(l) REPORT ON USE OF ADVANCED TECHNOLOGY BY THE AUTOMOBILE INDUSTRY.—Section 305 of the Automotive Propulsion Research and Development Act of 1978 (15 U.S.C. 2704) is amended by striking the last sentence.

(m) REPORT ON OBLIGATIONS.—Section 4(b) of the Federal Transit Act (49 U.S.C. App. 1603(b)) is repealed.

(n) REPORT ON SUSPENDED LIGHT RAIL SYSTEM TECHNOLOGY PILOT PROJECT.—Section 26(c)(11) of the Federal Transit Act (49 U.S.C. App. 1622(c)(11)) is repealed.

(o) REPORT ON SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.—Section 10(a) of the Act of May 13, 1954 (68 Stat. 96, chapter 201; 33 U.S.C. 989(a)) is repealed.

(p) REPORTS ON PIPELINES ON FEDERAL LANDS.—Section 28(w)(4) of the Mineral Leasing Act (30 U.S.C. 185(w)(4)) is repealed.

(q) REPORTS ON PIPELINE SAFETY.—

(1) REPORT ON NATURAL GAS PIPELINE SAFETY ACT OF 1968.—Section 16(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1683(a)) is amended in the first sentence by striking ''of each year'' and inserting ''of each odd-numbered year''.

(2) REPORT ON HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979.—Section 213 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2012) is amended in the first sentence by striking ''of each year'' and inserting ''of each odd-numbered year''.

SEC. 1122. REPORTS MODIFIED.

(a) REPORT ON MAJOR ACQUISITION PROJECTS.—Section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102–338; 106 Stat. 1551) is amended—

(1) by striking ''quarter of any fiscal year beginning after December 31, 1992, unless the Commandant of the Coast Guard first submits a quarterly report'' and inserting ''half of any fiscal year beginning after December 31, 1995, unless the Commandant of the Coast Guard first submits a semiannual report''; and

(2) by striking ''quarter.'' and inserting ''half-fiscal year.''.

(b) REPORT ON OIL SPILL LIABILITY TRUST FUND.—The quarterly report regarding the Oil Spill Liability Trust Fund required to be submitted to the House and Senate Committees on Appropriations under House Report 101–892, accompanying the appropriations for the Coast Guard in the Department of Transportation and Related Agencies Appropriations Act, 1991, shall be submitted not later than 30 days after the end of the fiscal year in which this Act is enacted and annually thereafter.

(c) REPORT ON JOINT FEDERAL AND STATE MOTOR FUEL TAX COMPLIANCE PROJECT.—Section 1040(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note) is amended by striking ''September 30 and''.

(d) REPORT ON PUBLIC TRANSPORTATION.—Section 308(e)(1) of title 49, United States Code, is amended by striking ''January of each even-numbered year'' and inserting ''March 1995, March 1996, and March of each odd-numbered year thereafter''.

(e) REPORT ON NATION'S HIGHWAYS AND BRIDGES.—Section 307(h) of title 23, United States Code, is amended by striking ''January 1983, and in January of every second year thereafter'' and inserting ''March 1995, March 1996, and March of each odd-numbered year thereafter''.

CHAPTER 13—DEPARTMENT OF THE TREASURY

SEC. 1131. REPORTS ELIMINATED.

(a) REPORT ON THE OPERATION AND STATUS OF STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND.—Paragraph (8) of section 14001(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (31 U.S.C. 6701 note) is repealed.

(b) REPORT ON THE ANTIRECESSION PROVISIONS OF THE PUBLIC WORKS EMPLOYMENT ACT OF 1976.—Section 213 of the Public Works Employment Act of 1976 (42 U.S.C. 6733) is repealed.

(c) REPORT ON THE ASBESTOS TRUST FUND.—Paragraph (2) of section 5(c) of the Asbestos Hazard Emergency Response Act of 1986 (20 U.S.C. 4022(c)) is repealed.

SEC. 1132. REPORTS MODIFIED.

(a) REPORT ON THE WORLD CUP USA 1994 COMMEMORATIVE COIN ACT.—Subsection (g) of section 205 of the World Cup USA 1994 Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking ''month'' and inserting ''calendar quarter''.

(b) REPORTS ON VARIOUS FUNDS.—Subsection (b) of section 321 of title 31, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (5),

(2) by striking the period at the end of paragraph (6) and inserting ''; and'', and

(3) by adding after paragraph (6) the following new paragraph:

''(7) notwithstanding any other provision of law, fulfill any requirement to issue a report on the financial condition of any fund on the books of the Treasury by including the required information in a consolidated report, except that information with respect to a specific fund shall be separately reported if the Secretary determines that the consolidation of such information would result in an unwarranted delay in the availability of such information.''.

(c) REPORT ON THE JAMES MADISON-BILL OF RIGHTS COMMEMORATIVE COIN ACT.—Subsection (c) of section 506 of the James Madison-Bill of Rights Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking out ''month'' and inserting in lieu thereof ''calendar quarter''.

CHAPTER 14—DEPARTMENT OF VETERANS AFFAIRS

SEC. 1141. REPORTS ELIMINATED.

(a) REPORT ON FURNISHING CONTRACT CARE SERVICES.—Section 1703(c) of title 38, United States Code, is repealed.

(b) REPORT ON ADEQUACY OF RATES FOR STATE HOME CARE.—Section 1741 of such title is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(c) REPORT ON LOANS TO PURCHASE MANUFACTURED HOMES.—Section 3712 of such title is amended—

(1) by striking out subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

(d) REPORT ON LEVEL OF TREATMENT CAPACITY.—Section 8110(a)(3) of such title is amended—

(1) in subparagraph (A)—

(A) by striking out ''(A)''; and

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(2) by striking out subparagraph (B).

(e) REPORT ON COMPLIANCE WITH FUNDED PERSONNEL CODING.—

(1) REPEAL OF REPORT REQUIREMENT.—Section 8110(a)(4) of title 38, United States Code, is amended by striking out subparagraph (C).

(2) CONFORMING AMENDMENTS.—Section 8110(a)(4) of title 38, United States Code, is amended by—

(A) redesignating subparagraph (C) as subparagraph (D);

(B) in subparagraph (A), by striking out ''subparagraph (D)'' and inserting in lieu thereof ''subparagraph (C)''; and

(C) in subparagraph (B), by striking out ''subparagraph (D)'' and inserting in lieu thereof ''subparagraph (C)''.

Subtitle II—Independent Agencies

CHAPTER 1—ACTION

SEC. 2011. REPORTS ELIMINATED.

Section 226 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5026) is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) in paragraph (2), by striking ''(2)'' and inserting ''(b)''; and

(B) in paragraph (1)—

(i) by striking ''(1)(A)'' and inserting ''(1)''; and

(ii) in subparagraph (B)—

(I) by striking ''(B)'' and inserting ''(2)''; and

(II) by striking ''subparagraph (A)'' and inserting ''paragraph (1)''.

CHAPTER 2—ENVIRONMENTAL PROTECTION AGENCY

SEC. 2021. REPORTS ELIMINATED.

(a) REPORT ON ALLOCATION OF WATER.—Section 102 of the Federal Water Pollution Control Act (33 U.S.C. 1252) is amended by striking subsection (d).

(b) REPORT ON VARIANCE REQUESTS.—Section 301(n) of the Federal Water Pollution Control Act (33 U.S.C. 1311(n)) is amended by striking paragraph (8).

(c) REPORT ON IMPLEMENTATION OF CLEAN LAKES PROJECTS.—Section 314(d) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(d) REPORT ON USE OF MUNICIPAL SECONDARY EFFLUENT AND SLUDGE.—Section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375) (as amended by subsection (g)) is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(e) REPORT ON CERTAIN WATER QUALITY STANDARDS AND PERMITS.—Section 404 of the Water Quality Act of 1987 (Public Law 100–4; 33 U.S.C. 1375 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(f) REPORT ON CLASS V WELLS.—Section 1426 of title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act'') (42 U.S.C. 300h–5) is amended—

(1) in subsection (a), by striking ''(a) MONITORING METHODS.—''; and

(2) by striking subsection (b).

(g) REPORT ON SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM.—Section 1427 of title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act'') (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (l); and

(2) by redesignating subsections (m) and (n) as subsections (l) and (m), respectively.

(h) REPORT ON SUPPLY OF SAFE DRINKING WATER.—Section 1442 of title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act'') (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

(i) REPORT ON NONNUCLEAR ENERGY AND TECHNOLOGIES.—Section 11 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5910) is repealed.

(j) REPORT ON EMISSIONS AT COAL-BURNING POWERPLANTS.—

(1) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8455) is repealed.

(2) The table of contents in section 101(b) of such Act (42 U.S.C. prec. 8301) is amended by striking the item relating to section 745.

(k) 5-YEAR PLAN FOR ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—

(1) Section 5 of the Environmental Research, Development, and Demonstration Authorization Act of 1976 (42 U.S.C. 4361) is repealed.

(2) Section 4 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4361a) is repealed.

(3) Section 8 of such Act (42 U.S.C. 4365) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively.

(l) PLAN ON ASSISTANCE TO STATES FOR RADON PROGRAMS.—Section 305 of the Toxic Substances Control Act (15 U.S.C. 2665) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

CHAPTER 3—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SEC. 2031. REPORTS MODIFIED.

Section 705(k)(2)(C) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4(k)(2)(C)) is amended—

(1) in the matter preceding clause (i), by striking ''including'' and inserting ''including information, presented in the aggregate, relating to'';

(2) in clause (i), by striking ''the identity of each person or entity'' and inserting ''the number of persons and entities'';

(3) in clause (ii), by striking ''such person or entity'' and inserting ''such persons and entities''; and

(4) in clause (iii)—

(A) by striking ''fee'' and inserting ''fees''; and

(B) by striking ''such person or entity'' and inserting ''such persons and entities''.

CHAPTER 4—FEDERAL AVIATION ADMINISTRATION

SEC. 2041. REPORTS ELIMINATED.

Section 7207(c)(4) of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4428; 49 U.S.C. App. 1354 note) is amended—

(1) by striking out ''GAO''; and

(2) by striking out ''the Comptroller General'' and inserting in lieu thereof ''the Department of Transportation Inspector General''.

CHAPTER 5—FEDERAL COMMUNICATIONS COMMISSION

SEC. 2051. REPORTS ELIMINATED.

(a) REPORT TO THE CONGRESS UNDER THE COMMUNICATIONS SATELLITE ACT OF 1962.—Section 404(c) of the Communications Satellite Act of 1962 (47 U.S.C. 744(c)) is repealed.

(b) REIMBURSEMENT FOR AMATEUR EXAMINATION EXPENSES.—Section 4(f)(4)(J) of the Communications Act of 1934 (47 U.S.C. 154(f)(4)(J)) is amended by striking out the last sentence.

CHAPTER 6—FEDERAL DEPOSIT INSURANCE CORPORATION

SEC. 2061. REPORTS ELIMINATED.

Section 102(b)(1) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2237; 12 U.S.C. 1825 note) is amended to read as follows:

''(1) QUARTERLY REPORTING.—Not later than 90 days after the end of any calendar quarter in which the Federal Deposit Insurance Corporation (hereafter in this section referred to as the 'Corporation') has any obligations pursuant to section 14 of the Federal Deposit Insurance Act outstanding, the Comptroller General of the United States shall submit a report on the Corporation's compliance at the end of that quarter with section 15(c) of the Federal Deposit Insurance Act to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives. Such a report shall be included in the Comptroller General's audit report for that year, as required by section 17 of the Federal Deposit Insurance Act.''.

CHAPTER 7—FEDERAL EMERGENCY MANAGEMENT AGENCY

SEC. 2071. REPORTS ELIMINATED.

Section 201(h) of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281(h)) is amended by striking the second proviso.

CHAPTER 8—FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

SEC. 2081. REPORTS ELIMINATED.

Section 9503 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

''(c) The requirements of this section are satisfied with respect to the Thrift Savings Plan described under subchapter III of chapter 84 of title 5, by preparation and transmission of the report described under section 8439(b) of such title.''.

CHAPTER 9—GENERAL SERVICES ADMINISTRATION

SEC. 2091. REPORTS ELIMINATED.

(a) REPORT ON PROPERTIES CONVEYED FOR HISTORIC MONUMENTS AND CORRECTIONAL FACILITIES.—Section 203(o) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)) is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(3) in paragraph (2) (as so redesignated) by striking out ''paragraph (2)'' and inserting in lieu thereof ''paragraph (3)''.

(b) REPORT ON PROPOSED SALE OF SURPLUS REAL PROPERTY AND REPORT ON NEGOTIATED SALES.—Section 203(e)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(e)(6)) is repealed.

(c) REPORT ON PROPERTIES CONVEYED FOR WILDLIFE CONSERVATION.—Section 3 of the Act entitled ''An Act authorizing the transfer of certain real property for wildlife, or other purposes.'', approved May 19, 1948 (16 U.S.C. 667d; 62 Stat. 241) is amended by striking out ''and shall be included in the annual budget transmitted to the Congress''.

CHAPTER 10—INTERSTATE COMMERCE COMMISSION

SEC. 2101. REPORTS ELIMINATED.

Section 10327(k) of title 49, United States Code, is amended to read as follows:

''(k) If an extension granted under subsection (j) is not sufficient to allow for completion of necessary proceedings, the Commission may grant a further extension in an extraordinary situation if a majority of the Commissioners agree to the further extension by public vote.''.

CHAPTER 11—LEGAL SERVICES CORPORATION

SEC. 2111. REPORTS MODIFIED.

Section 1009(c)(2) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)(2)) is amended by striking out ''The'' and inserting in lieu thereof ''Upon request, the''.

CHAPTER 12—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 2121. REPORTS ELIMINATED.

Section 21(g) of the Small Business Act (15 U.S.C. 648(g)) is amended to read as follows:

''(g) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AND INDUSTRIAL APPLICATION

Centers.—The National Aeronautics and Space Administration and industrial application centers supported by the National Aeronautics and Space Administration are authorized and directed to cooperate with small business development centers participating in the program.''.

CHAPTER 13—NATIONAL COUNCIL ON DISABILITY

SEC. 2131. REPORTS ELIMINATED.

Section 401(a) of the Rehabilitation Act of 1973 (29 U.S.C. 781(a)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (9) and (10), respectively.

CHAPTER 14—NATIONAL SCIENCE FOUNDATION

SEC. 2141. REPORTS ELIMINATED.

(a) STRATEGIC PLAN FOR SCIENCE AND ENGINEERING EDUCATION.—Section 107 of the Education for Economic Security Act (20 U.S.C. 3917) is repealed.

(b) BUDGET ESTIMATE.—Section 14 of the National Science Foundation Act of 1950 (42 U.S.C. 1873) is amended by striking subsection (j).

CHAPTER 15—NATIONAL TRANSPORTATION SAFETY BOARD

SEC. 2151. REPORTS MODIFIED.

Section 305 of the Independent Safety Board Act of 1974 (49 U.S.C. 1904) is amended—

(1) in paragraph (2) by adding ''and'' after the semicolon;

(2) in paragraph (3) by striking out ''; and'' and inserting in lieu thereof a period; and

(3) by striking out paragraph (4).

CHAPTER 16—NEIGHBORHOOD REINVESTMENT CORPORATION

SEC. 2161. REPORTS ELIMINATED.

Section 607(c) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8106(c)) is amended by striking the second sentence.

CHAPTER 17—NUCLEAR REGULATORY COMMISSION

SEC. 2171. REPORTS MODIFIED.

Section 208 of the Energy Reorganization Act of 1974 (42 U.S.C. 5848) is amended by striking ''each quarter a report listing for that period'' and inserting ''an annual report listing for the previous fiscal year''.

CHAPTER 18—OFFICE OF PERSONNEL MANAGEMENT

SEC. 2181. REPORTS ELIMINATED.

(a) REPORT ON CAREER RESERVED POSITIONS.—(1) Section 3135 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 31 of title 5, United States Code, is amended by striking out the item relating to section 3135.

(b) REPORT ON PERFORMANCE AWARDS.—Section 4314(d)(3) of title 5, United States Code, is repealed.

(c) REPORT ON TRAINING PROGRAMS.—(1) Section 4113 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 41 of title 5, United States Code, is amended by striking out the item relating to section 4113.

(d) REPORT ON PREVAILING RATE SYSTEM.—Section 5347 of title 5, United States Code, is amended by striking out the fourth and fifth sentences.

(e) REPORT ON ACTIVITIES OF THE MERIT SYSTEMS PROTECTION BOARD AND THE OFFICE OF PERSONNEL MANAGEMENT.—Section 2304 of title 5, United States Code, is amended—

(1) in subsection (a) by striking out ''(a)''; and

(2) by striking subsection (b).

SEC. 2182. REPORTS MODIFIED.

(a) REPORT ON SENIOR EXECUTIVE SERVICE POSITIONS.—Section 3135(a) of title 5, United States Code, is amended—

(1) in paragraph (1) by striking out '', and the projected number of Senior Executive Service positions to be authorized for the next 2 fiscal years, in the aggregate and by agency'';

(2) by striking out paragraphs (3) and (8); and

(3) by redesignating paragraphs (4), (5), (6), (7), (9), and (10) as paragraphs (3), (4), (5), (6), (7), and (8), respectively.

(b) REPORT ON DISTRICT OF COLUMBIA RETIREMENT FUND.—Section 145 of the District of Columbia Retirement Reform Act (Public Law 96–122; 93 Stat. 882) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking out ''(1)'';

(ii) by striking out ''and the Comptroller General shall each'' and inserting in lieu thereof ''shall''; and

(iii) by striking out ''each''; and

(B) by striking out paragraph (2); and

(2) in subsection (d), by striking out ''the Comptroller General and'' each place it appears.

(c) REPORT ON REVOLVING FUND.—Section 1304(e)(6) of title 5, United States Code, is amended by striking out ''at least once every three years''.

CHAPTER 19—OFFICE OF THRIFT SUPERVISION

SEC. 2191. REPORTS MODIFIED.

Section 18(c)(6)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1438(c)(6)(B)) is amended—

(1) by striking out ''annually'';

(2) by striking out ''audit, settlement,'' and inserting in lieu thereof ''settlement''; and

(3) by striking out '', and the first audit'' and all that follows through ''enacted''.

CHAPTER 20—PANAMA CANAL COMMISSION

SEC. 2201. REPORTS ELIMINATED.

(a) REPORTS ON PANAMA CANAL.—Section 1312 of the Panama Canal Act of 1979 (Public Law 96–70; 22 U.S.C. 3722) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking out the item relating to section 1312.

CHAPTER 21—POSTAL SERVICE

SEC. 2211. REPORTS MODIFIED.

(a) REPORT ON CONSUMER EDUCATION PROGRAMS.—Section 4(b) of the mail Order Consumer Protection Amendments of 1983 (39 U.S.C. 3001 note; Public Law 98–186; 97 Stat. 1318) is amended to read as follows:

''(b) A summary of the activities carried out under subsection (a) shall be included in the first semiannual report submitted each year as required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).''.

(b) REPORT ON INVESTIGATIVE ACTIVITIES.—Section 3013 of title 39, United States Code, is amended in the last sentence by striking out ''the Board shall transmit such report to the Congress'' and inserting in lieu thereof ''the information in such report shall be included in the next semiannual report required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.)''.

CHAPTER 22—RAILROAD RETIREMENT BOARD

SEC. 2221. REPORTS MODIFIED.

Section 502 of the Railroad Retirement Solvency Act of 1983 (45 U.S.C. 231f–1) is amended by striking ''On or before July 1, 1985, and each calendar year thereafter'' and inserting ''As part of the annual report required under section 22(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231u(a))''.

CHAPTER 23—THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD

SEC. 2231. REPORTS MODIFIED.

Section 21A(k)(9) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(9)) is amended by striking out ''the end of each calendar quarter'' and inserting in lieu thereof ''June 30 and December 31 of each calendar year''.

CHAPTER 24—UNITED STATES INFORMATION AGENCY

SEC. 2241. REPORTS ELIMINATED.

Notwithstanding section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)), the reports otherwise required under such section shall not cover the activities of the United States Information Agency.

Subtitle III—Reports by All Departments and Agencies

SEC. 3001. REPORTS ELIMINATED.

(a) REPORT ON PART-TIME EMPLOYMENT.—(1) Section 3407 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 34 of title 5, United States Code, is amended by striking out the item relating to section 3407.

(b) BUDGET INFORMATION ON CONSULTING SERVICES.—(1) Section 1114 of title 31, United States Code, is repealed.

(2) The table of sections for chapter 11 of title 31, United States Code, is amended by striking out the item relating to section 1114.

(c) SEMIANNUAL REPORT ON LOBBYING.—Section 1352 of title 31, United States Code, is amended by—

(1) striking out subsection (d); and

(2) redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(d) REPORTS ON PROGRAM FRAUD AND CIVIL REMEDIES.—(1) Section 3810 of title 31, United States Code, is repealed.

(2) The table of sections for chapter 38 of title 31, United States Code, is amended by striking out the item relating to section 3810.

(e) REPORT ON RIGHT TO FINANCIAL PRIVACY ACT.—Section 1121 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3421) is repealed.

(f) REPORT ON FOREIGN LOAN RISKS.—Section 913(d) of the International Lending Supervision Act of 1983 (12 U.S.C. 3912(d)) is repealed.

(g) REPORT ON PLANS TO CONVERT TO THE METRIC SYSTEM.—Section 12 of the Metric Conversion Act of 1975 (15 U.S.C. 205j–1) is repealed.

(h) REPORT ON TECHNOLOGY UTILIZATION AND INTELLECTUAL PROPERTY RIGHTS.—Section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is repealed.

(i) REPORT ON EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE.—Section 4(a) of the Act entitled ''An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense'', approved August 28, 1958 (50 U.S.C. 1434(a)), is amended by striking out ''all such actions taken'' and inserting in lieu thereof ''if any such action has been taken''.

(j) REPORTS ON DETAILING EMPLOYEES.—Section 619 of the Treasury, Postal Service, and General Government Appropriations Act, 1993 (Public Law 102–393; 106 Stat. 1769), is repealed.

SEC. 3002. REPORTS MODIFIED.

Section 552b(j) of title 5, United States Code, is amended to read as follows:

''(j) Each agency subject to the requirements of this section shall annually report to the Congress regarding the following:

''(1) The changes in the policies and procedures of the agency under this section that have occurred during the preceding 1-year period.

''(2) A tabulation of the number of meetings held, the exemptions applied to close meetings, and the days of public notice provided to close meetings.

''(3) A brief description of litigation or formal complaints concerning the implementation of this section by the agency.

''(4) A brief explanation of any changes in law that have affected the responsibilities of the agency under this section.''.

Subtitle IV—Effective Date

SEC. 4001. EFFECTIVE DATE.

Except as otherwise provided in this title, the provisions of this title and amendments made by this title shall take effect on the date of the enactment of this Act.

Mr. NUNN. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

Mr. FORD. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

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

BALANCED BUDGET AMENDMENT

Mr. FORD. Mr. President, in the 21 years I have served in this body, I have never seen the level of partisanship that we are seeing on the balanced budget amendment. So maybe I should not have been shocked last Friday to see my colleague from Mississippi, Senator LOTT, blatantly misrepresent my words of 1994. Clearly, his only purpose was to further divide the American public and to tarnish the reputation of Senators who have only sought to pass the best amendment possible.

Senator LOTT quoted me as saying, Mr. President, and I will quote it verbatim from the RECORD; this is what Senator LOTT said I said:

I hear so much about ''if 40-some-odd Governors can operate a balanced budget, why can't the Federal Government.''

* * * I operated under it.

When I said ''I,'' Mr. President, as Governor:

It worked.

* * * I think implementation of this amendment will work. I think we can make it work.

* * * I do not understand why it takes a brain surgeon to understand how you operate a budget the way the States do.

* * * this is an opportunity to pass a balanced budget amendment that will work and will give us a financially sound future, not only for ourselves but for our children and our grandchildren.

End of the quote that Senator LOTT put in the RECORD.

To that I say, Mr. President, read the full statement, and the fallacy will become clear.

I ask unanimous consent that both of my floor statements from last year be printed in the RECORD.

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

[From the Congressional Record, Feb. 25, 1994]

Mr. FORD. Mr. President, I thank the Senator from Nevada for allowing me this time.

I support a balanced budget amendment and always have. The borrow and spend policies of the past must not continue. We all know that. The ability to expand our economy and provide job opportunities for this and future generations, much less provide for a nation that can function beyond simply servicing its debt, absolutely depends upon bringing the deficit under control. I think that my friend from Illinois would agree with this sentiment and I agree in principle with his amendment. I think that the Senator has done the Nation a great service by his tireless work on behalf of this serious matter. However, there is room for improvement in most things including, the original language of Senate Joint Resolution 41.

It is the job and the responsibility of the Congress to control the spending of our Nation. Unfortunately, we have abandoned this role, to a large degree, by running large budget deficits during normal times. By normal times I mean not during war, or recessions. This practice is not only fiscally irresponsible, but with the huge debt we are now passing along to our children, it has become morally irresponsible as well. We as a congress and, being the representatives of the people, as a nation must begin to regain control of our spending policies. We need something that forces us to do this. An amendment to the Constitution would do just that. While one law can be changed by passing another law, this legislation would make fiscal discipline mandatory.

However, the Congress must not pass the buck once again by relinquishing control of the budget all together. Congressional control must be maintained and our amendment does just that. Deficit spending by itself is not the problem. The problem is chronic deficit spending in good times not just bad ones. Furthermore, we are not borrowing at the present time to rebuild infrastructure by building roads, airports, or an information super highway. Nor have we been borrowing for the last 30 years to bring a faltering economy out of recession or prepare for war. We have had the need from time to time during that period and during these periods, borrowing represents sound fiscal policy. During times of war or economic downturn, these policies help the economy and help our Nation as a whole. But this is not what we have been doing at all. What we have been doing is borrowing to pay the interest on previous debt.

Let me put this in terms that every American can understand. When a company decides to expand or buy more efficient equipment, it generally borrows the money, knowing that this investment will more than pay for itself in the future. The profit earned is used first to pay off the loan and the extra is kept as income. The key word in all of this is invest. Investment as our President has been saying for some time is good, it provides benefits in years to come. We invest a great deal of money on the Federal level, upwards of $200 billion. This money is well spent and will pay dividends to our children and their children. When we build a highway, it increases economic efficiency and activity, real dividends that pay off in real jobs and increased incomes. Congress should not cut off its nose to spite its face. Our amendment protects this vital investment portion of spending. It keeps responsibility with the Congress and gives us the flexibility that we need during hard times and the discipline we need during the good ones to manage the budget in a responsible manner.

Let me get back to my example of a business borrowing to expand or upgrade its facilities. Bad fiscal policy is when all of the profits earned from the improvements are frittered away on other expenses, and the loan is never repaid. When this happens, the situation goes downhill fast. If the belt is not tightened and the loan is not paid off, the company, no matter what, will go bankrupt. It can borrow more money for a time but eventually it must pay off its loans or the banks will eventually turn that company down. We are a nation that is getting perilously close to that last loan. We are borrowing not to invest for growth, but instead simply and irresponsibly to pay off interest on past loans. All the while our debt continues to mount and we have nothing to show for it. This is the type of behavior that must be stopped and our amendment is the prescription for this sickness. It stops the bad borrowing but keeps the Congress in control of investing in our Nation's future.

Our Founding Fathers placed the country's purse strings under the explicit control of the Congress. Our amendment keeps the control here. The judicial branch of Government has no business deciding on what program should be cut or what revenue should be raised. That is our responsibility. Our amendment keeps that responsibility right where it belongs. I won't talk on this point too long because, I think there is complete agreement among us on this point. However, I cannot stress enough that we in the Congress must make the hard choices, and if we do not our amendment calls for an internal solution. Should this happen, this legislation calls for uniform cuts; with everyone and every program paying equally. That is fair and just and it would be a congressional action.

Let me speak on another matter of grave concern to many of our citizens. That is the sanctity of the Social Security system. Many years ago, our Nation made a pact with its people to help them in retirement, whether that be in old age or by disability. Our amendment respects that agreement, in fact it reinforces it, makes it stronger, safer and more secure. This amendment has a lot to do with responsible action and nowhere is that needed more than on dealing with Social Security. It is exempt from our amendment, thus securing and fortifying its position as a separate trust fund. Neither receipts nor outlays will be counted as part of the budget under this provision. As my friend, and colleague from North Dakota [Mr. Dorgan] has pointed out, ''the Social Security system is not causing the deficit.'' Its revenues and surpluses should not be used to mask the deficit nor should its outlays be counted as part of expenditures. Our proposal protects the sanctity of this most vital program.

In closing, I would like to stress just how strongly I favor a balanced budget amendment, but it must be the right amendment and our amendment is it. I have supported and continue to support my colleague from Illinois in his efforts to control Federal spending, however, our proposed changes make this a more honest and more workable amendment. Surpluses in trust funds whether it be for airports, Social Security or highways, will not be used to mask the true size of the deficit. And, equally important, it will allow Congress to maintain the flexibility

needed during wars or recessions while protecting our capital investments and curtailing our practice of borrowing to pay interest on past loans.

Mr. President, I do not think anyone in this body with certainty can tell us what will happen in the future if we have a balanced budget amendment to our Constitution. I do not think we can say with certainty. And so with uncertainty, we get all the horror stories. And all the horror stories if this does not pass; something is going to happen. If it does pass, some other things are going to happen.

The implementing legislation that is required, if and when a balanced budget amendment passes, will give us some idea and eliminate some of the uncertainties, but that will be the legislative branch prerogative to pass the implementing legislation. So I wish to kind of put a little oil on the water if I can as to all the uncertainties we have been hearing about in the last few days.

We also hear the horror stories that if the Simon amendment passes, the courts will become the legislative body. Well, we scurried around and I guess now you have the Danforth amendment included in the Simon amendment, because the horror story was that the courts would then become the legislative body of this land. They would tell us what new taxes to impose and what programs to cut or what all new taxes and no programs cut or programs cut and no new taxes. So under the Simon original amendment the courts would have had jurisdiction over the legislative body. So we scurry around and find an amendment that will basically eliminate it. Not good enough. Not good enough because the Reid amendment says only the legislative body.

Well, then we hear we have no way to say to those of us who will make a vote, have discipline because the courts will not. So whichever way you go, you can find somebody on the other side.

It reminds me when I was president of a civic organization, and we had a question that was bothersome to me. I turned to the legal counsel for the civic organization, and I said, ''Which way should we go on this?'' He said, ''Mr. President, go either way and we will make a heck of a case out of it.'' And so that is what I think we find here. Go either way and we will make a case on it.

We eliminate the worry of the courts telling the legislative body that is elected by the people what to do and what not to do, and that was our idea which was finally accepted by the so-called Simon amendment.

In 1983, the Social Security Program was in horrible shape. Everyone in this body understands that we were in real trouble with Social Security. But we all came together in a bipartisan way and corrected the problem with Social Security in outyears. Now they say the only way that you can save Social Security is a balanced budget.

Well, we are still collecting out of my check every month, and I suggest my distinguished colleague from Illinois is having his taken out every month. I do not know what that has to do with a balanced budget except if it is out there you can use it to help balance the budget.

So what the Reid amendment says is that after we have gone through the 1983 labor to fix the Social Security question, we have included in this amendment that we would not touch Social Security. On this floor you hear it. ''Don't touch Social Security.'' Now we are trying to say a balanced budget saves it. That is the only way because they do not have this exclusion in this amendment. In the cloakrooms you hear talk, ''We have to save Social Security.'' And over the lunch table we hear it, ''We should not destroy Social Security.'' So the Reid amendment or resolution has taken care of that problem.

Do you know something, Mr. President? You can sympathize with me over this a little bit. I have heard for days now, and really for years: If 40-some-odd Governors can operate under a balanced budget, why cannot Federal Government? Well, Mr. President, I had the privilege, as you did, given me by the people of my State to serve as Governor. I even had the line-item veto. And the Kentucky Constitution states that the Governor—nobody else—the Governor must reduce expenditures if it is determined that the State would have a shortfall. But if you want to raise taxes, you have to call a special session for the purpose of raising taxes.

Now we hear that we do not want to operate like Governors. We just want to use them as operating under a balanced budget. We are going to give you an opportunity to say that you do not want to operate like Governors. You just want to use them as an image out there that operates under a balanced budget because Governors must operate under a balanced budget. Then we think that is good. But we do not want the Federal Government to do that.

Let us follow the State procedure, if it works. And it is simple. I operated, as I said earlier, under this procedure. We had an operating account and a capital account. I never vetoed a budget. I never exercised the line-item veto in 4 years. And I left $300 million in surplus. Pretty good, I thought, a lot better than we are doing here. We had the operating account and we had the bond issue. We have T bills here. Whatever the legislative process is, after the amendment is approved or disapproved, if it is, right now they are a little bit light. They call our amendment light. But they are light in votes, and they are struggling now to try to figure out a way to get some more. They are condemning our proposal because it has, in my opinion, more common sense in it than theirs.

So we had our operating account. We had our bond issue. We had the payments to be made out of the operating account. We paid it. We had a balanced budget. We had a surplus. Our estimates were pretty good.

If we had not gotten the agreement, as we now have, to vote next Tuesday at 3 o'clock, and then 4 hours later on the second amendment, we would have had the opportunity to vote on each one of those amendments to the Simon amendment, because many in this Chamber felt the Simon amendment did not include the exclusion of the courts. That is one. Social Security is another. You would have the operating and capital construction accounts to vote on up or down. And we would have had to vote on each one of those separately. We would delay moving towards a balanced budget, and the delays would have been, I think, helpful to those that oppose a balanced budget.

Mr. President, I interrupted the distinguished Senator from Illinois [Mr. Simon], awhile ago when he was reading from the newspaper that this amendment is just a stalking horse to give cover to those who want to vote for a constitutional amendment that probably will not pass, and then that gives them a reason to vote against Senator SIMON.

Let me clear everybody's mind. I am for a balanced budget amendment. And I intend to vote for a balanced budget amendment, and maybe two before next week is over. But some ideas around here might just be worth looking at for a moment. There might be a moment. If you look into the future and how we are going to operate, this may be a pretty decent idea to try.

I hear that, ''Oh, well, if we are going to vote for this, we will not have to do anything for 7 years.'' I thought we were under a budget constraint now. I thought we had caps on our budget now. I thought this was the third straight year of deficit decline, unprecedented in the last 31 years since Harry Truman. I thought we would have to continue to do that even though we required 2001 to have the budget balanced or begin that process.

I think this is a way we can do this to accommodate most people, rather than take the position that it is this way or nothing. I come from the State of Henry Clay. Henry Clay was a great compromiser. Henry Clay described compromise as ''negotiating hurt''—negotiating hurt. You had to give up something most of the time that you really did not want to, and it hurt to give it up. But for the sake of progress, for the sake of bringing a consensus together, compromise is a pretty good thing.

So, we offer to the colleagues in the Senate the ability to say, we are not going to disturb Social Security. I do not care what you say about a balanced budget as long as you take it out of your paycheck and put it into a Social Security account. That is where it belongs.

We talk about capital construction of the highways. We are taxing now and not spending it. We are not spending it. We have billions; a $15-, $17-, $18-billion surplus in the highway account. We are not spending it.

Talk about airports capital construction; 10 percent of every ticket that is purchased goes into the airport improvement trust fund. There is $7, $8 billion in there not building airports. What is a balanced budget going to do for that? We are already charging the tax.

We can have our operating account. We can have our capital account. Some say that we ought to balance the Federal budget like we do our house account or our budget at home. We have an operating account at home. That operating account is the amount of income we have. We buy a car.

We can buy a car, maybe not a luxury car, but one within our means and what we can pay for. We decide we want to buy a house, and it may not be a mansion, but it is what we can pay for. What we should have in an operating account is our income. We make those payments on those capital investments that we have, and we keep our operating account balanced. I do not see anything wrong with it. If Governors operate that way—and some are beating their chests saying if Governors can do it, we can do it—here is how Governors do it. I operated under it. I understand it. I had a veto of the budget; I had the line-item veto; all of those, when I was Governor. We operated out of an operating account and out of a capital account. It was in the budget. We made our payments and we had a surplus.

I do not understand why that is not at least tickling the interest of some folks. But we are rigid right now. ''It is ours or nothing.'' Well, you may just get nothing, with a capital ''N.'' And you are light right now on votes. If you are light on votes, why not look at something that will be workable, because you will get some votes for this one. With the others, you might just pass this amendment. But the way you are going now, you are light by several votes.

My colleague keeps talking about taxes. I do not know that this brings new taxes. That one does. That is all I have heard is ''the courts imposing taxes.'' Yes; we will have to pay taxes. For the Simons resolution, the report was $570 in new taxes per individual in my State. If you want it, I will get it and give it to you. Everybody quotes the paper around here. I will give you an article out of the paper. They do not necessarily have to be true, but we sure do quote them. So all of this propaganda is being put out.

So I hope that those who are so rigidly stuck to one amendment could at least give this one a little read; look at it a little bit. We take care of depression; we take care of war; we take care of those things. I think it is important that we have the opportunity to put something in place. If you are going to tinker with the Constitution now, give the Constitution something that will work. Give it something that you think would have a chance of working. And then the implementing legislation will set up the procedure whereby we use the operating account, and what is the capital construction, and how do we pay for it? Do we use T-bills for capital and pay the bills off?

We heard the Senator from Illinois say that it was Albert Gore, Sr. that said pay as you go and put on new taxes, and President Eisenhower was saying let us bond it and pay the bonds off. That was a difference of opinion then. So we taxed the payoff; rather than having an operating fund to pay off capital construction, pay off the bond issue.

So I hope that we will give this very serious consideration. I will have other things to say before the vote comes next Tuesday, and I welcome any cosponsors. We have had many come to us this morning to talk about it. We have picked up a good many votes today. We are further away from passing this amendment than Senator Simon is, but if we combined our efforts, we would pass it.

You say I am a stalking-horse? No; I am not a stalking-horse. You say I am trying to give people cover. No; they are not getting cover from this one. We have a legitimate proposal to be given to the colleagues in the U.S. Senate, that they can go back home and say: I voted for a Constitutional amendment to balance the budget that is doable.

The other one is, you either eliminate or increase taxes, or both. I do not think this one puts you in the posture of raising taxes. That is a great, great difference, in my opinion. I have been listening very carefully as to raising taxes and how much new tax it is going to cost to pay for the Simon resolution, and I think it is time we take a step back and look at an opportunity now to have a balanced budget amendment. I do not have the words to get you out on the edge of the seat or the ability to say, boy, that is it. I just do not have that ability.

I do believe sincerely that we have an amendment that is important, an amendment that should be considered, and maybe, just maybe, we can put our two groups together and say that we have a resolution here that could be doable; it is workable, and we could vote for a balanced budget, and the future of Senator Simon's unborn grandchildren will be saved.

I yield the floor.

[From the Congressional Record, Mar. 1, 1994]

The PRESIDING OFFICER. The Senator from Kentucky [Mr. FORD] is recognized for 10 minutes.

Mr. FORD. Mr. President, I have but a few minutes to speak this morning on behalf of the Reid-Ford-Feinstein balanced budget amendment. So I will concentrate my remarks this morning on trust.

The public trusts the Congress to keep the Nation's finances in order. Nowhere is that agreement and that trust more evident or more important than in governing the Social Security trust fund.

In the debate over our amendment and the Simon amendment, honesty and protection of the trust fund have played a very big role. Right now, surpluses in the trust funds are being used to hide the true amount of the deficit. The biggest example of this is in Social Security, but it is by no means alone in this distinction.

During the 1980's, we allowed the Federal trust funds to run up huge surpluses. We would collect a gasoline tax to fund highway construction but then not spend it all on highways, thus creating an accounting surplus. The problem is, we did spend money elsewhere creating masked deficit and budgetary illusions.

The Simon amendment will allow us to continue to do this. I have a speech in my folder that I made back in October of 1987 that addressed this very issue. This particular speech dealt with the Aviation trust fund. At the time, it represented a $6 billion surplus.

Mr. President, I say to my colleagues that that is only peanuts when compared to Social Security. According to OMB, from 1985, when the Social Security System started to run a surplus, to 1993, it singlehandedly covered up $366 billion in Government red ink. Social Security covered up $366 billion in Government red ink.

If you think that is bad, wait until we look to the future. From 1994 through the year 2001, the date that Senator Simon's amendment would likely take effect, CBO projects another $703 billion in budgetary chicanery, for a grand total of $1.69 trillion worth of deception.

When compared with that, the deficit hidden by the other trust funds are small potatoes—only another $35 to $40 billion. Pretty soon though, as we have heard in the past, it adds up to real money. We pat ourselves on the back and claim to cut spending and do what is right for our electorate, all the while our Social Security trust fund is full of IOU's.

Well, I, and those who support our amendment, mean to do something about that. Our amendment respects the pact our Nation made with its people many years ago. It reinforces it, makes it stronger, safer, and more secure. Social Security is exempt from our amendment, thus securing and fortifying its position as a separate trust fund. If you do not believe me, just listen to the Gray Panthers, and they will tell you themselves. I have here three letters to that effect. AARP, the National Alliance for Senior Citizens, and the National Committee to Preserve Social Security and Medicare, all endorse Social Security's treatment under this amendment.

Other trust funds will be treated honestly as well. They will be considered as a part of the capital budget that invests in infrastructure and development. Building highways and airports pays dividends in the future through higher productivity and job opportunity and growth. Social Security and these other trust funds did not cause the deficit, and under our amendment they will not be used to hide the deficit either. This is honest budgeting and a workable balanced budget amendment.

Mr. President, time is short and a vote on the Reid-Ford-Feinstein balanced budget amendment is near. Unfortunately, I fear that it is not near passage but defeat. Standing beside that defeat will be a good faith effort of those who are truly concerned about the world that we leave for future generations. Standing beside that defeat will be the last attempt of this Congress to face reality and tackle an ever-crippling debt and deficit problem. Standing beside that defeat will be faith in Government. I support the efforts of my friend and colleague from Illinois to take on this persistent fiscal dishonesty, but his version of the amendment will go down to defeat as well.

The Reid-Ford-Feinstein amendment is the only amendment that could stand the chance of final passage. We all know that. Yet standing by the defeat of yet another balanced budget will be my colleagues from the other side of the aisle. Instead of getting what they could, they will go home proud of taking the supposed moral high ground. If that is what they want, they can have it. What I want and what 70 percent of our Nation's people want is a sound financial future. What they will get is more of the same under the Simon amendment, for standing tall at the end of the day will be disenchantment, dishonesty, and fiscal irresponsibility.

I hear so much about ''if 40-some-odd Governors can operate a balanced budget, why can't the Federal Government.''

Well, I give them an opportunity. I operated under it. It worked. We had a huge surplus when I left the Governor's office. We had an operating account. We had a capital account.

They say operate like you do at home. At home you have income, your salary. That is your operating account. You buy a car within your means. You pay that out of your operating account. You buy a home. You pay that out of your operating account. But your operating account is always balanced. And we have a time period in which to pay it off.

They say, ''Oh, we will never implement that legislation.'' How do you know we will not? I have seen some amazing things come out of this Chamber. I have seen people work and do the right thing.

I think implementation of this amendment will work. I think we can make it work. But on the other hand, if we want an issue, fine. Stay with Senator Simon and Senator Hatch. Stay with them and then have an issue when you go home.

But do you want a balanced budget amendment? There are enough votes with those who are supporting that amendment that we can get one.

Oh, I hear all this, ''The House is going to make us do it.'' I have never seen us make the House do anything. I have never seen the House make us do anything. So when they pass their balanced budget amendment, what is it going to do? It is going to die between here and there. That is what is going to happen to it. It is going to die between here and there.

''Oh, we will be forced into it.'' Nope. The House will not do that to us. We will not do it to the House. So if you want a balanced budget amendment operated like Nebraska was operated, like Kentucky was operated, I will guarantee you that we can do the right thing.

That is what it is all about here today, to do the right thing. We have an operating budget. We are going to pay this in 10 years. The slice is in here. We have IOU's in the Social Security. We are going to buy it. It is in operating. We buy it, pay it off. So Social Security is sound. I do not understand why it takes a brain surgeon to understand how you operate a budget the way the States do.

And so, Mr. President, I would hope that we would reconsider between now and 3 o'clock this afternoon that this is an opportunity to pass a balanced budget amendment that will work and will give us a financially sound future, not only for ourselves but for our children and our grandchildren.

I hear my distinguished friend say he is going to do it for his unborn grandchildren. I have five. The Senator is no ''Lone Ranger.'' I am just as worried about my grandchildren as he is. And I think I have a pretty good idea. I have had to work under it. I had to operate it. I understand how it works. There are few in this Chamber who do. You will find that most of those will vote for this amendment because it works.

Do it like the Governors do; pass the Reid amendment. Do it like you do at home and operate your own budget; pass the Reid amendment. It is just that simple, Mr. President.

I do not know how much time I have remaining, but I will reserve it.

Mr. FORD. Mr. President, because of the way that the quotes were lifted from my speeches, this action can only be viewed as intentional. Senator LOTT falsely states that I was talking about the balanced budget amendment that had been introduced by his side of the aisle when, in fact, I was speaking about my own substitute amendment, with other Senators here, one that, among other things, excluded Social Security. This action can only be viewed as irresponsible.

Further reading of my original quote clearly indicates I was advocating the same position a year ago that I advocated on the Senate floor last week and that I remain committed to today: Ensuring that Social Security is not used to balance the budget.

The truth of the matter is that this error has backfired. This attempt to discredit me and my intentions has instead shown from day 1 that I have had serious reservations about what could happen to Social Security. While I was voicing my concern about Social Security, my colleagues on the other side of the aisle were putting together proposals to carve up the Social Security trust fund.

Mr. President, I have papers right here, drafted in the form of a bill, which show the amount of Social Security moneys that would be used from the trust fund. That was offered to me as an alternate proposal. They were going to use the Social Security trust fund. This one is for 10 years.

Generally, something like this might be passed off as an isolated incident. But, unfortunately, this appears to be one segment of a large Republican National Committee strategy, and I submit further proof of the scurrilous activities RNC releases that commit the same wrongs.

Mr. President, I submit those for the record and ask unanimous consent they be printed in the RECORD.

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

[RNC News Release, Washington, DC, Mar. 2, 1995]

STATEMENT BY RNC CHAIRMAN HALEY BARBOUR FOLLOWING THE SENATE BALANCED BUDGET AMENDMENT VOTE

By blocking passage of the balanced budget amendment, Bill Clinton and the Democrats who voted against it in the Senate today made the difference between Republican leadership and Democrat retrenchment more crystal clear than ever. While Republicans are keeping our promise to end business-as-usual in Washington, Clinton and his Clinton Corps in the Senate banded together in a blatant exercise of politics-as-usual.

Tom Daschle, Jeff Bingaman, Dianne Feinstein, Wendell Ford, Byron Dorgan, and Fritz Hollings have become apprentices in The Clinton School, where the fine art of saying one thing, but doing another is taught. They told the people of their states they were for a balanced budget amendment. They voted for a balanced budget amendment in the past, some of them more than once. But when Clinton and the Democrats needed them, they switched their votes and defeated the balanced budget amendment. They put party above the interests of the children of their state.

Their hypocrisy extends even to the excuses they're scrambling for. The six Democrats who today defeated the balanced budget amendment are trying to use Social Security as a cover for their flip-flop, but in 1993 the same six voted to cut Social Security income by raising taxes on beneficiaries. They voted for a virtually identical balanced budget amendment last year without any mention of Social Security. The fig leaf they're trying to hide behind wouldn't hide a gnat.

Clinton, the liberal Democrats in the Senate and the big-spending special interests might have succeeded in stopping passage of the balanced budget amendment today, but the voters will have the last word.

HALEY'S COMMENT BY REPUBLICAN NATIONAL COMMITTEE CHAIRMAN HALEY BARBOUR

A lot of Americans are very mad tonight . . . very mad at Bill Clinton and the Democrats in Congress who defeated the balanced budget amendment by a single vote this afternoon.

According to a CBS/New York Times poll, 79% of Americans support passage of the balanced budget amendment, and no wonder. The budget has been balanced only one year since 1960. Under Bill Clinton's new budget the deficit goes up, and it stays at the $200 billion level for the rest of the century. In 2002, the year this amendment would have required a balanced budget, Clinton's budget deficit will be $320 billion.

The voters know the only way to stop the spending spree is through the constitutional discipline of this amendment. The big-spending liberals know that too, so they joined Bill Clinton in pulling out all stops to kill the amendment.

In the end, the left focused on six Democrat senators, who had voted for the virtually identical amendment just last year. Clinton and company needed all six. If any one voted for the amendment, it would pass.

Last year Fritz Hollings of South Carolina said on the Senate floor, in support of the balanced budget amendment, ''No more weaseling, no more excuses, just make the hard choices and balance the budget.'' Today Hollings weaseled; he voted no.

Wendell Ford of Kentucky voted for the amendment in 1986 and 1994, when he said we needed a constitutional amendment to regain control of spending. In his speech in support of the constitutional amendment, he referred to Congress as representatives of the people. Today Ford decided he'd be a representative of the Democrat Party instead. So he turned his back on the people of Kentucky, and voted no.

Tonight you've seen the Daschle, Dorgan and Feinstein campaign ads, extolling their support of the balanced budget amendment.

No wonder people are cynical. Voters have grown accustomed to Bill Clinton promising one thing but doing just the opposite; saying what you want to hear during the election, but never intending to do it. Now we've learned this tactic is contagious in the Democrat Party. All six of these senators—Dorgan, Daschle, Hollings, Feinstein, Ford and Bingaman voted no today, despite what they had said in the past. They formed the hypocritical Clinton Corps, who told their constituents they're for the balanced budget amendment but voted against it today.

It is not lost on the voters that at the same time Republicans are keeping our word by fulfilling the mandate given us by the American people last November, it was Democrats, breaking their promises, that caused the balanced budget amendment to lose today.

But today won't be the last day. Senator Bob Dole has said he will bring it up to vote on again. Between now and then I hope you and every other outraged American let these senators hear from you.

THE DEFEAT OF THE BALANCED BUDGET AMENDMENT: HYPOCRISY ON THE RECORD

In 1992, Byron Dorgan (D-N.D.) ran a campaign ad touting his support for a balanced budget amendment. In the ad, he looks at the camera (as the state's voters) squarely in the eye and says: ''This country's in deep trouble. Everybody knows that. The question is, what can we do about it. Well, we can fight to change things. I'm convinced we can put this country back on track, but to do it, we've got to put an end to these crippling budget deficits. So here's what I'm fighting to do.'' He then unveils the ''Dorgan Plan'' and describes its final, critical component: ''I'm working for a constitutional amendment that forces a balanced budget.'' He even voted for the balanced budget amendment—with no strings attached—in the 1994 campaign year, saying ''I am convinced that it is the right thing to do and the necessary thing to do.'' (Congressional Record, March 1, 1994)

Tom Daschle (D-S.D.), who voted for the balanced budget amendment—no strings attached—last year, had made his support of the balanced budget amendment a central issue in his campaign in 1986, airing an ad showing red ink pouring over the Constitution as the announcer reads: ''The national debt. America is awash in red ink. But in 1979, Tom Daschle saw the damage these deficits could do to our country. His first official act was to sponsor a constitutional amendment to balance the budget. For seven years, Tom Daschle has battled party leaders and special interests to cut waste and close loopholes.'' Apparently, he just wasn't up to the battle anymore this year, when he caved to President Clinton.

Dianne Feinstein (D-Calif.) saw fit last year—when she was up for reelection—to support the balanced budget amendment, no strings attached. She, too, put her support for the amendment on public display in a campaign ad, which touts her ''courageous votes for the balanced budget amendment'' as central to her fight to ''create jobs and get California's economy going again.'' The tag line of the ad says, ''She's our Senator, Dianne Feinstein.'' From her flip-flop today, it appears she's now Bill Clinton's Senator.

Wendell Ford (D-Ky.) voted for the balanced budget amendment both in 1986 and 1994. Last year he said, ''We as a Congress and, being the representatives of the people, as a nation must begin to regain control of our spending policies. We need something that forces us to do this. An amendment to the Constitution would do just that.'' (March 1, 1994) Today, as the third-ranking Democrat in the Senate, he sided with his party, taking the opposite position from a majority of the people of his state.

Ernest Hollings (D-S.C.) voted for the balanced budget amendment both in 1986 and 1994. When he voted for it last year, he said: ''By writing a balanced budget amendment into the basic law of the land, we will compel Washington to do its job. No more weaseling. No more excuses. Just make the hard choices and balance the budget. And do not be surprised when a balanced U.S. budget turns out to be the best economic growth program this country has ever seen.'' (Congressional Record, March 1, 1994)

Mr. FORD. I for one am fed up with this type of political mudslinging. It does a disservice to serious discussion

of the issue, and I hope that the American people are tired of it, too. I hope that this incident forces my colleague and his associates at the RNC to actually read the full text of my speeches and stop the blatant misrepresentation.

And Mr. President, from the National Journal's Congressional Daily, they have a quote on page 8 of March 2.

On Wednesday, Ford's Washington office received 407 phone calls supporting the balanced budget amendment and 765 opposing it, according to the office spokesman. The ratio has remained about the same throughout the week in the Washington and State offices, he said. In addition, Republican National Chairman Haley Barbour shrugged off a claim by FORD that RNC ads running in FORD's home State of Kentucky backfired and helped solidify FORD's position on the amendment.

And I quote Mr. Barbour. Mr. Barbour says, and I quote:

''I was born at night but not last night,'' Barbour said, adding that he does not believe ''any member of the United States Senate could vote against the wishes of his constituents merely because he got his feelings hurt by a TV ad.''

Now, Mr. President, I was born at night, but I was not born last night. What I said was when they started running the ads against me in Kentucky, it stirred up a hornet's nest. It caused other groups that were opposed to the amendment to gear up. They put on radio ads; they put on TV ads, and they stirred it up. If he had left it alone—that is what I am saying. He stirred up the activity himself, and it did not hurt my feelings. I am a grown man. I have been around a long time. Dad told me, in politics, when they tear the hide off of you, just remember it grows back and you are tougher.

You are looking at one tough son of a gun today, Mr. President. I just want people to understand, lest we forget, they put that out and misquoted us again. They misquoted us again. I think that the record ought to be made straight, and I have all the documentation necessary to prove that this statement of mine was lifted from the RECORD, not actually the statement I made. It was a statement I made as it related to a substitute amendment that we thought would be a better amendment that would work better for the American people and, yes, would help our children and our grandchildren.

And so, Mr. President, I make this statement just to defend myself because I do not want this statement to hang out there longer because it would, I think, be detrimental to what I hope my constituents understand and what I believe to be the facts.

Mr. DORGAN. Mr. President, I wonder if the Senator will yield 1 minute.

Mr. FORD. Mr. President, I yield to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I wanted to follow on those comments by saying that my experience with respect to information put in the CONGRESSIONAL RECORD about statements I made last year was similar to that of the Senator from Kentucky [Mr. FORD].

Other Senators have spoken on the floor of the Senate about our sincerity in working to protect Social Security. They were asking—about the Senator from Kentucky, my colleague from North Dakota, the Senator from California, myself and others—these other Senators were wondering where were we last year when we voted on the same identical balanced budget amendment? Senators were asking why we were not worried then. Why did we not, et cetera, et cetera.

And then they put parts of our statements in the RECORD. The problem is that what they put in was not all of the statements, but simply a couple of paragraphs.

Let me read, if I might, from last year's statement that I made on the floor of the Senate. Let us see whether the Senator who mentioned this statement might want to modify his remarks, because I think, if he had known all of what I had to say last year, he might have spoken differently last week. These are my words last year on the Senate floor. I said to Senator SIMON:

I would like to ask the Senator a question about the Social Security issue.

We are now, by design, running surpluses in the Social Security system in order to prepare for the time when we will need them, when the baby boomers retire. I do not want to be in a situation where we use those surpluses to balance the Federal budget. That would be dishonest.

If we did that, we would, in effect, steal money from a trust fund. We collect this money from the payroll taxes, out of workers' paychecks and businesses, and we assure them that this money will go into a trust fund. We promise people that it will be used only for trust fund purposes.

If we use that money to offset the operating budget deficits, we are misusing that money. We cannot allow that to happen.

That is me speaking last year, not this year.

Again, quoting myself, speaking last year.

The fact is we must not count the surplus between now and the year 2035. Between now and then we will have an enormous bubble of surplus * * *.

The reason we increased taxes on payrolls in this country is we decided we must force national savings to meet a need after the turn of the century. To fail to do so is irresponsible.

That is why I say to the Senator from Illinois (speaking to Senator Simon that day) that—whether it is under the current budget scheme in Congress without respect to this constitutional amendment, or whether it is with respect to a constitutional amendment—we must do the right thing with respect to the Social Security trust funds. The right thing is not to count them in the balanced budget computation.

That is the only way to achieve national forced savings that we promised the workers and businesses in this country we were going to achieve.

Now, I read that to say that is what I said in the Chamber last year, and yet Senators have come to the floor and wondered where I was last year. Senators said that we did not bring this up, that we did not talk about this. And they put in the RECORD part of the statement and left all of this out.

Now, I hope it is an accident because accidents happen. But maybe we can be accurate with each other about what we did or did not do and what we said or did not say. Maybe we can decide that we respect each other's views. We differ. We feel strongly about things on this floor, and we represent the people the best we can. But I think that we ought to understand that what we should give each other in this Chamber is not just the truth but the whole truth, the whole truth. We do not need to in any way—and I would never, and I will not impugn motives here—but I do not think we should ever intend, nor do I expect anyone would ever intend, to misrepresent.

So believing that to be the case, I hope others who will take the floor in the future will not ever again say this: Where were they last year? Why were they not making these kinds of representations last year?

I will not read this a second or third time, but anybody who heard what I just read could not fail to understand. If you heard, you cannot fail to understand I raised exactly the same points last year as I raised this year.

I hope I do not hear someone again make the mistake, and I assume it is a mistake, not to include those statements I made in the Chamber last year in representations that they bring to the floor this year.

All of us understand what a lot of this is. It is a lot of politics. That is fine. We operate in a political system. I am not defensive about it. I just believe that when we discuss things with each other, let us do it with all the facts, let us do it with the truth and the whole truth.

That is what I hope to do with all of my colleagues in this Chamber. That is what I hope they would do with me as well.

I appreciate the Senator from Kentucky yielding.

Mrs. FEINSTEIN. May I ask the Senator from Kentucky to yield for an additional statement?

Mr. FORD. Mr. President, the Senator can get the floor in her own right.

The PRESIDING OFFICER. The Senator from Kentucky does not have the floor.

Mr. FORD. The Senator can get it in her own right.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. May I speak as in morning business?

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

CORRECTING THE BALANCED BUDGET AMENDMENT DEBATE

Mrs. FEINSTEIN. Mr. President, I also would like to correct the record,

and so I rise today to set it straight. I am reacting to the fact again that the Senator from Mississippi submitted a portion of my floor statement from balanced budget debate last year and incorrectly described the context of my remarks, and I would like to put those remarks in context.

The Senator claims in the CONGRESSIONAL RECORD that the statement was made in response to the balanced budget amendment as submitted by Senators SIMON and HATCH. In fact, there were two proposals last year on the balanced budget amendment. The statement that is attributed to me was made in reaction and in support of the balanced budget amendment proposed by Senator REID, which would have protected the Social Security trust fund. I would like to put the statement submitted by the Senator from Mississippi in context by briefly reading a couple of paragraphs from my floor speech made on February 24, 1994.

I am here to speak on behalf of the Reid amendment. I believe it is improved over the Simon amendment. This amendment would protect Social Security. I do not believe that the trust fund should be used to balance the budget. It would allow the creation of a capital budget (that is this amendment), just as many cities and States do now. It would allow flexibility in times of recession. And it would keep the courts from mandating actions that are legislative prerogatives.

These changes make this amendment a much more workable balanced budget amendment.

There are many in this body who believe that amending the Constitution is very strong medicine, perhaps too strong. I have listened very carefully to those arguments. But I have come to the conclusion that without the strong medicine the patient is not going to heal.

People have said to me: You come from California and you supported an amendment for earthquake disaster relief that was off budget.

Yes, I did. Disaster relief for floods was off budget. Disaster relief for Hurricane Iniki was off budget. Disaster relief for Hurricane Andrew was off budget. So why should California be treated any differently? That is why we need an amendment to make everyone play by the same rules.

I think this is the heart of the matter. If people believe that under our present way of doing business we can balance this budget, then they should vote against a balanced budget amendment.

This is the part that I was quoted in.

If in their heart of hearts they believe we are not going to be able to balance the budget under the current process, then I believe they should support the balanced budget amendment. At least that is the conclusion to which I have come. Without a constitutional amendment, a balanced budget just is not going to be achieved.

That is the context of my remarks, out of which one paragraph was taken and attributed to my not being concerned about Social Security last year. I submit this as proof that I was concerned about Social Security last year. This year I presented a substitute amendment which was the balanced budget amendment with Social Security excluded, and it lost before this body.

If I might just quickly restate my views, because I believe it is important. Let me speak as someone who does believe in a balanced budget amendment. It may not be the same identical one you believe in, Mr. President, but then that is why we are legislators, to legislate, hear the ebb and flow of debate, make up our minds, and improve legislation. I quite genuinely believe, and I think the figures will corroborate, that we can take Social Security off budget, create a capital budget—as the city of which I was mayor does, as the State of California does, as more than 40 other States do—and actually, by so doing, have less trouble balancing the budget by the year 2002 than we would if the present balanced budget amendment passed.

Now, perhaps the Federal Government is so far removed from States or cities that they cannot countenance financing large items of capital like aircraft carriers, at $1 billion per, through a capital budget, but I think we can. I think there is room for people to have different views about a balanced budget amendment. And I hope that, as others state our views, that they would do so correctly.

I have heard many Members supporting a balanced budget amendment say—and heard one on tape just a half-hour ago—''We have no intentions of using Social Security to balance the budget.'' That is wrong. Social Security's revenues would be used in the balanced budget amendment recently voted on to balance the budget.

Why do I believe that Social Security is as important a contract with America as the revisionist Contract With America? The reason I believe it is because for years people have been paying FICA taxes with the assurance that those taxes are not used for budget purposes, they are used for their retirement. That is a contract with America. You pay 6.2 percent of your salary, your employer matches it, the Federal Government holds that and invests it in Treasury bills, and you get it back as you retire.

I believe that obligation ought to be kept intact. If we find we cannot keep the obligation intact because more people are retiring and not enough are earning, then the system needs adjustment. And I am the first one to say that. Or the money is not going to be there, do not make young working people with young families pay the FICA tax today. Do the honest thing and cancel the FICA tax.

So I think there are very major and legitimate public policy questions at play in this balanced budget amendment and I hope that the mentality that I have been surprised to see in the last week—which is almost the mentality that anyone who dares disagree with the great pundits and proponents of the balanced budget amendment is not quite as good an American and does not have the right to disagree—would cease. I think that makes a mockery out of the public policy debates of the No. 1 one public policy forum of the United States, the U.S. Senate.

I believe we have a right to listen to debate. I believe we have a right to try to forge a better amendment. And I think taking Social Security out of the balanced budget amendment does in fact make it a better amendment and there is a way to compensate for the loss and that is by doing something that most States and every big city in this Nation does, which is fund their major capital improvements through a capital budget.

Mr. President, I thank you for the opportunity and I yield the floor.

Mr. LOTT. Mr. President, last week, I inserted in the RECORD a list of quotations concerning the balanced budget amendment, from several of our colleagues who voted against the balanced budget amendment on March 2 of this year. Those quotes demonstrated their support for the balanced budget amendment in earlier years, especially in 1994, when there was little chance that it would actually pass.

Earlier this afternoon, our distinguished colleague from Kentucky, Senator FORD, suggested an error in the words attributed to him. As I understood him, he has not claimed that he never said the words I quoted him as saying. But rather, he said them in support of a substitute amendment to the balanced budget amendment, not in support of the original legislative language.

That substitute—a Reid-Ford-Feinstein amendment—had the effect of exempting Social Security from the constitutional strictures of the balanced budget amendment.

The Senator is correct in pointing that out. The words I quoted were spoken on March 1, 1994, in support of that substitute amendment, which, because of its Social Security exclusion, did differ from the balanced budget amendment the Senator voted against on March 2 of this year.

If I had been aware of that, I would have duly noted it in the material inserted in the RECORD, but not read. So I apologize to the Senator for that misimpression. But in the interest of fairness, I think we should lay out the whole story. As another of our colleagues said here this afternoon, we want, not just the truth but the whole truth.

And the whole truth is that, after our distinguished colleague from Kentucky spoke those quoted words in support of the Reid-Ford-Feinstein amendment, that amendment was rejected by the Senate by a vote of 22 to 78.

The next vote came 5 hours later. It was a vote on final passage of Senate Joint Resolution 41, the balanced budget amendment virtually identical to the one narrowly defeated by the Senate only last week. And on that vote, Senator FORD voted ''yea.''

Let me make that clear. Although the Senator's words I quoted were directed toward the Reid-Ford-Feinstein

substitute amendment, the Senator from Kentucky did indeed vote for the original balanced budget amendment last year which was basically identical to the one we voted on this year which he voted against.

Methinks, maybe, he protest too much.

I was raised to believe that actions speak louder than words. And the point of my remarks in the RECORD last week was that the actions of several of our colleagues with regard to the balanced budget amendment last year just do not compute, as Dr. Spock would say, with thier actions this year.

I do regret any inconvenience to the Senator caused by the publication of his quote from 1994. And I want to assure him that all future quotes will be triple-checked for their precise parliamentary context.

But at the same time, those of us who truly support a balanced budget amendment owe it to the public—to the taxpayers—to make clear why that amendment was defeated, at least temporarily, in this body last week.

It was defeated because several Senators who voted for its exact language 1 year ago found some reason, some excuse, to change their position 180 degrees this year.

Whatever their reasons for doing so, that abrupt change is what is at issue here. It is what the public is asking question about. And, in some cases, it may be difficult to explain.

One thing is for sure: No one can explain away that radical change in position regarding the balanced budget amendment by pointing to the Reid-Ford-Feinstein substitute of 1994. That substitute was indeed the subject of Senator FORD's remarks as I quoted them, but it ws the original, untouched, unamended, unaltered, authentic balanced budget amendment for which he voted on March 1, 1994.

And it was the same amendment, with only the beneficial addition of Senator NUNN's language concerning the federal judiciary, which he voted against on March 2, 1995.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak for not to exceed 10 minutes as in morning business.

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

THE BALANCED BUDGET AMENDMENT FIGHT

Mr. BYRD. Mr. President, the balanced budget amendment fight has ended for the moment, but some rather unattractive reverberations seem still to be echoing in this Chamber and around this city. Honorable men and women wrestled with their consciences and did the best that they could to reach the right decision on the balanced budget amendment to the Constitution. Thirty days of good solid debate in the best Senate tradition persuaded some that the amendment was the right thing and some that it was the wrong thing. That is exactly what the constitutional Framers intended when they set up the difficult amending process laid out in the Constitution. But the Framers probably did not foresee the aftermath of political guerilla-warfare tactics that is now in progress, nor would they have understood or appreciated this particular unfortunate turn of events.

Attack ads are already running in the States of certain Members who could not support the amendment this year because of its glaring deficiencies. Because of the thorough examination of the amendment on this floor and elsewhere, the constitutional amendment has been somewhat discredited. The idea has lost some support with the people and in its present form, it has lost the support of some Senators who had supported it in the past. There is nothing unusual about that. Proposals often fall out of favor when careful examination reveals their flaws. That is healthy. That is good for the Republic. That is representative democracy.

But, the ugliness which continues to pervade the air on the days after the amendment's defeat is unwarranted, unwise, and to be regretted.

Senators who have used their best judgment are under attack and in the most extreme of cases one Senator, it is rumored, has been threatened with his position on a Senate committee.

When Senators are asked to check their integrity at the door to continue in good standing their membership in any political party, something is very, very wrong. When a Senator has to subordinate his conscience and his dedication to the Constitution of the United States to any political party, then we have come to a very poor pass in this Senate and in this country. When Members of the Senate are subjected to hit-list tactics because of their position of conscience on an important constitutional amendment, somewhere, somebody's perception of the word ''Honorable'' is seriously off track. And when losing a fair fight prompts the loud public ''chewing of rags'' which we have seen since last Thursday evening, everybody loses, including the Nation.

I hope that the coming days will see a restoration of sanity and comity in this body. What we need to do now is to get on with the business of reducing the deficit, which is what the American people have really asked us to do. This Senate which so distinguished itself only last week with a wise and courageous decision on the balanced budget amendment, must cease the self-destructive and embarrassing threats and recriminations and once again distinguish itself by a serious attempt to do the people's business. That is what we are all elected and expected to do.

Mr. President, for the information of Senators, I ask unanimous consent to include in the RECORD at this point rule XXIV of the Standing Rules of the Senate entitled ''Appointment of Committees.''

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

RULE XXIV

APPOINTMENT OF COMMITTEES

1. In the appointment of the standing committees, or to fill vacancies thereon, the Senate, unless otherwise ordered, shall by resolution appoint the chairman of each such committee and the other members thereof. On demand of any Senator, a separate vote shall be had on the appointment of the chairman of any such committee and on the appointment of the other members thereof. Each such resolution shall be subject to amendment and to division of the question.

2. On demand of one-fifth of the Senators present, a quorum being present, any vote taken pursuant to paragraph 1 shall be by ballot.

3. Except as otherwise provided or unless otherwise ordered, all other committees, and the chairmen thereof, shall be appointed in the same manner as standing committees.

4. When a chairman of a committee shall resign or cease to serve on a committee, action by the Senate to fill the vacancy in such committee, unless specially otherwise ordered, shall be only to fill up the number of members of the committee, and the election of a new chairman.

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

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1995

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of H.R. 889 which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness for the Department of Defense for the fiscal year ending September 30, 1995 and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 889

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, **[**That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for the Department of Defense to preserve and enhance military readiness for the fiscal year ending September 30, 1995, and for other purposes, namely:

[TITLE I

[EMERGENCY SUPPLEMENTAL APPROPRIATIONS

[DEPARTMENT OF DEFENSE—MILITARY

[MILITARY PERSONNEL

[MILITARY PERSONNEL, ARMY

[For an additional amount for ''Military Personnel, Army,'' $69,300,000: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and

Emergency Deficit Control Act of 1985, as amended.

[MILITARY PERSONNEL, NAVY

[For an additional amount for ''Military Personnel, Navy,'' $49,500,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[MILITARY PERSONNEL, MARINE CORPS

[For an additional amount for ''Military Personnel, Marine Corps,'' $10,400,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[MILITARY PERSONNEL, AIR FORCE

[For an additional amount for ''Military Personnel, Air Force,'' $71,700,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[RESERVE PERSONNEL, NAVY

[For an additional amount for ''Reserve Personnel, Navy,'' $4,600,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[OPERATION AND MAINTENANCE

[OPERATION AND MAINTENANCE, ARMY

[For an additional amount for ''Operation and Maintenance, Army,'' $958,600,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[OPERATION AND MAINTENANCE, NAVY

[For an additional amount for ''Operation and Maintenance, Navy,'' $347,600,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[OPERATION AND MAINTENANCE, MARINE CORPS

[For an additional amount for ''Operation and Maintenance, Marine Corps,'' $38,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[OPERATION AND MAINTENANCE, AIR FORCE

[For an additional amount for ''Operation and Maintenance, Air Force,'' $888,700,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[OPERATION AND MAINTENANCE, DEFENSE-WIDE

[For an additional amount for ''Operation and Maintenance, Defense-Wide,'' $43,200,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[OPERATION AND MAINTENANCE, NAVY RESERVE

[For an additional amount for ''Operation and Maintenance, Navy Reserve,'' $6,400,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[PROCUREMENT

[OTHER PROCUREMENT, ARMY

[For an additional amount for ''Other Procurement, Army,'' $28,600,000, to remain available until September 30, 1997: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[OTHER PROCUREMENT, AIR FORCE

[For an additional amount for ''Other Procurement, Air Force,'' $8,100,000, to remain available until September 30, 1997: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[OTHER DEPARTMENT OF DEFENSE PROGRAMS

[DEFENSE HEALTH PROGRAM

[For an additional amount for ''Defense Health Program,'' $14,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[TITLE II

[RESCINDING CERTAIN BUDGET AUTHORITY

[DEPARTMENT OF DEFENSE—MILITARY

[OPERATION AND MAINTENANCE

[OPERATION AND MAINTENANCE, AIR FORCE

[(RESCISSION)

[Of the funds made available under this heading in Public Law 103–335, $15,000,000 are rescinded.

[OPERATION AND MAINTENANCE, DEFENSE-WIDE

[(RESCISSION)

[Of the funds made available under this heading in Public Law 103–335, $18,800,000 are rescinded.

[ENVIRONMENTAL RESTORATION, DEFENSE

[(RESCISSION)

[Of the funds made available under this heading in Public Law 103–335, $150,000,000 are rescinded.

[FORMER SOVIET UNION THREAT REDUCTION

[(RESCISSION)

[Of the funds made available under this heading in Public Law 103–335, $80,000,000 are rescinded.

[PROCUREMENT

[AIRCRAFT PROCUREMENT, AIR FORCE

[(RESCISSIONS)

[Of the funds made available under this heading in Public Law 103–139, $15,000,000 are rescinded.

[Of the funds made available under this heading in Public Law 103–335, $71,400,000 are rescinded.

[MISSILE PROCUREMENT, AIR FORCE

[(RESCISSIONS)

[Of the funds made available under this heading in Public Law 102–396, $33,000,000 are rescinded.

[Of the funds made available under this heading in Public Law 103–139, $86,200,000 are rescinded.

[NATIONAL GUARD AND RESERVE EQUIPMENT

[(RESCISSION)

[Of the funds made available under this heading in Public Law 103–335, $30,000,000 are rescinded.

[DEFENSE PRODUCTION ACT PURCHASES

[(RESCISSION)

[Of the funds made available under this heading in Public Law 103–139, $100,000,000 are rescinded.

[RESEARCH, DEVELOPMENT, TEST AND EVALUATION

[RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

[(RESCISSIONS)

[Of the funds made available under this heading in Public Law 103–139, $28,300,000 are rescinded.

[Of the funds made available under this heading in Public Law 103–335, $19,700,000 are rescinded.

[RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

[(RESCISSIONS)

[Of the funds made available under this heading in Public Law 103–139, $1,200,000 are rescinded.

[Of the funds made available under this heading in Public Law 103–335, $58,900,000 are rescinded.

[RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

[(RESCISSIONS)

[Of the funds made available under this heading in Public Law 103–139, $93,800,000 are rescinded.

[Of the funds made available under this heading in Public Law 103–335, $75,800,000 are rescinded.

[RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

[(RESCISSIONS)

[Of the funds made available under this heading in Public Law 103–139, $77,000,000 are rescinded.

[Of the funds made available under this heading in Public Law 103–335, $491,600,000 are rescinded.

[RELATED AGENCIES

[NATIONAL SECURITY EDUCATION TRUST FUND

[(RESCISSION)

[Of the funds made available under this heading in Public Law 102–172, Public Law 103–50, Public Law 103–139, and Public Law 103–335, $161,287,000 are rescinded: *Provided*, That the balance of funds in the National Security Education Trust Fund (established pursuant to section 804 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1904)), other than such amount as is necessary for obligations made before the date of the enactment of this Act, is hereby reduced to zero: *Provided further*, That no outlay may be made from the Fund after the date of the enactment of this Act other than to liquidate an obligation made before such date and upon liquidation of all such obligations made before such date, the Fund shall be closed: *Provided further*, That no obligation may be made from the Fund after the date of the enactment of this Act.

[TITLE III

[ADDITIONAL EMERGENCY SUPPLEMENTAL APPROPRIATIONS TO FURTHER ENHANCE READINESS

[DEPARTMENT OF DEFENSE—MILITARY

[MILITARY PERSONNEL

[MILITARY PERSONNEL, ARMY

[For an additional amount for ''Military Personnel, Army,'' $75,500,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[MILITARY PERSONNEL, NAVY

[For an additional amount for ''Military Personnel, Navy,'' $68,200,000: *Provided*, That

such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[MILITARY PERSONNEL, MARINE CORPS

[For an additional amount for ''Military Personnel, Marine Corps,'' $3,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[MILITARY PERSONNEL, AIR FORCE

[For an additional amount for ''Military Personnel, Air Force,'' $70,400,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[RESERVE PERSONNEL, ARMY

[For an additional amount for ''Reserve Personnel, Army,'' $6,500,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[RESERVE PERSONNEL, NAVY

[For an additional amount for ''Reserve Personnel, Navy,'' $5,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[RESERVE PERSONNEL, MARINE CORPS

[For an additional amount for ''Reserve Personnel, Marine Corps,'' $1,300,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[RESERVE PERSONNEL, AIR FORCE

[For an additional amount for ''Reserve Personnel, Air Force,'' $2,800,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[NATIONAL GUARD PERSONNEL, ARMY

[For an additional amount for ''National Guard Personnel, Army,'' $11,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[NATIONAL GUARD PERSONNEL, AIR FORCE

[For an additional amount for ''National Guard Personnel, Air Force,'' $5,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[OPERATION AND MAINTENANCE

[OPERATION AND MAINTENANCE, ARMY

[For an additional amount for ''Operation and Maintenance, Army,'' $133,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[OPERATION AND MAINTENANCE, NAVY

[For an additional amount for ''Operation and Maintenance, Navy,'' $107,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[OPERATION AND MAINTENANCE, MARINE CORPS

[For an additional amount for ''Operation and Maintenance, Marine Corps,'' $46,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[OPERATION AND MAINTENANCE, AIR FORCE

[For an additional amount for ''Operation and Maintenance, Air Force,'' $80,400,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[OPERATION AND MAINTENANCE, ARMY RESERVE

[For an additional amount for ''Operation and Maintenance, Army Reserve,'' $13,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[OPERATION AND MAINTENANCE, NAVY RESERVE

[For an additional amount for ''Operation and Maintenance, Navy Reserve,'' $18,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

[For an additional amount for ''Operation and Maintenance, Marine Corps Reserve,'' $1,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[OPERATION AND MAINTENANCE, AIR FORCE RESERVE

[For an additional amount for ''Operation and Maintenance, Air Force Reserve,'' $2,600,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

[For an additional amount for ''Operation and Maintenance, Army National Guard,'' $10,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

[For an additional amount for ''Operation and Maintenance, Air National Guard,'' $10,000,000: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

[TITLE IV

[GENERAL PROVISIONS

[SEC. 401. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

[SEC. 402. Notwithstanding sections 607 and 630 of the Foreign Assistance Act of 1961 (22 U.S.C. 2357, 2390) and sections 2608 and 2350j of title 10, United States Code, all funds received by the United States as reimbursement for expenses for which funds are provided in this Act shall be deposited in the Treasury as miscellaneous receipts.]

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I

SUPPLEMENTAL APPROPRIATIONS

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for ''Military Personnel, Army'', $35,400,000.

MILITARY PERSONNEL, NAVY

For an additional amount for ''Military Personnel, Navy'', $49,500,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for ''Military Personnel, Marine Corps'', $10,400,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for ''Military Personnel, Air Force'', $37,400,000.

RESERVE PERSONNEL, NAVY

For an additional amount for ''Reserve Personnel, Navy'', $4,600,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for ''Operation and Maintenance, Army'', $636,900,000.

OPERATION AND MAINTENANCE, NAVY

For an additional amount for ''Operation and Maintenance, Navy'', $284,100,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for ''Operation and Maintenance, Marine Corps'', $27,700,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for ''Operation and Maintenance, Air Force'', $785,800,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for ''Operation and Maintenance, Defense-Wide'', $43,200,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for ''Operation and Maintenance, Navy Reserve'', $6,400,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for ''Defense Health Program'', $14,000,000.

GENERAL PROVISIONS

SEC. 101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 102. During the current fiscal year, appropriations available to the Department of Defense for the pay of civilian personnel may be used, without regard to the time limitations specified in section 5523(a) of title 5, United States Code, for payments under the provisions of section 5523 of title 5, United States Code, in the case of employees, or an employee's dependents or immediate family, evacuated from Guantanamo Bay, Cuba, pursuant to the August 26, 1994 order of the Secretary of Defense.

(INCLUDING TRANSFER OF FUNDS)

SEC. 103. In addition to amounts appropriated or otherwise made available by this Act, $28,297,000 is hereby appropriated to the Department of Defense and shall be available only for transfer to the United States Coast Guard to cover the incremental operating costs associated with Operations Able Manner, Able Vigil, Restore Democracy, and Support Democracy: Provided, That such amount shall remain available for obligation until September 30, 1996.

SEC. 104. (a) Section 8106A of the Department of Defense Appropriations Act, 1995 (Public Law 103–335), is amended by striking out the last proviso and inserting in lieu thereof the following: '': Provided further, That if, after September 30, 1994, a member of the Armed Forces (other than the Coast Guard) is approved for release from active duty or full-time National Guard duty and that person subsequently becomes employed in a position of civilian employment in the Department of Defense within 180 days after the release from active duty or full-time National Guard duty, then that person is not eligible for payments under a Special Separation Benefits program (under section 1174a of title 10, United States Code) or a Voluntary Separation Incentive program (under section 1175 of title 10, United States Code) by reason of the release from active duty or full-time National Guard duty, and the person shall reimburse the United States the total amount, if any, paid such person under the program before the employment begins''.

(b) Appropriations available to the Department of Defense for fiscal year 1995 may be obligated for making payments under sections 1174a and 1175 of title 10, United States Code.

(c) The amendment made by subsection (a) shall be effective as of September 30, 1994.

SEC. 105. Subsection 8054(g) of the Department of Defense Appropriations Act, 1995 (Public Law 103–335), is amended to read as follows: ''Notwithstanding any other provision of law, of the amounts available to the Department of Defense during fiscal year 1995, not more than $1,252,650,000 may be obligated for financing activities of defense FFRDCs: Provided, That, in addition to any other reductions required by this section, the total amount appropriated in title IV of this Act is hereby reduced by $200,000,000 to reflect the funding ceiling contained in this subsection and to reflect further reductions in amounts available to the Department of Defense to finance activities carried out by defense FFRDCs and other entities providing consulting services, studies and analyses, systems engineering and technical assistance, and technical, engineering and management support.''.

(RESCISSIONS)

SEC. 106. Of the funds provided in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts in the specified amounts:

Operation and Maintenance, Navy, $16,300,000;

Operation and Maintenance, Air Force, $2,000,000;

Operation and Maintenance, Defense-Wide, $90,000,000;

Environmental Restoration, Defense, $300,000,000;

Aircraft Procurement, Army, 1995/1997, $77,611,000;

Procurement of Ammunition, Army, 1993/1995, $85,000,000;

Procurement of Ammunition, Army, 1995/1997, $89,320,000;

Other Procurement, Army, 1995/1997, $46,900,000;

Shipbuilding and Conversion, Navy, 1995/1999, $26,600,000;

Missile Procurement, Air Force, 1993/1995, $33,000,000;

Missile Procurement, Air Force, 1994/1996, $86,184,000;

Other Procurement, Air Force, 1995/1997, $6,100,000;

Procurement, Defense-Wide, 1995/1997, $65,000,000;

Defense Production Act, $100,000,000;

Research, Development, Test and Evaluation, Army, 1995/1996, $38,300,000;

Research, Development, Test and Evaluation, Navy, 1995/1996, $59,600,000;

Research, Development, Test and Evaluation, Air Force, 1994/1995, $81,100,000;

Research, Development, Test and Evaluation, Air Force, 1995/1996, $226,900,000;

Research, Development, Test and Evaluation, Defense-Wide, 1994/1995, $77,000,000;

Research, Development, Test and Evaluation, Defense-Wide, 1995/1996, $351,000,000.

(RESCISSION)

SEC. 107. Of the funds made available for the National Security Education Trust Fund in Public Law 102–172, $150,000,000 are rescinded: Provided, That the balance of funds in the National Security Education Trust Fund (established pursuant to section 804 of Public Law 102–183 (50 U.S.C. 1904)), other than such amounts as are necessary for liquidation of obligations made before the date of the enactment of this Act, is hereby reduced to $8,500,000: Provided further, That upon liquidation of all such obligations and the $8,500,000 in the preceding proviso, the Fund shall be closed.

(TRANSFER OF FUNDS)

SEC. 108. Section 8005 of the Department of Defense Appropriations Act, 1995 (Public Law 103–335; 108 Stat. 2617), is amended by striking out ''$2,000,000,000'' and inserting in lieu thereof ''$1,750,000,000''.

SEC. 109. REPORT ON COST AND SOURCE OF FUNDS FOR MILITARY ACTIVITIES IN HAITI.

(a) REQUIREMENT.—None of the funds appropriated by this Act or otherwise made available to the Department of Defense may be expended for operations or activities of the Armed Forces in and around Haiti sixty days after enactment of this Act, unless the President submits to Congress the report described in subsection (b).

(b) REPORT ELEMENTS.—The report referred to in subsection (a) shall include the following:

(1) A detailed description of the estimated cumulative incremental cost of all United States activities subsequent to September 30, 1993, in and around Haiti, including but not limited to—

(A) the cost of all deployments of United States Armed Forces and Coast Guard personnel, training, exercises, mobilization, and preparation activities, including the preparation of police and military units of the other nations of the multinational force involved in enforcement of sanctions, limits on migration, establishment and maintenance of migrant facilities at Guantanamo Bay and elsewhere, and all other activities relating to operations in and around Haiti; and

(B) the costs of all other activities relating to United States policy toward Haiti, including humanitarian and development assistance, reconstruction, balance of payments and economic support, assistance provided to reduce or eliminate all arrearages owed to International Financial Institutions, all rescheduling or forgiveness of United States bilateral and multilateral debt, aid and other financial assistance, all in-kind contributions, and all other costs to the United States Government.

(2) A detailed accounting of the source of funds obligated or expended to meet the costs described in paragraph (1), including—

(A) in the case of funds expended from the Department of Defense budget, a breakdown by military service or defense agency, line item, and program; and

(B) in the case of funds expended from the budgets of departments and agencies other than the Department of Defense, by department or agency and program.

[TITLE V]

TITLE II

RESCISSIONS

The following rescissions of budget authority are made, namely:

CHAPTER I

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, **[**$70,000,000**]** *$50,000,000* are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317 for the Advanced Technology Program, $107,000,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $20,000,000 are rescinded.

CHAPTER II

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $100,000,000 are rescinded.

CHAPTER III

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED AGENCIES

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

CONTRIBUTION TO THE AFRICAN DEVELOPMENT FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $62,014,000 are rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

[ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

[(RESCISSION)

[Of the funds made available under this heading in Public Law 103–87 for support of an officer resettlement program in Russia as described in section 560(a)(5), $110,000,000 are rescinded.**]**

DEVELOPMENT FUND FOR AFRICA

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306, $110,000,000 are rescinded.

CHAPTER IV

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading for obligation in fiscal year 1996, $50,000,000 are rescinded and of the funds made available under this heading for obligation in fiscal year 1997, $150,000,000 are rescinded: *Provided,* That funds made available

in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

CHAPTER V

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, 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 for carrying out title II, part C of the Job Training Partnership Act, $200,000,000 are rescinded.

DEPARTMENT OF EDUCATION

[SCHOOL IMPROVEMENT PROGRAMS

[(RESCISSION)

[Of the funds made available under this heading in Public Law 103–333 for new education infrastructure improvement grants, $100,000,000 are rescinded.]

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $100,000,000 made available for title IV, part A, subpart 1 of the Higher Education Act are rescinded.

CHAPTER VI

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading that remain unobligated for the ''advanced automation system'', $35,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

(RESCISSION)

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, $120,000,000 are rescinded.

MISCELLANEOUS HIGHWAY DEMONSTRATION PROJECTS

(RESCISSION)

Of the available appropriated balances provided in Public Law 93–87; Public Law 98–8; Public Law 98–473; and Public Law 100–71, $12,004,450 are rescinded.

FEDERAL RAILROAD ADMINISTRATION

LOCAL RAIL FREIGHT ASSISTANCE

(RESCISSION)

Of the available balances under this heading, [$13,126,000] *$6,608,000* are rescinded.

[PENNSYLVANIA STATION REDEVELOPMENT PROJECT

[(RESCISSION)

[Of the funds made available under this heading in Public Law 103–331, $40,000,000 are rescinded.]

CHAPTER VII

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

[INDEPENDENT AGENCIES

[NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NATIONAL AERONAUTICAL FACILITIES

[(RESCISSION)

[Of the funds made available under this heading in Public Law 103–327, for construction of wind tunnels, $400,000,000 are rescinded.]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

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, $400,000,000 are rescinded from amounts available for the development or acquisition costs of public housing.

[This Act may be cited as the ''Emergency Supplemental Appropriations and Rescissions for the Department of Defense to Preserve and Enhance Military Readiness Act of 1995''.]

This Act may be cited as the ''Supplemental Appropriations and Rescissions Act, 1995''.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HATFIELD. Mr. President, the Senate now turns to consideration of H.R. 889, making fiscal year 1995 supplemental appropriations for the Department of Defense, and rescinding appropriations for defense and nondefense programs. The Committee on Appropriations met last Thursday on this measure, and reported it with amendments by a unanimous vote of 28–0.

The bill recommended by the committee contains two titles. The first title provides a total of $1,935,400,000 in supplemental appropriations for the Department of Defense. These appropriations are recommended in response to a request from the President for $2,538,700,000 to replenish accounts depleted by unbudgeted operations in and around Haiti, Cuba, Bosnia, Rwanda, Somalia, Iraq, and Korea. Guided by the recommendations of our defense subcommittee, the committee proposes a reduction from the President's request for defense. We believe that we have addressed the immediate concerns of the Department of Defense regarding operational readiness, and are prepared to consider the other readiness issues raised by the Department in connection with the fiscal year 1996 defense appropriations bill.

The committee has also recommended rescissions in prior appropriations for defense in order to offset the additional spending recommended. The President requested appropriations with an emergency designation under the terms of the Budget Enforcement Act. With this designation, funds provided would have been in addition to those set by the domestic discretionary caps. The committee believes it is preferable to offset spending wherever and whenever possible, so that the deficit is not increased.

Senator STEVENS, the chairman of our Defense Appropriations Subcommittee, and the ranking Member of that committee, former chairman DANIEL INOUYE, will discuss the specifics of the supplemental appropriations and rescissions in title I as we proceed with the debate on this measure.

The second title of the bill as recommended would rescind a total of $1,535,966,450 in appropriations for nondefense programs. The other body recommended rescissions of slightly more than $1.4 billion in nondefense programs in order to partially offset the costs of their recommended supplementals for defense. Our committee fully offset defense supplementals with rescissions in lower priority defense programs. Our nondefense rescissions are solely intended to achieve reductions in Federal spending this fiscal year.

Mr. President, I believe, as we have researched this, that this is the first time in the history of the Appropriations Committee where a rescission package was identified as an offset and as a deduction from the current deficit. I think that is worthy to take note.

Mr. President, that summarizes the recommendations of the committee. They are discussed in greater detail in our report which is Senate report 104–12 which was received last Friday and available to all Members.

I am now prepared to yield the floor for any opening remarks that the ranking member, the former chairman of the Appropriations Committee, Senator BYRD, wishes to make. Then we will seek to adopt the committee amendments, and proceed with consideration of the bill and entertaining any amendments that Members may wish to offer at this time.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the chairman, Senator HATFIELD, for his statement which is complete and thorough enough in itself without any additional words on my part. But I do support the committee's recommendations on H.R. 889, as reported by Senator HATFIELD.

H.R. 889, as reported, contains recommendations totaling just over $1.9 billion to restore readiness funds to the Department of Defense. These funds were used for unforeseen international operations such as in Haiti, in the Middle East, Rwanda, Somalia, and Bosnia.

It is my understanding that the Department of Defense needs these funds by the end of March. The committee's recommended appropriations are approximately $600 million less than requested by the President and $1.2 billion below the House bill. Furthermore, and most importantly, the committee's recommendations include sufficient Department of Defense rescissions to fully offset both the budget authority and the outlays of these defense appropriations.

I compliment the distinguished chairman of the Defense Appropriations Subcommittee, Mr. STEVENS, and

the distinguished ranking member of the Defense Appropriations Subcommittee, Mr. INOUYE, for their able efforts in finding these offsets.

In addition, title II of the bill contains rescissions from a number of nondefense appropriations totaling over $1.5 billion in additional spending cuts.

I compliment the chairman of the committee, Mr. HATFIELD, who is a former chairman of the committee, former ranking member, and again chairman of the Appropriations Committee for his expeditious handling of this important measure, and I urge Senators on both sides to support the committee's recommendations.

I yield the floor.

Mr. HATFIELD. Mr. President, as we now proceed, I would seek unanimous consent that the committee amendments be considered, and agreed to, en bloc; that the bill, as amended, be considered as original text for the purpose of further amendment; and, that no points of order be waived thereon by reason of this agreement.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I believe a unanimous-consent request is pending. Is that the order of business?

The PRESIDING OFFICER. The Senator is correct.

Mr. BINGAMAN. Mr. President, I object.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, the first title to this supplemental appropriations bill addresses two components of our defense financing. First, it provides $1.96 billion to ensure military readiness through the remainder of this year. Second, it proposes $1.96 billion in rescissions to fully offset the new budget authority and outlays for 1995.

We received the administration's request and we scrubbed it a little bit, and we recommended that $600 million be deleted from the amounts proposed by the House in accordance with the request of the administration.

These come in three categories. The request proposed advance funding of reimbursements from Kuwait and the United Nations. In two instances, we spent defense money already appropriated for other purposes for the purpose of sending troops to Kuwait or to assist in support of the United Nations in peacekeeping activities. I believe we should rely on our allies and on the United Nations to fulfill their commitments, and that we need not put up taxpayers' money in advance of the receipt of the payment that they are already committed to pay to us.

The request proposed $70 million in military construction and facility upgrades at Guantanamo Bay naval station to support Cuban refugees now interned at that installation. Now, here again, Mr. President, together with some of our staff, I journeyed to Guantanamo Bay to look at the situation and I am convinced that the amounts that have been requested should await a total congressional assessment on the policy of the refugee internment camp at Guantanamo Bay. I believe that can be addressed in the 1996 defense and military construction bills. Those may not be decisions to be made in the appropriations process. They may be made by the Armed Services Committee in its deliberations and recommendations to the Senate and to the Congress as a whole.

Finally, several amounts were proposed that were not justified as emergencies or were unrelated to the contingency operations in Cuba, Haiti, Bosnia, and Kuwait. Many of those also can and should be addressed through the normal reprogramming process of the Department. We, as a nation, face a crisis in military readiness because the administration spent money on contingency operations in excess of amounts provided by Congress.

The 1995 defense appropriations bill included many increases in the budget for readiness, training, recruiting, and maintenance of facilities in military housing. These are the very priorities that were put at risk by the President's decision to engage in operations in Bosnia, Haiti, Kuwait, and Rwanda without approval and support of funding for those activities by the Congress. The President did not come to the Congress in advance of these deployments to seek funding or to propose offsets in existing authorizations.

Instead, money provided by the Congress for training, logistic support, and personnel, were diverted to these accounts. This practice is in stark contrast to how the Congress and the White House approached the Persian Gulf war. As we proceed through our review of the Department's 1996 budget, I believe we must address the fiscal controls that permitted the administration to delete vital readiness accounts early in the year without the explicit consent of the Congress.

As I said before, it is my understanding that that may come from the Armed Services Committee. I know that some of my colleagues, including my fellow Senator from Alaska and the distinguished chairman of the Foreign Relations Committee will offer amendments to tighten controls on DOD consultation with the Congress. Members of the committee discussed at length the issue of offsetting the new spending in this bill and the precedent set for emergencies.

While the military requirements are urgent, they can be met by reductions to programs that Congress might have reduced if we had known the cost of the contingency operations to begin with.

The current deficit crisis makes it necessary that the amounts in this bill be fully offset. That is the judgment of our committee. That presents the committee with only hard choices, especially when the choices have to be made this late in the year. That simply means that we would have a lot more flexibility in the beginning of the fiscal year to eliminate some accounts than we do now because many of the accounts have already been spent out to the point where it is not possible to include them in the readjustments made in this bill.

In general, the recommendations before the committee reflect cuts in programs where spending can be controlled. Many of the programs we seek to reduce have merit, Mr. President, great merit. We have provided funding for these programs in the past and even in this current fiscal year.

I want to tell the Senate that I am confident that Congress will revisit some of these in the 1996 bill. But at the present time we have no alternative to find some source to obtain the funds to put back into the training accounts so training can be continued. There is a timeframe involved. It must be done so the moneys are available no later than the end of April. We hope that they will be available by April 1.

We have made reductions to the TRP account, environmental and defense conversion accounts. These reflect the availability of funds, and they reflect to a certain extent a change of direction for the programs, but basically it is because that is where the money is that has not been expended in this fiscal year. To the extent that any funds remain available for the TRP in the future, I believe they must be specifically directed and identified military priorities.

The committee proposal strikes a fair balance to proceed to conference with the House, and I would urge Members of the Senate on both sides of the aisle and particularly on both sides of the TRP debate, to endorse the level that is in this bill because it is different from that in the House.

I believe I was the originator of the Defense Environmental Restoration Program but I viewed with increasing alarm the steady increase in spending in that program with little to show for it. Despite the progress in that fund, the Department of Defense still spends only about 50 percent of the amounts in the environmental restoration account for cleanup activities. Almost 50 percent now goes for studies, plans, and legal fees. In comparison, when we build new facilities, the cost for those is about 6 to 7 percent. Only 6 to 7 percent of the funding goes for design, planning and litigation in the planning and building of new facilities.

Now, our cut does not impact any funds provided to meet environmental hazards at bases identified for closure in the 1988, 1991, and 1993 BRAC rounds.

Those funds are appropriated separately in the military construction bill and were not addressed by this bill.

We do face another base closing round this year. I know that, recognizing that two Alaska bases are on the list to be closed: Adak naval station, and Fort Greely at Big Delta, AK. I am sensitive to the defense conversion and transition issues.

Amounts provided in recent bills have gone well beyond the original goals, however, of those programs as they were established when the defense drawdown defense following the gulf wars.

In particular, the cuts proposed by the committees address areas where the Congress has significantly earmarked funds for specific projects. While not canceling or terminating any one project, the Secretary will have to substantially scale back spending in this area. Again, that will have to be done because that is where the money is. If we have to find almost $2 billion in these accounts at this time, we have to find accounts where the remaining balance will justify taking some of the money out and still leaving the program operable for the remainder of the year. Spending to ease the impact of these defense cutbacks cannot come at the significant loss of immediate military readiness. However, I assure all interested Members that we want to work to ensure the highest priority programs continue to be adequately funded.

Most of the program reductions proposed in the rescission package that we present to the Senate reflect fact-of-life program changes. For instance, the Department terminated the TSSAM missile leaving funds that were appropriated for that project available for rescission. We intend to continue to work with the Air Force to determine what may be the best estimate of amounts available to cut in this area in the conference.

I also want to commend the efforts of Lt. Gen. Dick Hawley and Ms. Darlene Druyun for their efforts to expedite the termination process on the TSSAM missile system, and they are minimizing the cost of that termination to the taxpayers.

Congress also funded six new AH–64 Apache helicopters for 1995 to assure no break in production as we move to the Longbow version of that aircraft. However, new foreign sales have developed, and the Army has indicated that those funds we appropriated for 1995 are not required for new aircraft procurement this year. In conference, we intend to look at Army proposals to shift some of the funding in that account to accelerate the Longbow Program.

This committee also initiated the Arms Program to preserve the industrial base for ammunition production. The cut we have made reflects the amount to expire at the end of this year. The Army has not accounted in the 1996 budget for funds necessary to meet the ammunition stockpile and training requirements, and we will want to move some accounts around to assure we have the necessary amounts for the 1996 bill.

Finally, the committee has strongly supported the Department of Defense's efforts to procure unmanned aerial vehicles for battlefield surveillance and intelligence. The cut to this item reflects technical delays only in the program. I am personally, and I believe our committee is totally, committed to providing adequate funding for the program based on its readiness for production. When it is ready, we will provide a recommendation to the Senate that it be appropriately funded.

In closing, I know some of the Senate will disagree with some of these rescissions. The options for offsets at this stage are very limited. I urged the Department of Defense to submit this supplemental as early as last December, but because of other considerations, the White House chose to withhold it until February. That delayed our ability to respond to the needs, as I have said, because the spending of other accounts continued and we now have limited flexibility as to where to get moneys from commencing about the first of May. We are dealing with a period between May and September 30 now. We could have been dealing with the period January 1 to September 30 if we had the request early in the year.

Mr. President, the bottom line is we must get these funds to the military services as quickly as possible, as I said, by the end of this month if at all possible. That commitment must guide our work to complete this bill, I hope, today or early tomorrow at the latest.

There are a series of impacts. I asked the Chief of Naval Operations, Admiral Boorda, to tell us what might happen to the Navy, for instance, if we do not get this money to the Navy in time. He has told me if he does not have the money in time, he faces the option of deferring all maintenance on small naval craft and tugs for the Atlantic fleet.

He will have to reduce the maintenance on two aircraft carriers and will have to delay one submarine overhaul.

He may have to delay maintenance on naval facilities worldwide.

He has to stop flight training for two carrier air wings that are currently preparing for deployment. That is very dangerous, Mr. President. These people stay at home, fly a very low number of hours, and just before deployment they always get back and get their readiness up to very top performance. We have two aircraft carriers ready to go to sea. I talked about them this morning with some people in the Department. It makes no sense for us to delay aircraft carriers and not have our crews at the peak of their performance, as would be possible if these funds had not been diverted. They must be replaced as soon as possible.

In addition, there are some other things that are going to happen if these funds are delayed even longer than we currently anticipate they could be:

There are seven additional Atlantic fleet ship overhauls.

There is a proposal to stop Naval Reserve flying for C–9 and P–3 aircraft;

To stop flight training for carrier squadrons returning from deployment. There, again, after they come back, the long steam coming back, before they are allowed to take some time off they again go through and try to bring their readiness up to peak so, if they are called back, they can continue to be ready. They do not get the type of training on deployment that they can get here at home when we have the electronic ranges that can be used and the kind of training that can be obtained as they prepare for deployment or return from deployment.

Last but not least, we are down to the point where there will be no spare parts for the last 40 days of this year if these moneys are not put into the accounts and the spare parts made available.

I remember the days, Mr. President, when we had vessels in Norfolk and other ports that could not leave port because they did not have spare parts. That just cannot happen at a time like this when we have reduced our forces and we are trying to maintain the readiness of the smaller force that we have.

I certainly hope the Senate will listen to us and the Congress as a whole will act as rapidly as possible on this request for supplemental funds, to request those funds which were diverted from training accounts for the peacekeeping operations.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, may I begin by first commending my distinguished colleague from Oregon, the chairman of the full committee, Mr. HATFIELD, and my dear friend from Alaska, the chairman of the subcommittee, Senator STEVENS, for coming forth with this bill. Difficult decisions had to be made, and they made them. Difficult recommendations have to be made to the Senate, and these recommendations are now being presented.

Together they have crafted a bill which balances the needs of the Department of Defense and our committee's desire not to increase the deficit. As the Senator from Alaska indicated, this bill provides $1.9 billion in new appropriations requested by the Department of Defense to cover emergency expenses. However, it is some $600 million less than DOD wanted, but it provides a reasonable amount, considering the committee's goal of offsetting new appropriations with rescissions.

But, Mr. President, I think I must inform my colleagues that I am concerned with the guidelines that govern the committee's efforts with this DOD supplemental, and I hope it will not be

viewed as a precedent for future emergency supplementals.

The Budget Enforcement Act requires that, in general, discretionary spending must be constrained to stay within ceilings established in the budget resolution. However, Mr. President, this agreement allows these ceilings to be breached if the President and the Congress agree that these funds are needed to meet emergency requirements. The President submitted his request for DOD funds as an emergency and the House agreed.

The House recommended rescissions of $3.2 billion to offset the budget authority it added for DOD so as not to add to the long-term deficit.

The Senate Appropriations Committee-reported bill has gone one step further. This bill that we are discussing this moment has dispensed with the emergency designation for the DOD supplemental and, therefore, under Senate rules, the committee must offset both budget authority and outlays recommended in this bill.

With this action, I hope that the Senate is not charting a new and hazardous course.

The Defense Department does not budget for emergency expenses. On several occasions, the Congress has denied past administrations' requests to establish contingency accounts which could have been used for emergencies and crisis response. The Congress has recommended instead that DOD request supplementals to cover such emergency costs.

It has always been anticipated that for expenses necessary to cover emergencies, funds would be added to the current budget, not reallocated from existing resources. In this bill, we are requiring DOD to use its existing resources to cover costs of emergencies. This is contrary to the intent of the budget agreement, and I hope that we are not making a mistake.

I am told that the Secretary of Defense and the Chairman of the Joint Chiefs of Staff regard this recommendation with grave concern. I do not disagree with the specific rescission recommendations by the committee, though they were difficult to make, because I believe that under the circumstances, they are reasonable and they represent the best options for offsetting the budget authority and outlays contained in the supplemental.

However, by rescinding these funds today, there will be few resources available to cover the so-called must-pay bills which we know the Pentagon will face later this year. The Defense Department has already identified nearly $800 million in must-pay bills. It expects this total unfunded requirement to reach about $1 billion.

These must-pay bills are not considered emergencies under the terms of the budget agreement. Therefore, they will have to be paid from within available funding. And where is DOD to find these funds if Congress has already rescinded $1.9 billion?

Mr. President, I am of the impression that all of us in this body, Democrats and Republicans, are supportive of the need to maintain the readiness of our military forces. By requiring that these unforeseen emergency expenses must be offset, the committee is virtually guaranteeing that when shortfalls occur in other areas of DOD funding, they will have to be made up by cutting readiness spending.

Mr. President, I hope I am wrong, but this is a very serious matter. I am greatly concerned that in the future, the Chairman of the Joint Chiefs will object to the requests of our civilian leaders to use military forces overseas for crisis response and for emergencies because they believe it will be damaging to the overall readiness of the force. They may realize that if they must pay for these costs out of their own hide, they will have to cut readiness to do so.

So I hope that all of us will think hard and long about the decision we are about to make today. I will be supporting this measure, and I do so with a clear conscience, and I will be very proud and happy to say publicly that I rely upon the judgment, the good judgment of my two dear friends from Oregon and Alaska.

Mr. President, the chairman of this committee has drafted a good bill under the circumstances, and I look forward to working with him in conference on these issues.

Mr. President, the chairman of the subcommittee brought up a matter which is dear to the hearts of some of my colleagues on this side of the aisle, the so-called TRP. It should be noted that the House by its action took out $500 million, and though there are many in this body who support the House action, the chairman of the committee and the chairman of the subcommittee took a courageous stand to say we will cut only $200 million.

I know this is not the full amount, but I think under the circumstances it is an amount that we can live with, and so I hope that those who are considering proposing an amendment to restore the funds will think about this because I think the committee made the proper recommendation under the circumstances.

I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. SNOWE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina.

Mr. THURMOND. Madam President, as we debate the Defense supplemental appropriations bill, I want to ensure that my colleagues and the managers of the bill are aware of some of the underlying problems with the way this supplemental was crafted.

First let me say the supplemental is necessary, and I intend to support the bill. The bill is designed to replace critical readiness and training funds which the services had to spend in the first half of this fiscal year for humanitarian and other so-called peace operations. If we do not replace those funds, military readiness will continue to decline. Combat readiness has declined too far already. The Nation cannot afford to let it erode further. It angers me that the administration has allowed readiness to suffer at all. Under these circumstances, it would be irresponsible to require the military departments to further curtail training and maintenance, and cause more degradation in combat readiness.

While this supplemental is necessary, I was surprised to see that the Appropriations Committee chose to fully offset the costs of these peace operations, which were ill-conceived and not approved by the Congress, from within the fiscal year 1995 Defense budget. In others words, under this bill the Department of Defense must fund those operations totally within its existing budget.

I have said over and over that the defense budget has been cut too much, too fast. I have strongly supported an increase to the President's budget request to bring fiscal year 1996 defense funding level with fiscal year 1995, adjusted for inflation. This supplemental, in effect, reduces funds available for defense in fiscal year 1995 by requiring these externally imposed operations to be absorbed within the current defense budget.

This is a very complex and difficult issue. Fortunately the Appropriations Committee has offset these extra costs with programs which, for the most part, can be called nondefense items; or programs which the Defense Department could not execute in this fiscal year. By fully offsetting the supplemental appropriations, the deficit is not increased. In fact, title II actually reduces the deficit from domestic accounts.

I am a strong supporter of removing nondefense items from the defense budget, and have long been a supporter of a balanced budget and reducing the deficit. However, I am concerned at the precedent we may be setting by finding all the offsets in the current defense budget.

I do not support using our military forces as a global police force or social service agency, deploying them all over the world without the expressed approval of the Congress. We have reduced our Armed Forces and defense resources to dangerously low levels. Now it is questionable whether we can defend our vital interests in a conflict with one or more major regional powers. Consequently, I do not want the administration to regard approval of this supplemental appropriations bill as endorsement of their expanded peacekeeping activities abroad, nor of

their plan to pay for these excursions with current defense funds.

In closing, I reiterate my support for this Defense supplemental, but urge my friends on the Appropriations Committee to consider the method used in preparing this bill as a one time event, and not as a model for future supplemental appropriations for the Department of Defense.

I thank the Chair; I yield the floor.

AMENDMENT NO. 321

(Purpose: To express the sense of the Senate affirming the importance of, and the need for, cost-shared partnerships between the Department of Defense and the private sector to develop dual-use technologies)

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, to the first amendment of the committee, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. NUNN, and Mr. LIEBERMAN, proposes an amendment numbered 321:

At the end of the amendment add the following:

SEC. 110. It is the sense of the Senate that (1) cost-shared partnerships between the Department of Defense and the private sector to develop dual-use technologies (technologies that have applications both for defense and for commercial markets, such as computers, electronics, advanced materials, communications, and sensors) are increasingly important to ensure efficient use of defense procurement resources, and (2) such partnerships, including Sematech and the Technology Reinvestment Project, need to become the norm for conducting such applied research by the Department of Defense.

Mr. BINGAMAN. Madam President, let me very briefly describe the amendment and yield to my colleague, Senator NUNN, who wants to make a brief statement also. Then I will describe it in a little more depth for my colleagues.

This amendment expresses the sense of the Senate—and that is all it is, a sense-of-the-Senate amendment—that cost-shared partnerships to develop dual-use technologies are important and increasingly important to ensure the efficient use of our defense resources. It specifies that these partnerships, including the technology reinvestment project, need to become the norm for conducting much of our applied research in the Pentagon.

This language came out of the work of two different task forces, the Democratic task force back in 1992, which Senator PRYOR chaired, and the Republican task force which Senator Rudman chaired. Members of this body who were part of that Rudman task force include, of course, Senator STEVENS, Senator LUGAR, Senator COHEN, Senator HATCH, Senator DOMENICI, Senator MCCAIN, Senator LOTT, Senator WARNER, and there were others as well. Out of the work of the two task force groups we developed a bipartisan consensus which began during the Bush Presidency and has continued through the Clinton Presidency that this way of funding for defense purposes was an important effort to pursue.

I believe this amendment helps to reaffirm that principle, and for that reason I offer the amendment. As I pointed out, it is a sense of the Senate. It does not try to change the dollar figures as they come out of the supplemental agreement.

I want to compliment the Senator from Alaska and the Senator from Hawaii in the work they have done in the subcommittee to try to do what they could to ensure that this important program, the technology reinvestment project, continue, and also to find the funds necessary to meet the needs of our Department of Defense at this crucial time.

I will explain the amendment in some more detail in a moment. I would like at this point to yield the floor and allow the Senator from Georgia to go ahead and speak.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Madam President, I rise in support of the amendment offered by my colleague from New Mexico. I appreciate the pressures on the Appropriations Committee. The Senator from Hawaii and the Senator from Alaska have done a commendable job in trying to handle this supplemental under very difficult circumstances.

I share the sentiments expressed by the Senator from South Carolina about the overall supplemental. I hope it is viewed as a one-shot proposition, because if we are sending a signal to the Department of Defense that any time there is an emergency that comes up and they come over and request supplemental funds that they are going to have to have 100 percent offset, then we are going to change the nature of the responsiveness of the Department of Defense itself to the missions that may, indeed, be crucial to our Nation's security.

One mission comes to mind on a hopefully hypothetical basis, but it could become a reality. We may get into a situation, even in the next 30 or 45 days in Croatia, where the United Nations is ordered to get out of Croatia. There is no doubt that this evacuation could precipitate more fighting in Bosnia, and could even require rescue missions to get U.N. personnel who are in harm's way in Bosnia out of that war-stricken area.

And if the Department of Defense is told that anything they do in that kind of rescue mission with NATO and with the United Nations is going to have to be a 100 percent offset, and they are going to have to basically kill or substantially alter crucial defense programs in order to absorb that, then that is going to be a very strong signal that the United States is not going to be as involved as we have been in world affairs, including commitments to our allies and commitments that we have voted for at the U.N. Security Council.

So this complete offset sounds good in speeches but it has very serious implications for the Department of Defense. Make no mistake about it, this complete offset policy means the long-term readiness of the Department of Defense is going to go down. It does not mean that the immediate readiness is going down because that can be protected. But future readiness requires modernization, it requires research and development, and those are the programs being cut by this complete offset policy. So 5, 6, 7 years from now, people will have a very serious problem with readiness if we continue to declare there is no emergency even when our forces are responding to the unanticipated events that we all know will take place in the world from time to time.

I hope this is not viewed as precedent. As my friend, the chairman of the committee, the Senator from South Carolina, said: If this is a precedent, we are going to have some serious problems.

I know the Department of Defense worked with the Senator from Alaska and the Senator from Hawaii in identifying offsets. I know they are still concerned about certain programs, such as the program Senator BINGAMAN is discussing, the technology reinvestment program, which is one of the programs that is being severely impacted by this supplemental.

Also, environmental cleanup is being impacted severely under this bill. And that environmental cleanup is not only something that has to be done in base closures, but we have solemn commitments to Governors in a number of States that we are going to carry that out. And as we cut back on these environmental impact funds in the Department of Defense, make no mistake about it, there are going to be lawsuits involved, litigation involved, contractual obligations that are going to have to be breached. I do not say that all of that is going to flow from this bill. But it is going to flow if we continue to have to take these kinds of actions.

So I understand the Senator from Alaska has worked very hard on this, as has the Senator from Hawaii, who has put up a warning light about the direction that this bill takes us in. I hope that not only the Appropriations Committee—because they are carrying out, I have no doubt, the will of the majority here—but I hope the majority itself will think about the implications for defense. Because one of the things in the Contract With America, and in other commitments made by those on both sides in running for office, was a strong national defense and protecting readiness. The problem is, Madam President, readiness is being defined as just the next year or two, when readiness has to be defined over the next 5 to 10 years. And readiness, by that definition, includes research and development and includes procurement. And

without the kind of long-term commitment to research and development and to procurement, we simply will not have modern and ready forces 5 years from now or 10 years from now.

So I rise in support of the amendment offered by my colleague from New Mexico. I support the TRP Program as one of those crucial programs for future military readiness for several reasons. First, it is our bridge to the future for the technology needs of the Department of Defense. We all know how difficult it has become to fund the technology programs we know we will need for the forces that will be in the field 10 years from now and 15 years from now. We are having to depend more and more on research conducted by the civil sector of our economy.

For a long time the research and development flowed from defense to the civil sector. That is still true in some cases, but increasingly a larger and larger percent of our crucial defense technology is flowing from the civilian commercial sector to the Department of Defense. The Defense Department can no longer afford to be the leading edge of every technology. TRP gives us access to those dual-use research projects that will benefit both the defense and the commercial sectors.

Second, because the research is dual-use, it is cost shared. Industry is paying the bulk of the cost in most of the TRP projects. This means that for every dollar we put in the TRP program we get from $2 to $10 of research that helps our defense efforts from the private sector. So this is leveraged money. We get a lot more back from the private sector than the Federal dollars we put in.

Third, the TRP program is competitive. It is not in any way pork. It is based on merit and on competitive selection. The research goes to those institutions that propose the most important research projects and who propose the best cost-sharing arrangements. This is how we assure ourselves that the work is important. Industry would not put their money or time on the line if they did not think the research would pay off for them and for the Nation.

So I urge my colleagues to support the Bingaman amendment, which does not, as I understand it, shift funds but which expresses the strong sentiment of the Senate on these programs.

I urge my colleagues on the Appropriations Committee, Senator STEVENS and Senator INOUYE, to do the best they can in conference to hold the Senate mark and not to cut below the Senate mark, which is already going to take this program to a point of some jeopardy.

So I thank the Senator for his leadership. This has been a subject that he has led in the Senate Armed Services Committee and in the Senate and in the Congress. In my view, the Senator from New Mexico has done a great deal of meritorious work for our long-range national security by taking the lead on this program. So I thank him for his leadership, and I thank him for yielding.

Mr. BINGAMAN. Mr. President, I want to thank Senator NUNN of Georgia, the ranking Democrat on the Armed Services Committee, who was the chairman of the committee at the time that we began these programs several years ago while President Bush was in the White House.

Let me just go through a few statements to indicate the broad range of support for the general principle that I am talking about here.

First, let me cite from the report of the task force that former Senator Rudman chaired, a Senate Republican Task Force on Adjusting the Defense Base. The report was published in June 1992. It was a report which was well received. Senator PRYOR championed and chaired a similar group on the Democratic side. Let me just cite a few sentences from the report of the Rudman committee.

> The task force believes that increased funds should be devoted to the development of so-called dual-use technologies—that is, technologies that have application both for defense and commercial markets—by entering into partnerships with the private sector. Dual-use technologies will be increasingly important to ensure efficient use of defense procurement resources, and advances in this area will have the added benefit of strengthening the U.S. commercial sector. In order for these projects to be effective, there should be a requirement that half of the funding be provided by non-federal participants.

I also want to cite a statement issued by the White House in September 1992. This was, of course, while President Bush was in the White House. This was, I believe, a statement that that administration and that President felt strongly that these were worthwhile activities. On the 15th of September the statement was issued by the President's Press Office.

> The President today transmitted to the Congress budget amendments for the Department of Defense that would reallocate $250 million of the Department's fiscal year 1993 request to defense advanced technology programs. The reallocated funds would be used in the areas of communications, high performance computers, small satellites, sensors to identify environmental contamination and manufacturing technology. These areas are essential to national security, and also have dual-use civilian applications. The funds for these advanced technology programs would be reallocated from lower priority defense programs.

Madam President, the views that were expressed in 1992, both by the group of Senators who participated in the Rudman task force and by the White House under President Bush, were echoed very recently in a hearing we had before the Armed Services Committee where I asked, first, General Shalikashvili, Chairman of the Joint Chiefs of Staff, what his view was on the value of these types of programs and where they fit in the priorities of the administration today.

He said, and let me quote his response to my question.

> Senator BINGAMAN, I am first of all extraordinarily enthused about the possibilities that exist out there for us to take a major step forward and a major step forward in comparison to all of our potential adversaries in this area that you described, dominant battlefield awareness. Through our advances in microelectronics, satellite technology and what not, we have the ability to see and be aware of what is going on on the battlefield to a degree that will literally, I believe, revolutionize warfare. So this is not just making sure that we have the next best tank or the next best destroyer. This is an effort to really take a major step forward.
>
> Now, much of the technology for that, we believe, probably already exists out there in the commercial world, and certainly those companies like AT&T, and others that are working on projects, where these same pieces are necessary commercially, that we need to be aware of it, capture it, integrate it into the work that we do so that we not only capture the very best that is out there, but do not spend taxpayers' money trying to reinvent the wheel in our own laboratories.

Let me cite one other authority in this field, Madam President. This comes from sometime further back in our history. The year is 1946. We have a memo from the Chief of Staff of the Department of the War. He says in that memo. This is, of course, following the Second World War.

> The Armed Forces could not have won the war alone. Scientists and businessmen contributed techniques and weapons which enabled us to outwit and overwhelm the enemy. Their understanding of the army's needs made possible the highest degree of cooperation. This pattern of integration must be translated into a peacetime counterpart which will not merely familiarize the Army with the progress made in science and industry but draw into our planning for national security all the civilian resources which can contribute to the defense of the country.

That is a statement, of course, from General Eisenhower shortly after the Second World War. So the concept that we are arguing for here—integration of our military and commercial technology bases—the importance of this principle, I think has been recognized for a long time.

The superpower, in a defense sense, the superpower in the 21st century will be that nation that best leverages its national technology and industrial base to achieve critical defense goals. Dominant battlefield awareness is one of those recognized goals of our Defense Department today, and clearly emphasis on these dual-use technologies is important for us to achieve that dominant battlefield awareness. That is the view of General Shalikashvili.

DOD-industry partnerships have been successful. Our $700 million investment in SEMATECH over the past 8 years, which has been matched by industry, has been an enormously more productive investment than some of our earlier investments in defense-specific semiconductor research.

Secretary Perry also has come out very strongly in support of this. Let

me just cite a quotation from him before I conclude, Madam President, because he spoke well the other day about the importance of these programs. I asked him where these stood in his list of priorities, and he said, and I quote:

I consider it [the Technology Reinvestment Project] one of our highest priority programs. I hope I have the opportunity with the Congress to defend—to vigorously defend—the importance of this program. I think some of the moves to rescind it and criticize it are made from some confusion as to what the program is. It is being confused with some of the technology earmark programs which have been added by Congress in past years. I would remind all of this committee—

That was the Armed Services Committee.

that all TRP programs are competitive. Indeed, they are highly competitive. There are many—indeed, sometimes dozens of—companies submitting proposals on them. So we get the best out of many different proposals. And secondly, all of them are funded 50 percent by industry; at least 50 percent by industry. So they are very highly leveraged. We get quite a good benefit from this. We depend in the future on being able to integrate our defense technology base into the national technology base and this TRP program is an absolute key to doing that, and any individual TRP program is a good deal in and of itself.

Madam President, that sums up the case. I think the procedural situation we find ourselves in has been alluded to before. Let me just reiterate it. We have a proposal from the House of Representatives which would rescind the $502 million in the TRP; the entire amount.

The appropriators here on the Senate side have concluded that they have to, because of the other pressing needs of the Defense Department, rescind $200 million. Quite frankly, that is a very, very major cut in this program which I think will undoubtedly do damage to the program. But I am willing to defer to their judgment. I am willing to do as all of us will have to do in the coming months; that is, tighten our belts to deal with our budgetary problems. I am willing to take their commitment that they will go to conference and fight as best they can to maintain the Senate position and keep this program alive and healthy.

This is a very high priority for our Department of Defense. I believe it is a high bipartisan priority for many here in the Congress.

Madam President, before I conclude and sit down, let me just indicate, as cosponsors on the amendment that I have sent to the desk, I want to list Senators NUNN, LIEBERMAN, ROCKEFELLER, and BOB KERREY from Nebraska.

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

Mr. BINGAMAN. Madam President, I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Madam President, I wish to commend my distinguished colleague from New Mexico for his extraordinary leadership in guiding the TRP policy and program throughout all of these years.

I wish to, at this time, provide to my friend from New Mexico my personal assurance that everything possible will be done to maintain the Senate position on this matter. Thank you very much.

Mr. MCCAIN. Madam President, I do not intend to oppose what the managers seek. This is a voice vote on this amendment, primarily because it is a sense-of-the-Senate amendment.

I will have a lot of remarks to make about the TRP program and about where it should be in the priority list of the needs of the American defense establishment. My amendment that will be forthcoming will address the TRP. I will save my remarks for that eventuality, which I hope will take place as soon as this amendment is disposed of.

Let me just say that there are a lot of nice-to-have things that we should use our defense funds for. There are a lot of very necessary and vital things and missions and purposes that are not being fulfilled now. I do not rank TRP as one of those that is vital. I view it as one that is nice to have.

I have very serious question about the criteria that are used and, indeed, many of the funding of specific projects, which I will name when I get into my amendment.

With that, I yield the floor.

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

Mr. STEVENS. Madam President, I want to set the stage for consideration of this amendment. The House proposed rescission of $502 million in what is known as this Technology Reinvestment Program [TRP]. TRP will be in conference, in other words.

Our committee responded to the Department of Defense's appeals to the Senate to support the TRP program. To date, the Department has received 3,000 proposals for TRP, and selected only 251 for funding. It is an extremely competitive process which has produced about an 8.5-percent success rate. That is unfortunate.

The Senate recommendation allows the Advanced Research Projects Agency [ARPA], the agency of the Defense Department that has jurisdiction over this program, to continue the ongoing TRP projects. We have provided enough funds to begin new projects and to continue, as I said, the ongoing projects. The new projects will focus on areas selected by the military services themselves.

This is a mandate promoted by our committee and approved by Congress. The Senate's proposed rescission will reinforce Congress' requirement that we mean to assure that defense needs are the dominant element in each TRP project and will eliminate funds for projects that do not have defense relevance.

Indeed, the Congress took specific legislative steps to ensure this greater service role in the TRP effort.

First, Congress mandated that the Assistant Secretaries for Research, Development, and Acquisition for each of the military services be made full members of the council which approves all TRP projects.

Second, the Congress directed that $75 million in fiscal year 1995 TRP funds were to be available only for projects selected in areas of interest designated exclusively by the military service acquisition executives.

Every TRP project includes at least 50 percent cost share from the teams performing the work. Thus, the Pentagon is able to get twice as much or more for each Federal dollar invested in these programs.

While a lower level of investment in TRP is in order as we search for funds necessary to restore the readiness, as I mentioned before, we do not believe we should terminate this program.

I also think it is noteworthy, Madam President, that the sense-of-the-Senate resolution here mentioned Sematech. Sematech is a consortium of major U.S. chip manufacturing firms. Sematech has achieved a number of things. However, the consortium has received substantial Federal funding for 3 years more than was originally planned.

Sematech demonstrates that we must set firm, clear objectives for these projects and limit the efforts to a definite, finite duration. These efforts cannot become entitlements which annually drain the DOD's limited budget dollars.

I do not want to leave the impression that these projects have not been successful. I have a list here of the projects which we feel do contribute to Department of Defense needs.

Mr. President, I ask unanimous consent that that list be printed in the RECORD at this point.

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

A LIST OF TRP PROJECTS WHICH CONTRIBUTE TO DOD NEEDS

Affordable Composites for Propulsion (Value—$25.0 million, Prime—Pratt & Whitney, West Palm Beach, Florida).

Precision Laser Machine (Value—$33.8 million, Prime—TRW, Redondo Beach, California).

Uncooled Low Cost Infrared (IR) Sensors Technology Reinvestment Alliance (ULTRA) (Value—$9.2 million, Prime—Inframetrics Inc., North Billerica, Massachusetts).

Trauma Care Information Management System (Value—$15.1 million, Prime—Rockwell International Corporation, Richardson, Texas).

Digital X-Ray system for Trauma and Battlefield Applications (Value—$6.1 million; Prime—General Electric Corporate Research & Development, Schenectady, New York).

Next Generation High Resolution & Color Thin Film Electroluminescence (TFEL) Displays (Value—$29.2 million, Prime—Planar Systems, Inc., Beaverton, Oregon).

Developing Speech Recognition for Future DSP's in Hand Held Computers (Value—$3.0 million; Prime—Dragon Systems, Inc., Newton, Massachusetts).

Development of Monolithic Motion-Detecting Components Made with MEMS Technology (Value—$7.6 million; Prime—Analog Devices, Inc., Wilmington, Massachusetts).

Wearable Computer Systems with Transparent, Headmounted Displays for Manufacturing, Maintenance, and Training Applications (Value—$5.1 million; Prime—Boeing Computer Services, Bellevue, Washington).

Object Technology for Rapid Software Development and Delivery (Value—$24.5 million; Prime—Anderson Consulting, Chicago, Illinois).

Portable Shipbuilding Robotics (Value—$12.5 million; Prime—CYBO Robots, Inc., Indianapolis, Indiana).

Mr. LAUTENBERG. Madam President, I rise today in support of the amendment offered by my colleague from New Mexico. I would also like to commend my colleague for his strong leadership on this issue.

At a time when we must be very prudent in allocating our resources, dual use defense programs, like TRP and Sematech can prove to be a good investment. These programs enable the Department of Defense to competitively leverage Federal dollars with private sector matching funds to better meet our defense—and domestic—needs.

If we are serious about balancing the budget and getting our fiscal house in order, then we are going to need to find additional savings in all areas of the Federal budget, including the defense budget. As the defense budget declines, it will become cost prohibitive for the Department of Defense to sustain a separate defense industrial base, which in many cases might very well be duplicative. Programs like TRP and Sematech capitalize on presently available new commercial technologies to meet military needs. In an era of limited resources, these programs enable us to make better use of the funds that are available.

The TRP has come under some scrutiny for ineffective management of late. And I would agree that, like most every other program in the Federal Government, TRP could be managed more efficiently. But that is not a reason to cut funding for what is on the whole a good program.

Dual-use programs, like TRP and Sematech, allow the Department of Defense to maximize its research and development dollars. For its part, the Department of Defense gets technologies which are critical to our Nation's military needs. While the companies, on the other hand, get technology which will enable them to compete more effectively in the global marketplace.

Mr. STEVENS. Madam President, if there is no further comment, I ask for a voice vote.

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

So the amendment (No. 321) was agreed to.

Mr. BINGAMAN. Madam President, I ask unanimous consent that Senator KENNEDY be added as a cosponsor of the previous amendment.

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

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

PRIVILEGES OF THE FLOOR

Mr. STEVENS. Madam President, I ask unanimous consent that Mr. Joseph Fengler and Mr. Sujata Millick be permitted privileges of the floor during consideration of this bill.

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

AMENDMENT NO. 322

Mr. MCCAIN. Madam President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], proposes an amendment numbered 322.

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

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

The amendment is as follows:

On page 21, line 9, strike out ''$300,000,000'' and insert in lieu thereof ''$150,000,000''.

On page 22, line 15, strike out ''$351,000,000'' and insert in lieu thereof ''$653,000,000''.

Mr. MCCAIN. Madam President, this amendment would restore half, $150 million, of the committee-recommended cut in defense environmental restoration account, and the amendment would offset this spending with recision of an additional $302 million in the Technology Reinvestment Program known as TRP.

The net effect of the amendment is to reduce defense budget authority by $152 million and outlays by $110 million in fiscal year 1995, which could be credited to deficit reduction.

Madam President, first of all, in the past several years, as we all know, the Department of Defense has experienced significant increases in the cost of environmental cleanup, as have most public and private industries. All we have to do is look at the Superfund and know of the enormous challenges that face this country in the area of environmental cleanup.

Because of these costs, I think the reduction of $300 million in defense environmental restoration is too severe a reduction. In addition, my colleagues should be aware that the account which is being cut will be the source of funding to clean up at bases recommended for closure in the 1995 round, at least until the 1996 appropriation of BRAC cleanup is approved. Cutting this account could therefore have an effect on the cleanup of bases that are being closed.

Finally, Madam President, State and local governments have the ability under the law to enforce stricter standards for cleanup than Federal law requires. State and local governments also have the ability to levy fines and penalties against the Department of Defense if it fails to comply with these standards. If too much is cut from this account, then the Department of Defense may find itself using environmental restoration funds to pay fines and litigate court cases arising from noncompliance with State and local laws. That does not seem to be an efficient use of these limited dollars.

Madam President, the fact is that when we close a base or even if we have an open base and there is an environmental problem on those bases, I think our obligation is clear. Our obligation is clear that we clean up that base. Clearly, it is a very expensive proposition. And there is no doubt that if we cut these funds, somewhere there will be military installations that are environmentally unsafe.

I do not see how we get around that obligation. I do not see how we can just cut money for environmental cleanup and ignore the very severe situations that exist today. There is a base in my own home State. It will be many years before the environmental cleanup is completed. The estimate of the cost of that cleanup, by the way, has increased by a factor of 10 since the base was recommended to be closed just 3 years ago.

So, I do not really understand how we rationalize a reduction in environmental cleanup funds. I do not think my record indicates that I am some kind of a wild-eyed environmentalist, to say the least. But I do not see how we cannot fulfill the obligation that we have to the taxpayers of America, and that is to clean up defense installations which reside in their States and their communities that are in need of environmental cleanup.

Let me talk a little bit about the TRP, which is obviously a very attractive program to many. It is the Technology Reinvestment Program. First of all, the selection criteria which I quote from the ARPA program information package for the Technology Reinvestment Program for the 1995 competition states that the criteria should be for technology development competition only incorporating all statutory selection criteria for the three statutory programs under which the competition is being conducted. They should be defense relevant. Results of future commercialization of product or of the process are as follows: critical defense technology is preserved; a defense capability is more affordable; or—and I emphasize ''or''—a significant improvement in house safety or environment, especially in manufacturing, is accomplished.

Madam President, that ''or'' seems to be the operative clause here. Otherwise, I do not see how in the world we would approve of the San Francisco

Bay Area Rapid Transit Authority receiving $39 million for a 2-year effort to demonstrate a precision location system for trains in tunnels. I do not see how that is a critical defense technology being preserved or a defense capability being more affordable.

And, $6.9 million was awarded to a consortium of businesses and government entities based in the Southeastern United States to assist small businesses and in developing pollution prevention and environmentally safe industrial processes; $15.8 million was awarded to demonstrate the feasibility of establishing online linkage of medical data bases among medical centers in hospitals across the United States; $7.6 million was shelled out for a project designed to develop highly efficient power electronic building blocks to convert, control, and condition electricity to meet U.S. commercial electrical requirements.

Madam President, in my view, it would take a great leap of the imagination to view those as a critical defense technology being preserved or defense capability being more affordable. It probably meets a significant improvement in health safety or environment, or it could be construed as such.

The fact is that the TRP is probably a very nice thing to have. Last year, in the fiscal year 1995 National Defense Act, I sponsored legislation to require the GAO to independently assess the TRP awards in the context of the objectives specified in law.

Although the review is not yet complete, GAO's tentative findings show that TRP awards were generally not driven by the military criteria. In fact, GAO found that the panel members who reviewed proposals submitted to DOD for TRP awards were not even briefed on the legislative objectives of the program. Thus, a national security criteria was generally accorded lesser rank weight in the decisionmaking process. The final report of the GAO will be available in May.

We have already spent $1.4 billion for the TRP program in the past 3 years, in my view, with little to show for it in the way of militarily useful technologies. As a result, I think the action of the House Appropriations subcommittee recommended rescission of most of the 1995 funds for this program, in my view, should be the same.

Let me talk about priorities a second. This is $302 million that would be earmarked for this particular program, appropriated for this particular program.

Today on the front page of the Washington Post:

Fort Bragg, NC—After decades of neglect, U.S. military housing has so deteriorated that Pentagon leaders say it is discouraging soldiers from reenlisting and thereby handicapping the military's readiness.

Many barracks and family apartments, built soon after World War II, are cramped and suffer from peeling lead-based paint, hazardous asbestos, cracked foundations, corroded pipes or faulty heating and cooling systems.

More than half the family housing is rated inadequate, and Defense Secretary William J. Perry cites the poor condition of military housing as the number one complaint he hears from soldiers on visits to bases.

But at a time of shrinking budgets, Pentagon officials have come up with only some token extra millions of dollars to throw at a problem requiring billions—

I repeat—

requiring billions to fix.

Madam President, last year, the administration sent over a request that did not include the pay raise for the men and women in the military. There are hints we now have—the quaint phrase—''congressionally mandated pay raises.'' Congressionally mandated pay raises. That is interesting, because the fact is the pay raises for the men and women in the military to keep up with the cost-of-living should not be congressionally mandated. They should be requested by the administration, which I am happy to see that they are doing with this year's 1996 budget. But for 2 years, there was no request for pay raises for the military.

I do not know how we justify this kind of spending when we have inadequate housing, when we have men and women in the military who are spending incredible times away from home, when we are cutting back on flying hours, steaming hours and training hours, when any objective observer has agreed that we need to improve the readiness, and that readiness is beginning to suffer rather significantly, and yet we have already spent $1.4 billion, and are now spending an additional $150 million.

I also want to return for a minute to the issue of environmental cleanup. Unless a base is environmentally clean, or substantially so, a base cannot be turned over to the local authorities, or whoever is involved in the negotiations for the use of that base. We know what happens to the costs of environmental cleanup. And now for us to cut the funding for environmental cleanup, in my view, would be a very, very serious mistake.

I want to say that Sematech is a successful endeavor. Sematech, I believe, has been a wise investment of America's tax dollars, and I also think it is well to point out that 1996 will be the last year that Sematech requires Government appropriations, which is exactly the way it was designed and is exactly the way that these things should be accomplished.

But I suggest that in this era of very tough priorities—in testimony before the Senate Armed Services Committee this morning from the Secretary of the Navy and the Chief of Naval Operations also making clear that their priorities, if there was any additional money, would go to additional aircraft, additional ships, additional pay and benefits for the men and women in the military. Nowhere—nowhere—do I hear any member of the uniformed military even knows what TRP is much less believe that it is a national priority.

So, Madam President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, there is a great deal of what the Senator from Arizona said with which I agree, but I think that he has overlooked the task that we had. We had the task of finding almost $2 billion, and we are five-twelfths through the year in terms of the moneys with which we are dealing. As a practical matter, the largest account that is unspent is, in fact, that which is entitled ''environmental funding.''

It is a little bit more than $5.5 billion, and we are affecting by the recommendations we have made here less than 6 percent of the total funding for the environmental accounts. Other items that we are dealing with, particularly in terms of the TRP funds, represent a great deal more of the account.

Let me just say this: If I had a way now to put the money that is in either account into the military construction bill, I would do that. In the last year, at my request, we added—and that was one of those infamous congressional add-ons to the budget—$81 million for additional military housing. I wish we could get a greater interest in upgrading this housing, and I think that the story on the front page of the Post is very accurate.

But the problem really is that if we look at the environmental account, which we did in great detail, we are looking at a project where they still plan to spend $810 million in this fiscal year on studies of these environmental restoration sites. We have eliminated a substantial portion of those studies. That is what our cut does.

We have urged that the Department proceed now and not spend so much money studying these projects and instead do them. They are not that large and they mostly can be done without these enormous nationwide studies. They just seem to be enveloped in studies.

We will have reduced the budget request by $700 million through this rescission, and it is primarily aimed at that study account. If we look at this account, as I have said, DOD has spent almost 60 percent of all of the cleanup funds we have made available so far on studies. We think that at a time of emergencies such as this is, it is time to reallocate funds. Again, we are not increasing funds for either the TRP, that is the Technology Reinvestment Program, or the environmental restoration account. We are decreasing both. So we are talking about where to cut more.

If we look at the amount of money available, there is a great deal more money available in the environmental

restoration account, mainly because it is reserved for studies which can be conducted next year, if necessary. If they are necessary, we can appropriate money for them in 1996. But right now, there are other projects which are ongoing in the Technology Reinvestment Program. I already put the list in the RECORD.

There is an affordable composites for propulsion project in Florida.

There is a precision laser machine project in California, Redondo Beach.

There is an uncooled low-cost infrared sensor technology reinvestment program in Massachusetts.

There is a trauma care information management system in Richardson, TX.

There is a digital x-ray system for trauma and battlefield applications in Schenectady, NY.

There is a next generation high resolution thin film electroluminescent, what we call a TFEL display, again, with a military impact, in Beaverton, OR.

There is a speech recognition by digital signal processors for hand-held computers, again, defense impact in Newton, MA.

There is a monolithic motion detecting components technology with microelectrical mechanical systems, again it is in Massachusetts.

There is one in Bellevue, WA, wearable computer systems with a transparent head mounted display for, basically, computer services in aircraft.

They are all very high-tech and, as far as we can see, they ought to be continued. We have provided enough money so that we do not have to reduce any of the ongoing projects.

Unfortunately, the amendment of the Senator from Arizona will do that. It will reduce the funds that are available for ongoing projects. It will increase the reduction in the program of the technology reinvestment area, that I just mentioned, by $302 million.

It restores a portion of the money to the environmental restoration account, money that is really not needed this year. It is there. It is available. It has been appropriated. As a matter of fact, in recent years, there has been a substantial carryover in that account. I urge the Senate to take the recommendation of the committee. It was reached after substantial consultation with both the military services and the civilian people in the Department of Defense. It is a level which no one likes to see reached. The moneys are being reduced for both accounts. But I tell the Senate, if we are going to find $2 billion and do the least harm to ongoing projects that have already been approved, we should take from the money that is in this enormous account of almost $6 billion and take it from the area of the planned studies. No ongoing cleanup project should be harmed.

Incidentally, as I indicated in the beginning of my statement, the moneys for base closure environmental studies are already there. We have not touched them at all. The real emergency areas where we are having to do specific environmental projects, in the process of carrying out the base closure process, have not been at all affected by the recommendations that we have made from the committee.

I urge the Senate to realize that we had before us a rescission from the Technology Reinvestment Program from the House. This will be a conference issue. Both the House and the Senate proposed to reduce that fund but not by the same amount.

When we look at the ongoing projects under the Technology Reinvestment Program in which we have already invested some taxpayers' money, if we are going to use the money efficiently, we should provide enough to carry out those projects, and that is what we have done. That basically is all we have done.

So I do hope that we can keep the TRP funding at the level we have indicated. I do believe the House may insist on changing it somewhat. As a matter of fact, the House is probably going to insist on changing several of the items where we have made changes in their recommendations. But we made an extensive study of this, and I personally had several meetings with the Deputy Secretary of Defense, Dr. Deutch, because of his personal interest in the subject matter and in the concept of technology. We have kept the cut but not at the level suggested by the Senator from Arizona.

I urge the Senate to keep the recommendations of the Senate Appropriations Committee. They were reached after, as I said, substantial consultation with those involved in the projects.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I wish to speak briefly to support the statements the Senator from Alaska has made and the position the Appropriations Committee has come to the floor with in this area.

As I think the Senator from Arizona pointed out, his amendment would do two things, two very different things. It would, first of all, cut and eliminate the technology reinvestment project by rescinding all of the funds in that program, which I think would be a very misguided action by this Congress.

Second, it would restore some of those funds to the environmental cleanup activity. The Senator from Arizona pointed out that he himself has not been known as a wild-eyed environmentalist. I think that was the phrase he used. I certainly think there is some truth to that.

Earlier, after this last election, on December 5, 1994, he and Senator WARNER sent a letter to President Clinton urging that much of the funding be dropped in the defense budget and specific programs be eliminated, and in that list of programs he sent to the President he himself proposed that DOD and DOE defense environmental programs be reduced by $930 million in fiscal year 1995.

The proposal of the subcommittee is to reduce them by $400 million total, and I think that is a much more reasonable level of funding in those areas.

Let me also talk a moment about the TRP. I think the Senator from Alaska did a good job of pointing out that there are many useful defense-related programs going forward with TRP funding.

Let me just cite a couple of them. One of the programs is the multichip module program. The breakthrough in the 1960's was the microchip where many, many transistors could be put on one small piece of silicon to dramatically reduce the size, weight, and cost of electronics. The military was the first user of microelectronics and this was the technology that made the ICBM and all later advanced weapons possible. Of course, now the commercial demand for this technology dwarfs the military market. But that does not diminish its importance to the Defense Department.

The breakthrough of the 1990's is the multichip module technology where many, many chips are put on one common substrate to dramatically increase once again military system performance and lower their costs. TRP is meeting this challenge by cost sharing an effort with the consortium that brings together the emerging participants in this new industry in an effort to lower equipment manufacturing costs by making all needed technology advances simultaneously. Members include GM Hughes Electronics, IBM, Micromodule Systems, Motorola, nChip, Polycon, and Texas Instruments. Sandia National Laboratories will establish a test bed to support the effort.

Madam President, there are a couple of items that I received from the Department of Defense to make the point. This is a printed circuit board which shows the circuitry needed for an advanced weapons system and the multichip module which is being developed through TRP funding to replace it—this much smaller item. That is the kind of a breakthrough we are trying to finance and accomplish and bring about through use of this dual-use technology.

Let me cite one other example, and this is the TRP precision laser machining project.

Let me again show a very small, little item to my colleagues. This sample illustrates the initial results under this TRP project. Graphite composite material similar to that used in stealth aircraft has 1,600 laser-drilled holes which were accomplished in only 10 minutes.

The TRP will develop further this technology to be able to achieve a much faster hole drilling rate, up to 10,000 holes per second, without sacrificing the unprecedented hole quality already achieved and illustrated here.

At that point it will be feasible to process entire airframes in about 1 day, enabling laminar flow control by these holes in critical airflow surfaces. This performance-enhancing flow control is impractical to manufacture with current technology, and the laser hole drilling provides not only the speed but the quality required to make the process practical and cost effective.

The Department of Defense points out that the result will be substantial from their perspective of enhanced military aircraft component performance and improved fuel efficiency by more than 3 percent, saving about $400 million per year. This technology will also reduce life cycle costs by about $100,000 per engine by using these precise laser beams to drill holes with the highly increased precision and reproducibility shown in this sample.

Madam President, let me just conclude by pointing out again the statement by Secretary Perry before the Armed Services Committee, which my colleague from Arizona serves on with me, where, when asked about the TRP, he said, ''I hope I have the opportunity with the Congress to defend, to vigorously defend the importance of this program.''

Madam President, if we adopt the amendment by the Senator from Arizona we are not giving the Secretary of Defense that opportunity. There has been no hearing that can be cited by the Senator from Arizona here. He is proposing or suggesting that the Senate, in our ultimate wisdom, should substitute our judgment for that of the Secretary of Defense, for that of the Under Secretary of Defense, for that of the Chairman of the Joint Chiefs of Staff. In my view this would not be wise. We need to keep funding in the TRP, keep this a program that continues to go forward in these very important areas.

As the Senator from Alaska pointed out, the additional funding that is being transferred to environmental activities is just not needed this year.

Madam President, I hope very much this amendment will not be agreed to and that we can support the position of the Appropriations Committee.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, let me thank the Senator from New Mexico for reading the letters I sent to the President. I appreciate it. I will try to make sure that he is made aware of the correspondence I have between myself and the President and the Secretary of Defense. I point out to my friend from New Mexico, he did not get several of my correspondences, nor the gist nor intent of the recommendations I made.

First of all, I made the recommendations and I stated in the letter, ''reduce overemphasis on environmental cleanup and reduce funding to account for management savings, use of more effective technologies and less stringent standards.'' That is out of a $6 billion overall authorization, and is in keeping with the CBO recommendations.

For the edification of my friend and colleague from New Mexico, I wrote a letter on January 23 of this year where I stated:

As you know, I wrote to the President on December 5, 1994, asking that he defer the obligation of funding for certain defense programs, including the environmental accounts of the Departments of Defense and Energy. I would like to clarify my intent in including $930 million in DOD and DOE environmental accounts in the listing of programs characterized as lower priority funding.

First, let me assure you that I understand the importance of environmental cleanup and fully support the need to provide adequate funding to accomplish this daunting task. Therefore, I believe it is incumbent upon the Department of Defense to bear its fair share of the burden of remediating any problems resulting from the conduct of necessary military activities. However, I also feel strongly that costs such as research and education, as well as other costs not directly related to actual cleanup activities, should be borne equally by all entities, whether governmental or private, rather than one or two federal agencies.

It is in this context that I suggested that a portion of the DOD and DOE budgets for environmental programs be reviewed and reconsidered in the context of more fairly and appropriately allocating the fiscal burden of federal environmental programming across all government agencies.

So I want to assure my friend from New Mexico, to clear up any misconception as my intent in the letter I sent to the President on December 5 and January 23. I would be glad to provide him with a copy of those.

Madam President, I ask unanimous consent this letter be printed in the RECORD.

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

U.S. SENATE,
January 23, 1995.

Hon. WILLIAM PERRY,
Secretary of Defense,
The Pentagon, Washington, DC.

DEAR MR. SECRETARY: As you know, I wrote to the President on December 5, 1994, asking that he defer the obligation of funding for certain defense programs, including the environmental accounts of the Departments of Defense and Energy. I would like to clarify my intent in including $930 million in DOD and DOE environmental accounts in the listing of programs characterized as lower priority funding.

First, let me assure you that I understand the importance of environmental cleanup and fully support the need to provide adequate funding to accomplish this daunting task. Therefore, I believe it is incumbent upon the Department of Defense to bear its fair share of the burden of remediating any problems resulting from the conduct of necessary military activities. However, I also feel strongly that costs such as research and education, as well as other costs not directly related to actual cleanup activities, should be borne equally by all entities, whether governmental or private, rather than one or two federal agencies.

It is in this context that I suggested that a portion of the DOD and DOE budgets for environmental programs be reviewed and reconsidered in the context of more fairly and appropriately allocating the fiscal burden of federal environmental programming across all government agencies.

You and I are both aware of the growing scarcity of defense dollars to carry out our national security priorities. Therefore, we must work together now to ensure that we put the immediate needs of our common defense as our first priority.

As Chairman of the Readiness Subcommittee of the Armed Services Committee, which has jurisdiction over the environmental restoration program of the Department of Defense, I intend to look into these issues very closely during the FY 1996 budget review. I would like to request your assistance in identifying specific areas of the Department's environmental restoration accounts which you believe should be distributed outside of the Department. In this review, I would ask that you look closely at research and education funding, as well as the standards and remediation techniques to ensure that cleanup funding is being used efficiently and in the most cost-effective way to protect human health.

As always, I appreciate your assistance in this matter. I will be sending a copy of this letter to the Secretary of Energy.

Sincerely,

JOHN MCCAIN,
U.S. Senator.

Mr. STEVENS. Madam President, in closing this debate, and I do not know whether it will or not, but let me just make my final remarks.

I want to emphasize to the Senate the difficult task we have had to find money to offset the funds necessary to restore the training, operation, and maintenance accounts for the Department of Defense. We have done that by taking funds from accounts, some of which we may replace in 1996. But we are taking them from accounts where we know they cannot be spent this year. There is no way the department is going to spend all of the remaining $800 million that is available for studies in this environmental restoration account.

The account does not need more money now. There is no showing at all that it needs more money. As a matter of fact, in the Technology Reinvestment Program, all we have funded is the money for the ongoing projects that have already been approved and additional efforts that have defense relevance. That means we are going to continue those ongoing projects which were determined to have defense relevance for this year.

We are talking still about this year. We still have to review the TRP program for 1996 and we have to review the environmental restoration account for 1996, but I plead with the Senate to look at the problem we had to find money to offset the emergency request. We have taken the emergency off. We have taken the emergency off because we found, dollar for dollar, outlay for outlay. Both outlays and budget authority are reduced sufficiently to offset the moneys that are necessary to be restored in the operating accounts of the military services, plus there is some money for the Coast Guard.

Our task was to reduce spending accounts for the balance of 1995 and take

money where it would do the least harm to the department. I plead with the Senate to realize that, of the $5.5 billion appropriated for the Department of Defense environmental funding account, we have dealt with about $700 million in study money. There is still plenty of money there in the whole environmental account. It does not need the restoration moneys that are suggested by the Senator from Arizona.

The PRESIDING OFFICER. Is there any further debate?

Mr. LEVIN. Madam President, I will vote against the McCain amendment to cut funding from the technology reinvestment project. I find this an unpleasant task because I am strongly in favor of full funding for environmental cleanup and restoration at closed DOD bases. I am also a proponent of the technology reinvestment project.

The McCain amendment would cut twice the amount of funding from TRP than it would restore to DERA. That tells me that the purpose of this amendment is to kill the technology reinvestment project, which I believe is wrong. As the previous amendment offered by Senator BINGAMAN showed, it is the sense of the Senate that the TRP is important to our national security, and ought to be the norm for the way the Pentagon does business.

I believe that the TRP is a good example of a new way of doing business between the Federal Government and the private sector, one that is cooperative, cost-shared, competitive, and mutually beneficial.

Mr. ROBB. Madam President, I rise today in support of the amendment offered by Senator BINGAMAN and of U.S. dual-use technology efforts in general.

The U.S. military will be challenged repeatedly as a deterrent and fighting force in the decades to come. We face the potential of a resurgent Russia, a new economic power that decides to pursue military dominance in its region, or a rogue regime with a nuclear weapon at its disposal.

Although the United States will retain its preeminent position as the only military superpower for decades to come, our relative military advantage inevitably will wane. Identifying the next great military powers is obviously very difficult, but we can rest assured that not all will share U.S. values and interests. The question today is whether we will be able to respond rapidly and adequately to emerging threats.

Of particular concern are those nations that will attempt to couple rapid economic growth with tight political control. Fortunately for democracies, this marriage of tyranny and a free economy usually leads to divorce. But even a short-lived marriage of this sort is a reasonable prospect for several of today's nondemocratic nations. Widely available and rapidly advancing military technologies will allow these nations to arm relatively quickly and, conceivably, to leapfrog some U.S. military capabilities through innovative technologies.

It is this possibility for a rapid, technologically based emergence of a major threat that dictates we support our technology base as effectively as possible, and focus our energies on highly advanced, long-term technologies.

We cannot, of course, continue to pay for the enormous research and development base of the cold war. We must now turn to the commercial sector, which leads the Department of Defense in many key technologies, to help sustain U.S. technological leadership. Dual-use technology development efforts, like the Technology Reinvestment Program, represent one of the best conceivable approaches to meeting this long-term national security need. TRP is an especially effective program:

TRP is supporting a vast range of defense technology developments in areas such as low-cost night vision, high-density data storage, battlefield casualty treatment, and composite aircraft structures.

TRP awards are matched by the program participants, effectively leveraging taxpayer dollars.

TRP awards are competed and represent a much more efficient approach than saddling DOD research programs with earmarks that often duplicate or misdirect existing efforts.

Finally, TRP allows DOD to drive down costs by leveraging commercial large-scale production.

TRP is truly a cents-on-the-dollar program that will secure U.S. long-term security interests well into the next century. While I applaud and strongly support readiness today, let's not compromise our future—a future that will require much foresight and technological excellence to deter and, if necessary, defeat advanced military threats.

Madam President, I yield the floor.

Mr. LIEBERMAN. Madam President, I rise in opposition to the proposed amendment. First, let me say that I am concerned that among our early acts in this 104th Congress we are about to cut $1.9 billion dollars out of our defense budget. Among the cuts proposed, are cuts to our critical technology development programs. Since technological superiority will win the battles of tommorow, we are stealing funds that will determine the readiness of future generations, to pay for defense emergencies today. I believe these actions are a clear and present danger to our defense capability. In our zeal to increase defense readiness and fund operations while we control spending, control Government proliferation, control the deficit we may be laying the groundwork for inevitable future inferiority in critical defense technologies. This amendment only increases the damage that is being done to this critical technology development effort.

Military readiness is at the forefront of the defense agenda for both the administration and many of my colleagues here in Congress. I share their concern that our military must be fully prepared to insure national security. This is not an option, this is our responsibility. At the same time, some of my colleagues are proposing and voting for cuts in defense technology development programs that are critical to the defense readiness of tomorrow.

ARPA AND DUAL USE

Our current technological superiority has not evolved overnight. DOD's secretive Advanced Research Projects Agency (ARPA), the preeminent technology development entity in the world, has been successfully researching and evolving new technology for military applications, in close alliance with the services, for the 37 years since President Eisenhower set it up. In retrospect, it was a truly visionary Presidential accomplishment.

What has ARPA done? Most of its efforts are classified, and it has purposely never recorded its history. Let's just look at a list of technologies that we can talk about that ARPA helped evolve: Supercomputing; desktop computers; the internet (formerly ARPAnet); stealth; the entire field of materials science and composites; GPS—the global positioning system run by atomic clocks; laser technology including laser machining; high resolution digital imaging; advanced acoustics; smart weapons; and even the ubiquitous computer mouse.

This is only a partial list, but this list alone has revolutionized not only the U.S. warfare machine, but U.S. civilian society.

THE TECHNOLOGY PROGRAMS AT ISSUE: TRP

The Technology Reinvestment Project [TRP] has been the first victim of the technology attack. It is designed to be a dual use effort in a program concept first developed by President Bush's Director of ARPA. TRP projects are cost-shared at least 50/50 with industry, competitively selected, industry-led and aimed at civilian and military needs.

What are ARPA's TRP teams working on?

Item: Head mounted displays. Infantrymen can't walk around with desktop computers. With light-weight, head-mounted displays they can retain full mobility but have a full computer display of the battlefield and real-time intelligence and targeting data before their eyes.

Item: Advanced information flow. Military command and control must process an exploding amount of intelligence data immediately to the battlefield for response. But limited communications capacity now clogs our ability to transmit, process, and act on that data. A TRP team is developing digital communications command and control equipment to burst massive new amounts of data through the interpretation and response pipeline at 10 gigabits per second, a 400 percent improvement over today's best equipment. This will be the building block

for a new integrated command and control network.

Item: Single chip motion detectors. By reducing motion detection to a single chip accelerometer which can withstand accelerations up to 30,000 times the force of gravity, weapons guidance and navigation systems can be made significantly lighter and more sensitive. This will be critical to the next generation of smart weapons.

Item: Uncooled infrared sensors. Desert Storm was launched as a night attack using infrared sensors as the basis for high speed attack operations. Our military needs to own the night and a new generation of cheaper, much more portable uncooled infrared sensors are a crucial enabling technology being developed by a TRP team.

Item: Autonomous all-weather aircraft landing. The efficiency of military aircraft is still limited by night and weather conditions. Operations at secondary fields are curtailed in these conditions if a full ground control system is absent, or if these facilities are disrupted or damaged at a primary site. Basing aircraft at a small number of primary bases, is not a good alternative, because our command of the air becomes more vulnerable. A TRP team is working on placing all-weather air traffic and landing control systems into every cockpit, making aircraft independent of ground control availability and weather conditions.

Item: Turboalternator. Army gas-guzzling battle vehicles require a vast and vulnerable logistics chain and limit battlefield operations. The next war may not be fought next to Saudi oil refineries. A TRP team is developing a turboalternator so main engines can be switched off, but all equipment and sensors can continue to operate, during silent watch modes. This multiplies fuel efficiency and also makes detection through infrared emissions and engine noise much more difficult.

Item: Composite bridging. Military operations continue to be controlled by terrain: every stream or ravine that must be crossed creates a potential strong point for enemy defenders and disrupts the mobility that gives U.S. forces much of their edge. Every time our engineer forces have to bring up cumbersome, heavy bridging equipment for a crossing, enemy defenders can rally and our mobility is disrupted. A TRP team is developing superlight, superstrong composites for superportable bridges to multiply the mobility of our battlefield forces.

Item: Precision laser manufacturing. Precision laser machining technology, by making aircraft parts microscopically precise, can make aircraft engines much more efficient. A TRP team, working with higher power density, more focused laser beams and variable pulse formats, aim to double the life of military aircraft engines and sharply improve fuel efficiency and therefore range. Other beneficiaries include shipbuilders, airframe makers, engine makers, and a wide rang of other manufacturing technologies.

These examples are the kinds of new technologies we need for future battlefield dominance. ARPA's TRP selection criteria emphasizes nine areas of established military need, from battlefield sensors, to mobility, to prompt casualty treatment, to command and control capability to advanced materials. TRP technology projects also must have civilian application to help cut military costs and link into emerging civilian technologies. TRP is a brand-new effort and many of its investments are high risk. There are no doubt fixes that will need to be applied to the program, and some of its military priorities may require clarification, as with any new program. But to decimate it without even holding a hearing about the cornucopia of technology advances it is spawning is rash, and dangerous to our military technology future.

Given some of the other program cuts now on the table, the assault on TRP appears to be the beginning of a larger assault on technology R&D, in general. Given the dangers of the future battlefield, this assault can only provide comfort to future enemies.

CONCLUSION

At a time when we need to renew our commitment to defense technology, with an eye toward the necessary control of defense spending, we are cutting back on the very programs poised to solve the problem. We must take advantage of civilian-led technologies. We must control defense spending. We must remain sufficiently superior to our competitors to deter any threats to our national security. We have no choice. If we don't capture the power of technological innovations, we can be sure that our opponents will.

This amendment restores $100 million of TRP money to insure that we will be the technological world leaders of tomorrow that we are today. I urge my colleagues to vote against the amendment.

Mr. KERRY. Madam President, I wish to go on record in opposition to the McCain amendment and express my strong support for the Department of Defense Technology Reinvestment Program [TRP] which provides essential public-private funding for dual-use research and development.

The collapse of the Soviet Union and the end of the cold war have not brought an end to the need for a strong United States military. We find ourselves facing challenges that are different but no less complex: the spread of nuclear weapons and major regional, ethnic and religious conflicts, to name a few. These new threats increase the need for fast, flexible, mobile forces equipped with the most advanced weapon systems. The Technology Reinvestment Program will allow our troops to defend themselves with the most current, technologically advanced equipment and enhance our ability to respond effectively to any threat our troops may face.

The Defense Department's TRP is an innovative program that maximizes the use of taxpayer funds to exploit promising technologies by working cooperatively with the private sector to ensure both our military and commercial sectors seize and exploit these cutting edge technologies. This cooperative endeavor enhances our national security and economic well-being and moves us toward a single, cutting-edge national technology and industrial base. The TRP program enables the Pentagon to exploit the rapid rate of innovation and market-driven efficiencies evident in the commercial industry to meet defense needs. By drawing on commercial technology and capabilities wherever possible—along with the superior systems design and integration skills of U.S. businesses—the military can do its job more effectively and at a far lower cost to the taxpayer.

While I agree with the objective of the McCain amendment to restore funding to the Defense Environmental Restoration Act accounts to provide for environmental cleanups on defense bases, I cannot support the transfer to DERA from the TRP program. The $150 million reduction in the DERA program, while regrettable, is a small portion of the overall DERA program. In addition, DERA is not the only program in the Defense budget that provides environment cleanup funding. On the other hand, the proposed cuts in the McCain amendment coupled with the TRP reductions already contained in the committee-reported Senate rescission bill, would virtually eliminate the TRP program.

As we all know, we won the cold war, in no small way because of our technological expertise. We won the cold war because there was a national commitment to win it. We dedicated the resources to the research and development and to the manufacturing that were required to win. We must continue in that tradition and I urge my colleagues to reject the McCain amendment.

Mr. KENNEDY. Madam President, I oppose this amendment. It seeks to achieve a laudable goal, mitigating the cuts imposed by the Supplemental Appropriations Act on the environmental cleanup of Department of Defense facilities. It would do so, however, by eliminating the Department's premier dual-use technology program, the technology reinvestment project. I support this vital program to maintain our military's technological edge into the next century. Therefore, I oppose the McCain amendment.

Through its environmental restoration effort, the Defense Department is fulfilling its obligation to the communities of America where military facilities have contaminated the land, water, or air. The President, the Secretary of Defense, and the leaders of the service branches have a solemn commitment to protecting our citizens

from environmental threats caused by Department activities.

Some have criticized the Department's environmental restoration program as being a nondefense activity, since the funding for the cleanup does not go directly into the modernization or maintenance of our forces, and is therefore beyond the scope of the Department's responsibility. Nothing could be further from the truth. Keeping its lands free of contamination is a clear obligation of any private or public entity, including the Department of Defense.

An example of the urgency of addressing this problem can be found in my home State of Massachusetts. Over the decades of the cold war, activities at Otis Air Force Base and Camp Edwards on Cape Cod have resulted in drastic contamination. Roughly 65 million gallons of ground water have been contaminated, threatening public water supplies and recreational ponds. Last year, the Department of Defense settled on a plan for cleaning up the contamination. This cleanup will take years to implement. Reductions in the environmental fund will delay these vital cleanup programs.

Under the leadership of Secretary of Defense Perry and Sherri Goodman, the Deputy Under Secretary for Environmental Security, the Clinton administration has laid out a plan for addressing the huge cleanup problem facing the Department. The $1.78 billion we voted in last year's budget is a downpayment on a cleanup program that will be implemented well into the next century.

Although this amendment would add funds for the clean-up, a goal I support, it would do so by taking funds from the technology reinvestment project. The TRP combines the best of national technology, national security planning, and acquisition reform. It seeks to ensure that the Nation's high-technology industries, as they readjust to the shrinking defense budget, will still carry out research and development to meet national defense needs.

Deputy Secretary of Defense John Deutch has said that the Defense Department can no longer afford the luxury of having its own private industry. The Department must devise ways to use the commercial sector to meet its future industrial needs. The TRP spearheads the effort to achieve that goal.

It uses less than 2 percent of the Defense Department's research and development budget to get high-technology American businesses to begin meeting our defense needs in an economical fashion. The TRP leverages Government money by providing up to half the cost of financing dual-use research and development projects.

These projects, carried out by consortia of private corporations, universities, and scientific laboratories, meet real defense needs. The categories of military need in which project funding is awarded include military mobility and deployment; battlefield sensors; command, control, communications, computers, and intelligence—so-called C^4I; and electronics design and manufacturing. As Secretary Perry has testified, there can be no doubt that the program is funding projects that fulfill direct defense requirements.

In some areas, such as command and control software, commercial technology is more advanced than the corresponding military technologies now in use. In these instances, the TRP seeks to apply existing commercial technologies to military applications. In other cases, such as battlefield sensors, military technologies are more advanced, but the Department seeks to take advantage of the lower cost production processes that commercial manufacturing the marketing may provide.

The House bill rescinds $500 million in fiscal year 1994 and fiscal year 1995 funds for the TRP. This amount would effectively eliminate the program. The committee's bill rescinds $200 million in fiscal year 1994 and fiscal year 1995 funding for the TRP, far superior to the House bill, but still a major cut to the program. By further cutting the TRP by $302 million, the McCain amendment would repeat the House action of eliminating the program.

I was pleased to be a cosponsor of the amendment offered earlier by Senator BINGAMAN, expressing the sense of the Senate in support of the TRP. That amendment was passed by a voice vote. To pass the McCain amendment now would wipe out our approval of that earlier amendment.

I support greater funding for the Defense Department's environmental restoration program. I urge the conferees on this legislation to achieve the highest level of funding possible for it. But we should not undermine the future of the Nation's defense industry to achieve this goal. I urge my colleagues to defeat this amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment of the Senator from Arizona to the committee amendment on page 1, line 3. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Arkansas [Mr. PRYOR] is absent because of death in the family.

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

The result was announced—yeas 22, nays 77, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—22

Abraham	Gorton	Kyl
Bradley	Gramm	McCain
Brown	Grassley	Nickles
Campbell	Helms	Roth
Chafee	Hutchison	Snowe
Craig	Inhofe	Warner
Faircloth	Kassebaum	
Feingold	Kempthorne	

NAYS—77

Akaka	Feinstein	McConnell
Ashcroft	Ford	Mikulski
Baucus	Frist	Moseley-Braun
Bennett	Glenn	Moynihan
Biden	Graham	Murkowski
Bingaman	Grams	Murray
Bond	Gregg	Nunn
Boxer	Harkin	Packwood
Breaux	Hatch	Pell
Bryan	Hatfield	Pressler
Bumpers	Heflin	Reid
Burns	Hollings	Robb
Byrd	Inouye	Rockefeller
Coats	Jeffords	Santorum
Cochran	Johnston	Sarbanes
Cohen	Kennedy	Shelby
Conrad	Kerrey	Simon
Coverdell	Kerry	Simpson
D'Amato	Kohl	Smith
Daschle	Lautenberg	Specter
DeWine	Leahy	Stevens
Dodd	Levin	Thomas
Dole	Lieberman	Thompson
Domenici	Lott	Thurmond
Dorgan	Lugar	Wellstone
Exon	Mack	

NOT VOTING—1

Pryor

So, the amendment (No. 322) was rejected.

Mr. STEVENS. Madam President, I move to reconsider the vote.

Mr. HATFIELD. Madam President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

UNANIMOUS CONSENT AGREEMENT

Mr. HATFIELD. Madam President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc except for the committee amendments beginning on page 1, lines 3 through page 25, line 4; and page 31, lines 5 through 21. That the bill as amended be considered as original text for the purpose of further amendments and that no points of order be waived thereon by reason of this agreement.

Mr. BYRD. Madam President, this request has been cleared on this side.

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

The committee amendments were agreed to en bloc, except for the following:

On page 1, line 3 through page 25, line 4; and page 31, lines 5 through 21.

Mr. HATFIELD. Now, Madam President, I ask unanimous consent that the pending committee amendments be temporarily laid aside.

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

AMENDMENT NO. 323

Mr. HATFIELD. Madam President, I send an amendment to the desk on behalf of Senators MCCONNELL and LEAHY and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] for Mr. MCCONNELL (for himself and Mr. LEAHY) proposes an amendment numbered 323.

Mr. HATFIELD. Madam President, I ask unanimous consent that further reading be dispensed.

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

The amendment (No. 323) is as follows:

On page 27, between lines 6 and 7, insert the following:

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $70 million are rescinded.

In lieu of the Committee amendment on page 27, lines 21 through 25, insert the following:

DEVELOPMENT ASSISTANCE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306, $13,000,000 are rescinded.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306, $9,000,000 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306, $18,000,000 are rescinded, of which not less than $12,000,000 shall be derived from funds allocated for Russia.

Mr. LEAHY. Madam President, I want to speak briefly about the foreign operations part of this supplemental appropriations and rescissions bill.

First, let me say that I believe strongly that supplemental funds for the Department of Defense should be offset with defense rescissions. Domestic and foreign affairs funds should not be used to cover defense costs. I do understand, however, that these rescissions were made in anticipation of a difficult conference with the House.

The $172 million in foreign operations rescissions that were presented to the Appropriations Committee would have come entirely from sub-Saharan Africa. I was very concerned about the impact this would have on the world's neediest people, and discussed my concerns with Senator MCCONNELL. I want to thank him for working with me to modify the rescissions in a way that protects our bilateral aid programs in Africa.

I do support the $62 million rescission from the African Development Fund. Those funds were appropriated last year with the explicit caveat that the fund make significant management reforms. It has not done so. Perhaps this rescission will get their attention.

That leaves $110 million. All of it would have been taken from the Agency for International Development's programs in Africa. Those funds are used to support basic health and nutrition, AIDS prevention, child survival, basic education, agriculture research, and programs to promote free markets and free elections. These are programs that Republicans and Democrats strongly support, as do the American people, because they often make the difference between life and death for people facing starvation, political violence, or deadly diseases we can cure.

The rescission, as initially proposed, would have meant that our aid to Africa, which already amounts to only about $1 per person, would bear the total burden of these cuts. That I could not accept.

Senator MCCONNELL and I have worked together to modify the foreign operations rescissions to protect AID's programs in Africa. I appreciate his willingness to find a compromise.

Rather than take the money from the Development Fund for Africa, the amendment we have coauthored, which is also cosponsored by Senator LAUTENBERG, would rescind $70 million from the International Development Association; $13 million from the Development Assistance Fund; $18 million from the former Soviet Republics, of which at least $12 million must come from Russia; and $9 million from Eastern Europe.

Let me say that I wish we did not have to rescind any of this money. These are all programs I support, and I hope we can reduce some of these cuts in conference. I especially hope that we can find alternatives to cutting so much from IDA, since these are commitments made by the U.S. Government and this cut will only add to our arrears.

But faced with this difficult choice, I wanted to be sure that the cuts did not fall on the backs of the poorest people. That is the reason for this amendment.

Mr. MCCONNELL. Madam President, I am joined today by Senators LEAHY, LAUTENBERG, and JEFFORDS, in amending the foreign operations rescissions package. When the committee decided to move forward with rescissions I requested a listing of the unobligated balances in our international affairs accounts. I learned that the three largest accounts which have been slow to spend their resources are those committed to the Middle East, the New Independent States, and the Development Fund for Africa.

It is my view that contributing to the economic and political stability in the NIS is a vital interest of the United States in the post-cold-war world. Although many of the specific programs for the NIS have been plagued by difficulties, I am reluctant to send the signal that Congress is abandoning its commitment to the region. The House rescission which reflected a 10 percent cut to the region's unobligated balances might send just such a message.

The troop housing project is obviously troubled. We have held a number of hearings to review whether it is, in any way, meeting the defined objectives. We had expected the program to offer incentive to remove troops from the Baltics, build housing where there was an acute shortage, generate jobs in the construction sector, and expand private home ownership—I think there is consensus that it has failed on virtually all accounts. Nevertheless, I would prefer to see the funds for the project reprogrammed rather than cut out altogether.

As an alternative to the House provisions, Senator LEAHY and I are offering a modest reduction in the NIS account with a requirement that two-thirds of the resources are drawn from the Russia projects.

This was a direct and determined response to the situation in Chechnya. A few weeks ago when the administration decided to offer $20 million in relief to Chechnya, we learned that they planned to draw some of the funding from Armenia, Georgia, and other regional emergency accounts. I see no purpose in punishing those countries to compensate for Russian outrages in Chechnya. The requirement that two-thirds of the rescissions from the NIS account be drawn from Russian programs is intended to reinforce that message.

The second large account with unobligated balances had a direct affect on the Middle East peace process. Again, I think our interests dictated that we not take any action that could disrupt our commitment to stability and the peace process. Consequently, I was unwilling to draw down this account to support rescissions.

I relied on the third account, the Africa Development Fund for two reasons—the slow spending rate and the fact that the fund is complemented by an array of other accounts that contribute to Africa development. In addition to the DFA, we contribute to the Africa Development Foundation, the Africa Development Fund, the Africa Development Bank, and the International Development Association.

After discussions with my colleagues, I have agreed to shift the burden of rescissions from the bilateral Africa program where we have more confidence and opportunity to assure United States interests are addressed to the International Development Association which I view as less responsive to United States goals.

The rescissions Senator LEAHY and I are offering, continue our support for vital American interests while addressing our common concerns about reducing our deficit. With this Congress we have new responsibilities to reduce the deficit. I plan to make sure that our foreign aid program contributes to the process of downsizing the Government and our debt.

This rescissions proposal is the first step in a series of difficult choices which lie ahead. Foreign aid can and should serve U.S. national economic and political interests. When and where it fails to meet that test, I guarantee my colleagues that the funds will be rescinded, reprogrammed, or reduced.

Mr. LAUTENBERG. Madam President, I am pleased to cosponsor this amendment because it would ensure that the foreign aid spending reductions in this bill do not come entirely out of programs for Africa.

Under the bill reported by Senate Appropriations Committee, $172 million in assistance for Africa was cut. No other region of the world was affected. Senator LEAHY and I expressed concern about the reductions in assistance to Africa during the Senate Appropriations Committee consideration of this bill because we thought it was unwise to target all the cuts at one region. During the full committee markup, the chairman of the Foreign Operations Appropriations Subcommittee agreed to address our concern during full Senate consideration.

The amendment before the Senate today would do just that. It would spread the burden of the rescissions in the foreign aid program across more regions of the world. It would still rescind $62 million for the African Development Fund. But instead of rescinding $110 million for the Development Fund for Africa—which funds child survival, basic education, health, and environmental programs—the amendment would rescind $110 million from a multitude of programs. It would reduce funding for the soft loan window of the World Bank by $70 million. It would reduce funding for the former Soviet Union—mostly from Russia—by $18 million. It would reduce $13 million in development assistance. And it would reduce $9 million in aid to the countries of Eastern Europe.

While all cuts are painful, the reductions proposed in this amendment are a sound alternative to rescinding $172 million from one of the poorest, most vulnerable regions of the world. Through our foreign aid program, the United States currently spends approximately $1 per person in Africa, far less than we spend on other regions of the world. That is a small investment in the future of democracy and regional stability. It is small amount of assistance to support fast growing export markets. It is small amount to spend to reduce disease, end poverty and human misery, and help create opportunities for the people of Africa.

Madam President, it would be unwise to reduce aid only to Africa, and I am glad we have reached an agreement with the chairman of the Foreign Operations Appropriations Subcommittee to ensure that the 172 million rescissions in foreign aid spending do not target Africa exclusively. I urge my colleagues to support this amendment.

Mr. HATFIELD. Madam President, this amendment embodies an agreement between the chairman and the ranking minority member of the Foreign Operations Subcommittee regarding the recisions recommended in chapter 3 of title II. It has been cleared on both sides. I ask for its adoption.

The PRESIDING OFFICER. Is there further debate on this amendment? If not, the question is on agreeing to the amendment.

So the amendment (No. 323) was agreed to.

Mr. HATFIELD. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 324

Mr. HATFIELD. Madam President, I send an amendment to the desk on behalf of Senators GRAMM and HOLLINGS, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending committee amendments will be laid aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD], for Mr. GRAMM, (for himself and Mr. HOLLINGS) proposes an amendment numbered 324.

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

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

The amendment is as follows:

On page 25 of the Committee bill, strike line 14 through line 12 on page 26, and insert in lieu thereof the following:

DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $10,000,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317 for the Advanced Technology Program, $32,000,000 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, $2,500,000 are rescinded.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $34,000,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $40,000,000 are rescinded.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for tree-planting grants pursuant to section 24 of the Small Business Act, as amended, $15,000,000 are rescinded.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $15,000,000 are rescinded.

DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of unobligated balances available under this heading, $28,500,000 are rescinded.

Mr. HOLLINGS. Madam President, at last week's markup of the defense supplemental appropriations bill, H.R. 889, Subcommittee Chairman Senator GRAMM and I found ourselves both opposed to specific domestic rescissions that were included in the House-passed bill. Since that committee meeting, we have been working on a substitute amendment to the Commerce, Justice, and State chapter that we can both support, with the ground rules that we must propose a rescission in place of any rescission currently in the bill that is deleted.

Our amendment restores all but $10 million of the Immigration Emergency Fund appropriation and most of the appropriation in the Commerce Department's Advanced Technology Program. The House had proposed cutting $70 million from the Justice Fund and $107 million from the Commerce Department's ATP Program. All of the alternative offsets that this amendment proposes are from accounts within our subcommittee's jurisdiction, and we have retained the $177 million in deficit reduction proposed in both the House bill and the committee recommended bill.

This amendment, which I will describe, represents a bipartisan response to the reductions in Justice and technology programs proposed by the House.

IMMIGRATION EMERGENCY FUND

The amendment restores all but $10 million of the Department of Justice, Immigration and Naturalization Service's Immigration Emergency Fund to the level provided in last year's CJS appropriation bill.

This fund was established for possible immigration emergencies, and we provided a $75 million appropriation last summer to deal with the Cuban and Haitian immigration crisis. Use of the fund, which has current balances of $111 million, requires a Presidential declaration of an emergency and congressional notification. Given the current state of affairs along our Southern border, it is prudent that the account balances be maintained at a level of at least $100 million.

ADVANCED TECHNOLOGY PROGRAM

The amendment restores $75 million to the National Institute of Standards and Technology's Advanced Technology Program [ATP]. The committee amendment would retain a rescission of $32 million from this account, instead of the $107 million proposed in the committee reported bill.

The ATP is an important investment in American economic competitiveness. It supports American industry's own efforts to develop new cutting-edge, next-generation technologies—technologies that will create the new industries and jobs of the 21st century. The ATP does not fund the development of commercial products. Instead, it provides matching funds to both individual companies and joint ventures for pre-product research on these high-risk, potentially high-payoff technologies. These technologies include promising new ideas in manufacturing, advanced electronics, and new materials.

Why do we need the ATP? The answer is simple: to keep America competitive and create jobs. Long-term technology has become the key to future U.S. prosperity at precisely the time that global competition, downsizing, and shareholder pressures now force American companies to focus scarce research dollars on short-term projects. The Commerce Department estimates that these market pressures now push companies to spend up to 90 percent of their research funding on projects that will pay off in 1 to 5 years. As a result, U.S. companies, small and large, now have serious trouble funding long-term, next-generation technologies that will build new industries but will not pay for 10 to 15 years. Moreover, historically the U.S. Government has supported long-term research in only a few key sectors—an approach very different from our foreign competitors.

The ATP's sole aim is to develop new basic technologies that would not be pursued or pursued soon because of technical risks and other obstacles that discourage private-sector investment. The ATP does not support product development, and is modeled on similar Federal research programs which have long helped a few sectors such as agriculture, the aircraft industry, and the energy technology. The program particularly helps small technology companies. To date, the ATP has made 177 awards, involving 480 companies and research partners in 38 States.

The ATP is new, but already has begun to make a real difference. Diamond Semiconductor Group's story is not atypical. It had a new idea for reliably producing larger, more-cost effective semiconductor wafer—about the size of an LP record as opposed to today's small wafers. But the company did not have the resources to fully test out its idea. ''Winning the ATP award was absolutely critical to us,'' says President Manny Sieradzki. The ATP award helped the company provide the proof needed for varian associates, as major semiconductor equipment manufacturer, to provide development funding.

I want to mention three other points about the ATP. First, the ATP is part of a long American tradition of supporting industry efforts to develop new technologies. To date, most of those efforts have been in defense or a few key civilian areas. But those older U.S. investments have been substantial and effective. USDA helped create modern agriculture, the Government has supported aeronautical research since 1915, and the NIH helped create biotechnology. The ATP simply extends this proven model of long-term investments in technology to the rest of U.S. industry. And, while the ATP assists a wide range of American industries, it costs less than comparable programs which serve specific sectors. In fiscal year 1995, the ATP and NIST's manufacturing extension program cost a total of $522 million—compared with $1.675 billion at USDA for research and extension, $882 million at NASA for aeronautics, and $3.757 billion at the Department of Energy for civilian energy technology.

Second, this is not interfering with the marketplace or having the Government pick winners and losers. The ATP is without doubt the most market-driven technology program supported by the Government. Industry, not government, proposes both specific projects and key areas of technology to focus on. Industry, not Government, runs the projects and contributes the majority of the funds. As mentioned, the ATP supports only long-term pre-product research, never product development. And awards are made by peer-review panels of technical experts and retired business executives—not by the White House, not by the Secretary of Commerce, and not by Congress.

Third, the ATP has enjoyed strong bipartisan support. The Bush administration wrote the regulations for the ATP, and in his fiscal year 1993 budget President Bush requested substantial increases for the program. In addition, on June 25, 1992, Senate Republicans—through the Senate Republican Task Force on Adjusting the Defense Base Chaired by Senator Warren Rudman—endorsed both the ATP and the NIST Manufacturing Extension Program. This program has had strong bipartisan support in the past, and deserves strong bipartisan support now.

NOAA PROCUREMENT SAVINGS

The amendment proposes a rescission of $2.5 million of funds appropriated in fiscal year 1995 to the National Oceanic and Atmospheric Administration [NOAA] for modifications and procurement of aircraft radar. NOAA has procured and is installing the radar, but has informed the subcommittee that $2.5 million is excess to requirements. The agency recently proposed to reprogram these funds for administrative overhead. The subcommittee recommends applying these resources instead for deficit reduction and restoring the ATP program.

INFORMATION INFRASTRUCTURE GRANTS

The subcommittee recommends a rescission of $34 million for Department of Commerce, National Telecommunications and Information Administration, Information Infrastructure Grants. This program was created in fiscal year 1994, and the first grant awards recently were made. Funding for this program increased from $26 million in fiscal year 1994 to $64 million in fiscal year 1995. It has yet to be authorized, and we have continued to oppose rescissions from the Public Broadcasting Facilities Program in NTIA that the administration keeps proposing. Accounting for departmental transfers and reprogrammings, this rescission restores the program to its fiscal year 1994 level.

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The amendment would rescind $40 million for the Economic Development Administration [EDA]. This is $20 million more than the committee reported bill. I reluctantly agreed to this rescission. Following our fiscal year 1995 appropriation bill, the EDA proposed a reprogramming of $40 million from Defense economic adjustment/conversion and regular title IX programs to initiate a new Competitive Communities Program. As I understand it, this new program would provide grants to intermediaries to provide loans to industries locating or expanding in impacted communities. THe subcommittee was unable to reach agreement in order to approve the reprogramming request—and under our guidelines both the majority and minority must agree for a reprogramming to go forward. In light of that, we have agreed to use these resources in lieu of House rescissions.

SMALL BUSINESS ADMINISTRATION TREE-PLANTING

The amendment proposes to rescind $15 million from the Small Business Administration's [SBA] salaries and expenses account. This rescission is proposed in the President's budget.

This action would terminate the SBA tree planting program. This is a nice

program that provides grants to States and local governments to plant seedlings and small trees. But, it has little to do with the mission or purpose of the SBA, and we have never supported funding in a Senate appropriations bill. In fact, it has never been authorized by the Small Business Committees. It has been an annual House Appropriations Committee add-on-the budget.

LEGAL SERVICES CORPORATION

The amendment proposes to rescind $15 million of the $415 million appropriated in last year's CJS appropriations bill for the Legal Services Corporation [LSC]. This amendment would reduce the payment to the LSC to the level recommended by the Senate last year. We fought hard in conference last year to contain the growth of the Legal Services Corporation, which had grown each year due to pressure from the House. With the political see change in the House, I'm sure that they should be willing to return to the lower Senate-passed funding level.

STATE DEPARTMENT UNOBLIGATED BALANCES

The amendment proposes to rescind $28.5 million from unobligated balances in the Department of State's foreign buildings account. Again, it is with great reluctance that I recommend this rescission. This is an area in which the Senate-passed CJS appropriations bill exceeded the House last year, and we got them to come up to our level. Each year the Department of State's program changes due to delays, scope and priority changes, and contract savings. Normally, we would support retaining these balances to further the overseas construction program. But, in the current environment, these balances are being proposed for rescission to offset restoring House rescissions.

CONCLUSION

This is unpleasant business. I think everyone should realize that the House is driving this game. These rescissions are not going to offset Department of Defense readiness spending; instead, they will be used, at least for the time being, for deficit reduction. The ground rules, as laid out by chairman HATFIELD and the leadership, are that we must meet or exceed the amount of rescissions that the House has proposed. And, I should note that our House counterparts recently approved a second, much larger rescission bill.

Both chairman GRAMM and I agree that this amendment provides for a vastly improved package than what the House sent to the Senate. I urge adoption of the amendment.

Mr. HATFIELD. Madam President, this amendment embodies an agreement between the chairman and the ranking minority member of the Commerce, Justice Subcommittee regarding the rescissions recommended in chapter 1, title II.

It has been cleared by both sides. I recommend its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 324) was agreed to.

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

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 325

(Purpose: To provide that the Endangered Species Act of 1973 shall not apply with respect to Fort Bragg, NC)

Mr. HELMS. Madam President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for himself and Mr. FAIRCLOTH, proposes an amendment numbered 325.

The amendment is as follows:

At the end of title I, insert the following:

SEC. 1. FORT BRAGG, NORTH CAROLINA.

Notwithstanding any other law, for fiscal year 1995 and each fiscal year thereafter, the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall not apply with respect to land under the jurisdiction of the Department of the Army at Fort Bragg, North Carolina.

Mr. HELMS. Madam President, may I inquire if my distinguished colleague from North Carolina, Mr. FAIRCLOTH, has been added as a cosponsor of this amendment?

The PRESIDING OFFICER. The Senator is.

Mr. HELMS. I thank the Chair.

Madam President, as we always say around this place, this amendment is simple and straightforward. I have never heard of an amendment being offered that was not simple and straightforward.

This amendment proposes to stop the Federal Government and its bureaucrats from, first, preventing the Department of the Army from carrying out its national security mission and, second, wasting taxpayer dollars in the process.

The amendment addresses a problem the Army is having at Fort Bragg, NC. The U.S. Fish and Wildlife Service has listed a red-cockaded woodpecker as a threatened and endangered species and has designated Fort Bragg as a major recovery area for the red-cockaded woodpecker.

The bureaucrats at the Fish and Wildlife Service have forced the Department of the Army to go to great length and great expense to set aside land, create tank trails, create nesting areas, and restrict construction—all to meet an arbitrary plan to protect woodpecker nests.

The Department of the Army has been required, first, to set aside 12,000 acres of land just to protect the woodpecker; second, to prepare a 44-page report that limits training activities of the Army; third, since fiscal year 1989, the Army has spent more than $5 million as a result of the efforts to protect the woodpecker; fourth, to halt eight construction projects at the base.

Madam President, it is my understanding that four species are being protected at Fort Bragg and another one is going to be added soon—a butterfly—to make that five species. There are 70 more State and Federal species in line to be added. If four species require almost 13,000 acres of protection, what is going to happen 5 or 10 years down the road when there will be 70 species? Will there be any land at Fort Bragg left on which to train our troops?

The last time I checked the function of the Army is to defend the national security interests of the United States and not birds in trees. To carry out its national security function, the Army must have the ability to train its troops in battlefield situations. But as any military expert will tell you, training exercises are impeded when planners must work around protected woodpecker nests. This is in fact the case at Fort Bragg.

Madam President, there is another point: The Army is currently attempting to purchase an 11,000 acre parcel of land—known as the Overhills tract. This purchase has aroused some controversy inasmuch as it will take a significant amount of valuable land off the tax rolls in Harnett County, NC.

Part of the reason the Army must acquire this parcel, is to protect the red cockcaded woodpecker. Let me quote from a letter I recently received from the Department of Army:

Purchasing this land would bring us much closer to attaining the number of active RCW (red cockaded woodpecker) colonies established by the U.S. Fish and Wildlife Service. Once the RCW population has been recovered, Fort Bragg will have much greater freedom in training and siting construction to support our mission.

The Army is being forced to buy more land, using taxpayers dollars, to protect woodpecker colonies.

Gen. Robert E. Lee wrote these words to his wife on December 25, 1862:

What a cruel thing is war: to separate and destroy families and friends, and mar the purest joys and happiness God has granted to us in this world; to fill our hearts with hatred instead of love for our neighbors, and to devastate the fair face of this beautiful world!

There will always be threats to our national security. The cold war may be over, but there still remain threats to our national security. We owe our soldiers the best possible training.

It is outrageous to sacrifice the training of our troops on the altar of environmentalism.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there any further debate on this amendment?

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Madam President, first of all, this is legislation on an appropriations bill, and I think that is improper to start with. But more than that, it is absolutely clear that in the Environment and Public Works Committee we are going to deal with the Endangered Species Act this year. That act is coming up for reauthorization and, indeed, it has not been reauthorized in several years, but we are going to reauthorize it. We are going to review it in connection with all the problems that have been cited so frequently.

I just think it is a mistake for us to be going at this piecemeal with every State which has a particular problem with the Endangered Species Act, to bring it forward in this piecemeal fashion. We are going to go at it in a very thoughtful way with hearings, with the administration testifying, with those Senators who wish to testify to come forward and, indeed, just today, we considered a measure by the Senator from Texas that would apply a 6-month moratorium on further listings under the Endangered Species Act. It deals solely with section 4, which is the listing section, and it does not deal with section 7, which is the conciliation section. That is quite proper.

In our committee, we had the Secretary of the Interior, Secretary Bruce Babbitt, testify. We had representatives from industry, and we had representatives from the affected areas and that is a very thoughtful way to proceed on this.

But I do deplore the procedure that is occurring tonight, which is to take a particular section and a particular area and say you cannot apply the Endangered Species Act to that.

Now, maybe there should not be colonies of woodpeckers provided for, but who knows what else might be encompassed under this procedure?

So, Madam President, I think it is very unfortunate that we are proceeding in this fashion, and I hope that the amendment will not be accepted.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from California.

Mrs. BOXER. Mr. President, I really hope in this particular case the Senate will follow the leadership of John CHAFEE, the chairman of the Environment and Public Works Committee. I think it is not the right way to go about amending the Endangered Species Act, to attack it on every type of bill that comes before us. It is not the right way to govern.

I wish to read what the amendment says:

> Notwithstanding any other law, for fiscal year 1995 and each fiscal year thereafter, the Endangered Species Act shall not apply with respect to land under the jurisdiction of the Department of the Army at Fort Bragg, NC.

Well, if everybody carved out their territory, we would not be doing much to preserve the species that we really have an obligation to preserve.

Today, in the hearing of the Environment and Public Works Committee, we spent about 4 hours debating the Endangered Species Act. Many people do not realize that the drug taxol, which is the hope for those with ovarian cancer and breast cancer, came from a plant called the yew tree. Many people do not realize that the hope of finding cures for all kinds of dreaded diseases lies with these plants, these exotic plants, sometimes very simple weeds.

There is a company which grew up in the Silicon Valley of California called Shaman Pharmaceutical. It is a very interesting story. A shaman in the old culture is actually a doctor, and Shaman Pharmaceutical was founded here in the United States of America by a very bright young woman, business woman who realized the value that lies in these plants in the South American rain forests, and they have come forward with at least three drugs from these exotic plants which hold tremendous promise to treat lung disease and very, very difficult diseases to cure.

So I would say we do not know what endangered species lie in this particular area of Fort Bragg. We do not know what particular plants are there, what species are there, if they hold hope for the future. But simply to attach this amendment to a bill that deals with paying for military operations is certainly the wrong way to go about it.

So I certainly do hope that our colleagues on both sides of the aisle will follow the leadership of Senator CHAFEE, the chairman of the Environment and Public Works Committee. Let us show our faith in his leadership of this committee. It is going to be difficult to reauthorize the Endangered Species Act. We know we have to make it better. But we also know that if we pick it apart piece by piece, area by area, it seems to me we are robbing this country of some very important, potentially lifesaving endangered species. A lot of people say, when you point out that a specie is in danger, what does that have to do with me, this little bird over here? They make fun of some of the endangered species.

Well, the fact is we have an ecological chain, and everyone supports saving the bald eagle. The Endangered Species Act saved the bald eagle. Everyone supported saving the California condor. And I will tell you, we lost in California the grizzly bear because we were not on top of preserving it. We lost that opportunity forever. It is gone. Our grandchildren will never know what a California grizzly bear really was. So this is not the way to go about the debate on the Endangered Species Act.

We had Secretary of the Interior Babbitt in front of the committee today. He clearly stated he has gotten the message. He is going to work with communities. He is talking about exempting private properties, small parcels, from the Act so that we do not overburden small property owners. I think we are making terrific progress.

The Senator from Rhode Island is working with the Senator from Texas, and I think the bill she now has is moving in the right direction. I personally do not support a moratorium on this because you might lose a species in the process, which I think is the wrong way to go. But we are working together in the committee, Democrats and Republicans alike.

So, again, I am very surprised to see this amendment. I had no idea it was coming to the floor. I am pleased I was here so I could participate in the debate. I hope we will at the proper time vote against this amendment. It simply does not make any sense to have an amendment such as this on a bill which deals with paying for military operations.

I thank the Chair. I yield the floor.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, as one of the managers of this measure, I find this amendment to be most unfortunate. We have not had the opportunity of listening to all of the facts. I have listened very carefully to the distinguished chairman of the committee, the Senator from Rhode Island, and I believe all of us should take his sage advice. The committee is about to take up the whole measure of endangered species. This is an appropriations bill, and to have legislation of this sort placed upon it would place the whole measure in jeopardy. I hope we would do something to resolve this matter.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The other Senator from North Carolina is recognized.

Mr. FAIRCLOTH. Mr. President, I would like to speak on the amendment of my fellow Senator from North Carolina in regard to the red-cockaded woodpecker and the problem it has presented to Fort Bragg. The EPW has been completely out of reason in what we should be doing there, and they set

a quota of 300 colonies of red-cockaded woodpeckers that had to be established on the Fort Bragg military reservation. Some 25,000 acres have already been contributed to raising woodpeckers, and now we are talking about buying roughly 12,000 more acres at $15 million of taxpayers' money to meet the quota of 300 colonies of red-cockaded woodpeckers.

I think the amendment that Senator HELMS has proposed is a good one. But I also agree with Senator CHAFEE that we need to bring it up before the EPW Committee, of which Senator CHAFEE is chairman, and of which I am a member. I would like the opportunity to work with Senator CHAFEE in the EPW Committee, and I will personally commit to the Senator from North Carolina that it will be done expeditiously and we will bring it up and act on it in the EPW Committee if he would see fit to withdraw his amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank my colleagues from North Carolina and I want to say this to them. We have not had an opportunity to have a hearing on this. We will rapidly. I do not want to say tomorrow or the day after, but all I can say is we will get to it as rapidly as we can. We will listen to the testimony, we will have the folks from the Army up, we will have folks from the Fish and Wildlife—I presume they are the people who are dealing with this—and possibly the EPA people. We will do the best we can to resolve this.

Obviously, if we cannot resolve it I will so inform the Senators from North Carolina and they will have opportunities to bring this up again. But it will be our earnest attempt to get this thing settled in a fashion that recognizes the problems that have been set forth by both the distinguished Senators.

So that is my commitment to attend to it very soon. I hope they will give me a little time to get to this because we have to get witnesses and, again, I cannot say it is going to be tomorrow, I cannot say it is going to be next week. But I can just say we will get right to it.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, needless to say I thank the Senator from Rhode Island. His proposition is fair. Every piece of legislation ought to stand on its own merits. Even though I think this is a ridiculous situation extant at Fort Bragg, NC, it is the same kind of ridiculous situation that is confronting businessmen all over this country. I am glad the Senator is working on that proposition.

In view of what has been said here, Mr. President, I ask unanimous consent that the yeas and nays be vitiated.

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

Mr. HELMS. Mr. President, I withdraw the amendment.

The PRESIDING OFFICER. The Senator now has that right.

The amendment is withdrawn.

The amendment (No. 325) was withdrawn.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the distinguished senior Senator from North Carolina and the junior Senator. The junior Senator is a very esteemed member of our committee. I know he will pay close attention to this whole matter.

Second, I thank the senior Senator from Hawaii for his support in this matter. When he spoke, it got everybody's attention. Likewise, the distinguished Senator from California, who so ably spoke on this previously. Now it is up to us. We will get to it in the Environment and Public Works Committee.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 326

(Purpose: To strengthen international sanctions against the Castro government in Cuba, to develop a plan to support a transition government leading to a democratically elected government in Cuba, and for other purposes.)

Mr. HELMS. Mr. President, I send to the desk a printed amendment and I ask the sponsors be identified by the clerk in the preface to the bill. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] for himself, Mr. DOLE, Mr. MACK, Mr. COVERDELL, Mr. GRAHAM, Mr. D'AMATO, Mr. HATCH, Mr. GRAMM, Mr. THURMOND, Mr. FAIRCLOTH, Mr. GREGG, Mr. Inhofe, Mr. HOLLINGS, Ms. SNOWE, Mr. KYL, Mr. THOMAS, Mr. SMITH, Mr. LIEBERMAN, Mr. WARNER, Mr. NICKLES, and Mr. ROBB proposes an amendment numbered 326.

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

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The PRESIDING OFFICER. The Chair notifies the Senator from North Carolina that there is a pending first-degree amendment at this time.

Mr. HELMS. I was not aware of that. I ask unanimous consent that it be temporarily laid aside so I can discuss my amendment.

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

Mr. HELMS. Mr. President, I was astonished to learn this morning that President Clinton's advisers have recommended that he ease up on the embargo against Fidel Castro's Communist Dictatorship in Cuba. If these advisers are parading under the flag of expertise, it's a false flag, and they are doing great harm to the President with such advice.

This is no time to be reducing U.S. pressure on Castro. It is precisely the wrong way to go. Backing off on Castro will help the Castro Communist dictatorship and do great harm to the Cuban people—who already have suffered too much for 36 years.

I have made it clear that, as chairman of the Senate Foreign Relations Committee, doing everything possible to bring freedom and democracy to Cuba is at the top of my priority list.

That is why I introduced the Cuban Liberty and Democratic Solidarity [Libertad] Act as my first piece of legislation as chairman of the Foreign Relations Committee.

Fidel Castro's brutal and cruel Communist dictatorship has persecuted the Cuban people for 36 years. He is the world's longest reigning tyrant.

Let me be clear: Whether Castro leaves Cuba in a vertical or horizontal position is up to him and the Cuban people. But he must—and will—leave Cuba.

I categorically reject suggestions to lift or soften the embargo. For 36 years, both Republican and Democratic Presidents have maintained a consistent, bipartisan policy of isolating Castor's dictatorship.

There must be no retreat in that policy today. If anything, with the collapse of the U.S.S.R. and the end of Soviet subsidies to Cuba, the embargo is finally having the effect on Castro that has been intended all along. Why should the United States let up the pressure how? It is time to tighten the screws—not loosen them. We have an obligation—to our principles and to the Cuban people—to elevate the pressure on Castro until the Cuban people are free.

The bipartisan Cuba policy has led the American people to stand together in support of restoring freedom to Cuba. As for my legislation, it incorporates and builds upon the significant work of the two distinguished Senators from Florida, CONNIE MACK and BOB GRAHAM, and of a number of our colleagues in the House of Representatives.

The message we should be sending to both Castro and those who want to do business with him are contained in the Cuban Liberty and Democratic Solidarity Act now at the desk. The message is: Isolate Castro until the Cuban people are free.

We can achieve this by strengthening international sanctions against the Castro regime by prohibiting sugar imports from countries that purchase sugar from Cuba and then sell that sugar to us; and instructing our representatives to the International Financial Institutions to vote against loans to Cuba and to require the United

States to withhold our contribution to those same institutions if they ignore our objections and aid the Castro regime.

We can accomplish this objective by urging the President to seek an international embargo against Cuba at the United Nations, and by prohibiting loans or other financing by a United States person to a foreign person or entity who purchases an American property confiscated by the Cuban regime.

My legislation reaffirms the 1992 Cuban Democracy Act, revitalizes our broadcasting programs to Cuba, and cuts off foreign aid to any independent state of the former Soviet Union that aids Castro, specifically if that aid goes for the operation of military and intelligence facilities in Cuba which threaten the United States.

This bill encourages free and fair elections in Cuba after Mr. Castro is gone and authorizes programs to promote free market and private enterprise in Cuba.

The bill also helps U.S. citizens and U.S. companies whose property was confiscated by the Castro regime by denying entry into the United States to anyone who confiscates or benefits from such property and by allowing a U.S. citizen with a confiscated property claim to go into a U.S. court to seek compensation from a person or entity which is being unjustly enriched by the use of that confiscated property.

Mr. President, the Cuban people are industrious and innovative. In countries where people are allowed to live and work in freedom, they have prospered. My hope and the hope of the cosponsors of this bill, is that this bill will hasten an end to the brutal Castro dictatorship and make Cuba free and prosperous once more.

Mr. President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I want to commend the distinguished Senator from North Carolina. I understand he has laid the amendment down and we will continue the debate tomorrow morning.

I think when the administration talks about easing sanctions on Cuba they have made a big, big mistake. They have misread the American people, not just in the State of Florida where many Cuban-Americans reside. They have misread the public opinion all across America.

I hope that we have a good discussion of this amendment tomorrow morning. I thank the Senator from North Carolina. I am a cosponsor of the amendment. I thank him for laying down the amendment this time.

I hope my colleagues will have an opportunity to study the amendment overnight and to also review the remarks of the Senator from North Carolina so that they might also participate in the debate.

We are back on the bill at 10:30 or 11 tomorrow. I am not certain. We have not made that determination yet.

I thank the Chair. I thank my colleague.

Mr. HELMS. I thank the distinguished majority leader.

Mr. President, parliamentary inquiry. This amendment is to an excepted committee amendment. Is that not correct?

The PRESIDING OFFICER. It is the understanding of the chair that the Senator from North Carolina has an amendment set aside to propose this to the bill itself. The Senator, however, has the right to change it.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

MODIFICATION OF AMENDMENT NO. 326

Mr. HELMS. Mr. President, I ask unanimous consent that I may modify, at the bottom of page 1 of the amendment, so as to read, ''At the end of the first excepted committee amendment, add the following:''.

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

Mr. HELMS. I send the modification to the desk.

The PRESIDING OFFICER. The amendment is so modified.

The modification reads as follows:

At the end of the first excepted committee amendment, add the following:

Mr. HELMS. I thank the Chair.

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. 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.

MORNING BUSINESS

GUEST CHAPLAIN, REV. PAUL W. LAVIN

Mr. HATFIELD. Mr. President, last week, we had the distinct honor of sharing the floor with a credentialed and principled brother, guest Chaplain, Rev. Paul W. Lavin. I have been fortunate to have shared a friendship with Father Lavin that has enriched me in many ways. This friendship has developed, as Father Lavin has graciously opened his parish to me in the morning, so I can begin my day with prayer and worship. These times have been invaluable as I wrestle with the difficult and complex issues that we regularly face in the Senate.

Father Lavin visited us with many accomplishments and distinctions. Father Lavin did his undergraduate work at King's College and then later attended seminary at Seminary of Our Lady of Angels. After receiving his master degree from seminary, he was ordained a year later by Patrick Cardinal O'Boyle at St. Matthew's Cathedral in Washington, DC. This marked the beginning of his official religious ministry. He accepted his first pastorate, at Mount Calvary Parish where he ministered for 5 years. During his tenure, he established the ECHO retreat program for high school seniors and young adults in the Archdiocese of Washington. This program remains the primary youth retreat in the Archdiocese.

Father Lavin continued his commitment to young people in his next position as the director of Youth Retreats for the Catholic Youth Organization of the Archdiocese of Washington. Under his direction the Catholic Youth Organization created a retreat center in Silver Spring, MD which he administered until 1979. For the next 10 years, he served as the chaplain of American University. In his capacity, he established the Hannan Series, which brought those involved in significant public service together with American students to discuss how their faith has influenced their public lives. He then returned to the pastorate becoming the pastor of Mother Seton Parish which is a parish of 1,800 Catholic families in suburban Montgomery county. His present position as the pastor of St. Joseph's on Capitol Hill, is what has caused our paths to meet.

Father Lavin also is distinguished by many appointments which include: national chaplain of the Junior Catholic Daughters of America, member of board of directors of the Bishop McNamara High School, and president of Germantown HELP which is an ecumenical crisis helping organization.

I have been blessed by my relationship with Father Lavin. While I have no plans to forsake my Baptist commitments, I have always felt welcome at St. Joseph's. So much so, that when my daughter was engaged to a Catholic, I suggested that she hold her wedding at St. Joseph's, a suggestion that she eagerly complied with. Later my granddaughter was baptized at St. Joseph's.

It is encouraging when people can come together in fellowship made possible by their common bond in Christ. I have experienced this fellowship with Father Lavin, and I look forward to continued interaction with him in the future.

GUEST CHAPLAIN, REV. ERNEST R. GIBSON

Mr. DOMENICI. Mr. President, it is my distinct honor to reflect on the accomplishments of our guest Chaplain, Rev. Ernest R. Gibson. Reverend Gibson is a product of Howard University

where he studied sociology and religion. He has been putting his studies to work in his capacity as the pastor of the First Rising Mount Zion Baptist Church. He began pastoring this church in 1952, and he continues as head of this congregation today. Under his leadership, his church has grown from 65 members to its current attendance of 1,700 active members.

The history and development of Gibson's congregation serves as a tribute to his life accomplishments. Four years after Gibson started as pastor of First Rising Mount Zion Baptist Church, in 1956, they bought their first building in Northwest Washington, DC. Later in 1973, they oversaw the construction of the Gibson Plaza which was a 10-story, 217-unit apartment building for low and moderate income families. In 1985, they completed construction of their education building, and recently in 1990, they completed construction of a new church building.

Reverend Gibson's congregation serves as a positive force in its surrounding community working proactively to address the needs of those less fortunate. They offer many programs including, a college guarantee offering tuition assistance up to full tuition, an outpatient drug treatment facility, a weekly food distribution which reaches an average of 300 individuals, and a meal program for homeless families.

Reverend Gibson's commitment to his community extends greater than his responsibilities as the pastor of First Rising Mount Zion Baptist Church. He was also the chairman of glass recycling program in cooperation with the Glass Packaging Institute and Mid-Atlantic Glass Recycling Program. Under his leadership they saw a total of 10 different churches and agencies participate.

As well as being active in his surrounding community, Reverend Gibson was involved with other persons of faith, in his role as the executive director of the Council of Churches of Greater Washington. In this ecumenical work, the reverend urged churches to be more concerned about social issues, coordinated a voter registration drive which placed registrars in more than 30 churches, and directed the Interfaith Conference. He also was the co-chair of the Greater Washington Billy Graham Crusade in 1986, coordinating the efforts of local churches in their support of this endeavor.

I am proud to share the floor with Reverend Gibson because he is a man whose religious convictions make an impact on the treatment of others. He has clearly taken to heart Christ's recommendation to feed his sheep. Gibson's commitment to the service of others is undeniable and his faithful devotion to his congregation is obvious. We need more pastors like Gibson who are devoted not just to their congregation, but also to the surrounding community. His body of believers can act as an example to the church in America of what it means to serve the community.

TRIBUTE TO THE REVEREND NEAL JONES

Mr. COATS. Mr. President, I would like to use this opportunity to provide a statement of appreciation for Rev. Neal Jones, who has volunteered this week to open our Senate sessions with prayer.

Mr. President, Reverend Jones has faithfully served for the last 26 years as the pastor of Columbia Baptist Church in Falls Church, VA. During this time of esteemed service, Reverend Jones has displayed the personal, professional and spiritual characteristics that distinguish him for the important role of opening the Senate's day with prayer.

Reverend Jones has a heart devoted to God, as evidenced by his love of people and concern for others. Of special note relating to his duties in the Senate, Reverend Jones has a broad doctrinal understanding of various religious traditions, and, while firm in his convictions, he has maintained an attitude of grace toward differences of opinion.

Pastor Jones has a warm and winsome manner allowing him to pastor to all types of persons without regard to their status. He has a truly special gift for pastoral ministry and encouragement.

Mr. President, these personal, professional and spiritual traits are revealed through Reverend Jones' dedicated work in the community. Under the leadership of Pastor Jones, Columbia Baptist has grown into a dynamic church ministering to a changing community in extraordinary ways. The church has a vibrant Korean and Hispanic ministry, a model child-care program of low-income families and single mothers, a major food, clothing, and medical program for a sister church in Moscow, and many other community outreach programs.

In addition to providing leadership and guidance for these ministry activities, Reverend Jones serves on the Executive Board of Prison Fellowship; he is a member of the Baylor University Board of Regents; and he has served on the Foreign Mission Board and is past president of the Baptist General Association of Virginia. Reverend Jones also has shared his ministry in Japan, Africa, and Russia.

Mr. President, as I am sure my colleagues have noticed this week, the Reverend Jones has an extraordinary gift of prayer. One prominent national Christian leader told me, ''Neal's prayers would rank with those of Peter Marshall,'' who is, perhaps, the best known of all past Senate chaplains.

Mr. President, the U.S. Senate has been truly blessed by the efforts of Rev. Neal Jones, and I am honored to have this opportunity to recognize and commend him for his service to us this week.

I yield the floor.

HOWARD W. HUNTER

Mr. HATCH. Mr. President, I rise today to pay tribute to the life and contributions of a singular individual. Howard W. Hunter, president of the world's nearly 9 million members of the Church of Jesus Christ of Latter-Day Saints, better known as the Mormons, completed his earthly sojourn last Friday, March 3, 1995.

Although his tenure as head of the church was relatively brief, he has left an indelible impression for good, forged through many years of service to his church and to humankind in a variety of capacities.

Those of us who have heard him speak, both in large assembly and in personal setting, were inspired, moved, and edified by his counsel. His physical frailty, as he battled cancer, stood in direct contrast to the force of his spirit, conviction, and care for those he loved and served.

President Hunter brought his own special gifts to his last calling. He bore his witness to the redeeming power of the atonement and the gospel of Christ that he loved with an invitation that included all of God's children. Like his exemplar, Jesus Christ, he included the faithful and the fallen in his spiritual embrace.

Despite an impressive personal resume, President Hunter downplayed his own accomplishments and reached out to others to encourage and to aid. In many respects, his life can be described as a fulfillment of the Savior's observation:

> And whosoever of you will be the chiefest, shall be servant of all.
>
> For even the Son of Man came not to be ministered unto, but to minister, and to give His life a ransom for many.—Mark 10:44, 45.

Howard William Hunter was born November 14, 1907, in Boise, ID. As a young man, he excelled scholastically and developed a lifelong love for music and scouting. He enjoyed a successful career as a corporate lawyer in California. He was called to be a member of the council of the Twelve Apostles of the Church of Jesus Christ of Latter-Day Saints in October 1959. The following three decades saw him travel worldwide in his fulltime church service.

At the age of 86, President Hunter succeeded President Ezra Taft Benson, who died May 30, 1994. He became the 14th president of the church.

President Hunter was married to Clara May Jeffs. She died October 9, 1983. He later married Inis Bernice Egan on April 20, 1990.

He was the father of 3 sons, eighteen grandchildren, and 16 great-grandchildren.

His legacy lives on not only in his posterity, but in his example and strong witness of his beliefs to the world.

REGARDING THE PASSING OF LDS CHURCH PRESIDENT HOWARD W. HUNTER

Mr. KEMPTHORNE. Mr. President, I would like to take this opportunity to note the passing of one of this Nation's great citizens and religious leaders. On March 3, 1995, the Church of Jesus Christ of Latter-day Saints, on behalf of his family, announced the death of President Howard W. Hunter.

President Hunter, an Idaho native, was named the 14th president of the LDS Church in June of 1994. His message, throughout his service to the LDS Church, was a prayer for compassion and tolerance. In his first statement as president he said, ''To the membership of the Church in every country of the world and to people everywhere I extend my love. . . . I pray we might treat each other with more kindness, more courtesy, more humility and patience and forgiveness.''

President Hunter was born in Boise, ID, on November 14, 1907, to John William and Nellie Marie Rasmussen Hunter. At an early age, President Hunter showed a quick mind and dedication as he attained the rank of Eagle Scout in the Boy Scouts of America. In addition, he exhibited a gift for music and learned to play the saxophone, clarinet, violin, and drums. His love of music was so great that he even organized his own orchestra, Hunter's Croonaders. The Croonaders were a popular fixture in Boise for many years.

President Hunter briefly attended the University of Washington, and later, in 1939, graduated cum laude from Southwestern University Law School with a Juris Doctor degree. He did this studying nights while holding a full-time job.

During his professional career, President Hunter practiced corporate law in Los Angeles where he was eventually named to the boards of 24 corporations. He also served as assistant district commissioner for the Boy Scouts of America for the Metropolitan Los Angeles area, as well as serving his church in a variety of positions ranging from bishop to president of the Pasadena California Stake.

On October 10, 1959, President Hunter was called to serve as a member of his church's Council of the Twelve Apostles. He served as acting president of this quorum from 1985 to 1988, and was president from June 1988 to June 1994.

After 52 years of marriage, President Hunter's first wife, Clara May Jeffs, passed away in 1983. Later, in April 1990, he married his second wife, the former Inis Bernice Egan. President Hunter is survived by his second wife; 2 sons, John J. Hunter of Ojai, CA, and Richard A. Hunter of San Jose, CA; 18 grandchildren and 16 great-grandchildren.

Mr. President, we are saddened by the death of such a great and talented man. But he will be remembered for his message of compassion and love, and his example of hard work and success that he exhibited throughout his life.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, lets's have our little pop quiz again: How many million dollars are in $1 trillion? When you arrive at an answer, bear in mind that it was Congress that ran up a debt now exceeding $4.8 trillion.

To be exact, as of the close of business yesterday, Monday, March 6, the total Federal debt—down to the penny—stood at $4,840,905,153,915.08—meaning that every man, woman, and child in America now owes $18,376.42 computed on a per capita basis.

Mr. President, again to answer the pop quiz question, How many million in a trillion? There are a million million in a trillion; and you can thank the U.S. Congress for the existing Federal debt exceeding $4.8 trillion.

EASING UNITED STATES SANCTIONS TOWARD CUBA

Mr. PELL. Mr. President, as you know, I have spoken at length in this Chamber about the need to review United States policy toward Cuba. Therefore, I was very pleased to see reported in the Washington Post this morning that President Clinton is considering taking some modest steps toward altering the existing sanctions policy, in favor of more communication and contact between the Cuban and American people.

As I understand it, what is under consideration is the rolling back of last August's sanctions that were imposed during the Cuban migrant crisis—sanctions that have prohibited Cuban-Americans from sending money to family members in Cuba or visiting them, except in cases of dire emergency.

I believe that the President will find that there is a great deal of support for taking these steps within the Cuban-American community—many of whom have been forced to sit back and do nothing to cushion the severe economic hardships they see their loved ones on the island enduring. I would urge the President to move forward with these measures, if for no other reason than on humanitarian grounds.

In addition to rolling back the August sanctions, the President appears to be considering whether to set forth a list of steps that the Cuban Government might take to elicit the calibrated easing of United States sanctions policy. This technique was contemplated a number of years ago when relations with Castro had temporarily thawed, but was overtaken by events before it was ever implemented. It is clearly worth exploring.

After more than 30 years of mistrust, confidence building measures on both sides will be needed in order to lay the groundwork for productive negotiations on issues of mutual concern to both countries. Someone must make the first gesture. I believe that if President Clinton acts affirmatively on the policy changes currently before him, he will be taking that very important first step. I would urge that he do so.

I would ask unanimous consent that an article entitled ''Clinton May Ease Sanctions on Cuba'' that appeared in the Washington Post on March 7, 1995 be printed in the RECORD at the conclusion of my remarks.

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

[The Washington Post, Tuesday, March 7, 1995]

CLINTON MAY EASE SANCTIONS ON CUBA

(By Daniel Williams and Ann Devroy)

President Clinton's foreign policy advisers are recommending he take steps toward easing relations with Cuba by revoking some economic sanctions adopted against the nation in August, administration officials said yesterday.

The proposal, which has not yet been accepted by Clinton, would lift the ban that blocks Cuban exiles from sending cash to relatives on the island and would ease severe limits on travel to Cuba by U.S. citizens.

In addition, the advisers recommend issuing a list of steps that Cuban President Fidel Castro could take to qualify for a ''calibrated response'' by the United States. That could lead to talks on issues that have separated the two countries for more than 30 years, the officials said.

Any easing of restrictions would put Clinton into a confrontation with Sen. Jesse Helms (R–N.C.), chairman of the Senate Foreign Relations Committee, who has drawn up legislation designed to tighten economic sanctions on Cuba.

Helms, other conservative Republicans, some anti-Castro Democratic legislators and the Cuban exile communities in Florida and New Jersey have long favored tougher treatment of Castro.

Senior foreign policy advisers have prepared a memo for Clinton to make the case that the August sanctions, which formed part of the U.S. effort to persuade Castro to stop the flow of Cuban boat people to America, succeeded and should now be removed.

During the summer, a relaxing of coastal surveillance by Castro ignited a massive exodus of raft people, 30,000 of whom took to the seas for Florida.

The outpouring caused Clinton to reverse longstanding U.S. policy and bar their landing on U.S. soil.

Since 1963, Cubans who arrived on U.S. shores had been all but guaranteed automatic political asylum.

But Clinton feared an immigration crisis at a time of a nationwide political backlash against newcomers.

So most of the Cubans were sent to the U.S. Naval Base at Guantanamo Bay on Cuba's southeastern tip.

The decision not to admit the Cubans angered many in the Cuban-American community.

So, to mollify them as well as punish Castro, Clinton agreed to tighten the three-decade-old ban on trade with Cuba. The new sanctions included a bar on the sending of cash to relatives by Cuban Americans.

In addition, travel to this island was sharply restricted, as visits by relatives were curtailed and a Treasury Department permit was required for trips by educational researchers and other groups.

At the time, the Clinton administration estimated that the ban on cash remittances and reduced travel would cost the Cuban economy an estimated $150 million per year. The new actions under consideration would not affect the rest of the trade ban.

Soon after imposing the tougher sanctions, the United States entered talks with Cuba aimed at easing the immigration crisis. The two sides reached a deal in which Cuba, in return for again blocking the outflow of raft people, received a guarantee of 20,000 visas a year for its citizens to go to the United States. The administration rejected a bid by Cuba to revoke the new sanctions as part of the immigration deal.

The time has come, some U.S. officials believe, to test whether Castro is willing to make deep economic and political reforms, a senior administration official said. The administration has engaged in a low-level debate over most of the past two years on whether to try to encourage political liberalization in Cuba by engaging Castro and loosening the overall trade embargo against the island nation.

Some mid-level State Department officials and others had proposed for months that Washington engage Castro either to help avert chaos surrounding a future succession or, in case of chaos, to establish a relationship that could avoid more refugee waves.

But the White House saw no political gain for easing relations. Last fall, Secretary of State Warren Christopher said Castro would have to make political reforms before the United States could engage on such issues as the embargo, eased travel relations and diplomatic relations.

The administration, before making a ''calibrated response,'' will be looking for wider economic reforms to establish a free market on the island as well as political reforms, including the stationing of human rights monitors on the island, the senior official said.

MESSAGES FROM THE HOUSE

At 3 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill; in which it reuqests the concurrence of the Senate:

H.R. 925. An act to compensate owners of private property for the effect of certain regualtory restrictions.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 925. An act to compensate owners of private property for the effect of certain regulatory restrictions; to the Committee on Environment and Public Works.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–454. A communication from the Office of the Nuclear Waste Negotiator, transmitting, pursuant to law, the final report of the Office; to the Committee on Energy and Natural Resources.

EC–455. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the Office of Surface Mining Reclamation and Enforcement for 1994; to the Committee on Energy and Natural Resources.

EC–456. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–457. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–458. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–459. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC–460. A communication from the General Sales Manager of the Department of Agriculture, transmitting, pursuant to law, a report relative to the availability of lentils and dry edible peas; to the Committee on Agriculture, Nutrition and Forestry.

EC–461. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 93–20; to the Committee on Appropriations.

EC–462. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94–7; to the Committee on Appropriations.

EC–463. A communication from the Director of the Standards of Conduct Office, Department of Defense, transmitting, pursuant to law, a report relative to persons who filed DD Form 1787; to the Committee on Armed Services.

EC–464. A communication from the Director, Legislative Liaison, Department of the Air Force, transmitting, pursuant to law, a report relative to the Air Force's portion of the 1995 Base Realignment and Closure recommendations; to the Committee on Armed Services.

EC–465. A communication from the Deputy Under Secretary of Defense (Environmental Security), transmitting, pursuant to law, notification of a delay in the submission of a report relative to environmental compliance; to the Committee on Armed Services.

EC–466. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the Defense Commercial Telecommunications Network; to the Committee on Armed Services.

EC–467. A communication from the Administrator of the Panama Canal Commission, transmitting, a draft of proposed legislation to authorize expenditures for fiscal year 1996 for the operation and maintenance of the Panama Canal and for other purposes; to the Committee on Armed Services.

EC–468. A communication from the Assistant Secretary of Defense for Economic Security, transmitting, pursuant to law, the BRAC 95 Force Structure Plan for the Armed Forces; to the Committee on Armed Services.

EC–469. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to authorize appropriations for fiscal years 1996 and 1997 for the United States Coast Guard, and for other purposes; to the Committee on Commerce, Science and Transportation.

EC–470. A communication from the Administrator of the Federal Aviation Administration, transmitting, pursuant to law, a report relative to the Traffic Alert and Collision Avoidance System; to the Committee on Commerce, Science and Transportation.

EC–471. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's annual report on the Automotive Fuel Economy Program; to the Committee on Commerce, Science and Transportation.

EC–472. A communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, the annual report of the United States Government for fiscal year 1994; to the Committee on Finance.

EC–473. A communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, the quarterly report on the expenditures and need for worker adjustment assistance training funds; to the Committee on Finance.

EC–474. A communication from the Chairman of the Prospective Payment Assessment Commission, transmitting, pursuant to law, the annual report of the Commission dated March 1, 1995; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs, without recommendation without amendment:

S. 4. A bill to grant the power to the President to reduce budget authority (Rept. No. 104–13).

By Mr. ROTH, from the Committee on Governmental Affairs, without recommendation with an amendment:

S. 14. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to provide for the expedited consideration of certain proposed cancellations of budget items (Rept. No. 104–14).

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. CRAIG (for himself, Mr. MURKOWSKI, Mr. REID, Mr. BRYAN, Mr. DOMENICI, Mr. BURNS, Mr. THOMAS, Mr. HATCH, Mr. BENNETT, Mr. STEVENS, Mr. KEMPTHORNE, Mr. KYL, and Mr. PRESSLER):

S. 506. A bill to amend the general mining laws to provide a reasonable royalty from mineral activities on Federal lands, to specify reclamation requirements for mineral activities on Federal lands, to create a State program for the reclamation of abandoned hard rock mining sites on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PRESSLER:

S. 507. A bill to amend title 18 of the United States Code regarding false identification

documents, and for other purposes; to the Committee on the Judiciary.

By Mr. MURKOWSKI (for himself, Mr. BREAUX, Mr. GORTON, Mr. STEVENS, Mr. COCHRAN, and Mr. CAMPBELL):

S. 508. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities; to the Committee on Finance.

By Mr. CAMPBELL (for himself and Mr. BROWN):

S. 509. A bill to authorize the Secretary of the Interior to enter into an appropriate form of agreement with, the town of Grand Lake, Colorado, authorizing the town to maintain permanently a cemetery in the Rocky Mountain National Park; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself and Mr. INOUYE):

S. 510. A bill to extend the authorization for certain programs under the Native American Programs Act of 1974, and for other purposes; to the Committee on Indian Affairs.

By Mr. DOMENICI (for himself and Mr. ABRAHAM):

S. 511. A bill to require the periodic review and automatic termination of Federal regulations; to the Committee on Governmental Affairs.

By Mr. GRASSLEY:

S. 512. A bill to amend title XVIII of the Social Security Act to provide for a 5-year extension of the medicare-dependent, small, rural hospital payment provisions, and for other purposes; to the Committee on Finance.

By Mr. HEFLIN:

S. 513. A bill to amend chapter 23 of title 28, United States Code, to authorize voluntary alternative dispute resolution programs in Federal courts, and for other purposes; to the Committee on the Judiciary.

By Mr. AKAKA:

S. 514. A bill for the relief of the heirs, successors, or assigns of Sadae Tamabayashi; to the Committee on the Judiciary.

By Mr. BRADLEY:

S. 515. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through the reduction of harmful substances in meat and poultry that present a threat to public health, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HEFLIN (for himself and Mr. SHELBY):

S. 516. A bill to transfer responsibility for the aquaculture research program under Public Law 85–342 from the Secretary of the Interior to the Secretary of Agriculture, and for other purposes; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRAIG (for himself, Mr. MURKOWSKI, Mr. REID, Mr. BRYAN, Mr. DOMENICI, Mr. BURNS, Mr. THOMAS, Mr. HATCH, Mr. BENNETT, Mr. STEVENS, Mr. KEMPTHORNE, Mr. KYL, and Mr. PRESSLER):

S. 506. A bill to amend the general mining laws to provide a reasonable royalty from mineral activities on Federal lands, to specify reclamation requirements for mineral activities on Federal lands, to create a State program for the reclamation of abandoned hard rock mining sites on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

MINING LAW REFORM ACT

Mr. CRAIG. Mr. President, in the last Congress, Members in the Senate and our colleagues in the other Chamber worked hard to reform the laws under which the U.S. mining industry operate on the vast Federal lands of the west. Members on both sides of the aisle, from all regions of the country, acknowledged that the mining law of 1872 needed change. While I was disappointed we did not pass legislation in the last Congress to reform mining law, I would have been more disappointed if Congress had accepted some of the reform proposals that were put forward at that time. The reason for my concern was the proposals offered at that time did not meet my primary test of fair legislation. That test is this country's mining industry that annually contributes approximately $53 billion to our economy will not be driven to economic ruin nor to operate only in other countries.

Today, I am introducing, a bipartisan bill in conjunction with Chairman MURKOWSKI, Senator REID and 10 other of my colleagues. The Mining Law Reform Act of 1995, is a bill which will ensure continued mineral production in the United States. It provides for a fair economic return from minerals extracted on public lands, and will link mining practices on Federal lands to State and Federal environmental laws and land-use plans. This bill provides a balanced and equitable solution to concerns raised over the existing mining law.

Mining in the United States is an important part of our Nation's economy. It serves the national interest by maintaining a steady and reliable supply of the materials that drive our industries. Revenue from mining fuels local economies by providing family income and preserving community tax bases. Mining has become an American success story. Fifteen years ago, U.S. manufacturers were forced to rely on foreign producers for 75 percent of the gold they needed. Today, the United States is more than self-sufficient. The domestic mining industry not only meets the demand, but produces a gold surplus of 36 percent, worth $1.5 billion in export balance of payments.

Mining, however, is a business associated with enormous up-front costs and marginal profits. Excessive royalties discourage, and in other countries have discouraged, mineral exploration. Too large a royalty would undermine the competitiveness of the mining industry. The end result of excessive Government involvement would be the movement of mining operations overseas and the loss of American jobs. The legislation I am introducing today will keep U.S. mines competitive and prevent the movement of U.S. jobs to other countries.

The general mining law is the cornerstone of U.S. mining practices. It establishes a useful relationship between industry and Government to promote the extraction of minerals from mineral rich Federal lands. Although the cornerstone of this law was originally enacted in 1872, it remains to function effectively today. The law has been amended and revised many times since its original passage. The legislation I am introducing today preserves the solid foundation provided by this law and makes some important revisions that address the concerns that have been paramount in this debate that I have been involved in for nearly a decade.

Specifically, the Mining Law Reform Act of 1995 will insure revenue to the Federal Government by imposing fair and equitable net royalties. It requires payment of fair market value for lands to be mined. It assures lands will return to the public sector it they are not developed for mineral production, as is intended in this legislation. Furthermore, to prevent mining interests from using patented land for purposes other than mining, the bill limits residential occupancy to that which is only necessary to carry out mining activities.

To ensure mining activities do not unnecessarily degrade Federal lands, the Mining Law Reform Act mandates compliance with all Federal State and local environmental laws with regard to land use and reclamation. To enforce these provisions, the bill includes civil penalties and the authority for compliance orders.

Finally, this bill creates a program to address the environmental problems associated with abandoned mines. Working directly with the States, the Mining Law Reform Act directs one-third of the royalty receipts to abandoned mine cleanup programs; another one-third of those receipts could be used by States if they so decided.

The legislation I am proposing today is in the best interest of the American people because it provides revenue from public resources, assures mines will be developed in an environmentally sensitive manner and that abandoned mines from earlier eras will be reclaimed. It is fair to mining interests because it imposes reasonable fees and royalties. It is good for the environment because it assures land use and reclamation activities. I ask my colleagues to join me in support of this legislation and look forward to hearings and Senate legislative action.

Mr. PRESSLER. Mr. President, I am pleased to join my colleagues today in introducing legislation to reform the mining law of 1872. I congratulate my distinguished friend, Senator LARRY CRAIG, for all of his hard work on this very important issue.

As a Senator from a State with significant mining activity, reform of the obsolete mining law of 1872 is imperative. There are currently 95 mining companies operating in the State of South Dakota, bringing in more than $321 million in gross State revenues. Many of these are small businesses.

The mining industry employs almost 2,500 South Dakotans.

I therefore represent many dedicated individuals who are an integral part of South Dakota's economy. I also represent a number of citizens who believe all mining activity should be stopped. In South Dakota, as in a number of States, citizens are deeply divided on issues related to mining.

However, my constituents are all in agreement on one basic point: the mining law of 1872 is outdated. It needs to be revised. I believe the legislation we are introducing today is a fair approach to reforming this antiquated law.

Mr. President, in my State of South Dakota, five major gold mining companies conduct large scale surface mining for gold on roughly 2,400 acres of land in the Black Hills. Current expansion proposals cover at least another 1,300 acres, including 800 acres of U.S. Forest Service land. Additionally, there are numerous exploratory drilling operations on Forest Service lands in the Black Hills.

Over the past few years, I have held many public meetings in South Dakota in which South Dakota mining operations were discussed. The problems inherent in the mining law of 1872 come up again and again at these meetings.

Many South Dakotans are particularly concerned about the existing land patent provisions and the extremely low fees required to purchase Federal land. Current law allows Federal land to be offered at a base price of $2.50 or $5.00 per acre. This is a virtual giveaway. Anyone who has visited the beautiful Black Hills National Forest in western South Dakota would certainly agree that those lands are worth far more. It is important that responsible mining activity be permitted. However, in this time of huge Federal deficit spending, it is time these fees were reformed to reflect good fiscal common sense.

This legislation takes care of that. It brings much needed revenue back to the Federal Government. This legislation mandates that the fair market value be charged for ownership of Federal lands. In addition, it imposes claim holding fees of $100 per year, per claim.

This legislation also would ensure that the Government gets paid for some of the value of what is in the land. It would impose a net royalty of 3 percent on proceeds from mining activity. This provision is based on the State-imposed net proceeds tax, which is working quite successfully in Nevada. It makes good economic sense.

Another issue South Dakotans always raise is reclamation. It is certainly important that we encourage responsible caretaking of South Dakota's Federal lands—both to maintain the health of the Black Hills National Forest, and to preserve its natural beauty. Who knows best how to take care of South Dakota's Federal lands than South Dakotans? That's why I support the provision of this bill which places the responsibility for developing reclamation standards in the hands of the States. Those of us here in Washington, from Members of Congress to Government bureaucrats, don't always know what is best for the Federal lands in South Dakota—or even Wyoming or Colorado. Each State is in a better position to judge for itself what is best for its own environmental well-being.

Last year, we spent a great deal of time working to develop a compromise on mining law reform. Unfortunately, we were unsuccessful in passing a final bill. I believe that this year's legislation incorporates many elements of last year's compromise. This bill has widespread support from the mining industry. It is sound legislation, and we should not delay in moving it forward.

On behalf of many South Dakotans, I urge my colleagues in the Senate to give this matter serious consideration. Many provisions of the 1872 mining law need to be revised. The dedicated miners of South Dakota and the rest of the country should no longer be asked to shoulder the burdens imposed by this antiquated law. I look forward to working with members of the Senate Committee on Energy and Natural Resources as they strive to make this bill into a fair and equitable mining reform law.

By Mr. PRESSLER:

S. 507. A bill to amend title 18 of the United States Code regarding false identification documents, and for other purposes; to the Committee on the Judiciary.

FALSE IDENTIFICATION ACT

Mr. PRESSLER. Mr. President, today I am pleased to reintroduce legislation designed to attack a growing problem: the use of false identification documents [ID's] by young people under 21 years of age. I introduced a similar bill late last year.

Several years ago, Congress conditioned Federal highway funding on the requirement that States have a minimum drinking age of at least 21 years. Since then, all 50 States have come into compliance. One consequence has been a dramatic increase in the use of false ID's by young people to illegally purchase alcoholic beverages. An illegal, underground black market has emerged, supplying cheap documents to satisfy this demand. The prevalence of counterfeit ID's poses a growing menace to the licensed beverage industry, and promotes alcohol abuse among young Americans.

With modern computer graphic programs, counterfeiting a driver's license is child's play for sophisticated computer users. On October 3, 1994, the Washington Times published a front-page article entitled ''Fake IDs surmount high-tech obstacles: Underage drinkers flock to buy them.'' The article describes how easily falsified identification documents can be created by computers and the steps various States are taking in response.

Several State driver's licenses, including Maryland and California, now include a hologram, two separate pictures, and a magnetic strip in an effort to make counterfeiting more difficult. However, even these measures are being duplicated with relative ease. It is time for Congress to take action.

The bill I am introducing today attacks this problem in two ways. First, it reduces, from five to three, the number of false identification documents that must be in an individual's possession before a prison sentence, a fine, or both, can be imposed under Federal law. Second, it requires a prison sentence, a fine, or both, for anyone convicted of using the mail to send a false ID to someone under 21 years of age.

Mr. President, let me explain both of these provisions in more detail. The first provision tightens current Federal law which provides penalties for knowingly possessing or transferring unlawfully five or more false identification documents. The number of false ID's necessary to trigger this law would be reduced from five to three. Someone convicted under this provision would face a fine of up to $15,000, imprisonment of up to 3 years, or both.

These days, it is far too easy and cheap to buy a fake ID. therefore, buying alcohol is not difficult for someone under 21. A recent report by the U.S. Department of Health and Human Services stated that ''minors can get state driver's license in Times Square in New York City for $10 to $15 each.'' Young people always have attempted to buy alcohol at an early age. Nothing Congress does will suppress the urge for alcohol in young people.

However, this bill is not directed at someone under 21 years of age who possesses one or two false ID's. We can do little to address the demand, but we can do something to reduce the supply. The Federal Government needs to crack down on those in the business of illegally producing and transferring false ID's. By stiffening Federal penalties for the production and distribution of false ID's, this bill will punish those who profit from teenage alcohol abuse and make obtaining false documents more difficult.

The second provision of this bill creates a new penalty for using the mails to distribute false ID's. Under this provision, anyone who knowingly sends an identification document showing an individuals to be 21 years old or older through the mails—without first verifying the individual's actual age—can be imprisoned for up to 1 year, be fined, or both. Verification can be satisfied by viewing a certification or other written communication confirming the age of the individual being identified.

This provision attempts to stem the interstate distribution of false ID's. Forty-six States currently have laws prohibiting youths from misrepresenting their age in order to purchase alcohol. But nothing prohibits minors from obtaining false ID's from other States

through the mail. Tough Federal action is necessary. This provision will affect businesses specializing in mail-order false ID's.

To conclude, let me say this legislation has the support of the National Licensed Beverage Association and the South Dakota Retail Liquor Dealers Association. I urge my colleagues to join them in supporting this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point. I also ask consent that several newspaper articles be included in the RECORD at the conclusion of my remarks.

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

S. 507

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 ''False Identification Act of 1995.''

SEC. 2. MINIMUM NUMBER OF DOCUMENTS FOR CERTAIN OFFENSE.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)(3), by striking ''five'' and inserting ''3''; and

(2) in subsection (b)(1)(B), by striking ''five'' and inserting ''3''.

SEC. 3. REQUIRED VERIFICATION OF MAILED IDENTIFICATION DOCUMENTS.

(a) IN GENERAL.—Chapter 83 of title 18, United States Code, is amended by adding at the end the following:

§ 1739. Verification of identification documents

''(a) Whoever knowingly sends through the mails any unverified identification document that bears a birth date—

''(1) purporting to be that of the individual named in the document; and

''(2) showing such individual to be 21 years of age or older;

when in fact that individual has not attained the age of 21 years, shall be fined under this title or imprisoned not more than 1 year, or both.

''(b) As used in this section—

''(1) the term 'unverified', with respect to an identification document, means that the sender has not personally viewed a certification or other written communication confirming the age of the individual to be identified in the document from—

''(A) a governmental entity within the United States or any of its territories or possessions; or

''(B) a duly licensed physician, hospital, or medical clinic within the United States; and

''(2) the term 'identification document' means a card, certificate, or paper intended to be used primarily to identify an individual.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 83 of title 18, United States Code, is amended by adding at the end the following new item:

''1739. Verification of identification documents.''.

(c) CONFORMING AMENDMENT.—Section 3001(a) of title 39, United States Code, is amended by striking ''or 1738'' and inserting ''1738, or 1739''.

[From the Washington Times, Oct. 3, 1994]

FAKE IDs SURMOUNT HIGH-TECH OBSTACLES—UNDERAGE DRINKERS FLOCK TO BUY THEM

(By Matt Neufeld)

The high-tech revolution has helped boost one local cottage industry with a potentially lethal product: fake identification cards for underaged drinkers.

Illegal, falsified ID cards are prevalent among underage drinkers, especially college students, and their production flourishes no matter how many steps authorities take to make them difficult to copy, police and government officials say.

''Fake IDs are rampant,'' said Trina Leonard, an aide to Montgomery County Council member Gail Ewing, who is also chairwoman of the Maryland Underage Drinking Prevention Coalition. ''Fake IDs are an enormous problem among teenagers because they frequently are a passport to death and injury for kids.''

The use and manufacture of fake IDs has been a concern of parents, police and state motor vehicle authorities for decades. The problem surfaced again after Friday's announcement that three of the four Walt Whitman High School girls involved in the Sept. 6 double-fatal car crash in Potomac were carrying fake IDs.

The girls did not use their IDs that night, Montgomery County police said, but relied instead on another way in which teens procure alcohol: They had an adult buy 2½ cases of beer for them from a liquor store in Georgetown the night of the crash.

One mother of a boy who knew the girls later found four different phony IDs in her own son's wallet, she told friends.

Even as states take dozens of precautions in preparing high-technology licenses designed to be difficult to copy, technology-savvy students and underground counterfeiters match the authorities' steps in meticulous and frustrating ways.

''It continues to be a problem, because, as police say, no matter how tough they get, kids are smart and they always find a way to get them,'' said Tim Kime, a spokesman for the Washington Regional Alcohol Program, a private advocacy group.

''We live in the age of computers, and you can do wonderful things with a computer. You get the right background [cloth], the picture, the laminator, and you've got a pretty good ID,'' said Sgt. David Dennison, who heads the Prince George's County police collision analysis and reconstruction unit. The unit's responsibilities include drunken driving and underage drinking.

''You bet there's some computer geniuses out there at these colleges who find it very easy to do,'' Sgt. Dennison said. ''If they can print money with computers, driver's licenses aren't that hard.''

In the Potomac crash, driver Elizabeth Clark, 16, and a front-seat passenger, Katherine Zirkle, 16, were killed with Elizabeth's 1987 BMW hit a tree along River Road at 12:55 a.m.

Two friends riding in the back seat, Elinor ''Nori'' Andrews, 15, and Gretchen Sparrow, 16, were hospitalized with serious injuries but were released last week.

Police said Elizabeth had a blood-alcohol level of .17 percent, nearly double the .10 percent level that state law defines as driving while intoxicated. Katherine's blood-alcohol level was .03 percent police said.

In Maryland, minors with a blood-alcohol level of .02 percent can have their licenses taken on the spot.

Detecting homegrown phony IDs isn't always easy, authorities say.

''In fact some police officers on the street couldn't tell the difference unless they thoroughly examine them. You can be fooled,'' said Sgt. John Daly of the Metropolitan Police check and fraud division.

Earlier this year, Maryland introduced driver's licenses with holograms, two separate pictures and a magnetic strip in an effort to counter the counterfeiters.

''But the kids are duplicating those,'' said Ms. Leonard, the Montgomery council aide. ''A police officer told me that [soon] after those came out, a kid took electrical tape and put it on a fake ID.''

Although many high school students have fake IDs, police find that most of them are manufactured, distributed and used by college students. The IDs are bought, sold and distributed through an underground black market spread by word of mouth.

Area students often make or procure fake IDs in the form of licenses from far-away states such as Iowa or Kansas, thinking local businesses won't know the difference. A widely known legal guidebook available to businesses shows up-to-date pictures of licenses from every state, but police say that many merchants are too lazy to consult it.

THREE CHARGED IN FAKE-ID SCAM

CHARLOTTESVILLE.—Three former University of Virginia students have been charged in what police said was a scheme to pass stolen student identification cards and fraudulent checks.

Police at the University of North Carolina at Chapel Hill said the ring operated in two states. Based in Charlottesville, it included several former members of Alpha Phi Alpha, a service fraternity at the University of Virginia that was suspended in 1992 after a hazing incident.

Investigators believe the students stole about 400 UNC-Chapel Hill ID cards in January to pass stolen or counterfeited checks and to get state ID cards in North Carolina and Virginia.

North Carolina authorities last week charged Canu C. DiBona, 21, of Durham, N.C. with one count of felony financial transaction card theft. Marcus A. Tucker, 23, of Charlottesville was arrested Sept. 15 on several charges, including felony financial transaction card theft and two counts of forgery.

Authorities said Phillipe Zamore, 21, also of Charlottesville also was implicated in the scheme. He was arrested in April and charged with felony larceny after attempting to use an illegally obtained credit card at a University of Virginia bookstore.

Authorities said more arrests are expected.

Investigators said the cards reportedly have turned up as far away as New York and Florida. Near the UNC-Chapel Hill campus alone, the ring has used up to $20,000 in bad checks, Lt. Clay Williams of the campus police said.

Police said members of the alleged ring used sophisticated equipment to read information on magnetic tape on the backs of the IDs, and even printed their own checks with a laser printer.

''All these kids are smart—that's what's striking about this.'' Lt. Williams said. ''We have very intelligent young men—extremely computer literate, highly articulate—that could be upstanding professionals in the community, but instead they chose the lure of fast money.''

[From the St. Joseph's University (PA) Hawk, Mar. 15 1994]

BUSTED!—2 SJU STUDENTS ARRESTED IN FAKE I.D. RING

(By Maureen O'Connell)

The population of the state of New Jersey recently fluctuated by an estimated 100 to 200 citizens as students under the age of 21 obtained fraudulent drivers' licenses for that

state through an operation based on the ground floor of Sourin Residence Hall and the Adam's Mark Hotel last weekend.

St. Joseph's University Security and the Pennsylvania State Police stepped in to curb this rapid population boom and arrested six students and two juveniles directly connected with the scheme. Two of the six students, identified by The Philadelphia Inquirer as Salvatore Carollo and Carl Lynn, attend St. Joseph's and are residents of Sourin room 15. According to the Inquirer both were arraigned on Sunday evening on charges of forgery and manufacturing false identification.

The fake ID factory, which turned out near-authentic licenses with the help of advanced computer programming and other electronic devices at the cost of $100 a pop, was not a well kept secret and was quickly leaked to St. Joseph's University Security and the Pennsylvania State Police.

According to director of public safety and security Albert Hall, a ''top security'' officer discovered the operation during a shift on Friday evening.

''He notified me at home and had some very good information that this was happening,'' said Hall.

''By the sign-in logs it is pretty evident that it started on Thursday evening,'' said Hall.

''I decided we had a felony being committed and I knew we had to bring it to law enforcement's attention or we would be obstructing justice. I then called the Pennsylvania State Police and left a message. Later that evening, [an officer in the] Fraudulent Document Unit called and he was very interested in what was going on.''

Hall said that shortly after he made his call, the State Police received a call from an informed parent.

According to Hall, University security met with State Police the next morning, Saturday, at 8 a.m. to determine a strategy.

''A plan was devised to introduce a state trooper as a student and to have the Pennsylvania state trooper be sent through the process,'' said Hall.

The trooper joined students in the assembly line—he entered Sourin, gave the necessary personal information which was logged into a computer, trekked to the Adams Mark Hotel, was photographed, and received his ''bogus ID.''

Almost immediately, Security and the State Police entered Sourin while the State Police alone entered the Adam's Mark.

''We went through the room (in Sourin) and found the outside person who we believe to be responsible for typing information into the computer,'' said Hall. He also mentioned that the Police also found ''more electronic equipment.''

According to Hall, four St. Joseph's students were present in the room in Sourin. One was completely unconnected with the operation and consequently released. Two others were given non-traffic citations for summary offenses and the fourth was arrested for misdemeanors of fraud and manufacturing false documents.

Hall mentioned that three visiting students were also in the room, one of whom was released. The remaining two visitors were charged with felonies for fraud and manufacturing false documents.

''I have very good information that they have worked other schools in the Maryland area and I have put them in touch with the State Police,'' said Hall.

He also claimed that State Police seized ''what appeared to be back-up discs for information saved on computers.''

''Another group of St. Joseph's students who went to the Adam's Mark Hotel with the trooper were issued non-traffic citations,'' added Hall.

''Several other participants were charged with felonies at the Adam's Mark Hotel,'' he said.

According to Pennsylvania State Trooper Gant who has been involved in subsequent investigations, an additional 5 to 7 students were given non-traffic citations in the hotel.

Gant explained that these citations involve ''sliding fines'' up to $500 dollars, depending upon judicial decision.

''The people arrested were held at Eighth and Race awaiting arraignment until Sunday,'' said Hall. ''For the parties involved charged with felonies and misdemeanors there is a range of penalties from fines to jail sentences.''

Regardless of Commonwealth penalties, the University will subject the two arrested students to the traditional disciplinary system.

''Two St. Joseph's undergraduates arrested over the weekend in a counterfeit I.D. scheme have been suspended by the University pending further investigation and review,'' said director of external relations Joseph Lundardi in a press release on Monday. ''An internal disciplinary hearing will be conducted later this week, with findings and/or sanctions referred to the Vice President for Student Life and Provost.''

According to the Student Handbook both students committed the following major violations: 1) Misrepresentation of identity or age; forging or altering records including University identification card: 2.) Maliciously entering and/or using University premises, facilities or property without authorization. The two may also have violated the guest policy.

Possible sanctions for such violations include summary discipline dismissal, expulsion, suspension, removal from the residence community, disciplinary probation, restitution or fines.

The pair have been given the choice to appear before an administrator within the Student Life system or to have a hearing with the Peer Review Board. According to the Peer Review Board's handbook ''present attitude; past record (both positive and negative); severity of damage, injury, harm or destruction or potential for such; honesty, cooperation and willingness to make amends'' will all be taken into consideration when deliberating for sanctions.

Regardless of their fate, an undetermined number of students currently possess the false I.D.s and according to both Hall and Gant, the State Police have a record of names.

''The Police will be making a decision on how to handle the students who purchased these fraudulent New Jersey licenses,'' said Hall. ''The state police have alerted all liquor stores in the area to be on the lookout for those New Jersey. I.D.s which are distinguishable by a code which is on all of them,'' he added.

[From the St. Joseph's University (PA) Hawk, Mar. 25, 1994]

STUDENT ACCOUNTS OF RAID AND AFTERMATH

(By Jessica Hausmann)

Students were stunned this Saturday as police busted a fake ID ring centered in a room in Sourin, as well as in the Adam's Mark Hotel on City Avenue. Several St. Joe's students purchased ID's and some of them were understandably worried.

One student, who did not purchase an ID, was present in the room when the police arrived.

''The door gets kicked in (and they shout) 'Hit the floor! F.B.I., State Police! Everybody down, down!' just like a scene out of 'Cops','' said the student. ''They handcuffed me to one of the guys whose room it was, who I felt bad for because he didn't know the full impact of what was going on,'' he added.

Police spent some time in the room trying to sort out who was in charge. ''They recognized one of the girls as the person who takes the people from Sourin to the Adam's Mark. Her and the kid at the computer, those two played it cool and calm. Everybody else was flipping out. One kid was crying, bawling and he didn't even do anything. He was in there looking for one of his friends,'' said the student.

''Eventually they took three of us out, me, the other one and this girl. They didn't take us out in handcuffs or anything, they just took us in the police car, and took us down,'' explained the student. ''The cop was trying to get something out of the kids that would incriminate the other kids,'' he said.

''When they took us down to the station, at one point there was this St. Joe's official and he saw the one kid was crying and he went up to him and said, 'You better tell him everything you know if you want to stay in this school,''' the student reported.

The student said he was held for two and a half hours and then released. He claims that some of the agents looked very familiar to him.

''I recognized three undercover agents as people who I thought were St. Joe's students,'' he said.

He also claimed that this is not the only location this group has hit.

''I knew a guy whose sister came up for the weekend and she got the same exact ID from the same people at a different school,'' he said.

Some students who did purchase an ID at St. Joseph's, but were not present when the police arrived, are worried because of rumors of a computer disk containing all of the names of students who purchased the fake NJ licenses.

''I'm very nervous,'' said one student who purchased an ID on Friday. She reported that she paid $100 for the fake license.

''I went over to Sourin and went in the room. I filled out a sheet with all the information and someone entered it into a computer. They printed it out and I gave it to this guy. Then they took us to the Adam's Mark Hotel on the twelfth floor where all the camera stuff was set up. I signed a paper and then they took the picture. They ran it through these machines and five minutes later I had the ID,'' she explained.

The student had been signed into Sourin by a friend who lives in the building. She said it was obvious that not everyone could have been signed into the same room since it was fairly crowded.

''There were twelve people there when I was there,'' she noted.

One student reported that he had to sign a disclaimer stating that the license was not endorsed by the government or the New Jersey Department of Motor Vehicles. He claimed it also stated that all of the information given by the student was true to the best of his knowledge.

Another student reported purchasing a different kind of fake ID in the same room in Sourin prior to the scandal.

''I got a Virginia license in the same room almost a month ago for $60,'' reported the student. She intends to use the ID, but not around here.

Students who were not involved in the incident in any way were also affected. Some 21-year-old students with legitimate New Jersey licenses are concerned that it may become more difficult for them to get into area bars.

''I better be able to get into The Duck or I'm going to kill someone, said junior Chris

Ferland, who recently turned 21. Some students who are under 21 are worried that it will now be more difficult to obtain alcohol from places that previously did not card or that accepted fake IDs.

Students working for the admissions office as tour guides are also affected. The office has prepared them for possible difficulties they may encounter on tours as parents and perspective students ask them about the scandal itself or about a quote appearing in a front page article in Monday's Philadelphia Inquirer regarding the incident, in which a student is quoted as saying that there are no activities or events for students on campus during the weekend.

''They told us to be honest about what happened and to stress that there are activities on campus but that they are not alcohol related events and some students choose not to attend them or they choose to drink before they go to them,'' said junior tour guide Angie Faust.

Faust believes that this student's statement can hurt all St. Joe's students.

''What one student said can hurt our reputation as a school,'' she said.

By Mr. MURKOWSKI (for himself, Mr. BREAUX, Mr. GORTON, Mr. STEVENS, Mr. COCHRAN, and Mr. CAMPBELL):

S. 508. A bill to amend the Internal Revenue Code of 1986 to modify certain provisions relating to the treatment of forestry activities; to the Committee on Finance.

REFORESTATION TAX ACT

Mr. MURKOWSKI. Mr. President, I am pleased to be joined by Senators BREAUX, GORTON, STEVENS, COCHRAN, and CAMPBELL in introducing the Reforestation Tax Act of 1995. This legislation will encourage investment in and sound management of privately owned forest land.

Mr. President, our forests serve as the foundation of a multibillion dollar forest products industry. From lumber and construction materials to pulp and paper, timber provides a wide range of products that are essential to modern living. At the same time, our forests provide wildlife habitat, maintain watershed, and are used for a broad range of recreational activities, including fishing, hunting, hiking, and camping.

One of the challenges facing this country is ensuring that we have enough forests to meet our wildlife habitat and watershed needs as well as sustaining a reliable supply of timber for forest products. As harvest levels on public lands decline, we need to encourage private foresters to invest in and properly maintain their stock of trees.

Yet there is strong evidence that private and public tree replanting is declining. According to the U.S. Forest Service tree replanting and direct seeding has been steadily declining. Between 1980 and 1988, annual private tree planting increased from 1.76 million acres per year to 2.96 million acres per year. However, in every year since 1988, private tree replantings have continuously declined, reaching barely 2.04 million acres in 1993—one-third lower than in 1988.

The decline in private reforestation reflects the reality that this is a very long-term, high-risk business. Trees can take anywhere from 25 to 75 years to grow to maturity, depending on the type of tree and regional weather and soil conditions. The key to success is good management which is costly. And fire and disease can wipe out acres of trees at any time during the long growing period.

The legislation we are introducing today will boost private investment in forests and aid in the cost of maintaining these forests. Our legislation has four components:

Partial elimination of the tax on inflationary gains. The gain from the sale of private timber would be reduced by 3 percent for each year the timber is owned, up to a maximum reduction of 50 percent of the gain. This should protect long-term investors in forest land from being taxed on inflationary gains.

Doubling the reforestation tax credit. The current reforestation tax credit has been significantly eroded by inflation because it has not been increased in 15 years. Our bill doubles the amount of reforestation expenditures eligible for the credit—from $10,000 to $20,000—and indexes this amount for future inflation.

Amortization of reforestation expenses. The current law special 7-year amortization for up to $10,000 of forestation expenses also has not kept up with inflation since it was enacted in 1980. Our legislation increases this amount to $20,000 and indexes it for future inflation. In addition, it reduces the amortization period to 5 years.

Passive loss rules. Treasury regulations seriously discourage private forester from employing sound forest management practices. Our bill revises the regulations by providing that private foresters, like most other business entrepreneurs, can prove that they are materially participating in the forestry business.

Mr. President, there can be no doubt that passage of this legislation is a key to the preservation and expansion of investment in this vital natural resources. It has been endorsed by conservation, environmental and forestry organizations including the American Forest and Paper Association, the National Association of State Foresters, the Wilderness Society and the Natural Resources Defense Council.

I urge my colleagues to join us in this effort to encourage long-term investment in private forest land and cosponsor this important legislation.

I ask unanimous consent that the text of the bill and a list of the organizations supporting this legislation be included in the RECORD.

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

S. 508

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 ''Reforestation Tax Act of 1995''.

SEC. 2. PARTIAL INFLATION ADJUSTMENT FOR TIMBER.

(a) IN GENERAL.—Part I of subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to treatment of capital gains) is amended by adding at the end the following new section:

''SEC. 1203. PARTIAL INFLATION ADJUSTMENT FOR TIMBER.

''(a) IN GENERAL.—At the election of any taxpayer who has qualified timber gain for any taxable year, there shall be allowed as a deduction from gross income an amount equal to the qualified percentage of such gain.

''(b) QUALIFIED TIMBER GAIN.—For purposes of this section, the term 'qualified timber gain' means the lesser of—

''(1) the net capital gain for the taxable year, or

''(2) the net capital gain for the taxable year determined by taking into account only gains and losses from timber.

''(c) QUALIFIED PERCENTAGE.—For purposes of this section, the term 'qualified percentage' means the percentage (not exceeding 50 percent) determined by multiplying—

''(1) 3 percent, by

''(2) the number of years in the holding period of the taxpayer with respect to the timber.

''(d) ESTATES AND TRUSTS.—In the case of an estate or trust, the deduction under subsection (a) shall be computed by excluding the portion (if any) of the gains for the taxable year from sales or exchanges of capital assets which, under sections 652 and 662 (relating to inclusions of amounts in gross income of beneficiaries of trusts), is includible by the income beneficiaries as gain derived from the sale or exchange of capital assets.''

(b) COORDINATION WITH EXISTING LIMITATIONS.—

(1) Subsection (h) of section 1 of such Code (relating to maximum capital gains rate) is amended by inserting after ''net capital gain'' each place it appears the following: ''(other than qualified timber gain with respect to which an election is made under section 1203)''.

(2) Subsection (a) of section 1201 of such Code (relating to alternative tax for corporations) is amended by inserting after ''net capital gain'' each place it appears the following: ''(other than qualified timber gain with respect to which an election is made under section 1203)''.

(c) ALLOWANCE OF DEDUCTION IN COMPUTING ADJUSTED GROSS INCOME.—Subsection (a) of section 62 of such Code (relating to definition of adjusted gross income) is amended by adding after paragraph (15) the following new paragraph:

''(16) PARTIAL INFLATION ADJUSTMENT FOR TIMBER.—The deduction allowed by section 1203.''

(d) CONFORMING AMENDMENT.—The table of sections for part I of subchapter P of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 1203. Partial inflation adjustment for timber.''

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after December 31, 1994.

SEC. 3. APPLICATION OF PASSIVE LOSS LIMITATIONS TO TIMBER ACTIVITIES.

(a) IN GENERAL.—Treasury regulations sections 1.469–5T(b)(2) (ii) and (iii) shall not apply to any closely held timber activity if the nature of such activity is such that the aggregate hours devoted to management of the activity for any year is generally less than 100 hours.

(b) DEFINITIONS.—For purposes of subsection (a)—

(1) CLOSELY HELD ACTIVITY.—An activity shall be treated as closely held if at least 80 percent of the ownership interests in the activity is held—

(A) by 5 or fewer individuals, or

(B) by individuals who are members of the same family (within the meaning of section 2032A(e)(2) of the Internal Revenue Code of 1986).

An interest in a limited partnership shall in no event be treated as a closely held activity for purposes of this section.

(2) TIMBER ACTIVITY.—The term ''timber activity'' means the planting, cultivating, caring, cutting, or preparation (other than milling) for market, of trees.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1994.

SEC. 4. AMORTIZATION OF REFORESTATION EXPENDITURES AND REFORESTATION TAX CREDIT.

(a) INCREASE IN MAXIMUM AMORTIZABLE AMOUNT.—Paragraph (1) of section 194(b) of the Internal Revenue Code of 1986 (relating to maximum dollar amount) is amended—

(1) by striking ''The aggregate'' and inserting ''(A) IN GENERAL.—The aggregate'',

(2) by striking ''$10,000 ($5,000'' and inserting ''$20,000 ($10,000'', and

(3) by adding at the end the following new subparagraph:

''(B) INFLATION ADJUSTMENT.—

''(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 1995, each dollar amount contained in subparagraph (A) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 1994' for 'calendar year 1992' in subparagraph (B) of such section.

''(ii) ROUNDING.—If any increase determined under clause (i) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.''

(b) DECREASE IN AMORTIZATION PERIOD.—

(1) IN GENERAL.—Section 194(a) of such Code is amended by striking ''84 months'' and inserting ''60 months''.

(2) CONFORMING AMENDMENT.—Section 194(a) of such Code is amended by striking ''84-month period'' and inserting ''60-month period''.

(c) AVAILABILITY OF DEDUCTION AND CREDIT TO TRUSTS.—Subsection (b) of section 194 of such Code is amended—

(1) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3), and

(2) in paragraph (3) (as so redesignated)—

(A) by inserting ''AND TRUSTS'' after ''ESTATES'' in the heading, and

(B) by inserting ''and trusts'' after ''estates'' in the text.

(d) EFFECTIVE DATE.—

(1) AMORTIZATION PROVISIONS.—Except as provided in paragraph (2), the amendments made by this section shall apply to additions to capital account made after December 31, 1994.

(2) TAX CREDIT PROVISIONS.—In the case of the reforestation credit under section 48(b) of the Internal Revenue Code of 1986, the amendments made by this section shall apply to property acquired after December 31, 1994.

LIST OF COSPONSORING ORGANIZATIONS FOR RTA

American Forest and Paper Association.
Forest Industries Council on Taxation.
Forest Farmers Association.
Southern Forest Products Association.
Southeastern Lumber Manufacturers Association.
Maine Forest Products Council.
Small Woodland Owners Association of Maine.
Oklahoma Forestry Association.
Arkansas Forestry Association.
Southern State Foresters.
Georgia Forestry Association.
Louisiana Forestry Association.
North Carolina Forestry Association.
South Carolina Forestry Association.
Mississippi Forestry Association.
Texas Forestry Association.
Virginia Forestay Association.
American Pulpwood Association.
National Association of State Foresters.
Hardwood Manufacturing Association.
National Hardwood Lumber Association.
Hardwood Research Council.
Hardwood Forest Foundation.
Alabama Forestry Commission.
Stewards of Family Farms, Ranches and Forests.
The Wilderness Society.
The National Woodland Owners Association.
The Oregon Small Woodlands Association.
The Washington Farm Forestry Association.
1,000 Friends of Oregon.
The Idaho Forest Owners Association.
The Forest Landowners of California.
The National Resources Defense Council.

By Mr. CAMPBELL (for himself and Mr. BROWN):

S. 509. A bill to authorize the Secretary of the Interior to enter into an appropriate form of agreement with, the town of Grand Lake, CO., authorizing the town to maintain permanently a cemetery in the Rocky Mountain National Park; to the Committee on Energy and Natural Resources.

ROCKY MOUNTAIN NATIONAL PARK GRAND LAKE CEMETERY ACT

Mr. CAMPBELL. Mr. President, On January 26, 1915, Congress passed legislation creating a 265,726-acre Rocky Mountain National Park. In 1892, long before the park was created, the town of grand lake established a small, less than 5-acre community cemetery that lies barely 1,000 feet inside the western edge of the park. Apparently, in the early 1950's, the National Park Service took notice of the cemetery and issued the town a formal special use permit, which has been renewed over the years. In 1991, Rocky Mountain National Part apparently informed the town of grand lake that it would issue one final 5-year special use permit.

This 103-year-old cemetery has become part of the community's heritage. Grand Lake residents have very strong emotional and personal attachments to it and need to be assured of its continued use and designation as a cemetery. The current permit is due to expire in 1996. All parties have agreed that a more permanent solution was needed to meet the needs of the community and the resource preservation and protection intended by the establishment of the park.

Existing measures available to the National Park Service, including special use permit authority, do not provide for a permanent solution that satisfies both the park and the community. In addition, special uses apparently can only be permitted for a maximum period of 5 years. Given that the town and park agree that the small cemetery is a permanent use, continued renewal of a 5-year permit is not a realistic solution.

In an effort to avoid future difficulties, park and town representatives have agreed that this legislation would offer the best solution to this problem. Authorizing the continued existence of the cemetery with specific size and boundaries within the park also protects park resources. The community has expressed a strong willingness and desire to assume responsibility for permanent management of the cemetery. This legislation would authorize the development of an agreement to turn maintenance responsibilities for the cemetery and road over to the town, resulting in a financial savings to the park. It also recognizes the cultural significance of the cemetery and its strong ties with the history of the Grand Lake area, which includes the story of Rocky Mountain National Park.

This legislation would negate the need for repeated negotiations between the community and the National Park Service, and the chance for misunderstandings. The National Park Service and Grand Lake representatives have worked long and hard on developing this proposal. Enactment of this legislation would go a long way in maintaining and enhancing the spirit of cooperation and good will between park and community that has been achieved during the development of this resolution.

By Mr. MCCAIN (for himself and Mr. INOUYE):

S. 510. A bill to extend the authorization for certain programs under the Native American Programs Act of 1974, and for other purposes; to the Committee on Indian Affairs.

NATIVE AMERICAN PROGRAM REAUTHORIZATION

Mr. MCCAIN. Mr. President, I am pleased to have the vice chairman of the Committee on Indian Affairs, Senator INOUYE, join me today in introducing a bill to extend the authorization for certain programs under the Native American Programs Act of 1974. This program is administered by the Administration for Native Americans, or ANA, within the Department of Health and Human Services.

Each year ANA awards several hundred grants to Indian and Alaska Native tribes and other native communities and organizations for governance, social and economic development, and environmental mitigation projects. While modest in size, ANA grants have proven to be extremely valuable tools for tribes and other native community groups seeking to further their self-sufficiency. ANA and its grants are vital to many Indian and native communities. ANA has earned

strong support from Indian and Alaska Native tribes.

The authority for most of the grants distributed by ANA expires at the end of fiscal year 1995. Although the administration has requested funding for fiscal year 1996 at fiscal year 1995 levels, it has yet to forward a bill to Congress to reauthorize the act.

This important but small program should not be placed in jeopardy by the administration's distraction-of-the-month. Therefore, I am introducing this reauthorization bill without the benefit of the administration's request. The bill would simply extend by 4 years the general authority for ANA appropriations and by 3 years the authority for ANA tribal environmental quality grant appropriations. In both cases, the reauthorization would extend to fiscal year 1999 and the amounts authorized would remain unchanged. The Committee on Indian Affairs has scheduled a hearing on the bill for March 22, 1995, at 2:30 p.m. We hope to complete consideration of the bill by the end of March.

Mr. President, I urge my colleagues to join with me in enacting this reauthorization so that these important funds are not interrupted. I ask unanimous consent that a section-by-section summary and the bill be printed in the RECORD.

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

S. 510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS FOR NATIVE AMERICAN SOCIAL AND ECONOMIC DEVELOPMENT STRATEGIES GRANT PROGRAM.

Section 816 of the Native American Programs Act of 1974 (42 U.S.C. 2992d) is amended—

(1) in subsection (2), by striking ''for fiscal years 1992, 1993, 1994, and 1995.'' and inserting ''for each of fiscal years 1995, 1996, 1997, 1998, and 1999.''; and

(2) in subsection (c), by striking ''and 1996,'' and inserting ''1996, 1997, 1998, and 1999,''.

SECTION-BY-SECTION SUMMARY

Section 1. Authorization of Appropriations of Native American Social and Economic Development Strategies Grant Program.

(1) General Grant Reauthorization. This subsection provides for a four year extension to fiscal year 1999 of the present authority to appropriate such sums as may be necessary for the purpose of carrying out the provisions of the Native American Programs Act of 1974 which do not otherwise have an express authorization of appropriation.

(2) Tribal Environmental Quality Grant Reauthorization. This subsection provides for a three year extension to fiscal year 1999 of the present authority to appropriate $8,000,000 for the purpose of carrying out the provisions Title 42, Section 2991b(d) of the United States Code relating to grants to improve tribal regulation of environmental quality.

By Mr. DOMENICI (for himself and Mr. ABRAHAM):

S. 511. A bill to require the periodic review and automatic termination of Federal regulations; to the Committee on Governmental Affairs.

REGULATORY SUNSET AND REVIEW ACT

Mr. DOMENICI. Mr. President, I am pleased to introduce the Regulatory Sunset and Review Act of 1995, a bill that requires all existing Federal regulations to terminate in 7 years and new regulations to terminate in 5 years unless the appropriate agency, after soliciting public input and with the direction and guidance from Congress and the Office of Management and Budget, determines the regulations are still relevant and necessary.

The purpose of this bill is to address the staggering volume of regulations promulgated each year and the enormous costs associated with these regulations that place such a financial and management burden on all Americans.

This bill could be termed a ''consumers'' bill. As regulations are promulgated by various Government agencies, the cost of complying with these regulations is estimated to be between $250 and $500 billion annually. As noted in the March 4, 1995, Washington Post article, ''The Myths That Rule us:''

> . . . economists are nearly unanimous in believing at least half the cost (of regulations) is passed on to consumers in the form of higher prices. Most of the rest is passed on to employees in the form of lower wages. . . . Put another way, regulation is a form of taxation that amounts to about $2,000 per year for the average U.S. household . . .

It is time we review these regulations to determine if they are necessary—if their benefits outweigh the costs, if they are duplicative, out-of-date, and if they are written in the most clear and unambiguous way possible.

Americans from all walks of life are affected by these regulations: small to large businesses, hospitals and schools, farmers and ranchers, and local, State, and tribal governments, to name but just a few. In the last two months of 1994 alone, 615 proposed and final regulations were published in the Federal Register. In all, the Federal Register totaled 68,107 pages in length in 1994. It is time to get a handle on these regulations to determine if they should be modified or eliminated, and this bill will respond to this need by establishing a mandatory review process by the agencies.

The importance of examining the thousands of existing regulations has been enunciated clearly by my constituents in New Mexico. In 1994, I created a Small Business Advocacy Council to advise me about the problems of small businesses and how Congress could address some of their concerns. The council held 7 meetings in 6 locations throughout the State of New Mexico, and more than 400 businesses participated in these meetings. The consistent theme at all of these meetings was the appearance of an adversarial relationship between the Federal Government and business, as well as the lack of accountability of regulatory agencies in their dealings with business.

A few weeks ago in Albuquerque, the Senate Small Business Committee kicked off a series of field hearings entitled ''Entrepreneurship in America.'' Many members of the Small Business Advocacy Council testified at this hearing and explained to Chairman CHRISTOPHER BOND how difficult it is to not only understand the regulations, but to comply with them.

As an example, one witness said that the EEOC performs audits to ensure that an employer is in compliance with title VII of the Civil Rights Act of 1964. The EEOC asks for a roster of employees to identify minority group, sex, and disabilities. The witness said, however, that while the information may be useful, an employer is unable to ask these questions of applicants or employees.

This is only one example, but over the past year, I can assure you that I have heard countless similar examples that point out the inconsistencies, duplications, and burdensome nature of these Government regulations. And, an important emphasis must be made: all the witnesses understood and supported the positive aspects of regulations—that they were developed with the best intentions for good purposes. The witnesses simply believe that there must be a better way than the present system.

I would like to mention briefly a report by the General Accounting Office [GAO], completed in June 1994, entitled ''Workplace Regulation—Information on Selected Employer and Union Experience.'' While I intend to devote more detail to this report at a later time, let me just mention that the GAO's finding were strikingly similar to the findings of the New Mexico Business Advocacy Council: Those interviewed called for the adoption of a more service-oriented approach to workplace regulation; an improvement to information access and educational assistance to employers, workers, and unions; and more input into agency standard setting and enforcement efforts. The report discussed the constantly changing and complex nature of regulations and that they are often ambiguous with an increased potential for lawsuits.

It is obvious the time has come to review these regulations in a concise and systematic way. The process needs an overhaul, and this bill is designed to help facilitate this restructuring.

I am pleased my distinguished colleague, Senator SPENCER ABRAHAM, is joining me in introduction of this timely measure, and I hope others will soon join us in this endeavor. This bill is almost identical to a measure introduced in the House last week by Representatives CHAPMAN, MICA, and DELAY, H.R. 994. As regulatory reform measures are considered in both Chambers, I believe the Regulatory Sunset and Review Act of 1995 will be an important component of these efforts.

I ask unanimous consent that a statement by Senator ABRAHAM be included as a part of the RECORD and that the text of the bill be printed following these remarks.

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

S. 511

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 ''Regulatory Sunset and Review Act of 1995''.

SEC. 2. PURPOSES.

The purposes of this Act are the following:

(1) To require agencies to regularly review their regulations and make recommendations to terminate, continue in effect, modify, or consolidate those regulations.

(2) To require agencies to submit those recommendations to the Administrator of the Office of Information and Regulatory Affairs and to the Congress.

(3) To provide for the automatic termination of regulations that are not continued in effect after such review.

(4) To designate a Regulatory Review Officer within each agency, who is responsible for the implementation of this Act by the agency.

SEC. 3. REVIEW AND TERMINATION OF REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (c), the effectiveness of a regulation issued by an agency shall terminate on the applicable termination date under subsection (b), and the regulation shall have no force or effect after that termination date, unless the head of the agency—

(1) reviews the regulation in accordance with section 4;

(2) after the review, and at least 120 days before that termination date, submits in accordance with section 5(a) a preliminary report on the findings and proposed recommendations of that review in accordance with section 5(a)(2);

(3) reviews and considers comments regarding the preliminary report that are transmitted to the agency by the Administrator and appropriate committees of the Congress during the 60-day period beginning on the date of submission of the preliminary report; and

(4) after the 60-day period beginning on the date of submission of the preliminary report to the Congress, but not later than 60 days before that termination date, submits to the President, the Administrator, and the Congress, and publishes in the Federal Register—

(A) a final report on the review under section 4 in accordance with section 5(a)(3), and

(B) a notice extending the effectiveness of the regulation, with or without modifications, as of the end of the 60-day period beginning on the date of that publication.

(b) TERMINATION DATES.—For purposes of subsection (a), the termination date of a regulation is as follows:

(1) EXISTING REGULATIONS.—For a regulation in effect on the date of the enactment of the Act, the termination date is the last day of the 7-year period beginning on the date of the enactment of this Act.

(2) NEW REGULATIONS.—For a regulation that first takes effect after the date of the enactment of this Act, the termination date is the last day of the 5-year period beginning on the date the regulation takes effect.

(3) REGULATIONS CONTINUED IN EFFECT.—For a regulation the effectiveness of which is extended under subsection (a), the termination date is the last day of the 7-year period beginning on the date of publication of a notice under subsection (a)(4) for that extension.

(c) TEMPORARY EXTENSION.—The termination date under subsection (b) for a regulation may be delayed by not more than 6 months by the head of the agency that issued the regulation if the agency head submits to the Congress and publishes in the Federal Register a preliminary report that describes modifications that should be made to the regulation.

(d) RELATIONSHIP TO OTHER LAW.—Section 553 of title 5, United States Code, shall not apply to the extension or modification of a regulation in accordance with this Act.

SEC. 4. REVIEW OF REGULATIONS BY AGENCY.

(a) IN GENERAL.—The head of each agency shall, under the criteria set forth in subsection (b)—

(1) conduct thorough and systematic reviews of all regulations issued by the agency to determine if those regulations are obsolete, inconsistent, or duplicative or impede competition; and

(2) issue reports on the findings of those reviews, which contain recommendations for—

(A) terminating or extending the effectiveness of those regulations;

(B) any appropriate modifications to a regulation recommended to be extended; or

(C) any appropriate consolidations of regulations.

(b) CRITERIA FOR REVIEW.—The head of an agency shall review, make recommendations, and terminate or extend the effectiveness of a regulation under this section under the following criteria:

(1) The extent to which the regulation is outdated, obsolete, or unnecessary.

(2) The extent to which the regulation or information required to comply with the regulation duplicates, conflicts with, or overlaps requirements under regulations of other agencies.

(3) The extent to which the regulation impedes competition.

(4) Whether the benefits to society from the regulation exceed the costs to society from the regulation.

(5) Whether the regulation is based on adequate and correct information.

(6) Whether the regulation is worded as simply and clearly as possible.

(7) Whether the most cost-efficient alternative was chosen in the regulation to achieve the objective of the regulation.

(8) The extent to which information requirements under the regulation can be reduced, particularly for small businesses.

(9) Whether the regulation is fashioned to maximize net benefits to society.

(10) Whether the regulation is clear and certain regarding who is required to comply with the regulation.

(11) Whether the regulation maximizes the utility of market mechanisms to the extent feasible.

(12) Whether the condition of the economy and of regulated industries is considered.

(13) Whether the regulation imposes on the private sector the minimum economic burdens necessary to achieve the purposes of the regulation.

(14) Whether the total effect of the regulation across agencies has been examined.

(15) Whether the regulation is crafted to minimize needless litigation.

(16) Whether the regulation is necessary to protect the health and safety of the public.

(17) Whether the regulation has resulted in unintended consequences.

(18) Whether performance standards or other alternatives were utilized to provide adequate flexibility to the regulated industries.

(c) REQUIREMENT TO SOLICIT COMMENTS FROM THE PUBLIC AND PRIVATE SECTOR.—In reviewing regulations under this section, the head of an agency shall publish in the Federal Register a solicitation of comments from the public (including the private sector) regarding the application of the criteria set forth in subsection (b) to the regulation, and shall consider such comments, before making determinations under this section and sending a report under section 5(a) regarding a regulation.

SEC. 5. AGENCY REPORTS.

(a) PRELIMINARY AND FINAL REPORTS ON REVIEWS OF REGULATIONS.—

(1) IN GENERAL.—The head of an agency shall submit to the President, the Administrator, and the Congress and publish in the Federal Register a preliminary report and a final report for each review of a regulation under section 4.

(2) PRELIMINARY REPORT.—A preliminary report shall contain—

(A) specific findings of the agency regarding—

(i) application of the criteria set forth in section 4(b) to the regulation;

(ii) the need for the function of the regulation; and

(iii) whether the regulation duplicates functions of another regulation; and

(B) proposed recommendations on whether—

(i) the effectiveness of the regulation should terminate or be extended;

(ii) the regulation should be modified; and

(iii) the regulation should be consolidated with another regulation.

(3) FINAL REPORT.—A final report on the findings and recommendations of the agency head regarding extension of the effectiveness of the regulation and any appropriate modifications to the regulation shall include—

(A) a full justification of the decision to extend and, if applicable, modify the regulation; and

(B) the basis for all determinations made with respect to that extension or modification under the criteria set forth in section 4(b).

(b) REPORT ON SCHEDULE FOR REVIEWING EXISTING REGULATIONS.—Not later than 100 days after the date of the enactment of this Act, and on or before March 1, annually thereafter, the head of each agency shall submit to the Administrator and the Congress and publish in the Federal Register a report stating a schedule for the review of regulations in accordance with this Act. The schedule shall identify the review actions intended to be conducted during the calendar year in which such report is submitted.

SEC. 6. FUNCTIONS OF ADMINISTRATOR.

(a) IN GENERAL.—The Administrator shall—

(1) review and evaluate each report submitted by the head of an agency under section 5(a), regarding—

(A) the quality of the analysis in the reports;

(B) whether the agency has properly applied the criteria set forth in section 4(b); and

(C) the consistency of the agency action with actions of other agencies; and

(2) transmit to the head of the agency the recommendations of the Administrator regarding the report.

(b) GUIDANCE.—The Administrator shall provide guidance to agencies on the conduct of reviews and the preparation of reports under this Act.

SEC. 7. DESIGNATION OF AGENCY REGULATORY REVIEW OFFICERS.

(a) IN GENERAL.—The head of each agency shall designate an officer of the agency as the Regulatory Review Officer of the agency.

(b) FUNCTIONS.—The Regulatory Review Officer of an agency shall—

(1) be responsible for the implementation of this Act by the agency; and

(2) report directly to the head of the agency with respect to that responsibility.

SEC. 8. JUDICIAL REVIEW.

(a) LIMITATION OF ACTION.—Notwithstanding any other provision of law, an action seeking judicial review of an agency action under this Act extending, terminating, modifying, or consolidating a regulation shall not be brought after the 30-day period beginning on the date of the publication of a notice under section 3(a)(4) for that action.

(b) SCOPE OF REVIEW.—Agency compliance or noncompliance with the provisions of this Act shall be subject to judicial review only pursuant to section 706(1) of title 5, United States Code.

SEC. 9. DEFINITIONS.

For purposes of this Act:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Office.

(2) AGENCY.—The term ''agency'' has the meaning given that term in section 551(1) of title 5, United States Code.

(3) APPROPRIATE COMMITTEE OF THE CONGRESS.—The term ''appropriate committee of the Congress'' means with respect to a regulation each standing committee of the Congress having authority under the rules of the House of Representatives or the Senate to report a bill to enact or amend the provision of law under which the regulation is issued.

(4) OFFICE.—The term ''Office'' means the Office of Information and Regulatory Affairs in the Office of Management and Budget.

(5) REGULATION.—The term ''regulation'' means the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy, other than such a statement to carry out a routine administrative function of an agency.

Mr. ABRAHAM. Mr. President, I strongly support the legislation sponsored by my good friend from New Mexico, Senator PETE DOMENICI.

Not long ago we passed legislation that finally subjects Congress to most work place and other laws that affect the American people. I enthusiastically supported this legislation out of a sense of fundamental fairness: it seemed to me that the body that legislates rules for the rest of society at the very least ought to be obliged to follow those rules itself.

But I had another reason for supporting the accountability act. You see, it seemed to me that when Members of Congress actually had to confront and deal with some of the onerous regulations they have been imposing on the people of America they might decide that it was time to eliminate some of the overregulation that is strangling our economy.

For too long Congress has acted as if regulation is cost free, even though at the U.S. Chamber of Commerce's estimate, they cost our economy $510 billion a year—9 percent of our gross domestic product. For too long Congress has acted as if the burden of paperwork these regulations impose is either light or nonexistent when, according to the chamber of commerce, Federal regulations alone require 6.8 billion hours of paperwork to our businesses and entrepreneurs.

But the accountability act alone will not be enough because the sheer inertia of Government regulation continues to push our businesses, and small businesses in particular, into bankruptcy. We must cull the code books of regulations that are redundant, obsolete, unnecessarily costly and just plain unnecessary.

This Regulatory Sunset and Review Act will go a long way toward fighting the inertia of Government regulation by putting in place a mandatory review procedure for all regulations our bureaucrats want to see continued. It would place in each agency a review officer who would review all regulations, new and old, with the aid of Congress and the Office of Management and Budget.

All existing regulations would terminate within 7 years unless they pass a rigorous review process. For new regulations the initial sunset period would be 5 years. The goal would not be to eliminate all regulations, after all some regulations are needed to enforce statutes we have passed to protect Americans' health and safety as well as their rights. But we do not need regulations, and should not have them, unless as required by this act they are shown to be: necessary; more beneficial than costly; reasonable in their cost and other impact on consumers; clear and unambiguous; unlikely to cause unnecessary litigation; and reasonable in their burden on local, State and National economies.

Only by subjecting our regulations to rigorous, repeated review can we finally bring the spread of over-regulation under control. Only by setting up a standardized review procedure can we ensure that bureaucratic inertia and discretion no longer stifle our economy and our liberties.

I ask unanimous consent that a letter of endorsement for the Domenici-Abraham regulatory sunset bill from the National Federation of Independent Business be entered into the RECORD:

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

NFIB,
Washington, DC, March 6, 1995.

Hon. SPENCE ABRAHAM,
U.S. Senate, Washington, DC.

DEAR SENATOR ABRAHAM: On behalf of the more than 600,000 members of the National Federation of Independent Business, I am writing to support your legislation, the Regulatory Sunset and Review Act.

Government regulations constitute an enormous burden for small businesses. Even beneficial regulations are so complex that small business owners find it increasingly difficult to comply.

The Domenici-Abraham legislation will help curb the cost of federal regulations on small business by sunsetting them. Requiring a periodic justification for existing and future regulations is essential if small businesses are going to start-up, grow and expand while creating jobs all along the way.

With regulatory sunsetting regulations and the federal agencies responsible for them must justify their existence through a review process in order to keep them on the books. Necessary regulations would continue while others would be modified and the unnecessary would disappear.

The Domenici-Abraham regulatory sunset legislation is a concept NFIB members have been supporting for years. Seventy-seven percent of our members voted overwhelmingly to support reevaluating regulations on a frequent basis. We think the Domenici-Abraham approach is a balanced and fair approach to weeding out what works with what is unnecessary in the current regulatory system.

NFIB strongly supports your Regulatory Sunset and Review legislation. We look forward to working with you to pass this legislation.

Sincerely,

JOHN J. MORLEY III,
Vice President,
Federal Governmental Relations.

By Mr. GRASSLEY:

S. 512. A bill to amend title XVIII of the Social Security Act to provide for a 5-year extension of the Medicare-dependent, small, rural hospital payment provisions, and for other purposes; to the Committee on Finance.

MEDICARE DEPENDENT HOSPITALS PROGRAM EXTENSION ACT

Mr. GRASSLEY. Mr. President, I rise to introduce a bill which would extend the Medicare-dependent Hospital Program.

This program expired in October 1994. As its title implied, the hospitals it helped were those which were very dependent on Medicare reimbursement. These were small—100 beds or less—rural, hospitals with not less than 60 percent of total discharges or with 60 percent of total inpatient days attributable to Medicare beneficiaries. The program enabled the hospitals in question to choose the most favorable of three reimbursement methods.

This program was extended, and phased out down to October 1994, in the Omnibus Budget Reconciliation Act of 1993. That act retained the choice of the three original reimbursement methods. But it reduced the reimbursement available from those original computation methods by 50 percent.

My legislation would not extend the program as it was originally enacted by the Omnibus Budget Reconciliation Act of 1989. Rather, it would extend for 5 years the provisions contained in the Omnibus Budget Reconciliation Act of 1993. My bill would also extend those provisions retroactively. That is, as though the program had not expired in October 1994.

As I noted above, the hospitals which benefited from this program are small, rural, hospitals providing an essential point of access to hospital or hospital-based services in rural areas and small towns.

Obviously, as those of my colleagues who have followed, and participated in, our debates about the health care needs of rural areas know only too well, if we lose these hospitals, we will also have a hard time keeping physicians in those communities.

Mr. President, 44, or 36 percent, of Iowa's 122 community hospitals qualified to participate in this program, and 29, or 24 percent, chose to participate in 1994. I believe that this was the largest number of such hospitals of any State.

The percentage of all inpatient days attributable to Medicare patients is 77.4 percent for these hospitals, and Medicare discharges represent 65.5 percent of total discharges.

These Iowa hospitals will lose about $3 million dollars as a consequence of the expiration of this program, according to estimates made by the Iowa Hospital Association. The annual losses will vary from a low of $3,635 to a high of $248,016. Fourteen of these hospitals will lose $100,000 or more. Fourteen of these hospitals had negative operating margins in 1994. Those negative operating margins varied from minus $30,970 to minus $1,065,105. It is highly likely that the financial situation of these hospitals will be even worse in the coming years. Two of the hospitals with positive operating margins will probably begin to have negative margins with the expiration of the program.

The bottom line is that many of these hospitals are going to have a very difficult time continuing to exist when this program expires.

Mr. President, I am also going to work toward extension of the each/rpch program—the Essential Access Community Hospital and Rural Primary Care Hospital Program. If this program is extended to all the States, and if the Medicare-Dependent Hospital Program is extended, the smaller hospitals in Iowa would be able to modify their missions in a deliberate and nondisruptive way and continue to provide essential health care services in their communities.

By Mr. HEFLIN:

S. 513. A bill to amend chapter 23 of title 28, United States Code, to authorize voluntary alternative dispute resolution programs in Federal courts, and for other purposes; to the Committee on the Judiciary.

VOLUNTARY ALTERNATIVE DISPUTE RESOLUTION ACT

Mr. HEFLIN. Mr. President, I am today introducing legislation that would authorize our Nation's Federal district courts to adopt and utilize voluntary alternative dispute resolution programs.

The time has come for Congress and the Federal courts to realize that there must be alternative ways of settling disputes other than the traditional methods utilizing a Federal judge and jury. With criminal cases crowding the dockets, many litigants in civil cases, especially small businesses, simply cannot get their cases heard in a timely manner.

Recent statistics from the Administrative Office of the United States Courts indicate that a majority of cases in the Federal courts are civil cases and that the number of filings since 1990 has increased 9 percent. With criminal cases being put on a fast track, the time has come for Congress to assist the Federal courts in processing civil cases for the benefit of the American people.

Our Federal court system is one of the best in the world, and our judges work long hours to hear cases which come before them. I believe the approach that my legislation takes will bring the Federal courts into the 21st century ahead of schedule by expressing Congress' intent that if parties want to voluntarily settle their civil disputes by such methods as court annexed arbitration, meditation, early neutral evaluation, minitrials, or summary trials, then they should be allowed to do so.

I am introducing this legislation as a result of a hearing which the Judiciary Subcommittee on Courts and Administrative Practice held several months ago. I was privileged to Chair this subcommittee hearing which heard testimony from a number of distinguished witnesses including Judge Anne Williams, on behalf of the U.S. Judicial Conference; Judge Bill Wilson, U.S. District Court (E.D. Arkansas); Judge William Schwarzer on behalf of the Federal Judicial Center; U.S. Magistrate Judge Wayne Brazil (N.D. California); Judge Raymond Broderick (E.D. Pennsylvania); Stuart Grossman, on behalf of the American Board of Trial Advocates; Jack Watson, on behalf of the American Bar Association; and Dianne Nast, a practicing attorney in Philadelphia.

The focus of the hearing was to consider H.R. 1102, introduced by Congressman Bill Hughes of New Jersey, which would have required, not merely authorized, each of the 94 Federal district courts to adopt either a mandatory or a voluntary court-annexed arbitration program which would operate under the existing authority of Chapter 44, Sections 651–658 of Title 28 of the United States Code. H.R. 1102 would have increased the maximum amount in controversy for cases referred under the mandatory programs from $100,000 to $150,000.

In 1988, Congress enacted legislation to authorize the continuation of 10 pilot programs of mandatory court-annexed arbitration that were in operation in the Federal courts, and this legislation also authorized 10 additional pilot programs that would be of a voluntary nature.

This authorization was to terminate toward the end of 1993, and H.R. 1102 would have made that authorization permanent and would have required each district court to adopt either a mandatory or a voluntary program of court-annexed arbitration. Because of strong concerns raised at the hearing regarding the mandatory nature of court-annexed arbitration, our subcommittee was unwilling to immediately go forward with H.R. 1102. Instead, S. 1732, which became Public Law 103–192, was introduced toward the end of 1993, which simply extended the existing authority for one year with regard to the 20 pilot districts utilizing court-annexed arbitration.

In early August last year, I, along with my colleagues Senators BIDEN, HATCH, GRASSLEY, and SPECTER, introduced S. 2407, the Judicial Amendments Act of 1994, to extend this authority for an additional 3 years until the end of 1997. S. 2407 was introduced and passed by the Senate on August 19, and sent to the House of Representatives which also passed it at the close of session. It was signed by the President on October 25, 1994, and became Public Law 103–420.

Let me return now to the hearing which the subcommittee held in October 1993 and which focused primarily on arbitration which is one of the programs of ADR as alternative dispute resolution is popularly called. Judge Ann Claire Williams of the U.S. District Court for the Northern District of Illinois appeared on behalf of the U.S. Judicial Conference which is the policymaking body of the Federal judiciary. The Judicial Conference has recommended that Congress should authorize all Federal district courts to have the discretion to utilize voluntary nonbinding court-annexed arbitration. Thus, the judicial Conference did not recommend the expansion of mandatory court-annexed arbitration for the remainder of the Federal district courts.

The legislation which I am introducing today builds on the recommendation of the Judicial Conference by authorizing each of the 94 Federal district courts to adopt not only voluntary court-annexed arbitration but also other ADR programs, including but not limited to mediation, early neutral evaluation, minitrials, summary jury or bench trials.

My legislation also contains a provision that clearly states that ''[a]n alternative dispute resolution program shall not in any way infringe on a litigant's right to trial de novo and shall impose no penalty on participating litigants.''

Over the last year, I have talked with many people from both the bar and the business community, and I believe that it is an undeniable fact that civil litigation in the Federal courts has become more complicated, time-consuming, and expensive. Further, the Speedy Trial Act, requiring criminal cases to proceed on a fast track, has resulted in delays in civil cases being considered by the Federal courts.

I want to make certain that the Congress clearly intends for our Federal courts to consider alternative means of dispute resolution, so that litigants can have a speedy and less expensive alternative to formal civil adjudication, consistent with the requirements of the seventh amendment to the U.S. Constitution. Where parties are willing

to mutually participate in such alternatives, I believe there are merits that justify our support for such programs.

I hope that this legislation will be carefully considered by my colleagues, and I look forward to further discussion on its merits in the days ahead.

By Mr. AKAKA:

S. 514. A bill for the relief of the heirs, successors, or assigns of Sadae Tamabayashi; to the Committee on the Judiciary.

RELIEF FOR THE FAMILY OF SADAE TAMABAYASHI

Mr. AKAKA. Mr. President, I rise to introduce a bill for the relief of the family of Sadae Tamabayashi.

In 1941, Mrs. Tamabayashi was the owner of Paradise Clothes Cleaning Shop in Honolulu, HI. On the fateful morning of December 7, she and her family lost everything that they owned. The attack on Pearl Harbor not only had national repercussions, it affected the lives of many individuals as well, especially those who lived in Hawaii at the time. For Sadae Tamabayashi and her family, the bombing was devastating to their livelihood.

On the morning of December 7, Paradise Clothes Cleaning Shop was destroyed by fire which started as a result of the attack on Pearl Harbor and the subsequent retaliatory shots by U.S. Armed Forces. The entire building and its contents, which included the Tamabayashi's family quarters, were destroyed.

The Tamabayashi family attempted to seek compensation through the War Damage Corporation Claims Service Office in 1942. Their efforts were to no avail. Their claim for reparations was denied by the corporation because Mrs. Tamabayashi was a Japanese national. However, Mrs. Tamabayashi was prohibited from becoming a citizen under the Immigration Act of 1924, which excluded persons of Japanese descent. It was not until 1952, 7 years after the end of World War II, that the 1924 Immigration Act was repealed, and Asians were finally given equal citizenship status in this country.

The family of Sadae Tamabayashi seeks fair treatment of their mother's losses. I hope that my colleagues will support this effort to bring to a close this sad chapter in the lives of the Tamabayashi family.

By Mr. BRADLEY:

S. 515. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through the reduction of harmful substances in meat and poultry that present a threat to public health, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

FAMILY FOOD PROTECTION ACT

Mr. BRADLEY. Mr. President, let me tell you about Katie O'Connell. Katie's picture ended up on postcards that thousands of Americans have sent and will be sending to Washington. Neither her parents nor I are glad that this is the case. You see, Katie was a beautiful, happy, 2-year-old girl from my home State of New Jersey. Yet, she died from eating a hamburger served at a fast food restaurant. Unknown to anyone, her meal was contaminated with a deadly pathogen called E coli. Sadly, the meat that Katie ate had been declared safe by inspectors from the U.S. Department of Agriculture.

Katie died from a disease that should have been detected through our Federal meat inspection system. Katie is no longer alive because that system failed her and her family, and has failed thousands of others across the country. The legislation I am introducing today, the Family Food Protection Act, is designed to ensure a Federal system that protects the public and not just meat processors and slaughterhouses.

Diseases cause by foodborne illness often strike those most vulnerable in our society: our children. Last summer, health officials in New Jersey battled another outbreak of the disease that killed Katie O'Connell. One family the McCormick's of Newton, NJ, had two of their children—ages 2 and 3—hospitalized. Their lives were in danger because they too ate meat that had been declared safe by Federal inspectors in the Department of Agriculture.

These cases in New Jersey are far from isolated: The Centers for Disease Control estimates that over 9,000 people die, and another 6.5 million become sick, from foodborne illness every year.

That the current system represents a false promise to the public is not news. Many studies, including work by the GAO and the National Academy of Science, make this point.

About 1 month ago, the USDA proposed a series of new regulations for food inspection. These rules would require a daily testing for salmonella at meat/poultry processing plants. Additionally, each of the Nation's 6,000 slaughterhouses and processing plants would have to develop operating plans designed to minimize the possible sources of contamination.

This proposal represents a significant improvement over the current system—which has remained remarkably unchanged for 90 years. However, the proposal leaves some significant holes. The Family Food Protection Act fills the holes:

First, the Family Food Protection Act is comprehensive—we need to recognize the scope of the problem. It's not just salmonella. We need USDA to consider the whole range of human pathogens—bacteria—and other harmful substances—for example animal drugs, pollutants—that can threaten health. My bill calls on the Secretary to enact standards and regulations designed to control and reduce any of these dangerous substances that is likely to cause foodborne illness.

Second, the Family Food Protection Act gives the Secretary the enforcement tools he needs—the bill allows the Secretary: to order a recall of contaminated food; to demand the identification of the whole chain of companies that may have handled a contaminated food—''traceback''; to withdraw Federal inspection, and the USDA seal of approval from plants that are repeated violators of regulations; to issue civil fines, which makes it more likely that the processors will follow through with their improved operating procedures.

Third, the Family Food Protection Act helps protect the conscientious worker—the new USDA regulations depend on changes in the daily operations of thousands of plants to protect the public. In order to provide the most protection to the public, we need the cooperation of workers as well as managers. This bill provides explicit whistleblower protection to food processing employees who step forward with public health concerns.

Fourth, the Family Food Protection Act keeps the public involved and informed—this bill would: provide for public access to food safety inspection records; create a public advisory board of food safety.

Last Congress, Congressman TORRICELLI and I introduced the Katie O'Connell Safe Food Act. Like most legislation, that bill didn't make it into law. But that fact does not mean that we haven't changed policy as a result. This bill exposed the inadequacies of the status quo and shook up the bureaucrats at USDA.

I'm pleased that the USDA is trying to respond to the challenge of food safety. But the USDA has much more to do before the public can really believe their program means a guarantee of healthy food. This new bill is the blueprint for the work yet to be done.

The Family Food Protection Act is supported by a wide range of consumer and food safety advocacy groups. I urge my colleagues in the Senate to consider this legislation carefully and support its enactment.

I ask unanimous consent that a copy of a bill summary and the legislation be printed following these remarks.

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

S. 515

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.

(a) SHORT TITLE.—This Act may be cited as the ''Family Food Protection Act of 1995''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS.

Congress finds that—

(1) bacterial foodborne illness exacts a terrible toll on United States citizens, taking approximately 9,000 lives each year and causing between 6,500,000 and 80,000,000 illnesses;

(2) meat and meat food products, and poultry and poultry products, contaminated with pathogenic bacteria are a leading cause of foodborne illness;

(3) foodborne illness related to meat and poultry cost Americans between $2,000,000,000 and $4,000,000,000 each year in medical expenses and lost wages;

(4) the number of illnesses and deaths associated with adulterated meat and poultry undermines public confidence in the food supply of the United States and tends to destroy both domestic and foreign markets for wholesome meat and poultry;

(5) the meat and poultry inspection system costs United States taxpayers approximately $600,000,000 per year but does not provide adequate protection against foodborne illness because the system does not test for and limit the presence of disease-causing bacteria;

(6) the Federal Government must—

(A) set levels of disease-causing bacteria above which meat and meat food products and poultry and poultry products are determined to be unsafe for human consumption and adulterated; and

(B) remove the products from commerce unless and until the products are made safe;

(7) beginning with the National Academy of Sciences report entitled ''Meat and Poultry: The Scientific Basis for the Nation's Program'', the United States Department of Agriculture has been urged to shift from organoleptic inspection to inspection based on the detection and limitation of disease-causing bacteria;

(8) to sustain the confidence of the people of the United States and justify the expenditure of tax dollars, the inspection system must—

(A) be based on sound application of modern science;

(B) effectively protect human health;

(C) be open to public scrutiny;

(D) create incentives for high standards;

(E) provide for fines for failure to meet standards; and

(F) assess severe penalties for intentional violation of the law;

(9) a modern system of meat and poultry inspection should extend from farm to table and require livestock and poultry producers, handlers, processors, distributors, transporters, and retailers to assume responsibility for handling livestock, meat, meat food products, poultry, and poultry products in such a way as to limit contamination to a level that will not endanger human health;

(10) to effectively protect human health, there must be an orderly transition from the system of inspection in effect on the date of enactment of this Act to a new system based on preventive controls that are designed to limit the presence of disease-causing bacteria on meat, meat food products, poultry, and poultry products, and the efficacy of the new system must be demonstrated by pilot projects;

(11)(A) consumer confidence is further undermined by the ''USDA Inspected and Passed'' seal that appears on every package of meat or a meat food product and the ''USDA Inspected for Wholesomeness'' seal that appears on every package of poultry and poultry products, a seal that misleads consumers into believing the products are safe when the products often are contaminated with disease-causing bacteria; and

(B) the Federal Government should not affix a seal that misleads consumers and may increase the incidence of foodborne illness and death; and

(12)(A) all articles and other animals that are subject to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) are in interstate or foreign commerce or substantially affect commerce; and

(B) regulation by the Secretary of Agriculture and cooperation by the States, consistent with this Act and the amendments made by this Act, are necessary to prevent or eliminate burdens on commerce and to protect the health and welfare of consumers of the United States.

TITLE I—MEAT INSPECTION

SEC. 101. REFERENCES TO THE FEDERAL MEAT INSPECTION ACT.

Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), except to the extent otherwise specifically provided.

SEC. 102. DEFINITIONS.

(a) ADULTERATED.—Section 1(m)(1) (21 U.S.C. 601(m)(1)) is amended to read as follows:

''(1) if it bears or contains a poisonous or deleterious substance that may render it injurious to health, except that, in the case of a substance that is not an added substance, the article shall be considered adulterated under this subsection if there is a reasonable probability that the quantity of the substance in the article will cause adverse health consequences;''.

(b) ADDED SUBSTANCE; OFFICIAL ESTABLISHMENT.—Section 1 is amended by adding at the end the following:

''(w) The term 'added substance'—

''(1) means a substance that is not an inherent constituent of a food and whose intended use results, or may reasonably be expected to result, directly or indirectly, in the substance becoming a component of, or otherwise affecting the characteristics of, the food; and

''(2) includes—

''(A) a substance that is intentionally added to any food; or

''(B) a substance that is the result of microbial, viral, environmental, agricultural, industrial, or other contamination.

''(x) The term 'official establishment' means an establishment at which inspection of the slaughter of cattle, sheep, swine, goats, mules, and other equines, or the processing of meat and meat food products of the animals, is maintained in accordance with this Act.''.

SEC. 103. STORAGE AND HANDLING REGULATIONS.

The last sentence of section 24 (21 U.S.C. 624) is amended by inserting before the period at the end the following: '', except that regulations issued under section 503 shall apply to a retail store or other type of retail establishment''.

SEC. 104. FEDERAL AND STATE COOPERATION.

Section 301(c) (21 U.S.C. 661(c)) is amended—

(1) in paragraph (1)—

(A) in the first sentence—

(i) by inserting after ''the Wholesome Meat Act,'' the following: ''or by 30 days prior to the expiration of the 2-year period beginning on the date of enactment of the Family Food Protection Act of 1995,''; and

(ii) by striking ''title I and IV'' and inserting ''titles I, IV, and V'';

(B) by striking ''titles I and IV'' each place it appears and inserting ''titles I, IV, and V''; and

(C) by striking ''title I and title IV'' each place it appears and inserting ''titles I, IV, and V''; and

(2) in paragraph (3), by striking ''titles I and IV'' each place it appears and inserting ''titles I, IV, and V''.

SEC. 105. AUXILIARY PROVISIONS.

Sections 402 and 403 (21 U.S.C. 672 and 673) are amended by striking ''title I or II'' each place it appears and inserting ''title I, II, or V''.

SEC. 106. REDUCING ADULTERATION OF MEAT AND MEAT FOOD PRODUCTS.

The Act (21 U.S.C. 601 et seq.) is amended by adding at the end the following:

''TITLE V—REDUCING ADULTERATION OF MEAT AND MEAT FOOD PRODUCTS

''SEC. 501. REDUCING ADULTERATION OF MEAT AND MEAT FOOD PRODUCTS.

''(a) IN GENERAL.—On the basis of the best available scientific and technological data, the Secretary shall issue regulations to—

''(1) limit the presence of human pathogens and other potentially harmful substances in cattle, sheep, swine, or goats, or horses, mules, or other equines at the time the animals are presented for slaughter;

''(2) ensure that appropriate measures are taken to control and reduce the presence and growth of human pathogens and other potentially harmful substances on carcasses and parts of carcasses and on meat or meat food products derived from the animals prepared in any official establishment;

''(3) ensure that all ready-to-eat meat or meat food products prepared in any official establishment preparing the meat or food product for distribution in commerce are processed in such a manner as to destroy any human pathogens and other potentially harmful substances that are likely to cause foodborne illness; and

''(4) ensure that meat and meat food products, other than meat and meat food products referred to in paragraph (3), prepared at any official establishment preparing meat or a meat food product for distribution in commerce are labeled with instructions for handling and preparation for consumption that, when adhered to, will destroy any human pathogens or other potentially harmful substances that are likely to cause foodborne illness.

''(b) NONCOMPLIANCE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a carcass or part of a carcass, or meat or a meat food product, prepared at any official establishment preparing the article for distribution in commerce, that is found not to be in compliance with the regulations issued under paragraph (2), (3), or (4) of subsection (a) shall be—

''(A) considered adulterated and determined to be condemned; and

''(B) if no appeal is made to the determination of condemnation, destroyed for human food purposes under the supervision of a duly authorized representative of the Secretary.

''(2) REPROCESSING OR LABELING.—A carcass or part of a carcass, or meat or a meat food

product that is not in compliance with paragraph (2), (3), or (4) of subsection (a), but that may by reprocessing or labeling, or both, be made not adulterated, need not be condemned and destroyed if after reprocessing or labeling, or both, as applicable and as determined by the Secretary, under the supervision of a duly authorized representative of the Secretary, the carcass, part of a carcass, meat, or meat food product is subsequently inspected and found to be not adulterated.

''(3) APPEALS.—

''(A) ACTION PENDING APPEAL.—If an appeal is made to a determination of condemnation, the carcass, part of a carcass, meat, or meat food product shall be appropriately marked, segregated, and held by the official establishment pending completion of an appeal inspection.

''(B) CONDEMNATION SUSTAINED.—If the determination of condemnation is sustained, the carcass, part of a carcass, meat, or meat food product if not so reprocessed or labeled, or both, under paragraph (2) so as to be made not adulterated, shall be destroyed for human food purposes under the supervision of a duly authorized representative of the Secretary.

''(c) HUMAN PATHOGENS AND OTHER HARMFUL SUBSTANCES.—Not later than 1 year after the date of enactment of this title, the Secretary shall issue regulations that—

''(1) require meat and meat food products in an official establishment to be tested, in such manner and with such frequency as the Secretary considers necessary, to identify human pathogens, or markers for the pathogens, and other potentially harmful substances in the meat and meat food products;

''(2) require that the results of any test conducted in accordance with paragraph (1) be reported to the Secretary, in such manner and with such frequency as the Secretary considers necessary;

''(3)(A) establish interim limits for human pathogens and other potentially harmful substances that, when found on meat or meat food products, may present a threat to public health; and

''(B) in carrying out subparagraph (A)—

''(i) establish interim limits that are below the industry mean as determined by the Secretary for the pathogen or other potentially harmful substance established through national baseline studies; and

''(ii) reestablish the interim limits every two years after the initial interim limits until the regulatory limits referred to in subsection (d)(2), tolerances, or other standards are established under this Act or other applicable law; and

''(4) prohibit or restrict the sale, transportation, offer for sale or transportation, or receipt for transportation of any meat or meat food products that—

''(A) are capable of use as human food; and

''(B) exceed the regulatory limits, interim limits, tolerances, or other standards established under this Act or other applicable law for human pathogens or other potentially harmful substances.

''(d) RESEARCH AND REGULATORY LIMITS.—

''(1) RESEARCH ON FOOD SAFETY.—The Secretary, acting through the Under Secretary of Agriculture for Food Safety, shall conduct or support appropriate research on food safety, including—

''(A) developing and reevaluating appropriate limits for human pathogens or other potentially harmful substances that when found on meat and meat food products prepared in official establishments may present a threat to public health;

''(B) developing efficient, rapid, and sensitive methods for determining and detecting the presence of microbial contamination, chemical residues, and animal diseases that have an adverse impact on human health;

''(C) conducting baseline studies on the prevalence of human pathogens or other potentially harmful substances in processing facilities; and

''(D) conducting risk assessments to determine the human pathogens and other potentially harmful substances that pose the greatest risk to human health.

''(2) REGULATORY LIMITS FOR HUMAN PATHOGENS AND OTHER HARMFUL SUBSTANCES.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Secretary of Health and Human Services shall establish regulatory limits, to the maximum extent scientifically supportable, for human pathogens and other potentially harmful substances, including heavy metals, that, when found as a component of meat or meat food products prepared in official establishments, may present a threat to public health.

''(B) RISK TO HUMAN HEALTH.—In establishing the regulatory limits, the Secretary of Health and Human Services shall consider the risk to human health, including the risk to children, the elderly, individuals whose immune systems are compromised, and other population subgroups, posed by consumption of the meat or meat food products containing the human pathogen or other potentially harmful substance.

''(C) FUNDING.—The Secretary of Agriculture shall annually transfer to the Secretary of Health and Human Services an amount, to be determined by the Secretaries, to defray the cost of establishing the regulatory limits.

''(e) SURVEILLANCE AND SAMPLING SYSTEMS.—

''(1) SURVEILLANCE SYSTEM.—In conjunction with the Director of the Centers for Disease Control and Prevention and the Commissioner of Food and Drugs, the Secretary shall develop and administer an active surveillance system for foodborne illness, that is based on a representative sample of the population of the United States, to assess more accurately the frequency and sources of human disease in the United States associated with the consumption of food products.

''(2) SAMPLING SYSTEM.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this title, the Secretary shall establish a sampling system, using data collected under subsection (c)(2) and other sources, to analyze the nature, frequency of occurrence, and quantities of human pathogens and other potentially harmful substances in meat and meat food products.

''(B) INFORMATION.—The sampling system shall provide—

''(i) statistically valid monitoring, including market basket studies, on the nature, frequency of occurrence, and quantity of human pathogens and other potentially harmful substances in meat and meat food products available to consumers; and

''(ii) such other information as the Secretary determines may be useful in assessing the occurrence of human pathogens and other potentially harmful substances in meat and meat food products.

''(C) NONCOMPLIANCE.—If a sample is found to exceed regulatory limits, interim limits, tolerances, or standards established under this Act or other applicable law, the Secretary shall take action to prevent violative products from entering commerce or to remove the violative products from the market.

''(f) REVIEW AND CONSULTATION.—

''(1) REVIEW.—The Secretary shall review, at least 2 years, all regulations, processes, procedures, and methods designed to limit and control human pathogens and other potentially harmful substances present on or in carcasses and parts of carcasses and in meat and meat food products. The ongoing review shall include, as necessary, epidemiologic and other scientific studies to ascertain the efficiency and efficacy of the regulations, processes, procedures, and methods.

''(2) CONSULTATION.—In carrying out paragraphs (1) and (3) of subsection (c), subsection (d), subsection (e)(1), and paragraph (1), the Secretary shall consult with the Assistant Secretary for Health, the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, and the heads of such other Federal and State public health agencies as the Secretary considers appropriate.

''SEC. 502. HAZARD CONTROLS.

''(a) REGULATIONS.—

''(1) ISSUANCE.—Not later than 1 year after the date of enactment of this title, the Secretary shall issue regulations that require an official establishment to—

''(A) adopt processing controls that are adequate to protect public health; and

''(B) limit the presence and growth of human pathogens and other potentially harmful substances in carcasses and parts of carcasses and on meat and meat food products derived from animals prepared in the establishment.

''(2) CONTENT.—The regulations shall—

''(A) set standards for sanitation;

''(B) set interim limits for biological, chemical, and physical hazards, as appropriate;

''(C) require processing controls to ensure that relevant regulatory standards are met;

''(D) require recordkeeping to monitor compliance;

''(E) require sampling to ensure that processing controls are effective and that regulatory standards are being met; and

''(F) provide for agency access to records kept by official establishments and submission of copies of the records to the Secretary as the Secretary considers appropriate.

''(3) PUBLIC ACCESS.—Public access to records that relate to the adequacy of measures taken by an official establishment to protect the public health, and to limit the presence and growth of human pathogens and other potentially harmful substances, shall be subject to section 552 of title 5, United States Code.

''(4) PROCESSING CONTROLS.—The Secretary may, as the Secretary considers necessary, require any person with responsibility for, or control over, any animals or meat or meat food products intended for human consumption to adopt processing controls, if the processing controls are needed to ensure the protection of public health.

''(b) ADVISORY BOARD.—

''(1) IN GENERAL.—On the issuance of regulations under subsection (a), the Secretary shall convene an advisory board on meat and poultry safety to—

''(A) recommend improvements to the meat and poultry inspection programs;

''(B) evaluate alternatives to the programs; and

''(C) provide other relevant advice to the Secretary.

''(2) COMPOSITION.—The advisory board shall include representatives of consumers, processors, producers, retail outlets, inspectors, plant workers, public health officials, and victims of foodborne illness.

''(3) DUTIES.—The advisory board shall—

''(A) evaluate—

''(i) the meat and poultry inspection programs; and

''(ii) the significance of the programs in ensuring the proper operation of mandatory processing controls; and

''(B) make recommendations to the Secretary described in paragraph (4).

''(4) REPORT.—The Secretary shall report to Congress on the recommendations of the advisory board for improving the meat and poultry inspection programs, including—

''(A) the timing and criteria for any changes in the programs;

''(B) alternative approaches for addressing safety and quality issues; and

''(C) the minimum time needed to ensure that processing controls effectively reduce foodborne illness prior to any change in the programs.

''(5) PROCEDURE.—The advisory board shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

''(c) LABELING.—Notwithstanding any other provision of this Act, if the Secretary discontinues carcass-by-carcass inspection of meat, the 'USDA Inspected and Passed' seal, or a similar seal, shall not be affixed to any carcasses and parts of carcasses and to meat and meat food products derived from the animals prepared in any official establishment.

"SEC. 503. VOLUNTARY GUIDELINES FOR RETAIL ESTABLISHMENTS.

''(a) STANDARDS.—

''(1) IN GENERAL.—In consultation with representatives of States, the Conference for Food Protection, the Association of Food and Drug Officials, and Federal agencies, the Secretary shall establish minimum standards for the handling, processing, and storage of meat and meat food products at retail stores, restaurants, and similar types of retail establishments (collectively referred to in this section as 'retail establishments').

''(2) CONTENT.—The standards shall—

''(A) be designed to ensure that meat and meat food products sold by retail establishments are safe for human consumption;

''(B) be based on the principles of preventive controls; and

''(C) include—

''(i) safe food product processing and handling practices for retail establishments, including time and temperature controls on meat and meat food products sold by the establishments;

''(ii) equipment handling practices, including standards for the cleaning and sanitization of food equipment and utensils;

''(iii) minimum personnel hygiene requirements; and

''(iv) requirements for the use of temperature warning devices on raw meat and meat food products to alert consumers to inadequate temperature controls.

''(b) GUIDELINES.—

''(1) ISSUANCE.—Not later than 18 months after the date of enactment of this title, the Secretary, after notice and opportunity for comment, shall issue guidelines for retail establishments that offer meat and meat food products that include the standards established under subsection (a).

''(2) COMPLIANCE.—Not later than 18 months after the date of enactment of this title, the Secretary shall issue a final regulation defining the circumstances that constitute substantial compliance by retail establishments with the guidelines issued under paragraph (1). The regulation shall provide that there is not substantial compliance if a significant number of retail establishments have failed to comply with the guidelines.

''(3) REPORT.—

''(A) IN GENERAL.—Not later than 3 years after the date of enactment of this title, the Secretary shall issue a report to Congress on actions taken by retail establishments to comply with the guidelines. The report shall include a determination of whether there is substantial compliance with the guidelines.

''(B) SUBSTANTIAL COMPLIANCE.—If the Secretary determines that there is substantial compliance with the guidelines, the Secretary shall issue a report and make a determination in accordance with subparagraph (A) not less than every 2 years.

''(C) NO SUBSTANTIAL COMPLIANCE.—If the Secretary determines that there is not substantial compliance with the guidelines, the Secretary shall (at the time the determination is made) issue proposed regulations requiring that retail establishments comply with the guidelines. The Secretary shall issue final regulations imposing the requirement not later than 180 days after issuance of any proposed regulations. Any final regulations shall become effective 180 days after the date of the issuance of the final regulations.

''(c) ENFORCEMENT.—A State may bring, in the name of the State and within the jurisdiction of the State, a proceeding for the civil enforcement, or to restrain a violation, of final regulations issued pursuant to subsection (b)(3)(C) if the food that is the subject of the proceeding is located in the State.

"SEC. 504. LIVESTOCK TRACEBACK.

''(a) IN GENERAL.—

''(1) IDENTIFICATION.—For the purpose of understanding the nature of foodborne illness and minimizing the risks of foodborne illness from carcasses and parts of carcasses and meat and meat food products distributed in commerce, the Secretary shall, as the Secretary considers necessary, prescribe by regulation that cattle, sheep, swine, and goats, and horses, mules, and other equines presented for slaughter for human food purposes be identified in a manner prescribed by the Secretary to enable the Secretary to trace each animal to any premises at which the animal has been held for such period prior to slaughter as the Secretary considers necessary to carry out this Act.

''(2) PROHIBITION OR RESTRICTION ON ENTRY.—The Secretary may prohibit or restrict entry into any slaughtering establishment inspected under this Act of any cattle, sheep, swine, or goats, or horses, mules, or other equines not identified as prescribed by the Secretary.

''(b) RECORDS.—

''(1) IN GENERAL.—The Secretary may require that a person required to identify livestock pursuant to subsection (a) maintain accurate records, as prescribed by the Secretary, regarding the purchase, sale, and identification of the livestock.

''(2) ACCESS.—A person subject to paragraph (1) shall, at all reasonable times, on notice by a duly authorized representative of the Secretary, afford the representative access to the place of business of the person and an opportunity to examine the records of the person and copy the records.

''(3) DURATION.—Any record required to be maintained under this subsection shall be maintained for such period of time as the Secretary prescribes.

''(c) FALSE INFORMATION.—No person shall falsify or misrepresent to the Secretary or any other person any information concerning the premises at which any cattle, sheep, swine, or goats, or horses, mules, or other equines, or carcasses thereof, were held.

''(d) MAINTENANCE OF RECORDS.—No person shall, without authorization from the Secretary, alter, detach, or destroy any records or other means of identification prescribed by the Secretary for use in determining the premises at which were held any cattle, sheep, swine, or goats, or horses, mules, or other equines, or the carcasses thereof.

''(e) HUMAN PATHOGENS OR OTHER HARMFUL SUBSTANCES.—

''(1) IDENTIFICATION OF SOURCE.—If the Secretary finds any human pathogen or any other potentially harmful substance in any cattle, sheep, swine, or goats, or horses, mules, or other equines at the time they are presented for slaughter or in any carcasses, parts of carcasses, meat, or meat food products prepared in an official establishment and the Secretary finds that there is a reasonable probability that human consumption of any meat or meat food product containing the human pathogen or other potentially harmful substance presents a threat to public health, the Secretary may take such action as the Secretary considers necessary to determine the source of the human pathogen or other potentially harmful substance.

''(2) ACTION.—If the Secretary identifies the source of any human pathogen or other potentially harmful substance referred to in paragraph (1), the Secretary may prohibit or restrict the movement of any animals, carcasses, parts of carcasses, meat, meat food products, or any other article from any source of the human pathogen or other potentially harmful substance until the Secretary determines that the human pathogen or other potentially harmful substance at the source no longer presents a threat to public health.

''(f) PRODUCERS AND HANDLERS.—

''(1) USE OF METHODS.—The Secretary shall use any means of identification and recordkeeping methods utilized by producers or handlers of cattle, sheep, swine, or goats, or horses, mules, or other equines whenever the Secretary determines that the means of identification and recordkeeping methods will enable the Secretary to carry out this section.

''(2) COOPERATION.—The Secretary may cooperate with producers or handlers of cattle, sheep, swine, or goats, or horses, mules, or other equines, in which any human pathogen or other potentially harmful substance described in subsection (e)(1) is found, to develop and carry out methods to limit or eliminate the human pathogen or other potentially harmful substance at the source.

"SEC. 505. NOTIFICATION AND RECALL OF NONCONFORMING ARTICLES.

''(a) NOTIFICATION.—Any person preparing carcasses or parts of carcasses, meat, or meat food products for distribution in commerce who obtains knowledge that provides a reasonable basis for believing that any carcasses or parts of carcasses or any meat or meat food products—

''(1) are unsafe for human consumption, adulterated, or not produced in accordance with section 501(a); or

''(2) are misbranded;

shall immediately notify the Secretary, in such manner and by such means as the Secretary may by regulation prescribe, of the identity and location of the articles.

''(b) RECALL.—

''(1) IN GENERAL.—If the Secretary finds, on notification or otherwise, that any carcasses or parts of carcasses or any meat or meat food products—

''(A) are unsafe for human consumption, adulterated, or not produced in accordance with section 501(a); or

''(B) are misbranded;

the Secretary shall by order require any person engaged in the processing, handling, transportation, storage, importation, distribution, or sale of the articles to immediately cease any distribution of the articles, and to recall the articles from commercial distribution and use, if the Secretary determines that there is a reasonable probability that the product is unsafe for human consumption, adulterated, or misbranded, unless the person is engaged in a voluntary recall of the articles that the Secretary considers adequate.

''(2) ORDER.—The order shall—

''(A) include a timetable during which the recall shall occur;

''(B) require periodic reports by the person to the Secretary describing the progress of the recall; and

''(C) require notice to consumers to whom the articles were, or may have been, distributed as to how the consumers should treat the article.

''(c) INFORMAL HEARING.—

''(1) IN GENERAL.—The order shall provide any person subject to the order with an opportunity for an informal hearing, to be held not later than 5 days after the date of issuance of the order, on the actions required by the order.

''(2) VACATION OF ORDER.—If, after providing an opportunity for the hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

''(d) JUDICIAL RECALL.—A district court of the United States may order any person engaged in the processing, handling, transportation, storage, importation, distribution, or sale of any carcass, part of a carcass, meat, or meat food product to recall the carcass, part of a carcass, meat, or meat food product if the court finds that there is a reasonable probability that the carcass, part of a carcass, meat, or meat food product is unsafe for human consumption, adulterated, or misbranded.

''SEC. 506. REFUSAL OR WITHDRAWAL OF INSPECTION.

''(a) IN GENERAL.—The Secretary may, for such period or indefinitely as the Secretary considers necessary to carry out this Act, refuse to provide, or withdraw, inspections under title I with respect to any official establishment if the Secretary determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, the service that the applicant or recipient, or any person connected with the applicant or recipient, has repeatedly failed to comply with this Act.

''(b) INSPECTIONS PENDING REVIEW.—The Secretary may direct that, pending opportunity for an expedited hearing in the case of any refusal or withdrawal of inspections and the final determination and order under subsection (a) and any judicial review of the determination and order, inspections shall be denied or suspended if the Secretary considers the action necessary in the public interest in order to protect the health or welfare of consumers or to ensure the safe and effective performance of official duties under this Act.

''(c) JUDICIAL REVIEW.—

''(1) IN GENERAL.—The determination and order of the Secretary with respect to refusal or withdrawal of inspections under this section shall be final and conclusive unless the applicant for, or recipient of, inspections files an application for judicial review not later than 30 days after the effective date of the order.

''(2) INSPECTIONS PENDING REVIEW.—Inspections shall be refused or withdrawn as of the effective date of the order pending any judicial review of the order unless the Secretary or the Court of Appeals directs otherwise.

''(3) VENUE; RECORD.—Judicial review of the order shall be—

''(A) in the United States Court of Appeals for the circuit in which the applicant for, or the recipient of, inspections has the principal place of business of the applicant or recipient or in the United States Court of Appeals for the District of Columbia Circuit; and

''(B) based on the record on which the determination and order are based.

''(4) PROCESS.—Section 204 of the Packers and Stockyards Act, 1921 (7 U.S.C. 194), shall be applicable to appeals taken under this section.

''(d) ADDITIONAL AUTHORITY.—This section shall be in addition to, and not derogate from, any provision of this Act for refusal, withdrawal, or suspension of inspections under title I.

''SEC. 507. CIVIL PENALTIES.

''(a) IN GENERAL.—

''(1) ASSESSMENT.—A person who violates this title, a regulation issued under this title, or an order issued under subsection (b) or (d) of section 505 may be assessed a civil penalty by the Secretary of not more than $100,000 for each day of violation.

''(2) SEPARATE VIOLATION.—Each offense described in paragraph (1) shall be considered to be a separate violation.

''(3) NOTICE AND OPPORTUNITY FOR HEARING.—No penalty may be assessed against a person under this section unless the person is given notice and an opportunity for a hearing on the record before the Secretary in accordance with sections 554 and 556 of title 5, United States Code.

''(4) AMOUNT.—The amount of the civil penalty shall be assessed by the Secretary by written order, taking into account the gravity of the violation, the degree of culpability, and any history of prior offenses. The amount may be reviewed only as provided in subsection (b).

''(b) REVIEW.—

''(1) IN GENERAL.—A person against whom a violation is found and a civil penalty assessed by order of the Secretary under subsection (a) may obtain review of the order in the United States Court of Appeals for the circuit in which the party resides or has a place of business or in the United States Court of Appeals for the District of Columbia Circuit by filing a notice of appeal in the court not later than 30 days after the date of the order and by simultaneously sending a copy of the notice by certified mail to the Secretary.

''(2) RECORD.—The Secretary shall promptly file in the court a certified copy of the record on which the violation was found and the penalty assessed.

''(3) FINDINGS.—The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence on the record as a whole.

''(c) CIVIL ACTION TO RECOVER ASSESSMENT.—

''(1) IN GENERAL.—If a person fails to pay an assessment of a civil penalty after the penalty has become a final and unappealable order, or after the appropriate Court of Appeals has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall institute a civil action to recover the amount assessed in any appropriate district court of the United States.

''(2) SCOPE OF REVIEW.—In a recovery action under paragraph (1), the validity and appropriateness of the order of the Secretary imposing the civil penalty shall not be subject to review.

''(d) DISPOSITION OF AMOUNTS.—All amounts collected under this section shall be paid into the Treasury of the United States.

''(e) EQUITABLE RELIEF.—

''(1) RELATIONSHIP TO OTHER ACTIONS.—Nothing in this Act requires the Secretary to report for criminal prosecution, or for the institution of an injunction or other proceeding, a violation of this Act, if the Secretary believes that the public interest will be adequately served by assessment of civil penalties.

''(2) MODIFICATION OF PENALTY.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty assessed under this section.

''SEC. 508. WHISTLEBLOWER PROTECTION.

''(a) IN GENERAL.—No person subject to this Act may harass, prosecute, hold liable, or discriminate against any employee or other person because the person—

''(1) is assisting or demonstrating an intent to assist in achieving compliance with any Federal or State law (including a rule or regulation);

''(2) is refusing to violate or assist in the violation of any Federal or State law (including a rule or regulation); or

''(3) has commenced, caused to be commenced, or is about to commence a proceeding, has testified or is about to testify at a proceeding, or has assisted or participated or is about to assist or participate in any manner in such a proceeding or in any other action to carry out the functions or responsibilities of any agency, office, or unit of the Department of Agriculture.

''(b) PROCEDURES AND PENALTIES.—The procedures and penalties applicable to prohibited acts under subsection (a) shall be governed by the applicable provisions of section 31105 of title 49, United States Code.

''(c) BURDENS OF PROOF.—The legal burdens of proof with respect to prohibited acts under subsection (a) shall be governed by the applicable provisions of sections 1214 and 1221 of title 5, United States Code.''.

TITLE II—POULTRY INSPECTION

SEC. 201. REFERENCES TO THE POULTRY PRODUCTS INSPECTION ACT.

Whenever in this title 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 Poultry Products Inspection Act (21 U.S.C. 451 et seq.), except to the extent otherwise specifically provided.

SEC. 202. DEFINITIONS.

(a) ADULTERATED.—Section 4(g)(1) (21 U.S.C. 453(g)(1)) is amended to read as follows:

''(1) if it bears or contains a poisonous or deleterious substance that may render it injurious to health, except that, in the case of a substance that is not an added substance, the article shall be considered adulterated under this subsection if there is a reasonable probability that the quantity of the substance in the article will cause adverse health consequences;''.

(b) ADDED SUBSTANCE.—Section 4 is amended by adding at the end the following:

''(cc) The term 'added substance'—

''(1) means a substance that is not an inherent constituent of a food and whose intended use results, or may reasonably be expected to result, directly or indirectly, in the substance becoming a component of, or otherwise affecting the characteristics of, the food; and

''(2) includes—

''(A) a substance that is intentionally added to any food; or

''(B) a substance that is the result of microbial, viral, environmental, agricultural, industrial, or other contamination.''.

SEC. 203. FEDERAL AND STATE COOPERATION.

The first sentence of section 5(c)(1) (21 U.S.C. 454(c)(1)) is amended—

(1) by inserting after ''the Wholesome Poultry Products Act,'' the following: ''or by 30 days prior to the expiration of the 2-year period beginning on the date of enactment of the Family Food Protection Act of 1995,''; and

(2) by striking ''sections 1–4, 6–10, and 12–22 of this Act'' and inserting ''sections 1 through 4, 6 through 10, 12 through 22, and 30 through 37''.

SEC. 204. EXEMPTIONS.

Section 15(a)(1) (21 U.S.C. 464(a)(1)) is amended by inserting before the semicolon at the end the following: '', except that regulations issued under section 32 shall apply to

a retail store or other type of retail establishment''.

SEC. 205. REDUCING ADULTERATION OF POULTRY AND POULTRY PRODUCTS.

The Act (21 U.S.C. 451 et seq.) is amended by adding at the end the following:

''SEC. 30. REDUCING ADULTERATION OF POULTRY AND POULTRY PRODUCTS.

''(a) IN GENERAL.—On the basis of the best available scientific and technological data, the Secretary shall issue regulations to—

''(1) limit the presence of human pathogens and other potentially harmful substances in poultry at the time the poultry are presented for slaughter;

''(2) ensure that appropriate measures are taken to control and reduce the presence and growth of human pathogens and other potentially harmful substances on poultry or poultry products prepared in any official establishment;

''(3) ensure that all ready-to-eat poultry or poultry products prepared in any official establishment preparing the poultry or poultry products for distribution in commerce are processed in such a manner as to destroy any human pathogens and other potentially harmful substances that are likely to cause foodborne illness; and

''(4) ensure that poultry and poultry products, other than the poultry and products referred to in paragraph (3), prepared at any official establishment preparing the poultry or poultry products for distribution in commerce are labeled with instructions for handling and preparation for consumption that, when adhered to, will destroy any human pathogens or other potentially harmful substances that are likely to cause foodborne illness.

''(b) NONCOMPLIANCE.—

''(1) IN GENERAL.—Except as provided in paragraph (2), poultry or a poultry product prepared at any official establishment preparing the poultry or poultry product for distribution in commerce, that is found not to be in compliance with the regulations issued under paragraph (2), (3), or (4) of subsection (a) shall be—

''(A) considered adulterated and determined to be condemned; and

''(B) if no appeal is made to the determination of condemnation, destroyed for human food purposes under the supervision of an inspector.

''(2) REPROCESSING OR LABELING.—Poultry or a poultry product that is not in compliance with paragraph (2), (3), or (4) of subsection (a), but that may by reprocessing or labeling, or both, be made not adulterated, need not be condemned and destroyed if after reprocessing or labeling, or both, as applicable and as determined by the Secretary, under the supervision of an inspector, the poultry or poultry product is subsequently inspected and found to be not adulterated.

''(3) APPEALS.—

''(A) ACTION PENDING APPEAL.—If an appeal is made to a determination of condemnation, the poultry or poultry product shall be appropriately marked, segregated, and held by the official establishment pending completion of an appeal inspection.

''(B) CONDEMNATION SUSTAINED.—If the determination of condemnation is sustained, the poultry or poultry product if not reprocessed or labeled, or both, under paragraph (2) so as to be made not adulterated, shall be destroyed for human food purposes under the supervision of a duly authorized representative of the Secretary.

''(c) HUMAN PATHOGENS AND OTHER HARMFUL SUBSTANCES.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations that—

''(1) require poultry and poultry products in an official establishment to be tested, in such manner and with such frequency as the Secretary considers necessary, to identify human pathogens, or markers for the pathogens, and other potentially harmful substances in the poultry and poultry products;

''(2) require that the results of any test conducted in accordance with paragraph (1) be reported to the Secretary, in such manner and with such frequency as the Secretary considers necessary;

''(3)(A) establish interim limits for human pathogens and other potentially harmful substances that, when found on poultry or poultry products, may present a threat to public health; and

''(B) in carrying out subparagraph (A)—

''(i) establish interim limits that are below the industry mean as determined by the Secretary for the pathogen or other potentially harmful substance established through national baseline studies; and

''(ii) reestablish the interim limits every two years after the initial interim limits until the regulatory limits referred to in subsection (d)(2), tolerances, or other standards are established under this Act or other applicable law; and

''(4) prohibit or restrict the sale, transportation, offer for sale or transportation, or receipt for transportation of any poultry or poultry products that—

''(A) are capable of use as human food; and

''(B) exceed the regulatory limits, interim limits, tolerances, or other standards established under this Act or other applicable law for human pathogens or other potentially harmful substances.

''(d) RESEARCH AND REGULATORY LIMITS.—

''(1) RESEARCH ON FOOD SAFETY.—The Secretary, acting through the Under Secretary of Agriculture for Food Safety, shall conduct or support appropriate research on food safety, including—

''(A) developing and reevaluating appropriate limits for human pathogens or other potentially harmful substances that when found on poultry and poultry products prepared in official establishments may present a threat to public health;

''(B) developing efficient, rapid, and sensitive methods for determining and detecting the presence of microbial contamination, chemical residues, and animal diseases that have an adverse impact on human health;

''(C) conducting baseline studies on the prevalence of human pathogens or other potentially harmful substances in processing facilities; and

''(D) conducting risk assessments to determine the human pathogens and other potentially harmful substances that pose the greatest risk to human health.

''(2) REGULATORY LIMITS FOR HUMAN PATHOGENS AND OTHER HARMFUL SUBSTANCES.—

''(A) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Secretary of Health and Human Services shall establish regulatory limits, to the maximum extent scientifically supportable, for human pathogens and other potentially harmful substances, including heavy metals, that, when found as a component of poultry or poultry products prepared in official establishments, may present a threat to public health.

''(B) RISK TO HUMAN HEALTH.—In establishing the regulatory limits, the Secretary of Health and Human Services shall consider the risk to human health, including the risk to children, the elderly, individuals whose immune systems are compromised, and other population subgroups, posed by consumption of the poultry or poultry products containing the human pathogen or other potentially harmful substance.

''(C) FUNDING.—The Secretary of Agriculture shall annually transfer to the Secretary of Health and Human Services an amount, to be determined by the Secretaries, to defray the cost of establishing the regulatory limits.

''(e) SURVEILLANCE AND SAMPLING SYSTEMS.—

''(1) SURVEILLANCE SYSTEM.—In conjunction with the Director of the Centers for Disease Control and Prevention and the Commissioner of Food and Drugs, the Secretary shall develop and administer an active surveillance system for foodborne illness, that is based on a representative sample of the population of the United States, to assess more accurately the frequency and sources of human disease in the United States associated with the consumption of poultry and poultry products.

''(2) SAMPLING SYSTEM.—

''(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish a sampling system, using data collected under subsection (c)(2) and other sources, to analyze the nature, frequency of occurrence, and quantities of human pathogens and other potentially harmful substances in poultry and poultry products.

''(B) INFORMATION.—The sampling system shall provide—

''(i) statistically valid monitoring, including market basket studies, on the nature, frequency of occurrence, and quantity of human pathogens and other potentially harmful substances in poultry and poultry products available to consumers; and

''(ii) such other information as the Secretary determines may be useful in assessing the occurrence of human pathogens and other potentially harmful substances in poultry and poultry products.

''(C) NONCOMPLIANCE.—If a sample is found to exceed regulatory limits, interim limits, tolerances, or standards established under this Act or other applicable law, the Secretary shall take action to prevent violative products from entering commerce or to remove the violative products from the market.

''(f) REVIEW AND CONSULTATION.—

''(1) REVIEW.—The Secretary shall review, at least every 2 years, all regulations, processes, procedures, and methods designed to limit and control human pathogens and other potentially harmful substances present on or in poultry and poultry products. The ongoing review shall include, as necessary, epidemiologic and other scientific studies to ascertain the efficiency and efficacy of the regulations, processes, procedures, and methods.

''(2) CONSULTATION.—In carrying out paragraphs (1) and (3) of subsection (c), subsection (d), subsection (e)(1), and paragraph (1), the Secretary shall consult with the Assistant Secretary for Health, the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, and the heads of such other Federal and State public health agencies as the Secretary considers appropriate.

''SEC. 31. HAZARD CONTROLS.

''(a) REGULATIONS.—

''(1) ISSUANCE.—Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations that require an official establishment to—

''(A) adopt processing controls that are adequate to protect public health; and

''(B) limit the presence and growth of human pathogens and other potentially harmful substances in poultry and poultry products prepared in the establishment.

''(2) CONTENT.—The regulations shall—

''(A) set standards for sanitation;

''(B) set interim limits for biological, chemical, and physical hazards, as appropriate;

''(C) require processing controls to ensure that relevant regulatory standards are met;

''(D) require recordkeeping to monitor compliance;

''(E) require sampling to ensure that processing controls are effective and that regulatory standards are being met; and

''(F) provide for agency access to records kept by official establishments and submission of copies of the records to the Secretary as the Secretary considers appropriate.

''(3) PUBLIC ACCESS.—Public access to records that relate to the adequacy of measures taken by an official establishment to protect the public health, and to limit the presence and growth of human pathogens and other potentially harmful substances, shall be subject to section 552 of title 5, United States Code.

''(4) PROCESSING CONTROLS.—The Secretary may, as the Secretary considers necessary, require any person with responsibility for, or control over, any poultry or poultry products intended for human consumption to adopt processing controls, if the processing controls are needed to ensure the protection of public health.

''(b) ADVISORY BOARD.—On the issuance of regulations under subsection (a), the Secretary shall convene an advisory board on meat and poultry safety in accordance with section 502(b) of the Federal Meat Inspection Act.

''(c) LABELING.—Notwithstanding any other provision of this Act, if the Secretary discontinues carcass-by-carcass inspection of poultry, the 'USDA Inspected for Wholesomeness' seal, or a similar seal, shall not be affixed to any poultry and poultry products derived from the poultry prepared in any official establishment.

''SEC. 32. VOLUNTARY GUIDELINES FOR RETAIL ESTABLISHMENTS.

''(a) STANDARDS.—

''(1) IN GENERAL.—In consultation with representatives of States, the Conference for Food Protection, the Association of Food and Drug Officials, and Federal agencies, the Secretary shall establish minimum standards for the handling, processing, and storage of poultry and poultry products at retail stores, restaurants, and similar types of retail establishments (collectively referred to in this section as 'retail establishments').

''(2) CONTENT.—The standards shall—

''(A) be designed to ensure that poultry and poultry products sold by the retail establishments are safe for human consumption;

''(B) be based on the principles of preventive controls; and

''(C) include—

''(i) safe food product processing and handling practices for retail establishments, including time and temperature controls on poultry and poultry products sold by the establishments;

''(ii) equipment handling practices, including standards for the cleaning and sanitization of food equipment and utensils;

''(iii) minimum personnel hygiene requirements; and

''(iv) requirements for the use of temperature warning devices on raw poultry or poultry products to alert consumers to inadequate temperature controls.

''(b) GUIDELINES.—

''(1) ISSUANCE.—Not later than 18 months after the date of enactment of this section, the Secretary, after notice and opportunity for comment, shall issue guidelines for retail establishments that offer poultry and poultry products that include the standards established under subsection (a).

''(2) COMPLIANCE.—Not later than 18 months after the date of enactment of this section, the Secretary shall issue a final regulation defining the circumstances that constitute substantial compliance by retail establishments with the guidelines issued under paragraph (1). The regulation shall provide that there is not substantial compliance if a significant number of retail establishments have failed to comply with the guidelines.

''(3) REPORT.—

''(A) IN GENERAL.—Not later than 3 years after the date of enactment of this section, the Secretary shall issue a report to Congress on actions taken by retail establishments to comply with the guidelines. The report shall include a determination of whether there is substantial compliance with the guidelines.

''(B) SUBSTANTIAL COMPLIANCE.—If the Secretary determines that there is substantial compliance with the guidelines, the Secretary shall issue a report and make a determination in accordance with subparagraph (A) not less than every 2 years.

''(C) NO SUBSTANTIAL COMPLIANCE.—If the Secretary determines that there is not substantial compliance with the guidelines, the Secretary shall (at the time the determination is made) issue proposed regulations requiring that retail establishments comply with the guidelines. The Secretary shall issue final regulations imposing the requirement not later than 180 days after issuance of any proposed regulations. Any final regulations shall become effective 180 days after the date of the issuance of the final regulations.

''(c) ENFORCEMENT.—A State may bring, in the name of the State and within the jurisdiction of the State, a proceeding for the civil enforcement, or to restrain a violation, of final regulations issued pursuant to subsection (b)(3)(C) if the food that is the subject of the proceeding is located in the State.

''SEC. 33. LIVESTOCK TRACEBACK.

''(a) IN GENERAL.—

''(1) IDENTIFICATION.—For the purpose of understanding the nature of foodborne illness and minimizing the risks of foodborne illness from poultry and poultry products distributed in commerce, the Secretary shall, as the Secretary considers necessary, prescribe by regulation that poultry presented for slaughter for human food purposes be identified in a manner prescribed by the Secretary to enable the Secretary to trace each poultry to any premises at which the poultry has been held for such period prior to slaughter as the Secretary considers necessary to carry out this Act.

''(2) PROHIBITION OR RESTRICTION ON ENTRY.—The Secretary may prohibit or restrict entry into any slaughtering establishment inspected under this Act of any poultry not identified as prescribed by the Secretary.

''(b) RECORDS.—

''(1) IN GENERAL.—The Secretary may require that a person required to identify poultry pursuant to subsection (a) maintain accurate records, as prescribed by the Secretary, regarding the purchase, sale, and identification of the poultry.

''(2) ACCESS.—A person subject to paragraph (1) shall, at all reasonable times, on notice by a duly authorized representative of the Secretary, afford the representative access to the place of business of the person and an opportunity to examine the records of the person and copy the records.

''(3) DURATION.—Any record required to be maintained under this subsection shall be maintained for such period of time as the Secretary prescribes.

''(c) FALSE INFORMATION.—No person shall falsify or misrepresent to the Secretary or any other person any information concerning the premises at which any poultry were held.

''(d) MAINTENANCE OF RECORDS.—No person shall, without authorization from the Secretary, alter, detach, or destroy any records or other means of identification prescribed by the Secretary for use in determining the premises at which were held any poultry.

''(e) HUMAN PATHOGENS OR OTHER HARMFUL SUBSTANCES.—

''(1) IDENTIFICATION OF SOURCE.—If the Secretary finds any human pathogen or any other potentially harmful substance in any poultry at the time the poultry is presented for slaughter or in any poultry or poultry products prepared in an official establishment and the Secretary finds that there is a reasonable probability that human consumption of any poultry or poultry product containing the human pathogen or other potentially harmful substance presents a threat to public health, the Secretary may take such action as the Secretary considers necessary to determine the source of the human pathogen or other potentially harmful substance.

''(2) ACTION.—If the Secretary identifies the source of any human pathogen or other potentially harmful substance referred to in paragraph (1), the Secretary may prohibit or restrict the movement of any poultry or poultry products, or any other article from any source of the human pathogen or other potentially harmful substance until the Secretary determines that the human pathogen or other potentially harmful substance at the source no longer presents a threat to public health.

''(f) PRODUCERS AND HANDLERS.—

''(1) USE OF METHODS.—The Secretary shall use any means of identification and recordkeeping methods utilized by producers or handlers of poultry whenever the Secretary determines that the means of identification and recordkeeping methods will enable the Secretary to carry out this section.

''(2) COOPERATION.—The Secretary may cooperate with producers or handlers of poultry in which any human pathogen or other potentially harmful substance described in subsection (e)(1) is found, to develop and carry out methods to limit or eliminate the human pathogen or other potentially harmful substance at the source.

''SEC. 34. NOTIFICATION AND RECALL OF NONCONFORMING ARTICLES.

''(a) NOTIFICATION.—Any person preparing poultry or poultry products for distribution in commerce who obtains knowledge that provides a reasonable basis for believing that any poultry or poultry products—

''(1) are unsafe for human consumption, adulterated, or not produced in accordance with section 30(a); or

''(2) are misbranded;

shall immediately notify the Secretary, in such manner and by such means as the Secretary may by regulation prescribe, of the identity and location of the articles.

''(b) RECALL.—

''(1) IN GENERAL.—If the Secretary finds, on notification or otherwise, that any poultry or poultry products—

''(A) are unsafe for human consumption, adulterated, or not produced in accordance with section 30(a); or

''(B) are misbranded;

the Secretary shall by order require any person engaged in the processing, handling, transportation, storage, importation, distribution, or sale of poultry or poultry products to immediately cease any distribution of the poultry or poultry products, and to recall the poultry or poultry products from commercial distribution and use, if the Secretary determines that there is a reasonable probability that the product is unsafe for human consumption, adulterated, or misbranded, unless the person is engaged in a voluntary recall of the poultry or poultry products that the Secretary considers adequate.

''(2) ORDER.—The order shall—

''(A) include a timetable during which the recall shall occur;

''(B) require periodic reports by the person to the Secretary describing the progress of the recall; and

''(C) require notice to consumers to whom the articles were, or may have been, distributed as to how the consumers should treat the article.

''(c) INFORMAL HEARING.—

''(1) IN GENERAL.—The order shall provide any person subject to the order with an opportunity for an informal hearing, to be held not later than 5 days after the date of issuance of the order, on the actions required by the order.

''(2) VACATION OF ORDER.—If, after providing an opportunity for the hearing, the Secretary determines that inadequate grounds exist to support the actions required by the order, the Secretary shall vacate the order.

''(d) JUDICIAL RECALL.—A district court of the United States may order any person engaged in the processing, handling, transportation, storage, importation, distribution, or sale of poultry or a poultry product to recall the poultry or product if the court finds that there is a reasonable probability that the poultry or poultry product is unsafe for human consumption, adulterated, or misbranded.

''SEC. 35. REFUSAL OR WITHDRAWAL OF INSPECTION.

''(a) IN GENERAL.—The Secretary may, for such period or indefinitely as the Secretary considers necessary to carry out this Act, refuse to provide, or withdraw, inspections under this Act with respect to any official establishment if the Secretary determines, after opportunity for a hearing is accorded to the applicant for, or recipient of, the service that the applicant or recipient, or any person connected with the applicant or recipient, has repeatedly failed to comply with this Act.

''(b) INSPECTIONS PENDING REVIEW.—The Secretary may direct that, pending opportunity for an expedited hearing in the case of any refusal or withdrawal of inspections and the final determination and order under subsection (a) and any judicial review of the determination and order, inspections shall be denied or suspended if the Secretary considers the action necessary in the public interest in order to protect the health or welfare of consumers or to ensure the safe and effective performance of official duties under this Act.

''(c) JUDICIAL REVIEW.—

''(1) IN GENERAL.—The determination and order of the Secretary with respect to refusal or withdrawal of inspections under this section shall be final and conclusive unless the applicant for, or recipient of, inspections files an application for judicial review not later than 30 days after the effective date of the order.

''(2) INSPECTIONS PENDING REVIEW.—Inspections shall be refused or withdrawn as of the effective date of the order pending any judicial review of the order unless the Secretary or the Court of Appeals directs otherwise.

''(3) VENUE; RECORD.—Judicial review of the order shall be—

''(A) in the United States Court of Appeals for the circuit in which the applicant for, or the recipient of, inspections has the principal place of business of the applicant or recipient or in the United States Court of Appeals for the District of Columbia Circuit; and

''(B) based on the record on which the determination and order are based.

''(4) PROCESS.—Section 204 of the Packers and Stockyards Act, 1921 (7 U.S.C. 194), shall be applicable to appeals taken under this section.

''(d) ADDITIONAL AUTHORITY.—This section shall be in addition to, and not derogate from, any provision of this Act for refusal, withdrawal, or suspension of inspections under this Act.

''SEC. 36. CIVIL PENALTIES.

''(a) IN GENERAL.—

''(1) ASSESSMENT.—A person who violates any of sections 30 through 37, a regulation issued under any of the sections, or an order issued under subsection (b) or (d) of section 34 may be assessed a civil penalty by the Secretary of not more than $100,000 for each day of violation.

''(2) SEPARATE VIOLATION.—Each offense described in paragraph (1) shall considered to be a separate violation.

''(3) NOTICE AND OPPORTUNITY FOR HEARING.—No penalty may be assessed against a person under this section unless the person is given notice and an opportunity for a hearing on the record before the Secretary in accordance with sections 554 and 556 of title 5, United States Code.

''(4) AMOUNT.—The amount of the civil penalty shall be assessed by the Secretary by written order, taking into account the gravity of the violation, the degree of culpability, and any history of prior offenses. The amount may be reviewed only as provided in subsection (b).

''(b) REVIEW.—

''(1) IN GENERAL.—A person against whom a violation is found and a civil penalty assessed by order of the Secretary under subsection (a) may obtain review of the order in the United States Court of Appeals for the circuit in which the party resides or has a place of business or in the United States Court of Appeals for the District of Columbia Circuit by filing a notice of appeal in the court not later than 30 days after the date of the order and by simultaneously sending a copy of the notice by certified mail to the Secretary.

''(2) RECORD.—The Secretary shall promptly file in the court a certified copy of the record on which the violation was found and the penalty assessed.

''(3) FINDINGS.—The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence on the record as a whole.

''(c) CIVIL ACTION TO RECOVER ASSESSMENT.—

''(1) IN GENERAL.—If a person fails to pay an assessment of a civil penalty after the penalty has become a final and unappealable order, or after the appropriate Court of Appeals has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General, who shall institute a civil action to recover the amount assessed in any appropriate district court of the United States.

''(2) SCOPE OF REVIEW.—In a recovery action under paragraph (1), the validity and appropriateness of the order of the Secretary imposing the civil penalty shall not be subject to review.

''(d) DISPOSITION OF AMOUNTS.—All amounts collected under this section shall be paid into the Treasury of the United States.

''(e) EQUITABLE RELIEF.—

''(1) RELATIONSHIP TO OTHER ACTIONS.—Nothing in this Act requires the Secretary to report for criminal prosecution, or for the institution of a injunction or other proceeding, a violation of this Act, if the Secretary believes that the public interest will be adequately served by assessment of civil penalties.

''(2) MODIFICATION OF PENALTY.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty assessed under this section.

''SEC. 37. WHISTLEBLOWER PROTECTION.

''(a) IN GENERAL.—No person subject to this Act may harass, prosecute, hold liable, or discriminate against any employee or other person because the person—

''(1) is assisting or demonstrating an intent to assist in achieving compliance with any Federal or State law (including a rule or regulation);

''(2) is refusing to violate or assist in the violation of any Federal or State law (including a rule or regulation); or

''(3) has commenced, caused to be commenced, or is about to commence a proceeding, has testified or is about to testify at a proceeding, or has assisted or participated or is about to assist or participate in any manner in such a proceeding or in any other action to carry out the functions or responsibilities of any agency, office, or unit of the Department of Agriculture.

''(b) PROCEDURES AND PENALTIES.—The procedures and penalties applicable to prohibited acts under subsection (a) shall be governed by the applicable provisions of section 31105 of title 49, United States Code.

''(c) BURDENS OF PROOF.—The legal burdens of proof with respect to prohibited acts under subsection (a) shall be governed by the applicable provisions of sections 1214 and 1221 of title 5, United States Code.''.

SUMMARY OF THE FAMILY FOOD PROTECTION ACT

The laws governing meat and poultry safety, first developed in the early 1900's, need to be brought up-to-date to assure that new systems to reduce foodborne illness from meat and poultry are as effective as possible. Current programs for inspecting meat and poultry must be supplemented with more modern methods that control and test for the substances that cause foodborne illness and death.

Harmfull bacteria on meat and poultry products are responsible for at least five million illnesses and 4000 deaths each year. Yet, under the current law, the government can't stop contaminated meat from reaching consumer's tables. The Family Food Protection Act will require the United States Department of Agriculture [USDA] to use scientific standards and testing to prevent contaminated food from reaching consumers and gives the agency modern enforcement tools like recall and traceback to get contaminated food off the market and to trade it to its source.

The Family Food Protection Act adds a new Title V to the Federal Meat Inspection Act and new sections 30 through 37 to the Poultry Products Inspection Act. These sections are parallel between the two Acts. Unless otherwise noted, ''the Secretary'' refers to the Secretary of Agriculture.

REDUCING ADULTERATION OF MEAT AND POULTRY PRODUCTS

Under this section, the Secretary would be required to control and reduce the presence and growth of human pathogens and other harmful substances in meat and poultry products. Modern microbial testing for such contaminants would be required within two years of enactment of the Act. Results of the tests would be reported to the USDA.

Interim limits would be established by the Secretary for human pathogens and other harmful substances until regulatory limits, tolerances or other standards are set by the Secretary of Health and Human Services. The Secretary would conduct or support appropriate research. Meat or poultry that exceeds the limits would be prohibited from sale or transportation. Regulatory limits set by the Secretary of Health and Human Services would protect all consumers including

children, the elderly and the immune compromised.

The Secretary, in conjunction with the Centers of Disease Control and Prevention and the Food and Drug Administration, would administer an active surveillance system for foodborne illnesses and a sampling system to analyze the nature and frequency of human pathogens and other harmful substances in meat and poultry products. The Secretary shall review all regulations every two years and consult with relevant federal and state public health agencies as appropriate.

HAZARD CONTROLS

The Secretary shall require slaughter and processing plants to adopt processing controls adequate to protect public health and to limit the presence and growth of human pathogens and other harmful substances in meat and poultry. The regulations will include standards for sanitation; interim limits for biological, chemical and physical hazards; process controls to assure the limits are met; record keeping requirements; sampling requirements; and agency access to records. Public access to records is assured through the Freedom of Information Act. The Secretary may require other processing controls as deemed necessary to assure the protection of public health.

Once processing controls are required, an advisory board shall be appointed, consisting of consumer and victim representatives, processors, producers, retail outlets, inspectors, plant workers, and public health officials, to recommend other changes to the existing inspection programs, including improvements in and alternatives to the current programs.

The Secretary is directed to discontinue use of the existing inspection seals if, at any time, the Secretary discontinues the carcass-by-carcass inspection of meat. The seal for meat and meat food products says ''Inspected and passed.'' The seal for poultry and poultry products says ''Inspected for wholesomeness by U.S. Department of Agriculture.''

VOLUNTARY GUIDELINES FOR RETAIL ESTABLISHMENTS

The Secretary is directed to develop minimum standards for the handling, processing and storage of meat and poultry products by retail stores, restaurants, and similar establishments to assure that food sold by such establishments is safe for human consumption. Following notice and comment, guidelines are established within 18 months after enactment of the Act. So long as there is substantial compliance by retailers, the guidelines remain voluntary. If substantial compliance is not achieved, the guidelines may become regulations. States may bring actions against retailers to restrain violation of any final regulations under the Act.

LIVESTOCK TRACEBACK

Traceback of animal and animal carcasses is allowed for the purpose of understanding the nature of foodborne illness and minimizing the risks of such illness. The Secretary shall prescribe methods that permit animal identification sufficient to accomplish traceback to the farm or other places where livestock or poultry are held.

If animals are presented for slaughter that contain human pathogens or other harmful substances sufficient to pose a threat to health, the Secretary may take action to determine the source of the human pathogen or other harmful substance. The Secretary may prohibit or restrict the movement of animals, carcasses, meat or meat food products containing the human pathogen or other harmful substance.

NOTIFICATION AND RECALL OF NONCONFORMING ARTICLES

Under this section, any person, firm or corporation preparing meat or poultry products for distribution with a reasonable basis for believing that the products are unsafe for human consumption, adulterated or misbranded shall immediately notify the Secretary of the identity and location of such products.

If the Secretary finds the products are unsafe for human consumption, adulterated or misbranded, the Secretary shall order the recall of such products and all further distribution shall be halted, unless the products are subject to a voluntary recall that the Secretary deems adequate. The person, firm or corporation subject to the order has the opportunity for a hearing within 5 days after the date of the order.

Any district court may order any person, firm or corporation to recall any meat or poultry product if the court finds that there is a reasonable probability that the product is unsafe for human consumption, adulterated or misbranded.

REFUSAL OR WITHDRAWAL OF INSPECTION

The Secretary may refuse to provide or withdraw inspection services if the Secretary determines, after providing the opportunity for a hearing, that the recipient of the service has repeatedly failed to comply with the requirements of the Federal Meat Inspection Act, the Poultry Products Inspection Act or corresponding regulations.

Inspection can be withdrawn prior to a hearing if such action is necessary in order to protect the health and welfare of consumers or to assure the safe and effective performance of official duties.

Judical review of these orders shall be in the United States Court of Appeals.

CIVIL PENALTIES

Civil penalties may be assessed against persons, firms or corporations that violate provisions of the Federal Meat Inspection Act, the Poultry Products Inspection Act or relevant orders. Civil penalties are limited to $100,000 per day of violation. The amount of the penalty shall be assessed by written order following consideration of the gravity of the violation, degree of culpability, and the history of prior offenses.

Judicial review of these orders shall be in the United States Court of Appeals. Penalties collected under this section shall be paid into the United States Treasury.

CORPORATE WHISTLEBLOWER PROTECTION

Employees are protected against harassment, discrimination, prosecution and liability by employers because the employee is assisting in achieving compliance with federal or state laws, rules or regulations; refusing to violate federal or state laws, rules or regulations; or otherwise attempting to carry out the functions of or responsibilities of the USDA. This section is governed by the Surface Transportation Act and the Whistleblower Protection Act.

By Mr. HEFLIN (for himself and Mr. SHELBY):

S. 516. A bill to transfer responsibility for the aquaculture research program under Public Law 85–342 from the Secretary of the Interior to the Secretary of Agriculture, and for other purposes; to the Committee on Environment and Public Works.

NATIONAL AQUACULTURE RESEARCH CENTER ACT

Mr. HEFLIN. Mr. President, I am pleased to introduce the National Aquaculture Research Center Act of 1995.

The first major provision within my legislation transfers responsibility for the aquaculture research program from the Secretary of the Interior to the Secretary of Agriculture. This transfer simply recognizes the reality that the vast majority of aquaculture research and funding comes through the U.S. Department of Agriculture. This is a long-overdue streamlining measure that will greatly improve the overall efficiency and timeliness of aquaculture research.

The second provision stipulates that the Southeastern Fish Culture Laboratory in Marion, AL be named and designated as the ''Claude Harris National Aquaculture Research Center.'' Many of my colleagues remember former Congressman Claude Harris, who passed away last fall after a battle with lung cancer. He spent 6 years in the House of Representatives from the Seventh District of Alabama, and was an outstanding Member of Congress. At the time of his death, he was serving as the U.S. attorney for the northern district of Alabama. He was honest and amiable and never took his political accomplishments for granted.

During his time in Congress, Claude Harris was a strong supporter of aquaculture research, and was instrumental in promoting it through his hard work on the House Energy and Commerce Committee. The fish culture laboratory in Marion is located in Claude's former district.

This designation will serve as a proper and fitting tribute to the memory of Congressman Claude Harris, whose drive, determination, and energy did so much to advance the important science of aquaculture in this country.

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. LOTT, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 50, a bill to repeal the increase in tax on Social Security benefits.

S. 104

At the request of Mr. D'AMATO, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 104, a bill to establish the position of Coordinator for Counter-Terrorism within the office of the Secretary of State.

S. 212

At the request of Mr. KERRY, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor of S. 212, a bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Shamrock V*.

S. 213

At the request of Mr. KERRY, the name of the Senator from Rhode Island [Mr. CHAFEE] was added as a cosponsor

of S. 213, a bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Endeavour*.

S. 244

At the request of Mr. LUGAR, his name was added as a cosponsor of S. 244, a bill to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

S. 275

At the request of Mr. GRASSLEY, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 275, a bill to establish a temporary moratorium on the Interagency Memorandum of Agreement Concerning Wetlands Determinations until enactment of a law that is the successor to the Food, Agriculture, Conservation, and Trade Act of 1990, and for other purposes.

S. 303

At the request of Mr. LIEBERMAN, the name of the Senator from Minnesota [Mr. GRAMS] 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. 328

At the request of Mr. SANTORUM, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 328, a bill to amend the Clean Air Act to provide for an optional provision for the reduction of work-related vehicle trips and miles traveled in ozone nonattainment areas designated as severe, and for other purposes.

S. 351

At the request of Mr. HATCH, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 351, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for increasing research activities.

S. 469

At the request of Mr. GREGG, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 469, a bill to eliminate the National Education Standards and Improvement Council and opportunity-to-learn standards.

S. 476

At the request of Mr. NICKLES, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 476, a bill to amend title 23, United States Code, to eliminate the national maximum speed limit, and for other purposes.

S. 500

At the request of Mr. JOHNSTON, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of S. 500, a bill to amend the Internal Revenue Code of 1986 to provide that certain deductions of school bus drivers shall be allowable in computing adjusted gross income.

AMENDMENTS SUBMITTED

PAPERWORK REDUCTION ACT

LEVIN (AND OTHERS) AMENDMENT NO. 319

Mr. LEVIN (for himself, Mr. COHEN, Mr. ROTH, and Mr. GLENN) proposed an amendment to the bill (S. 244) to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes; as follows:

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

TITLE I—PAPERWORK REDUCTION

On page 2, line 3, strike out ''**SECTION 1**.'' and insert in lieu thereof ''**SEC. 101.**''.

On page 2, line 4, strike out ''Act'' and insert in lieu thereof ''title''.

On page 2, line 6, strike out ''**SEC. 2**.'' and insert in lieu thereof ''**SEC. 102**.''.

On page 58, strike out lines 3 through 5 and insert in lieu thereof the following:

SEC. 103. EFFECTIVE DATE.

The provisions of this title and the amendments made by this title shall take effect on June 30, 1995.

On page 58, add after line 5 the following new title:

TITLE II—FEDERAL REPORT ELIMINATION AND MODIFICATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Federal Report Elimination and Modification Act of 1995''.

SEC. 202. TABLE OF CONTENTS.

The table of contents for this title is as follows:

Subtitle I—Departments

CHAPTER 1—DEPARTMENT OF AGRICULTURE

SEC. 1011. REPORTS ELIMINATED.

(a) REPORT ON MONITORING AND EVALUATION.—Section 1246 of the Food Security Act of 1985 (16 U.S.C. 3846) is repealed.

(b) REPORT ON RETURN ON ASSETS.—Section 2512 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421b) is amended—

(1) in subsection (a), by striking ''(a) IMPROVING'' and all that follows through ''FORECASTS.—''; and

(2) by striking subsection (b).

(c) REPORT ON FARM VALUE OF AGRICULTURAL PRODUCTS.—Section 2513 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421c) is repealed.

(d) REPORT ON ORIGIN OF EXPORTS OF PEANUTS.—Section 1558 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 958) is repealed.

(e) REPORT ON REPORTING OF IMPORTING FEES.—Section 407 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) through (h) as subsections (b) through (g), respectively.

(f) REPORT ON AGRICULTURAL INFORMATION EXCHANGE WITH IRELAND.—Section 1420 of the Food Security Act of 1985 (Public Law 99–198; 99 Stat. 1551) is amended—

(1) in subsection (a), by striking ''(a)''; and

(2) by striking subsection (b).

(g) REPORT ON POTATO INSPECTION.—Section 1704 of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 499n note) is amended by striking the second sentence.

(h) REPORT ON TRANSPORTATION OF FERTILIZER AND AGRICULTURAL CHEMICALS.—Section 2517 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624; 104 Stat. 4077) is repealed.

(i) REPORT ON UNIFORM END-USE VALUE TESTS.—Section 307 of the Futures Trading Act of 1986 (Public Law 99–641; 7 U.S.C. 76 note) is amended by striking subsection (c).

(j) REPORT ON PROJECT AREAS WITH HIGH FOOD STAMP PAYMENT ERROR RATES.—Section 16(i) of the Food Stamp Act of 1977 (7 U.S.C. 2025(i)) is amended by striking paragraph (3).

(k) REPORT ON EFFECT OF EFAP DISPLACEMENT ON COMMERCIAL SALES.—Section 203C(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking the last sentence.

(l) REPORT ON WIC EXPENDITURES AND PARTICIPATION LEVELS.—Section 17(m) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)) is amended—

(1) by striking paragraphs (8) and (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (8) and (9), respectively.

(m) REPORT ON WIC MIGRANT SERVICES.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) is amended by striking subsection (j).

(n) REPORT ON DEMONSTRATIONS INVOLVING INNOVATIVE HOUSING UNITS.—Section 506(b) of the Housing Act of 1949 (42 U.S.C. 1476(b)) is amended by striking the last sentence.

(o) REPORT ON ANNUAL UPWARD MOBILITY PROGRAM ACTIVITY.—Section 2(a)(6)(A) of the Act of June 20, 1936 (20 U.S.C. 107a(a)(6)(A)), is amended by striking ''including upward mobility'' and inserting ''excluding upward mobility''.

(p) REPORT ON LAND EXCHANGES IN COLUMBIA RIVER GORGE NATIONAL SCENIC AREA.—Section 9(d)(3) of the Columbia River Gorge National Scenic Area Act (16 U.S.C. 544g(d)(3)) is amended by striking the second sentence.

(q) REPORT ON INCOME AND EXPENDITURES OF CERTAIN LAND ACQUISITIONS.—Section 2(e) of Public Law 96–586 (94 Stat. 3382) is amended by striking the second sentence.

(r) REPORT ON SPECIAL AREA DESIGNATIONS.—Section 1506 of the Agriculture and Food Act of 1981 (16 U.S.C. 3415) is repealed.

(s) REPORT ON EVALUATION OF SPECIAL AREA DESIGNATIONS.—Section 1510 of the Agriculture and Food Act of 1981 (16 U.S.C. 3419) is repealed.

(t) REPORT ON AGRICULTURAL PRACTICES AND WATER RESOURCES DATA BASE DEVELOPMENT.—Section 1485 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5505) is amended—

(1) in subsection (a), by striking ''(a) REPOSITORY.—''; and

(2) by striking subsection (b).

(u) REPORT ON PLANT GENOME MAPPING.—Section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as subsection (g).

(v) REPORT ON APPRAISAL OF PROPOSED BUDGET FOR FOOD AND AGRICULTURAL SCIENCES.—Section 1408(g) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as paragraph (2).

(w) REPORT ON ECONOMIC IMPACT OF ANIMAL DAMAGE ON AQUACULTURE INDUSTRY.—Section 1475(e) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3322(e)) is amended—

(1) in paragraph (1), by striking ''(1)''; and

(2) by striking paragraph (2).

(x) REPORT ON AWARDS MADE BY THE NATIONAL RESEARCH INITIATIVE AND SPECIAL GRANTS.—Section 2 of the Act of August 4, 1965 (7 U.S.C. 450i), is amended—

(1) by striking subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

(y) REPORT ON PAYMENTS MADE UNDER RESEARCH FACILITIES ACT.—Section 8 of the Research Facilities Act (7 U.S.C. 390i) is repealed.

(z) REPORT ON FINANCIAL AUDIT REVIEWS OF STATES WITH HIGH FOOD STAMP PARTICIPATION.—The first sentence of section 11(l) of the Food Stamp Act of 1977 (7 U.S.C. 2020(*l*)) is amended by striking '', and shall, upon completion of the audit, provide a report to Congress of its findings and recommendations within one hundred and eighty days''.

(aa) REPORT ON RURAL TELEPHONE BANK.—Section 408(b)(3) of the Rural Electrification Act of 1936 (7 U.S.C. 948(b)(3)) is amended by striking out subparagraph (I) and redesignating subparagraph (J) as subparagraph (I).

SEC. 1012. REPORTS MODIFIED.

(a) REPORT ON ANIMAL WELFARE ENFORCEMENT.—The first sentence of section 25 of the Animal Welfare Act (7 U.S.C. 2155) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following new paragraph:

''(5) the information and recommendations described in section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830).''.

(b) REPORT ON HORSE PROTECTION ENFORCEMENT.—Section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830) is amended by striking ''On or before the expiration of thirty calendar months following the date of enactment of this Act, and every twelve calendar months thereafter, the Secretary shall submit to the Congress a report upon'' and inserting the following: ''As part of the report submitted by the Secretary under section 25 of the Animal Welfare Act (7 U.S.C. 2155), the Secretary shall include information on''.

(c) REPORT ON AGRICULTURAL QUARANTINE INSPECTION FUND.—The Secretary of Agriculture shall not be required to submit a report to the appropriate committees of Congress on the status of the Agricultural Quarantine Inspection fund more frequently than annually.

(d) REPORT ON ESTIMATED EXPENDITURES UNDER FOOD STAMP PROGRAM.—The third sentence of section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2027(a)(1)) is amended—

(1) by striking ''by the fifteenth day of each month'' and inserting ''for each quarter or other appropriate period''; and

(2) by striking ''the second preceding month's expenditure'' and inserting ''the expenditure for the quarter or other period''.

(e) REPORT ON COMMODITY DISTRIBUTION.—Section 3(a)(3)(D) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100–237; 7 U.S.C. 612c note) is amended by striking ''annually'' and inserting ''biennially''.

(f) REPORT ON PRIORITIES FOR RESEARCH, EXTENSION, AND TEACHING.—Section 1407(f)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(1)) is amended—

(1) in the paragraph heading, by striking ''ANNUAL REPORT'' and inserting ''REPORT''; and

(2) by striking ''Not later than June 30 of each year'' and inserting ''At such times as the Joint Council determines appropriate''.

(g) 5-YEAR PLAN FOR FOOD AND AGRICULTURAL SCIENCES.—Section 1407(f)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(2)) is amended by striking the second sentence.

(h) REPORT ON EXAMINATION OF FEDERALLY SUPPORTED AGRICULTURAL RESEARCH AND EXTENSION PROGRAMS.—Section 1408(g)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)(1)) is amended by inserting ''may provide'' before ''a written report''.

(i) REPORT ON EFFECTS OF FOREIGN OWNERSHIP OF AGRICULTURAL LAND.—Section 5(b) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3504(b)) is amended to read as follows:

''(b) An analysis and determination shall be made, and a report on the Secretary's findings and conclusions regarding such analysis and determination under subsection (a) shall be transmitted within 90 days after the end of—

''(1) the calendar year in which the Federal Report Elimination and Modification Act of 1995 is enacted; and

''(2) the calendar year which occurs every ten years thereafter.''.

CHAPTER 2—DEPARTMENT OF COMMERCE

SEC. 1021. REPORTS ELIMINATED.

(a) REPORT ON VOTING REGISTRATION.—Section 207 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa–5) is repealed.

(b) REPORT ON ESTIMATE OF SPECIAL AGRICULTURAL WORKERS.—Section 210A(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1161(b)(3)) is repealed.

(c) REPORT ON LONG RANGE PLAN FOR PUBLIC BROADCASTING.—Section 393A(b) of the Communications Act of 1934 (47 U.S.C. 393a(b)) is repealed.

(d) REPORT ON STATUS, ACTIVITIES, AND EFFECTIVENESS OF UNITED STATES COMMERCIAL CENTERS IN ASIA, LATIN AMERICA, AND AFRICA AND PROGRAM RECOMMENDATIONS.—Section 401(j) of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a(j)) is repealed.

(e) REPORT ON KUWAIT RECONSTRUCTION CONTRACTS.—Section 606(f) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 is repealed.

(f) REPORT ON UNITED STATES-CANADA FREE TRADE AGREEMENT.—Section 409(a)(3)(B) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended to read as follows:

''(3) The United States members of the working group established under article 1907 of the Agreement shall consult regularly with the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and advisory committees established under section 135 of the Trade Act of 1974 regarding—

''(A) the issues being considered by the working group; and

''(B) as appropriate, the objectives and strategy of the United States in the negotiations.''.

(g) REPORT ON ESTABLISHMENT OF AMERICAN BUSINESS CENTERS AND ON ACTIVITIES OF THE INDEPENDENT STATES BUSINESS AND AGRICULTURE ADVISORY COUNCIL.—Section 305 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5825) is repealed.

(h) REPORT ON FISHERMAN'S CONTINGENCY FUND REPORT.—Section 406 of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1846) is repealed.

(i) REPORT ON USER FEES ON SHIPPERS.—Section 208 of the Water Resources Development Act of 1986 (33 U.S.C. 2236) is amended by—

(1) striking subsection (b); and

(2) redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

SEC. 1022. REPORTS MODIFIED.

(a) REPORT ON FEDERAL TRADE PROMOTION STRATEGIC PLAN.—Section 2312(f) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f) is amended to read as follows:

''(f) REPORT TO THE CONGRESS.—The chairperson of the TPCC shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Foreign Affairs of the House of Representatives, not later than September 30, 1995, and annually thereafter, a report describing—

''(1) the strategic plan developed by the TPCC pursuant to subsection (c), the implementation of such plan, and any revisions thereto; and

''(2) the implementation of sections 303 and 304 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5823 and 5824) concerning funding for export promotion activities and the interagency working groups on energy of the TPCC.''.

(b) REPORT ON EXPORT POLICY.—Section 2314(b)(1) of the Export Enhancement Act of 1988 (15 U.S.C. 4729(b)(1)) is amended—

(1) in subparagraph (E) by striking out ''and'' after the semicolon;

(2) in subparagraph (F) by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new subparagraphs:

''(G) the status, activities, and effectiveness of the United States commercial centers established under section 401 of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a);

''(H) the implementation of sections 301 and 302 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5821 and 5822) concerning American Business Centers and the Independent States Business and Agriculture Advisory Council;

''(I) the programs of other industrialized nations to assist their companies with their efforts to transact business in the independent states of the former Soviet Union; and

''(J) the trading practices of other Organization for Economic Cooperation and Development nations, as well as the pricing practices of transitional economies in the independent states, that may disadvantage United States companies.''.

CHAPTER 3—DEPARTMENT OF DEFENSE

SEC. 1031. REPORTS ELIMINATED.

(a) REPORT ON SEMATECH.—Section 274 of The National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100–180; 101 Stat. 1071) is amended—

(1) in section 6 by striking out the item relating to section 274; and

(2) by striking out section 274.

(b) REPORT ON REVIEW OF DOCUMENTATION IN SUPPORT OF WAIVERS FOR PEOPLE ENGAGED IN ACQUISITION ACTIVITIES.—

(1) IN GENERAL.—Section 1208 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 1701 note) is repealed.

(2) CLERICAL AMENDMENT TO TABLE OF CONTENTS.—Section 2(b) of such Act is amended by striking out the item relating to section 1208.

CHAPTER 4—DEPARTMENT OF EDUCATION

SEC. 1041. REPORTS ELIMINATED.

(a) REPORT ON PERSONNEL REDUCTION AND ANNUAL LIMITATIONS.—Subsection (a) of section 403 of the Department of Education Organization Act (20 U.S.C. 3463(a)) is amended—

(1) in paragraph (2), by striking all beginning with ''and shall,'' through the end thereof and inserting a period; and

(2) by redesignating paragraph (3) as paragraph (2).

(b) REPORT ON PROJECTS FUNDED BY THE FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING.—Section 3232 of the Fund for the Improvement and Reform of Schools and Teaching Act (20 U.S.C. 4832) is amended—

(1) in the section heading, by striking ''**AND REPORTING**'';

(2) in subsection (a), by striking ''(a) EXEMPLARY PROJECTS.—''; and

(3) by striking subsections (b) and (c).

(c) REPORT ON THE SUCCESS OF FIRST ASSISTED PROGRAMS IN IMPROVING EDUCATION.—Section 6215 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 4832 note) is amended—

(1) by amending the section heading to read as follows:

''**SEC. 6215. EXEMPLARY PROJECTS.**'';

(2) in subsection (a), by striking ''(a) EXEMPLARY PROJECTS.—''; and

(3) by striking subsections (b) and (c).

(d) REPORT ON SUPPORTED EMPLOYMENT ACTIVITIES.—Subsection (c) of section 311 of the Rehabilitation Act of 1973 (20 U.S.C. 777a(c) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(e) REPORT ON THE CLIENT ASSISTANCE PROGRAM.—Subsection (g) of section 112 of the Rehabilitation Act of 1973 (20 U.S.C. 732(g)) is amended—

(1) by striking paragraphs (4) and (5); and

(2) in paragraph (6), by striking ''such report or for any other'' and inserting ''any''.

(f) REPORT ON THE SUMMARY OF LOCAL EVALUATIONS OF COMMUNITY EDUCATION EMPLOYMENT CENTERS.—Section 370 of the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2396h) is amended—

(1) in the section heading, by striking ''**AND REPORT**'';

(2) in subsection (a), by striking ''(a) LOCAL EVALUATION.—''; and

(3) by striking subsection (b).

(g) REPORT ON THE ADMINISTRATION OF THE VOCATIONAL EDUCATION ACT OF 1917.—Section 18 of the Vocational Education Act of 1917 (20 U.S.C. 28) is repealed.

(h) REPORT BY THE INTERDEPARTMENTAL TASK FORCE ON COORDINATING VOCATIONAL EDUCATION AND RELATED PROGRAMS.—Subsection (d) of section 4 of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (20 U.S.C. 2303(d)) is repealed.

(i) REPORT ON THE EVALUATION OF THE GATEWAY GRANTS PROGRAM.—Subparagraph (B) of section 322(a)(3) of the Adult Education Act (20 U.S.C. 1203a(a)(3)(B)) is amended by striking ''and report the results of such evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate''.

(j) REPORT ON THE BILINGUAL VOCATIONAL TRAINING PROGRAM.—Paragraph (3) of section 441(e) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2441(e)(3)) is amended by striking the last sentence thereof.

(k) REPORT ON ADVISORY COUNCILS.—Section 448 of the General Education Provisions Act (20 U.S.C. 1233g) is repealed.

SEC. 1042. REPORTS MODIFIED.

(a) REPORT ON THE CONDITION OF BILINGUAL EDUCATION IN THE NATION.—Section 6213 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 3303 note) is amended—

(1) in the section heading, by striking ''**REPORT ON**'' and inserting ''**INFORMATION REGARDING**''; and

(2) by striking the matter preceding paragraph (1) and inserting ''The Secretary shall collect data for program management and accountability purposes regarding—''.

(b) REPORT TO CONGRESS ON THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—Subsection (b) of section 724 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11434(b)) is amended by striking paragraph (4) and the first paragraph (5) and inserting the following:

''(4) The Secretary shall prepare and submit a report to the appropriate committees of the Congress at the end of every other fiscal year. Such report shall—

''(A) evaluate the programs and activities assisted under this part; and

''(B) contain the information received from the States pursuant to section 722(d)(3).''.

(c) REPORT TO GIVE NOTICE TO CONGRESS.—Subsection (d) of section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089(d)) is amended—

(1) in the first sentence by striking ''the items specified in the calendar have been

completed and provide all relevant forms, rules, and instructions with such notice'' and inserting ''a deadline included in the calendar described in subsection (a) is not met''; and

(2) by striking the second sentence.

(d) ANNUAL REPORT ON ACTIVITIES UNDER THE REHABILITATION ACT OF 1973.—Section 13 of the Rehabilitation Act of 1973 (20 U.S.C. 712) is amended by striking ''twenty'' and inserting ''eighty''.

(e) REPORT TO THE CONGRESS REGARDING REHABILITATION TRAINING PROGRAMS.—The second sentence of section 302(c) of the Rehabilitation Act of 1973 (20 U.S.C. 774(c)) is amended by striking ''simultaneously with the budget submission for the succeeding fiscal year for the Rehabilitation Services Administration'' and inserting ''by September 30 of each fiscal year''.

(f) REPORT PREPARED BY THE DEPARTMENT OF THE INTERIOR ON INDIAN CHILDREN AND THE BILINGUAL EDUCATION ACT.—

(1) REPEAL.—Subsection (c) of section 7022 of the Bilingual Education Act (20 U.S.C. 3292) is repealed.

(2) ANNUAL REPORT.—Paragraph (3) of section 7051(b)(3) of the Bilingual Education Act (20 U.S.C. 3331(b)(3)) is amended—

(A) in subparagraph (D), by striking ''and'' after the semicolon;

(B) in subparagraph (E), by striking the period and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

''(F) the needs of the Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including those tribes and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C. 452 et seq.); and

''(G) the extent to which the needs described in subparagraph (F) are being met by funds provided to such schools for educational purposes through the Secretary of the Interior.''.

(g) ANNUAL EVALUATION REPORTS.—Section 417 of the General Education Provisions Act (20 U.S.C. 1226c) is amended—

(1) in the section heading, by striking ''ANNUAL'' and inserting ''BIENNIAL''; and

(2) in subsection (a)—

(A) by striking ''December'' and inserting ''March'';

(B) by striking ''each year,'' and inserting ''every other year''; and

(C) by striking ''an annual'' and inserting ''a biennial'';

(3) in subparagraph (B), by striking ''previous fiscal year'' and inserting ''2 preceding fiscal years''; and

(4) in subparagraph (C), by striking ''previous fiscal year'' and inserting ''2 preceding fiscal years''.

(h) ANNUAL AUDIT OF STUDENT LOAN INSURANCE FUND.—Section 432(b) of the Higher Education Act of 1965 (20 U.S.C. 1082(b)) is amended to read as follows:

''(b) FINANCIAL OPERATIONS RESPONSIBILITIES.—The Secretary shall, with respect to the financial operations arising by reason of this part prepare annually and submit a budget program as provided for wholly owned Government corporations by chapter 91 of title 31, United States Code. The transactions of the Secretary, including the settlement of insurance claims and of claims for payments pursuant to section 1078 of this title, and transactions related thereto and vouchers approved by the Secretary in connection with such transactions, shall be final and conclusive upon all accounting and other officers of the Government.''.

CHAPTER 5—DEPARTMENT OF ENERGY

SEC. 1051. REPORTS ELIMINATED.

(a) REPORTS ON PERFORMANCE AND DISPOSAL OF ALTERNATIVE FUELED HEAVY DUTY VEHICLES.—Paragraphs (3) and (4) of section 400AA(b) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(3), 6374(b)(4)) are repealed.

(b) REPORT ON WIND ENERGY SYSTEMS.—Section 9(a)(3) of the Wind Energy Systems Act of 1980 (42 U.S.C. 9208(a)(3)) is repealed.

(c) REPORT ON COMPREHENSIVE PROGRAM MANAGEMENT PLAN FOR OCEAN THERMAL ENERGY CONVERSION.—Section 3(d) of the Ocean Thermal Energy Conversion Research, Development, and Demonstration Act (42 U.S.C. 9002(d)) is repealed.

(d) REPORTS ON SUBSEABED DISPOSAL OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—Subsections (a) and (b)(5) of section 224 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10204(a), 10204(b)(5)) are repealed.

(e) REPORT ON FUEL USE ACT.—Sections 711(c)(2) and 806 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8421(c)(2), 8482) are repealed.

(f) REPORT ON TEST PROGRAM OF STORAGE OF REFINED PETROLEUM PRODUCTS WITHIN THE STRATEGIC PETROLEUM RESERVE.—Section 160(g)(7) of the Energy Policy and Conservation Act (42 U.S.C. 6240(g)(7)) is repealed.

(g) REPORT ON NAVAL PETROLEUM AND OIL SHALE RESERVES PRODUCTION.—Section 7434 of title 10, United States Code, is repealed.

(h) REPORT ON EFFECTS OF PRESIDENTIAL MESSAGE ESTABLISHING A NUCLEAR NONPROLIFERATION POLICY ON NUCLEAR RESEARCH AND DEVELOPMENT COOPERATIVE AGREEMENTS.—Section 203 of the Department of Energy Act of 1978—Civilian Applications (22 U.S.C. 2429 note) is repealed.

(i) REPORT ON WRITTEN AGREEMENTS REGARDING NUCLEAR WASTE REPOSITORY SITES.—Section 117(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10137(c)) is amended by striking the following: ''If such written agreement is not completed prior to the expiration of such period, the Secretary shall report to the Congress in writing not later than 30 days after the expiration of such period on the status of negotiations to develop such agreement and the reasons why such agreement has not been completed. Prior to submission of such report to the Congress, the Secretary shall transmit such report to the Governor of such State or the governing body of such affected Indian tribe, as the case may be, for their review and comments. Such comments shall be included in such report prior to submission to the Congress.''.

(j) QUARTERLY REPORT ON STRATEGIC PETROLEUM RESERVES.—Section 165(b) of the Energy Policy and Conservation Act (42 U.S.C. 6245(b)) is repealed.

(k) REPORT ON THE DEPARTMENT OF ENERGY.—The Federal Energy Administration Act of 1974 (15 U.S.C. 790d), is amended by striking out section 55.

SEC. 1052. REPORTS MODIFIED.

(a) REPORTS ON PROCESS-ORIENTED INDUSTRIAL ENERGY EFFICIENCY AND INDUSTRIAL INSULATION AUDIT GUIDELINES.—

(1) Section 132(d) of the Energy Policy Act of 1992 (42 U.S.C. 6349(d)) is amended—

(A) in the language preceding paragraph (1), by striking ''Not later than 2 years after October 24, 1992, and annually thereafter'' and inserting ''Not later than October 24, 1995, and biennially thereafter'';

(B) in paragraph (4), by striking ''and'' at the end;

(C) in paragraph (5), by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following new paragraph:

''(6) the information required under section 133(c).''.

(2) Section 133(c) of the Energy Policy Act of 1992 (42 U.S.C. 6350(c)) is amended—

(A) by striking, ''October 24, 1992'' and inserting ''October 24, 1995''; and

(B) by inserting ''as part of the report required under section 132(d),'' after ''and biennially thereafter,''.

(b) REPORT ON AGENCY REQUESTS FOR WAIVER FROM FEDERAL ENERGY MANAGEMENT REQUIREMENTS.—Section 543(b)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(b)(2)) is amended—

(1) by inserting '', as part of the report required under section 548(b),'' after ''the Secretary shall''; and

(2) by striking ''promptly''.

(c) REPORT ON THE PROGRESS, STATUS, ACTIVITIES, AND RESULTS OF PROGRAMS REGARDING THE PROCUREMENT AND IDENTIFICATION OF ENERGY EFFICIENT PRODUCTS.—Section 161(d) of the Energy Policy Act of 1992 (42 U.S.C. 8262g(d)) is amended by striking ''of each year thereafter,''; and inserting ''thereafter as part of the report required under section 548(b) of the National Energy Conservation Policy Act,''.

(d) REPORT ON THE FEDERAL GOVERNMENT ENERGY MANAGEMENT PROGRAM.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''and'' after the semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) the information required under section 543(b)(2); and'';

(2) in paragraph (2), by striking ''and'' after the semicolon;

(3) in paragraph (3), by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following new paragraph:

''(4) the information required under section 161(d) of the Energy Policy Act of 1992.''.

(e) REPORT ON ALTERNATIVE FUEL USE BY SELECTED FEDERAL VEHICLES.—Section 400AA(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(1)(B)) is amended by striking ''and annually thereafter''.

(f) REPORT ON THE OPERATION OF STATE ENERGY CONSERVATION PLANS.—Section 365(c) of the Energy Policy and Conservation Act (42 U.S.C. 6325(c)) is amended by striking ''report annually'' and inserting '', as part of the report required under section 657 of the Department of Energy Organization Act, report''.

(g) REPORT ON THE DEPARTMENT OF ENERGY.—Section 657 of the Department of Energy Organization Act (42 U.S.C. 7267) is amended by inserting after ''section 15 of the Federal Energy Administration Act of 1974,'' the following: ''section 365(c) of the Energy Policy and Conservation Act, section 304(c) of the Nuclear Waste Policy Act of 1982,''.

(h) REPORT ON COST-EFFECTIVE WAYS TO INCREASE HYDROPOWER PRODUCTION AT FEDERAL WATER FACILITIES.—Section 2404 of the Energy Policy Act of 1992 (16 U.S.C. 797 note) is amended—

(1) in subsection (a), by striking ''The Secretary, in consultation with the Secretary of the Interior and the Secretary of the Army,'' and inserting ''The Secretary of the Interior and the Secretary of the Army, in consultation with the Secretary,''; and

(2) in subsection (b), by striking ''the Secretary'' and inserting ''the Secretary of the Interior, or the Secretary of the Army,''.

(i) REPORT ON PROGRESS MEETING FUSION ENERGY PROGRAM OBJECTIVES.—Section 2114(c)(5) of the Energy Policy Act of 1992 (42 U.S.C. 13474(c)(5)) is amended by striking out the first sentence and inserting in lieu thereof ''The President shall include in the budget submitted to the Congress each year under section 1105 of title 31, United States Code, a report prepared by the Secretary describing the progress made in meeting the program objectives, milestones, and schedules established in the management plan.''.

(j) REPORT ON HIGH-PERFORMANCE COMPUTING ACTIVITIES.—Section 203(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(d)) is amended to read as follows:

''(d) REPORTS.—Not later than 1 year after the date of enactment of this subsection, and thereafter as part of the report required under section 101(a)(3)(A), the Secretary of Energy shall report on activities taken to carry out this Act.''.

(k) REPORT ON NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM.—Section 101(a)(4) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(4)) is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

''(E) include the report of the Secretary of Energy required by section 203(d); and''.

(l) REPORT ON NUCLEAR WASTE DISPOSAL PROGRAM.—Section 304(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10224(d)) is amended to read as follows:

''(d) AUDIT BY GAO.—If requested by either House of the Congress (or any committee thereof) or if considered necessary by the Comptroller General, the General Accounting Office shall conduct an audit of the Office, in accord with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit a report on the results of each audit conducted under this section.''.

CHAPTER 6—DEPARTMENT OF HEALTH AND HUMAN SERVICES

SEC. 1061. REPORTS ELIMINATED.

(a) REPORT ON THE EFFECTS OF TOXIC SUBSTANCES.—Subsection (c) of section 27 of the Toxic Substance Control Act (15 U.S.C. 2626(c)) is repealed.

(b) REPORT ON COMPLIANCE WITH THE CONSUMER-PATIENT RADIATION HEALTH AND SAFETY ACT.—Subsection (d) of section 981 of the Consumer-Patient Radiation Health and Safety Act of 1981 (42 U.S.C. 10006(d)) is repealed.

(c) REPORT ON EVALUATION OF TITLE VIII PROGRAMS.—Section 859 of the Public Health Service Act (42 U.S.C. 298b–6) is repealed.

(d) REPORT ON MODEL SYSTEM FOR PAYMENT FOR OUTPATIENT HOSPITAL SERVICES.—Paragraph (6) of section 1135(d) of the Social Security Act (42 U.S.C. 1320b–5(d)(6)) is repealed.

(e) REPORT ON MEDICARE TREATMENT OF UNCOMPENSATED CARE.—Paragraph (2) of section 603(a) of the Social Security Amendments of 1983 (42 U.S.C. 1395ww note) is repealed.

(f) REPORT ON PROGRAM TO ASSIST HOMELESS INDIVIDUALS.—Subsection (d) of section 9117 of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 1383 note) is repealed.

SEC. 1062. REPORTS MODIFIED.

(a) REPORT OF THE SURGEON GENERAL.—Section 239 of the Public Health Service Act (42 U.S.C. 238h) is amended to read as follows:

''BIANNUAL REPORT

''SEC. 239. The Surgeon General shall transmit to the Secretary, for submission to the Congress, on January 1, 1995, and on January 1, every 2 years thereafter, a full report of the administration of the functions of the Service under this Act, including a detailed statement of receipts and disbursements.''.

(b) REPORT ON HEALTH SERVICE RESEARCH ACTIVITIES.—Subsection (b) of section 494A of the Public Health Service Act (42 U.S.C. 289c–1(b)) is amended by striking ''September 30, 1993, and annually thereafter'' and inserting ''December 30, 1993, and each December 30 thereafter''.

(c) REPORT ON FAMILY PLANNING.—Section 1009(a) of the Public Health Service Act (42 U.S.C. 300a–7(a)) is amended by striking ''each fiscal year'' and inserting ''fiscal year 1995, and each second fiscal year thereafter,''.

(d) REPORT ON THE STATUS OF HEALTH INFORMATION AND HEALTH PROMOTION.—Section 1705(a) of the Public Health Service Act (42 U.S.C. 300u–4) is amended in the first sentence by striking out ''annually'' and inserting in lieu thereof ''biannually''.

CHAPTER 7—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SEC. 1071. REPORTS ELIMINATED.

(a) REPORTS ON PUBLIC HOUSING HOMEOWNERSHIP AND MANAGEMENT OPPORTUNITIES.—Section 21(f) of the United States Housing Act of 1937 (42 U.S.C. 1437s(f)) is repealed.

(b) INTERIM REPORT ON PUBLIC HOUSING MIXED INCOME NEW COMMUNITIES STRATEGY DEMONSTRATION.—Section 522(k)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is repealed.

(c) BIENNIAL REPORT ON INTERSTATE LAND SALES REGISTRATION PROGRAM.—Section 1421 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1719a) is repealed.

(d) QUARTERLY REPORT ON ACTIVITIES UNDER THE FAIR HOUSING INITIATIVES PROGRAM.—Section 561(e)(2) of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(e)(2)) is repealed.

(e) COLLECTION OF AND ANNUAL REPORT ON RACIAL AND ETHNIC DATA.—Section 562(b) of the Housing and Community Development Act of 1987 (42 U.S.C. 3608a(b)) is repealed.

SEC. 1072. REPORTS MODIFIED.

(a) REPORT ON HOMEOWNERSHIP OF MULTIFAMILY UNITS PROGRAM.—Section 431 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12880) is amended—

(1) in the section heading, by striking ''**ANNUAL**''; and

(2) by striking ''The Secretary shall annually'' and inserting ''The Secretary shall no later than December 31, 1995,''.

(b) TRIENNIAL AUDIT OF TRANSACTIONS OF NATIONAL HOMEOWNERSHIP FOUNDATION.—Section 107(g)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701y(g)(1)) is amended by striking the last sentence.

(c) REPORT ON LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.—Section 2605(h) of the Low-Income Home Energy Assistance Act of 1981 (Public Law 97–35; 42 U.S.C. 8624(h)), is amended by striking out ''(but not less frequently than every three years),''.

CHAPTER 8—DEPARTMENT OF THE INTERIOR

SEC. 1081. REPORTS ELIMINATED.

(a) REPORT ON AUDITS IN FEDERAL ROYALTY MANAGEMENT SYSTEM.—Section 17(j) of the Mineral Leasing Act (30 U.S.C. 226(j)) is amended by striking the last sentence.

(b) REPORT ON DOMESTIC MINING, MINERALS, AND MINERAL RECLAMATION INDUSTRIES.—Section 2 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended by striking the last sentence.

(c) REPORT ON PHASE I OF THE HIGH PLAINS STATES GROUNDWATER DEMONSTRATION PROJECT.—Section 3(d) of the High Plains States Groundwater Demonstration Program Act of 1983 (43 U.S.C. 390g–1(d)) is repealed.

(d) REPORT ON RECLAMATION REFORM ACT COMPLIANCE.—Section 224(g) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(g)) is amended by striking the last 2 sentences.

(e) REPORT ON GEOLOGICAL SURVEYS CONDUCTED OUTSIDE THE DOMAIN OF THE UNITED STATES.—Section 2 of Public Law 87–626 (43 U.S.C. 31(c)) is repealed.

(f) REPORT ON RECREATION USE FEES.—Section 4(h) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–6a(h)) is repealed.

(g) REPORT ON FEDERAL SURPLUS REAL PROPERTY PUBLIC BENEFIT DISCOUNT PROGRAM FOR PARKS AND RECREATION.—Section 203(o)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)(1)) is amended by striking ''subsection (k) of this section and''.

SEC. 1082. REPORTS MODIFIED.

(a) REPORT ON LEVELS OF THE OGALLALA AQUIFER.—Title III of the Water Resources Research Act of 1984 (42 U.S.C. 10301 note) is amended—

(1) in section 306, by striking ''annually'' and inserting ''biennially''; and

(2) in section 308, by striking ''intervals of one year'' and inserting ''intervals of 2 years''.

(b) REPORT ON EFFECTS OF OUTER CONTINENTAL SHELF LEASING ACTIVITIES ON HUMAN, MARINE, AND COASTAL ENVIRONMENTS.—Section 20(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346(e)) is amended by striking ''each fiscal year'' and inserting ''every 3 fiscal years''.

CHAPTER 9—DEPARTMENT OF JUSTICE

SEC. 1091. REPORTS ELIMINATED.

(a) REPORT ON CRIME AND CRIME PREVENTION.—(1) Section 3126 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 206 of title 18, United States Code, is amended by striking out the item relating to section 3126.

(b) REPORT ON DRUG INTERDICTION TASK FORCE.—Section 3301(a)(1)(C) of the National Drug Interdiction Act of 1986 (21 U.S.C. 801 note; Public Law 99–570; 100 Stat. 3207–98) is repealed.

(c) REPORT ON EQUAL ACCESS TO JUSTICE.—Section 2412(d)(5) of title 28, United States Code, is repealed.

(d) REPORT ON FEDERAL OFFENDER CHARACTERISTICS.—Section 3624(f)(6) of title 18, United States Code, is repealed.

(e) REPORT ON COSTS OF DEATH PENALTY.—The Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4395; 21 U.S.C. 848 note) is amended by striking out section 7002.

(f) MINERAL LANDS LEASING ACT.—Section 8B of the Mineral Lands Leasing Act (30 U.S.C. 208–2) is repealed.

(g) SMALL BUSINESS ACT.—Subsection (c) of section 10 of the Small Business Act (15 U.S.C. 639(c)) is repealed.

(h) ENERGY POLICY AND CONSERVATION ACT.—Section 252(i) of the Energy Policy Conservation Act (42 U.S.C. 6272(i)) is amended by striking '', at least once every 6 months, a report'' and inserting '', at such intervals as are appropriate based on significant developments and issues, reports''.

(i) REPORT ON FORFEITURE FUND.—Section 524(c) of title 28, United States Code, is amended—

(1) by striking out paragraph (7); and

(2) by redesignating paragraphs (8) through (12) as paragraphs (7) through (11), respectively.

CHAPTER 10—DEPARTMENT OF LABOR

SEC. 1101. REPORTS ELIMINATED.

Section 408(d) of the Veterans Education and Employment Amendments of 1989 (38 U.S.C. 4100 note) is repealed.

SEC. 1102. REPORTS MODIFIED.

(a) REPORT ON THE ACTIVITIES CONDUCTED UNDER THE FAIR LABOR STANDARDS ACT OF 1938.—Section 4(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 204(d)(1)) is amended—

(1) by striking ''annually'' and inserting ''biannually''; and

(2) by striking ''preceding year'' and inserting ''preceding two years''.

(b) ANNUAL REPORT OF THE OFFICE OF WORKERS' COMPENSATION.—

(1) REPORT ON THE ADMINISTRATION OF THE LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT.—Section 42 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 942) is amended—

(A) by striking ''beginning of each'' and all that follows through ''Amendments of 1984'' and inserting ''end of each fiscal year''; and

(B) by adding the following new sentence at the end: ''Such report shall include the annual reports required under section 426(b) of the Black Lung Benefits Act (30 U.S.C. 936(b)) and section 8194 of title 5, United States Code, and shall be identified as the Annual Report of the Office of Workers' Compensation Programs.''.

(2) REPORT ON THE ADMINISTRATION OF THE BLACK LUNG BENEFITS PROGRAM.—Section 426(b) of the ''Black Lung Benefits Act (30 U.S.C. 936(b)) is amended—

(A) by striking ''Within'' and all that follows through ''Congress the'' and inserting ''At the end of each fiscal year, the''; and

(B) by adding the following new sentence at the end: ''Each such report shall be prepared and submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 942).''.

(3) REPORT ON THE ADMINISTRATION OF THE FEDERAL EMPLOYEES' COMPENSATION ACT.—(A) Subchapter I of chapter 81 of title 5, United States Code, is amended by adding at the end thereof the following new section:

''§ 8152. Annual report

''The Secretary of Labor shall, at the end of each fiscal year, prepare a report with respect to the administration of this chapter. Such report shall be submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 942).''.

(B) The table of sections for chapter 81 of title 5, United States Code, is amended by inserting after the item relating to section 8151 the following:

''8152. Annual report.''.

(c) ANNUAL REPORT ON THE DEPARTMENT OF LABOR.—Section 9 of an Act entitled ''An Act to create a Department of Labor'', approved March 4, 1913 (29 U.S.C. 560) is amended by striking ''make a report'' and all that follows through ''the department'' and inserting ''prepare and submit to Congress the financial statements of the Department that have been audited''.

CHAPTER 11—DEPARTMENT OF STATE

SEC. 1111. REPORTS ELIMINATED.

Section 8 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2606) is amended by striking subsection (b), and redesignating subsection (c) as subsection (b).

CHAPTER 12—DEPARTMENT OF TRANSPORTATION

SEC. 1121. REPORTS ELIMINATED.

(a) REPORT ON DEEPWATER PORT ACT OF 1974.—Section 20 of the Deepwater Port Act of 1974 (33 U.S.C. 1519) is repealed.

(b) REPORT ON COAST GUARD LOGISTICS CAPABILITIES CRITICAL TO MISSION PERFORMANCE.—Sections 5(a)(2) and 5(b) of the Coast Guard Authorization Act of 1988 (10 U.S.C. 2304 note) are repealed.

(c) REPORT ON MARINE PLASTIC POLLUTION RESEARCH AND CONTROL ACT OF 1987.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1902 note) is amended by striking ''biennially'' and inserting ''triennially''.

(d) REPORT ON APPLIED RESEARCH AND TECHNOLOGY PROGRAM.—Section 307(e)(11) of title 23, United States Code, is repealed.

(e) REPORTS ON HIGHWAY SAFETY IMPROVEMENT PROGRAMS.—

(1) REPORT ON RAILWAY-HIGHWAY CROSSINGS PROGRAM.—Section 130(g) of title 23, United States Code, is amended by striking the last 3 sentences.

(2) REPORT ON HAZARD ELIMINATION PROGRAM.—Section 152(g) of title 23, United States Code, is amended by striking the last 3 sentences.

(f) REPORT ON HIGHWAY SAFETY PERFORMANCE—FATAL AND INJURY ACCIDENT RATES ON PUBLIC ROADS IN THE UNITED STATES.—Section 207 of the Highway Safety Act of 1982 (23 U.S.C. 401 note) is repealed.

(g) REPORT ON HIGHWAY SAFETY PROGRAM STANDARDS.—Section 402(a) of title 23, United States Code, is amended by striking the fifth sentence.

(h) REPORT ON RAILROAD-HIGHWAY DEMONSTRATION PROJECTS.—Section 163(o) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is repealed.

(i) REPORT ON UNIFORM RELOCATION ACT AMENDMENTS OF 1987.—Section 103(b)(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4604(b)(2)) is repealed.

(j) REPORT ON FEDERAL RAILROAD SAFETY ACT OF 1970.—Section 211 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 440) is repealed.

(k) REPORT ON RAILROAD FINANCIAL ASSISTANCE.—Section 308(d) of title 49, United States Code, is repealed.

(l) REPORT ON USE OF ADVANCED TECHNOLOGY BY THE AUTOMOBILE INDUSTRY.—Section 305 of the Automotive Propulsion Research and Development Act of 1978 (15 U.S.C. 2704) is amended by striking the last sentence.

(m) REPORT ON OBLIGATIONS.—Section 4(b) of the Federal Transit Act (49 U.S.C. App. 1603(b)) is repealed.

(n) REPORT ON SUSPENDED LIGHT RAIL SYSTEM TECHNOLOGY PILOT PROJECT.—Section 26(c)(11) of the Federal Transit Act (49 U.S.C. App. 1622(c)(11)) is repealed.

(o) REPORT ON SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.—Section 10(a) of the Act of May 13, 1954 (68 Stat. 96, chapter 201; 33 U.S.C. 989(a)) is repealed.

(p) REPORTS ON PIPELINES ON FEDERAL LANDS.—Section 28(w)(4) of the Mineral Leasing Act (30 U.S.C. 185(w)(4)) is repealed.

(q) REPORTS ON PIPELINE SAFETY.—

(1) REPORT ON NATURAL GAS PIPELINE SAFETY ACT OF 1968.—Section 16(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1683(a)) is amended in the first sentence by striking ''of each year'' and inserting ''of each odd-numbered year''.

(2) REPORT ON HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979.—Section 213 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2012) is amended in the first sentence by striking ''of each year'' and inserting ''of each odd-numbered year''.

SEC. 1122. REPORTS MODIFIED.

(a) REPORT ON MAJOR ACQUISITION PROJECTS.—Section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102–338; 106 Stat. 1551) is amended—

(1) by striking ''quarter of any fiscal year beginning after December 31, 1992, unless the Commandant of the Coast Guard first submits a quarterly report'' and inserting ''half of any fiscal year beginning after December 31, 1995, unless the Commandant of the Coast Guard first submits a semiannual report''; and

(2) by striking ''quarter.'' and inserting ''half-fiscal year.''.

(b) REPORT ON OIL SPILL LIABILITY TRUST FUND.—The quarterly report regarding the Oil Spill Liability Trust Fund required to be submitted to the House and Senate Committees on Appropriations under House Report 101–892, accompanying the appropriations for the Coast Guard in the Department of Transportation and Related Agencies Appropriations Act, 1991, shall be submitted not later than 30 days after the end of the fiscal year in which this Act is enacted and annually thereafter.

(c) REPORT ON JOINT FEDERAL AND STATE MOTOR FUEL TAX COMPLIANCE PROJECT.—Section 1040(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note) is amended by striking ''September 30 and''.

(d) REPORT ON PUBLIC TRANSPORTATION.—Section 308(e)(1) of title 49, United States Code, is amended by striking ''January of each even-numbered year'' and inserting ''March 1995, March 1996, and March of each odd-numbered year thereafter''.

(e) REPORT ON NATION'S HIGHWAYS AND BRIDGES.—Section 307(h) of title 23, United States Code, is amended by striking ''January 1983, and in January of every second year thereafter'' and inserting ''March 1995, March 1996, and March of each odd-numbered year thereafter''.

CHAPTER 13—DEPARTMENT OF THE TREASURY

SEC. 1131. REPORTS ELIMINATED.

(a) REPORT ON THE OPERATION AND STATUS OF STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND.—Paragraph (8) of section 14001(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (31 U.S.C. 6701 note) is repealed.

(b) REPORT ON THE ANTIRECESSION PROVISIONS OF THE PUBLIC WORKS EMPLOYMENT ACT OF 1976.—Section 213 of the Public Works Employment Act of 1976 (42 U.S.C. 6733) is repealed.

(c) REPORT ON THE ASBESTOS TRUST FUND.—Paragraph (2) of section 5(c) of the Asbestos Hazard Emergency Response Act of 1986 (20 U.S.C. 4022(c)) is repealed.

SEC. 1132. REPORTS MODIFIED.

(a) REPORT ON THE WORLD CUP USA 1994 COMMEMORATIVE COIN ACT.—Subsection (g) of section 205 of the World Cup USA 1994 Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking ''month'' and inserting ''calendar quarter''.

(b) REPORTS ON VARIOUS FUNDS.—Subsection (b) of section 321 of title 31, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (5),

(2) by striking the period at the end of paragraph (6) and inserting ''; and'', and

(3) by adding after paragraph (6) the following new paragraph:

''(7) notwithstanding any other provision of law, fulfill any requirement to issue a report on the financial condition of any fund on the books of the Treasury by including the required information in a consolidated report, except that information with respect

to a specific fund shall be separately reported if the Secretary determines that the consolidation of such information would result in an unwarranted delay in the availability of such information.''.

(c) REPORT ON THE JAMES MADISON-BILL OF RIGHTS COMMEMORATIVE COIN ACT.—Subsection (c) of section 506 of the James Madison-Bill of Rights Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking out ''month'' and inserting in lieu thereof ''calendar quarter''.

CHAPTER 14—DEPARTMENT OF VETERANS AFFAIRS

SEC. 1141. REPORTS ELIMINATED.

(a) REPORT ON FURNISHING CONTRACT CARE SERVICES.—Section 1703(c) of title 38, United States Code, is repealed.

(b) REPORT ON ADEQUACY OF RATES FOR STATE HOME CARE.—Section 1741 of such title is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(c) REPORT ON LOANS TO PURCHASE MANUFACTURED HOMES.—Section 3712 of such title is amended—

(1) by striking out subsection (l); and

(2) by redesignating subsection (m) as subsection (l).

(d) REPORT ON LEVEL OF TREATMENT CAPACITY.—Section 8110(a)(3) of such title is amended—

(1) in subparagraph (A)—

(A) by striking out ''(A)''; and

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(2) by striking out subparagraph (B).

(e) REPORT ON COMPLIANCE WITH FUNDED PERSONNEL CODING.—

(1) REPEAL OF REPORT REQUIREMENT.—Section 8110(a)(4) of title 38, United States Code, is amended by striking out subparagraph (C).

(2) CONFORMING AMENDMENTS.—Section 8110(a)(4) of title 38, United States Code, is amended by—

(A) redesignating subparagraph (C) as subparagraph (D);

(B) in subparagraph (A), by striking out ''subparagraph (D)'' and inserting in lieu thereof ''subparagraph (C)''; and

(C) in subparagraph (B), by striking out ''subparagraph (D)'' and inserting in lieu thereof ''subparagraph (C)''.

Subtitle II—Independent Agencies

CHAPTER 1—ACTION

SEC. 2011. REPORTS ELIMINATED.

Section 226 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5026) is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) in paragraph (2), by striking ''(2)'' and inserting ''(b)''; and

(B) in paragraph (1)—

(i) by striking ''(1)(A)'' and inserting ''(1)''; and

(ii) in subparagraph (B)—

(I) by striking ''(B)'' and inserting ''(2)''; and

(II) by striking ''subparagraph (A)'' and inserting ''paragraph (1)''.

CHAPTER 2—ENVIRONMENTAL PROTECTION AGENCY

SEC. 2021. REPORTS ELIMINATED.

(a) REPORT ON ALLOCATION OF WATER.—Section 102 of the Federal Water Pollution Control Act (33 U.S.C. 1252) is amended by striking subsection (d).

(b) REPORT ON VARIANCE REQUESTS.—Section 301(n) of the Federal Water Pollution Control Act (33 U.S.C. 1311(n)) is amended by striking paragraph (8).

(c) REPORT ON IMPLEMENTATION OF CLEAN LAKES PROJECTS.—Section 314(d) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(d) REPORT ON USE OF MUNICIPAL SECONDARY EFFLUENT AND SLUDGE.—Section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375) (as amended by subsection (g)) is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(e) REPORT ON CERTAIN WATER QUALITY STANDARDS AND PERMITS.—Section 404 of the Water Quality Act of 1987 (Public Law 100–4; 33 U.S.C. 1375 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(f) REPORT ON CLASS V WELLS.—Section 1426 of title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act'') (42 U.S.C. 300h–5) is amended—

(1) in subsection (a), by striking ''(a) MONITORING METHODS.—''; and

(2) by striking subsection (b).

(g) REPORT ON SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM.—Section 1427 of title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act'') (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (l); and

(2) by redesignating subsections (m) and (n) as subsections (l) and (m), respectively.

(h) REPORT ON SUPPLY OF SAFE DRINKING WATER.—Section 1442 of title XIV of the Public Health Service Act (commonly known as the ''Safe Drinking Water Act'') (42 U.S.C. 300h–6) is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

(i) REPORT ON NONNUCLEAR ENERGY AND TECHNOLOGIES.—Section 11 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5910) is repealed.

(j) REPORT ON EMISSIONS AT COAL-BURNING POWERPLANTS.—

(1) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8455) is repealed.

(2) The table of contents in section 101(b) of such Act (42 U.S.C. prec. 8301) is amended by striking the item relating to section 745.

(k) 5-YEAR PLAN FOR ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—

(1) Section 5 of the Environmental Research, Development, and Demonstration Authorization Act of 1976 (42 U.S.C. 4361) is repealed.

(2) Section 4 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4361a) is repealed.

(3) Section 8 of such Act (42 U.S.C. 4365) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively.

(l) PLAN ON ASSISTANCE TO STATES FOR RADON PROGRAMS.—Section 305 of the Toxic Substances Control Act (15 U.S.C. 2665) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

CHAPTER 3—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SEC. 2031. REPORTS MODIFIED.

Section 705(k)(2)(C) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4(k)(2)(C)) is amended—

(1) in the matter preceding clause (i), by striking ''including'' and inserting ''including information, presented in the aggregate, relating to'';

(2) in clause (i), by striking ''the identity of each person or entity'' and inserting ''the number of persons and entities'';

(3) in clause (ii), by striking ''such person or entity'' and inserting ''such persons and entities''; and

(4) in clause (iii)—

(A) by striking ''fee'' and inserting ''fees''; and

(B) by striking ''such person or entity'' and inserting ''such persons and entities''.

CHAPTER 4—FEDERAL AVIATION ADMINISTRATION

SEC. 2041. REPORTS ELIMINATED.

Section 7207(c)(4) of the Anti-Drug Abuse Act of 1988 (Public Law 100–690; 102 Stat. 4428; 49 U.S.C. App. 1354 note) is amended—

(1) by striking out ''GAO''; and

(2) by striking out ''the Comptroller General'' and inserting in lieu thereof ''the Department of Transportation Inspector General''.

CHAPTER 5—FEDERAL COMMUNICATIONS COMMISSION

SEC. 2051. REPORTS ELIMINATED.

(a) REPORT TO THE CONGRESS UNDER THE COMMUNICATIONS SATELLITE ACT OF 1962.—Section 404(c) of the Communications Satellite Act of 1962 (47 U.S.C. 744(c)) is repealed.

(b) REIMBURSEMENT FOR AMATEUR EXAMINATION EXPENSES.—Section 4(f)(4)(J) of the Communications Act of 1934 (47 U.S.C. 154(f)(4)(J)) is amended by striking out the last sentence.

CHAPTER 6—FEDERAL DEPOSIT INSURANCE CORPORATION

SEC. 2061. REPORTS ELIMINATED.

Section 102(b)(1) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102–242; 105 Stat. 2237; 12 U.S.C. 1825 note) is amended to read as follows:

''(1) QUARTERLY REPORTING.—Not later than 90 days after the end of any calendar quarter in which the Federal Deposit Insurance Corporation (hereafter in this section referred to as the 'Corporation') has any obligations pursuant to section 14 of the Federal Deposit Insurance Act outstanding, the Comptroller General of the United States shall submit a report on the Corporation's compliance at the end of that quarter with section 15(c) of the Federal Deposit Insurance Act to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives. Such a report shall be included in the Comptroller General's audit report for that year, as required by section 17 of the Federal Deposit Insurance Act.''.

CHAPTER 7—FEDERAL EMERGENCY MANAGEMENT AGENCY

SEC. 2071. REPORTS ELIMINATED.

Section 201(h) of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281(h)) is amended by striking the second proviso.

CHAPTER 8—FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

SEC. 2081. REPORTS ELIMINATED.

Section 9503 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

''(c) The requirements of this section are satisfied with respect to the Thrift Savings Plan described under subchapter III of chapter 84 of title 5, by preparation and transmission of the report described under section 8439(b) of such title.''.

CHAPTER 9—GENERAL SERVICES ADMINISTRATION

SEC. 2091. REPORTS ELIMINATED.

(a) REPORT ON PROPERTIES CONVEYED FOR HISTORIC MONUMENTS AND CORRECTIONAL FACILITIES.—Section 203(o) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)) is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(3) in paragraph (2) (as so redesignated) by striking out ''paragraph (2)'' and inserting in lieu thereof ''paragraph (3)''.

(b) REPORT ON PROPOSED SALE OF SURPLUS REAL PROPERTY AND REPORT ON NEGOTIATED SALES.—Section 203(e)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(e)(6)) is repealed.

(c) REPORT ON PROPERTIES CONVEYED FOR WILDLIFE CONSERVATION.—Section 3 of the Act entitled ''An Act authorizing the transfer of certain real property for wildlife, or other purposes.'', approved May 19, 1948 (16 U.S.C. 667d; 62 Stat. 241) is amended by striking out ''and shall be included in the annual budget transmitted to the Congress''.

CHAPTER 10—INTERSTATE COMMERCE COMMISSION

SEC. 2101. REPORTS ELIMINATED.

Section 10327(k) of title 49, United States Code, is amended to read as follows:

''(k) If an extension granted under subsection (j) is not sufficient to allow for completion of necessary proceedings, the Commission may grant a further extension in an extraordinary situation if a majority of the Commissioners agree to the further extension by public vote.''.

CHAPTER 11—LEGAL SERVICES CORPORATION

SEC. 2111. REPORTS MODIFIED.

Section 1009(c)(2) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)(2)) is amended by striking out ''The'' and inserting in lieu thereof ''Upon request, the''.

CHAPTER 12—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 2121. REPORTS ELIMINATED.

Section 21(g) of the Small Business Act (15 U.S.C. 648(g)) is amended to read as follows:

''(g) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AND INDUSTRIAL APPLICATION CENTERS.—The National Aeronautics and Space Administration and industrial application centers supported by the National Aeronautics and Space Administration are authorized and directed to cooperate with small business development centers participating in the program.''.

CHAPTER 13—NATIONAL COUNCIL ON DISABILITY

SEC. 2131. REPORTS ELIMINATED.

Section 401(a) of the Rehabilitation Act of 1973 (29 U.S.C. 781(a)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (9) and (10), respectively.

CHAPTER 14—NATIONAL SCIENCE FOUNDATION

SEC. 2141. REPORTS ELIMINATED.

(a) STRATEGIC PLAN FOR SCIENCE AND ENGINEERING EDUCATION.—Section 107 of the Education for Economic Security Act (20 U.S.C. 3917) is repealed.

(b) BUDGET ESTIMATE.—Section 14 of the National Science Foundation Act of 1950 (42 U.S.C. 1873) is amended by striking subsection (j).

CHAPTER 15—NATIONAL TRANSPORTATION SAFETY BOARD

SEC. 2151. REPORTS MODIFIED.

Section 305 of the Independent Safety Board Act of 1974 (49 U.S.C. 1904) is amended—

(1) in paragraph (2) by adding ''and'' after the semicolon;

(2) in paragraph (3) by striking out ''; and'' and inserting in lieu thereof a period; and

(3) by striking out paragraph (4).

CHAPTER 16—NEIGHBORHOOD REINVESTMENT CORPORATION

SEC. 2161. REPORTS ELIMINATED.

Section 607(c) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8106(c)) is amended by striking the second sentence.

CHAPTER 17—NUCLEAR REGULATORY COMMISSION

SEC. 2171. REPORTS MODIFIED.

Section 208 of the Energy Reorganization Act of 1974 (42 U.S.C. 5848) is amended by striking ''each quarter a report listing for that period'' and inserting ''an annual report listing for the previous fiscal year''.

CHAPTER 18—OFFICE OF PERSONNEL MANAGEMENT

SEC. 2181. REPORTS ELIMINATED.

(a) REPORT ON CAREER RESERVED POSITIONS.—(1) Section 3135 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 31 of title 5, United States Code, is amended by striking out the item relating to section 3135.

(b) REPORT ON PERFORMANCE AWARDS.—Section 4314(d)(3) of title 5, United States Code, is repealed.

(c) REPORT ON TRAINING PROGRAMS.—(1) Section 4113 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 41 of title 5, United States Code, is amended by striking out the item relating to section 4113.

(d) REPORT ON PREVAILING RATE SYSTEM.—Section 5347 of title 5, United States Code, is amended by striking out the fourth and fifth sentences.

(e) REPORT ON ACTIVITIES OF THE MERIT SYSTEMS PROTECTION BOARD AND THE OFFICE OF PERSONNEL MANAGEMENT.—Section 2304 of title 5, United States Code, is amended—

(1) in subsection (a) by striking out ''(a)''; and

(2) by striking subsection (b).

SEC. 2182. REPORTS MODIFIED.

(a) REPORT ON SENIOR EXECUTIVE SERVICE POSITIONS.—Section 3135(a) of title 5, United States Code, is amended—

(1) in paragraph (1) by striking out '', and the projected number of Senior Executive Service positions to be authorized for the next 2 fiscal years, in the aggregate and by agency'';

(2) by striking out paragraphs (3) and (8); and

(3) by redesignating paragraphs (4), (5), (6), (7), (9), and (10) as paragraphs (3), (4), (5), (6), (7), and (8), respectively.

(b) REPORT ON DISTRICT OF COLUMBIA RETIREMENT FUND.—Section 145 of the District of Columbia Retirement Reform Act (Public Law 96–122; 93 Stat. 882) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking out ''(1)'';

(ii) by striking out ''and the Comptroller General shall each'' and inserting in lieu thereof ''shall''; and

(iii) by striking out ''each''; and

(B) by striking out paragraph (2); and

(2) in subsection (d), by striking out ''the Comptroller General and'' each place it appears.

(c) REPORT ON REVOLVING FUND.—Section 1304(e)(6) of title 5, United States Code, is amended by striking out ''at least once every three years''.

CHAPTER 19—OFFICE OF THRIFT SUPERVISION

SEC. 2191. REPORTS MODIFIED.

Section 18(c)(6)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1438(c)(6)(B)) is amended—

(1) by striking out ''annually'';

(2) by striking out ''audit, settlement,'' and inserting in lieu thereof ''settlement''; and

(3) by striking out '', and the first audit'' and all that follows through ''enacted''.

CHAPTER 20—PANAMA CANAL COMMISSION

SEC. 2201. REPORTS ELIMINATED.

(a) REPORTS ON PANAMA CANAL.—Section 1312 of the Panama Canal Act of 1979 (Public Law 96–70; 22 U.S.C. 3722) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking out the item relating to section 1312.

CHAPTER 21—POSTAL SERVICE

SEC. 2211. REPORTS MODIFIED.

(a) REPORT ON CONSUMER EDUCATION PROGRAMS.—Section 4(b) of the mail Order Consumer Protection Amendments of 1983 (39 U.S.C. 3001 note; Public Law 98–186; 97 Stat. 1318) is amended to read as follows:

''(b) A summary of the activities carried out under subsection (a) shall be included in the first semiannual report submitted each year as required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).''.

(b) REPORT ON INVESTIGATIVE ACTIVITIES.—Section 3013 of title 39, United States Code, is amended in the last sentence by striking out ''the Board shall transmit such report to the Congress'' and inserting in lieu thereof ''the information in such report shall be included in the next semiannual report required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.)''.

CHAPTER 22—RAILROAD RETIREMENT BOARD

SEC. 2221. REPORTS MODIFIED.

Section 502 of the Railroad Retirement Solvency Act of 1983 (45 U.S.C. 231f–1) is amended by striking ''On or before July 1, 1985, and each calendar year thereafter'' and inserting ''As part of the annual report required under section 22(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231u(a))''.

CHAPTER 23—THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD

SEC. 2231. REPORTS MODIFIED.

Section 21A(k)(9) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(9)) is amended by striking out ''the end of each calendar quarter'' and inserting in lieu thereof ''June 30 and December 31 of each calendar year''.

CHAPTER 24—UNITED STATES INFORMATION AGENCY

SEC. 2241. REPORTS ELIMINATED.

Notwithstanding section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)), the reports otherwise required under such section shall not cover the activities of the United States Information Agency.

Subtitle III—Reports by All Departments and Agencies

SEC. 3001. REPORTS ELIMINATED.

(a) REPORT ON PART-TIME EMPLOYMENT.—(1) Section 3407 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 34 of title 5, United States Code, is amended by striking out the item relating to section 3407.

(b) BUDGET INFORMATION ON CONSULTING SERVICES.—(1) Section 1114 of title 31, United States Code, is repealed.

(2) The table of sections for chapter 11 of title 31, United States Code, is amended by striking out the item relating to section 1114.

(c) SEMIANNUAL REPORT ON LOBBYING.—Section 1352 of title 31, United States Code, is amended by—

(1) striking out subsection (d); and

(2) redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(d) REPORTS ON PROGRAM FRAUD AND CIVIL REMEDIES.—(1) Section 3810 of title 31, United States Code, is repealed.

(2) The table of sections for chapter 38 of title 31, United States Code, is amended by striking out the item relating to section 3810.

(e) REPORT ON RIGHT TO FINANCIAL PRIVACY ACT.—Section 1121 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3421) is repealed.

(f) REPORT ON FOREIGN LOAN RISKS.—Section 913(d) of the International Lending Supervision Act of 1983 (12 U.S.C. 3912(d)) is repealed.

(g) REPORT ON PLANS TO CONVERT TO THE METRIC SYSTEM.—Section 12 of the Metric Conversion Act of 1975 (15 U.S.C. 205j–1) is repealed.

(h) REPORT ON TECHNOLOGY UTILIZATION AND INTELLECTUAL PROPERTY RIGHTS.—Section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is repealed.

(i) REPORT ON EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE.—Section 4(a) of the Act entitled ''An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense'', approved August 28, 1958 (50 U.S.C. 1434(a)), is amended by striking out ''all such actions taken'' and inserting in lieu thereof ''if any such action has been taken''.

(j) REPORTS ON DETAILING EMPLOYEES.—Section 619 of the Treasury, Postal Service, and General Government Appropriations Act, 1993 (Public Law 102–393; 106 Stat. 1769), is repealed.

SEC. 3002. REPORTS MODIFIED.

Section 552b(j) of title 5, United States Code, is amended to read as follows:

''(j) Each agency subject to the requirements of this section shall annually report to the Congress regarding the following:

''(1) The changes in the policies and procedures of the agency under this section that have occurred during the preceding 1-year period.

''(2) A tabulation of the number of meetings held, the exemptions applied to close meetings, and the days of public notice provided to close meetings.

''(3) A brief description of litigation or formal complaints concerning the implementation of this section by the agency.

''(4) A brief explanation of any changes in law that have affected the responsibilities of the agency under this section.''.

Subtitle IV—Effective Date

SEC. 4001. EFFECTIVE DATE.

Except as otherwise provided in this title, the provisions of this title and amendments made by this title shall take effect on the date of the enactment of this Act.

WELLSTONE AMENDMENT NO. 320

Mr. WELLSTONE proposed an amendment to the bill, S. 244, supra; as follows:

At the appropriate place, add the following new section:

SEC. . SENSE OF CONGRESS.

It is the sense of Congress that Congress should not enact or adopt any legislation that will increase the number of children who are hungry or homeless.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

BINGAMAN (AND OTHERS) AMENDMENT NO. 321

Mr. BINGAMAN (for himself, Mr. NUNN, Mr. LIEBERMAN, Mr. ROCKEFELLER, Mr. KERREY, Mr. KENNEDY, and Mr. DODD) proposed an amendment to the bill, (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes; as follows:

At the end of the amendment add the following:

SEC. 110. It is the sense of the Senate that (1) cost-shared partnerships between the Department of Defense and the private sector to develop dual-use technologies (technologies that have applications both for defense and for commercial markets, such as computers, electronics, advanced materials, communications, and sensors) are increasingly important to ensure efficient use of defense procurement resources, and (2) such partnerships, including Sematech and the Technology Reinvestment Project, need to become the norm for conducting such applied research by the Department of Defense.

MCCAIN AMENDMENT NO. 322

Mr. MCCAIN proposed an amendment to the bill H.R. 889, supra; as follows:

On page 21, line 9, strike out ''$300,000,000'' and insert in lieu thereof ''$150,000,000''.

On page 22, line 15, strike out ''$351,000,000'' and insert in lieu thereof ''$653,000,000''.

MCCONNELL (AND OTHERS) AMENDMENT NO. 323

Mr. HATFIELD (for Mr. MCCONNELL, for himself, Mr. LEAHY, Mr. JEFFORDS, and Mr. LAUTENBERG) proposed an amendment to the bill H.R. 889, supra; as follows:

On page 27, between lines 6 and 7, insert the following:

CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $70 million are rescinded.

In lieu of the Committee amendment on page 27, lines 21 through 25, insert the following:

DEVELOPMENT ASSISTANCE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306, $13,000,000 are rescinded.

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306, $9,000,000 are rescinded.

ASSISTANCE FOR THE NEW INDEPENDENT STATES OF THE FORMER SOVIET UNION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306, $18,000,000 are rescinded, of which not less than $12,000,000 shall be derived from funds allocated for Russia.

GRAMM (AND HOLLINGS) AMENDMENT NO. 324

Mr. HATFIELD (for Mr. GRAMM for himself and Mr. HOLLINGS) proposed an amendment to the bill H.R. 889, supra; as follows:

On page 25 of the Committee bill, strike line 14 through line 12 on page 26, and insert in lieu thereof the following:

''DEPARTMENT OF JUSTICE

IMMIGRATION AND NATURALIZATION SERVICE

IMMIGRATION EMERGENCY FUND

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $10,000,000 are rescinded.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317 for the Advanced Technology Program, $32,000,000 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, $2,500,000 are rescinded.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $34,000,000 are rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–317, $40,000,000 are rescinded.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for tree-planting grants pursuant to section 24 of the Small Business Act, as amended, $15,000,000 are rescinded.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 for payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $15,000,000 are rescinded.

DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of unobligated balances available under this heading, $28,500,000 are rescinded.

HELMS (AND FAIRCLOTH) AMENDMENT NO. 325

Mr. HELMS (for himself and Mr. FAIRCLOTH) proposed an amendment to the bill H.R. 889, supra; as follows:

At the end of title I, insert the following:

SEC. 1 . FORT BRAGG, NORTH CAROLINA.

Notwithstanding any other law, for fiscal year 1995 and each fiscal year thereafter, the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall not apply with respect to land under the jurisdiction of the Department of the Army at Fort Bragg, North Carolina.

HELMS (AND OTHERS) AMENDMENT NO. 326

Mr. HELMS (for himself, Mr. DOLE, Mr. MACK, Mr. COVERDELL, Mr. GRAHAM, Mr. D'AMATO, Mr. HATCH, Mr. GRAMM, Mr. THURMOND, Mr. FAIRCLOTH, Mr. GREGG, Mr. INHOFE, Mr. HOLLINGS, Ms. SNOWE, Mr. KYL, Mr. THOMAS, Mr. SMITH, Mr. LIEBERMAN, Mr. WARNER, Mr. NICKLES, and Mr. ROBB) proposed an amendment to the bill H.R. 889, supra; as follows:

At the end of the bill, add the following:

TITLE __—CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY (LIBERTAD) ACT OF 1995

SEC. __01. SHORT TITLE.

This title may be cited as the ''Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995''.

SEC. __02. FINDINGS.

The Congress makes the following findings:

(1) The economy of Cuba has experienced a decline of approximately 60 percent in the last 5 years as a result of—

(A) the reduction in its subsidization by the former Soviet Union;

(B) 36 years of Communist tyranny and economic mismanagement by the Castro government;

(C) the precipitous decline in trade between Cuba and the countries of the former Soviet bloc; and

(D) the policy of the Russian Government and the countries of the former Soviet bloc to conduct economic relations with Cuba predominantly on commercial terms.

(2) At the same time, the welfare and health of the Cuban people have substantially deteriorated as a result of Cuba's economic decline and the refusal of the Castro regime to permit free and fair democratic elections in Cuba or to adopt any economic or political reforms that would lead to democracy, a market economy, or an economic recovery.

(3) The repression of the Cuban people, including a ban on free and fair democratic elections and the continuing violation of fundamental human rights, has isolated the Cuban regime as the only nondemocratic government in the Western Hemisphere.

(4) As long as no such economic or political reforms are adopted by the Cuban government, the economic condition of the country and the welfare of the Cuban people will not improve in any significant way.

(5) Fidel Castro has defined democratic pluralism as ''pluralistic garbage'' and has made clear that he has no intention of permitting free and fair democratic elections in Cuba or otherwise tolerating the democratization of Cuban society.

(6) The Castro government, in an attempt to retain absolute political power, continues to utilize, as it has from its inception, torture in various forms (including psychiatric abuse), execution, exile, confiscation, political imprisonment, and other forms of terror and repression as most recently demonstrated by the massacre of more than 70 Cuban men, women, and children attempting to flee Cuba.

(7) The Castro government holds hostage in Cuba innocent Cubans whose relatives have escaped the country.

(8) The Castro government has threatened international peace and security by engaging in acts of armed subversion and terrorism, such as the training and arming of groups dedicated to international violence.

(9) The Government of Cuba engages in illegal international narcotics trade and harbors fugitives from justice in the United States.

(10) The totalitarian nature of the Castro regime has deprived the Cuban people of any peaceful means to improve their condition and has led thousands of Cuban citizens to risk or lose their lives in dangerous attempts to escape from Cuba to freedom.

(11) Attempts to escape from Cuba and courageous acts of defiance of the Castro regime by Cuban pro-democracy and human rights groups have ensured the international community's continued awareness of, and concern for, the plight of Cuba.

(12) The Cuban people deserve to be assisted in a decisive manner in order to end the tyranny that has oppressed them for 36 years.

(13) Radio Marti and Television Marti have both been effective vehicles for providing the people of Cuba with news and information and have helped to bolster the morale of the Cubans living under tyranny.

(14) The consistent policy of the United States towards Cuba since the beginning of the Castro regime, carried out by both Democratic and Republican administrations, has sought to keep faith with the people of Cuba, and has been effective in isolating the totalitarian Castro regime.

SEC. __03. PURPOSES.

The purposes of this title are—

(1) to strengthen international sanctions against the Castro government;

(2) to encourage the holding of free and fair democratic elections in Cuba, conducted under the supervision of internationally recognized observers;

(3) to provide a policy framework for United States support to the Cuban people in response to the formation of a transition government or a democratically elected government in Cuba; and

(4) to protect the rights of United States persons who own claims to confiscated property abroad.

SEC. __04. DEFINITIONS.

As used in this title—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on International Relations and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) CONFISCATED.—The term ''confiscated'' refers to the nationalization, expropriation, or other seizure of ownership or control of property by governmental authority—

(A) without adequate and effective compensation or in violation of the law of the place where the property was situated when the confiscation occurred; and

(B) without the claim to the property having been settled pursuant to an international claims settlement agreement.

(3) CUBAN GOVERNMENT.—The term ''Cuban government'' includes the government of any political subdivision, agency, or instrumentality of the Government of Cuba.

(4) DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.—The term ''democratically elected government in Cuba'' means a government described in section __26.

(5) ECONOMIC EMBARGO OF CUBA.—The term ''economic embargo of Cuba'' refers to the economic embargo imposed against Cuba pursuant to section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)), section 5(b) of the Trading With the Enemy Act (50 U.S.C. App. 5(b)), the International Emergency Economic Powers Act, and the Export Administration Act of 1979.

(6) PROPERTY.—The term ''property'' means—

(A) any property, right, or interest, including any leasehold interest,

(B) debts owed by a foreign government or by any enterprise which has been confiscated by a foreign government; and

(C) debts which are a charge on property confiscated by a foreign government.

(7) TRAFFICS.—The term ''traffics'' means selling, transferring, distributing, dispensing, or otherwise disposing of property, or purchasing, receiving, possessing, obtaining control of, managing, or using property.

(8) TRANSITION GOVERNMENT IN CUBA.—The term ''transition government in Cuba'' means a government described in section __25.

(9) UNITED STATES PERSON.—The term ''United States person'' means—

(A) any United States citizen, including, in the context of claims to confiscated property, any person who becomes a United States citizen after the property was confiscated but before final resolution of the claim to that property; and

(B) any corporation, trust, partnership, or other juridical entity 50 percent or more beneficially owned by United States citizens.

PART A—STRENGTHENING INTERNATIONAL SANCTIONS AGAINST THE CASTRO GOVERNMENT

SEC. __11. STATEMENT OF POLICY.

It is the sense of the Congress that—

(1) the acts of the Castro government, including its massive, systematic, and extraordinary violations of human rights, are a threat to international peace;

(2) the President should advocate, and should instruct the United States Permanent Representative to the United Nations to propose and seek within the Security Council a mandatory international embargo against the totalitarian government of Cuba pursuant to chapter VII of the Charter of the United Nations, which is similar to consultations conducted by United States representatives with respect to Haiti; and

(3) any resumption of efforts by any independent state of the former Soviet Union to make operational the nuclear facility at Cienfuegos, Cuba, will have a detrimental impact on United States assistance to such state.

SEC. __12. ENFORCEMENT OF THE ECONOMIC EMBARGO OF CUBA.

(a) POLICY.—(1) The Congress hereby reaffirms section 1704(a) of the Cuban Democracy Act of 1992, which states the President should encourage foreign countries to restrict trade and credit relations with Cuba.

(2) The Congress further urges the President to take immediate steps to apply the sanctions described in section 1704(b)(1) of such Act against countries assisting Cuba.

(b) DIPLOMATIC EFFORTS.—The Secretary of State should ensure that United States diplomatic personnel abroad understand and, in their contacts with foreign officials are—

(1) communicating the reasons for the United States economic embargo of Cuba; and

(2) urging foreign governments to cooperate more effectively with the embargo.

(c) EXISTING REGULATIONS.—The President shall instruct the Secretary of the Treasury and the Attorney General to enforce fully the Cuban Assets Control Regulations in part 515 of title 31, Code of Federal Regulations.

(d) VIOLATIONS OF RESTRICTIONS ON TRAVEL TO CUBA.—The penalties provided for in section 16 of the Trading with the Enemy Act (50 U.S.C. App. 16) shall apply to all violations of the Cuban Assets Control Regulations (part 515 of title 31, Code of Federal Regulations) involving transactions incident to travel to and within Cuba.

SEC. __13. PROHIBITION AGAINST INDIRECT FINANCING OF CUBA.

(a) PROHIBITION.—Effective upon the date of enactment of this title, it is unlawful for any United States person, including any officer, director, or agent thereof and including any officer or employee of a United States agency, knowingly to extend any loan, credit, or other financing to a foreign person that traffics in any property confiscated by the Cuban government the claim to which is owned by a United States person.

(b) TERMINATION OF PROHIBITION.—The prohibition of subsection (a) shall cease to apply on the date of termination of the economic embargo of Cuba.

(c) PENALTIES.—Violations of subsection (a) shall be punishable by the same penalties as are applicable to similar violations of the Cuban Assets Control Regulations in part 515 of title 31, Code of Federal Regulations.

(d) DEFINITIONS.—As used in this section—

(1) the term ''foreign person'' means (A) an alien, and (B) any corporation, trust, partnership, or other juridical entity that is not 50 percent or more beneficially owned by United States citizens; and

(2) the term ''United States agency'' has the same meaning given to the term ''agency'' in section 551(1) of title 5, United States Code.

SEC. __14. UNITED STATES OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.

(a) CONTINUED OPPOSITION TO CUBAN MEMBERSHIP IN INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) Except as provided in paragraph (2), the Secretary of the Treasury shall instruct the United States executive director of each international financial institution to vote against the admission of Cuba as a member of such institution until Cuba holds free and fair, democratic elections, conducted under the supervision of internationally recognized observers.

(2) During the period that a transition government in Cuba is in power, the President shall take steps to support the processing of Cuba's application for membership in any international financial institution, subject to the membership taking effect after a democratically elected government in Cuba is in power.

(b) REDUCTION IN UNITED STATES PAYMENTS TO INTERNATIONAL FINANCIAL INSTITUTIONS.—If any international financial institution approves a loan or other assistance to Cuba over the opposition of the United States, then the Secretary of the Treasury shall withhold from payment to such institution an amount equal to the amount of the loan or other assistance, with respect to each of the following types of payment:

(1) The paid-in portion of the increase in capital stock of the institution.

(2) The callable portion of the increase in capital stock of the institution.

(c) DEFINITION.—For purposes of this section, the term ''international financial institution'' means the International Monetary Fund, the International Bank for Reconstruction and Development, the International Development Association, the International Finance Corporation, the Multilateral Investment Guaranty Agency, and the Inter-American Development Bank.

SEC. __15. UNITED STATES OPPOSITION TO READMISSION OF THE GOVERNMENT OF CUBA TO THE ORGANIZATION OF AMERICAN STATES.

The President should instruct the United States Permanent Representative to the Organization of American States to vote against the readmission of the Government of Cuba to membership in the Organization until the President determines under section __23(c) that a democratically elected government in Cuba is in power.

SEC. __16. ASSISTANCE BY THE INDEPENDENT STATES OF THE FORMER SOVIET UNION OF THE GOVERNMENT OF CUBA.

(a) REPORTING REQUIREMENT.—Not later than 90 days after the date of enactment of this title, the President shall submit to the appropriate congressional committees a report detailing progress towards the withdrawal of personnel of any independent state of the former Soviet Union (within the meaning of section 3 of the FREEDOM Support Act (22 U.S.C. 5801)), including advisers, technicians, and military personnel, from the Cienfuegos nuclear facility in Cuba.

(b) CRITERIA FOR ASSISTANCE.—Section 498A(a)(11) of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a(a)(1)) is amended by striking ''of military facilities'' and inserting ''military and intelligence facilities, including the military and intelligence facilities at Lourdes and Cienfuegos,''.

(c) INELIGIBILITY FOR ASSISTANCE.—(1) Section 498A(b) of that Act (22 U.S.C. 2295a(b)) is amended—

(A) by striking ''or'' at the end of paragraph (4);

(B) by redesignating paragraph (5) as paragraph (6); and

(C) by inserting after paragraph (4) the following:

''(5) for the government of any independent state effective 30 days after the President has determined and certified to the appropriate congressional committees (and Congress has not enacted legislation disapproving the determination within the 30-day period) that such government is providing assistance for, or engaging in nonmarket based trade (as defined in section 498B(k)(3)) with, the Government of Cuba; or''.

(2) Subsection (k) of section 498B of that Act (22 U.S.C. 2295b(k)), is amended by adding at the end the following:

''(3) NONMARKET BASED TRADE.—As used in section 498A(b)(5), the term 'nonmarket based trade' includes exports, imports, exchanges, or other arrangements that are provided for goods and services (including oil and other petroleum products) on terms more favorable than those generally available in applicable markets or for comparable commodities, including—

''(A) exports to the Government of Cuba on terms that involve a grant, concessional price, guarantee, insurance, or subsidy;

''(B) imports from the Government of Cuba at preferential tariff rates; and

''(C) exchange arrangements that include advance delivery of commodities, arrangements in which the Government of Cuba is not held accountable for unfulfilled exchange contracts, and arrangements under which Cuba does not pay appropriate transportation, insurance, or finance costs.''.

(d) FACILITIES AT LOURDES, CUBA.—(1) The Congress expresses its strong disapproval of the extension by Russia of credits equivalent to $200,000,000 in support of the intelligence facility at Lourdes, Cuba, in November 1994.

(2) Section 498A of the Foreign Assistance Act of 1961 (22 U.S.C. 2295a) is amended by adding at the end the following new subsection:

''(d) REDUCTION IN ASSISTANCE FOR SUPPORT OF MILITARY AND INTELLIGENCE FACILITIES IN CUBA.—(1) Notwithstanding any other provision of law, the President shall withhold from assistance allocated for an independent state of the former Soviet Union under this chapter an amount equal to the sum of assistance and credits, if any, provided by such state in support of military and intelligence facilities in Cuba, such as the intelligence facility at Lourdes, Cuba.

''(2) Nothing in this subsection may be construed to apply to—

''(A) assistance provided under the Soviet Nuclear Threat Reduction Act of 1991 (title II of Public Law 102–228) or the Cooperative Threat Reduction Act of 1993 (title XII of Public Law 103–160); or

''(B) assistance to meet urgent humanitarian needs under section 498(1), including disaster assistance described in subsection (c)(3) of this section.''.

SEC. __17. TELEVISION BROADCASTING TO CUBA.

(a) CONVERSION TO UHF.—The Director of the United States Information Agency shall implement a conversion of television broadcasting to Cuba under the Television Marti Service to ultra high frequency (UHF) broadcasting.

(b) PERIODIC REPORTS.—Not later than 45 days after the date of enactment of this title, and every three months thereafter until the conversion described in subsection (a) is fully implemented, the Director shall submit a report to the appropriate congressional committees on the progress made in carrying out subsection (a).

SEC. __18. REPORTS ON COMMERCE WITH, AND ASSISTANCE TO, CUBA FROM OTHER FOREIGN COUNTRIES.

(a) REPORTS REQUIRED.—Not later than 90 days after the date of enactment of this title, and every year thereafter, the President shall submit a report to the appropriate congressional committees on commerce with, and assistance to, Cuba from other foreign countries during the preceding 12-month period.

(b) CONTENTS OF REPORTS.—Each report required by subsection (a) shall, for the period covered by the report, contain—

(1) a description of all bilateral assistance provided to Cuba by other foreign countries, including humanitarian assistance;

(2) a description of Cuba's commerce with foreign countries, including an identification of Cuba's trading partners and the extent of such trade;

(3) a description of the joint ventures completed, or under consideration, by foreign nationals and business firms involving facilities in Cuba, including an identification of the location of the facilities involved and a description of the terms of agreement of the joint ventures and the names of the parties that are involved;

(4) a determination as to whether or not any of the facilities described in paragraph (3) is the subject of a claim against Cuba by a United States person;

(5) a determination of the amount of Cuban debt owed to each foreign country, including the amount of debt exchanged, forgiven, or reduced under the terms of each investment or operation in Cuba involving foreign nationals or businesses; and

(6) a description of the steps taken to assure that raw materials and semifinished or finished goods produced by facilities in Cuba involving foreign nationals or businesses do not enter the United States market, either directly or through third countries or parties.

SEC. __19. IMPORTATION SANCTION AGAINST CERTAIN CUBAN TRADING PARTNERS.

(a) SANCTION.—Notwithstanding any other provision of law, sugars, syrups, and molasses, that are the product of a country that the President determines has imported sugar, syrup, or molasses that is the product of Cuba, shall not be entered, or withdrawn from warehouse for consumption, into the customs territory of the United States, unless the condition set forth in subsection (b) is met.

(b) CONDITION FOR REMOVAL OF SANCTION.—The sanction set forth in subsection (a) shall cease to apply to a country if the country certifies to the President that the country will not import sugar, syrup, or molasses that is the product of Cuba until free and fair elections, conducted under the supervision of internationally recognized observers, are held in Cuba. Such certification shall cease to be effective if the President makes a subsequent determination under subsection (a) with respect to that country.

(c) REPORTS TO CONGRESS.—The President shall report to the appropriate congressional committees all determinations made under subsection (a) and all certifications made under subsection (b).

(d) REALLOCATION OF SUGAR QUOTAS.—During any period in which a sanction under subsection (a) is in effect with respect to a country, the President may reallocate to other countries the quota of sugars, syrups, and molasses allocated to that country, before the prohibition went into effect, under chapter 17 of the Harmonized Tariff Schedule of the United States.

PART B—SUPPORT FOR A FREE AND INDEPENDENT CUBA

SEC. __21. POLICY TOWARD A TRANSITION GOVERNMENT AND A DEMOCRATICALLY ELECTED GOVERNMENT IN CUBA.

It is the policy of the United States—

(1) to support the self-determination of the Cuban people;

(2) to facilitate a peaceful transition to representative democracy and a free market economy in Cuba;

(3) to be impartial toward any individual or entity in the selection by the Cuban people of their future government;

(4) to enter into negotiations with a democratically elected government in Cuba regarding the status of the United States Naval Base at Guantanamo Bay;

(5) to restore diplomatic relations with Cuba, and support the reintegration of Cuba into entities of the Inter-American System, when the President determines that there exists a democratically elected government in Cuba;

(6) to remove the economic embargo of Cuba when the President determines that there exists a democratically elected government in Cuba; and

(7) to pursue a mutually beneficial trading relationship with a democratic Cuba.

SEC. __22. AUTHORIZATION OF ASSISTANCE FOR THE CUBAN PEOPLE.

(a) AUTHORIZATION.—

(1) IN GENERAL.—The President may provide assistance under this section for the Cuban people after a transition government, or a democratically elected government, is in power in Cuba, as determined under section __23 (a) and (c).

(2) EFFECT ON OTHER LAWS.—

(A) SUPERSEDING OTHER LAWS.—Subject to subparagraph (B), assistance may be provided under this section notwithstanding any other provision of law.

(B) DETERMINATION REQUIRED REGARDING PROPERTY TAKEN FROM UNITED STATES PERSONS.—Subparagraph (A) shall not apply to section 620(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)(2)).

(b) RESPONSE PLAN.—

(1) DEVELOPMENT OF PLAN.—The President shall develop a plan detailing the manner in which the United States would provide and implement support for the Cuban people in response to the formation of—

(A) a transition government in Cuba; and

(B) a democratically elected government in Cuba.

(2) TYPES OF ASSISTANCE.—Support for the Cuban people under the plan described in paragraph (1) shall include the following types of assistance:

(A) TRANSITION GOVERNMENT.—Assistance under the plan to a transition government in Cuba shall be limited to such food, medicine, medical supplies and equipment, and other assistance as may be necessary to meet emergency humanitarian needs of the Cuban people.

(B) DEMOCRATICALLY ELECTED GOVERNMENT.—Assistance under the plan for a democratically elected government in Cuba shall consist of assistance to promote free market development, private enterprise, and a mutually beneficial trade relationship between the United States and Cuba. Such assistance should include—

(i) financing, guarantees, and other assistance provided by the Export-Import Bank of the United States;

(ii) insurance, guarantees, and other assistance provided by the Overseas Private Investment Corporation for investment projects in Cuba;

(iii) assistance provided by the Trade and Development Agency;

(iv) international narcotics control assistance provided under chapter 8 of part I of the Foreign Assistance Act of 1961; and

(v) Peace Corps activities.

(c) CARIBBEAN BASIN INITIATIVE.—(1) The President shall determine, as part of the plan developed under subsection (b), whether or not to designate Cuba as a beneficiary country under section 212 of the Caribbean Basin Economic Recovery Act.

(2) Any designation of Cuba as a beneficiary country under section 212 of such Act may only be made after a democratically elected government in Cuba is in power. Such designation may be made notwithstanding any other provision of law.

(3) The table contained in section 212(b) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2702(b)) is amended by inserting ''Cuba'' between ''Costa Rica'' and ''Dominica''.

(d) TRADE AGREEMENTS.—Notwithstanding any other provision of law, the President, upon transmittal to Congress of a determination under section __23(c) that a democratically elected government in Cuba is in power, should—

(1) take the steps necessary to extend nondiscriminatory trade treatment (most-favored-nation status) to the products of Cuba; and

(2) take such other steps as will encourage renewed investment in Cuba.

(e) COMMUNICATION WITH THE CUBAN PEOPLE.—The President should take the necessary steps to communicate to the Cuban people the plan developed under this section.

(f) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this title, the President shall transmit to the appropriate congressional committees a report describing in detail the plan developed under this section.

SEC. __23. IMPLEMENTATION; REPORTS TO CONGRESS.

(a) IMPLEMENTATION WITH RESPECT TO TRANSITION GOVERNMENT.—Upon making a determination that a transition government in Cuba is in power, the President shall transmit that determination to the appropriate congressional committees and should, subject to the availability of appropriations, commence the provision of assistance to such transition government under the plan developed under section __22(b).

(b) REPORTS TO CONGRESS.—(1) The President shall transmit to the appropriate congressional committees a report setting forth the strategy for providing assistance described in section __22(b)(2)(A) to the transition government in Cuba under the plan of assistance developed under section __22(b), the types of such assistance, and the extent to which such assistance has been distributed in accordance with the plan.

(2) The President shall transmit the report not later than 90 days after making the determination referred to in paragraph (1), except that the President shall transmit the report in preliminary form not later than 15 days after making that determination.

(c) IMPLEMENTATION WITH RESPECT TO DEMOCRATICALLY ELECTED GOVERNMENT.—The President shall, upon determining that a democratically elected government in Cuba is in power, transmit that determination to the appropriate congressional committees and should, subject to the availability of appropriations, commence the provision of assistance to such democratically elected government under the plan developed under section __22(b)(2)(B).

(d) ANNUAL REPORTS TO CONGRESS.—Not later than 60 days after the end of each fiscal year, the President shall transmit to the appropriate congressional committees a report on the assistance provided under the plan developed under section __22(b), including a description of each type of assistance, the amounts expended for such assistance, and a description of the assistance to be provided under the plan in the current fiscal year.

SEC. __24. TERMINATION OF THE ECONOMIC EMBARGO OF CUBA.

(a) TERMINATION.—Upon the effective date of this section—

(1) section 620(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(a)) is repealed;

(2) section 620(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2370(f)) is amended by striking ''Republic of Cuba'';

(3) the prohibitions on transactions described in part 515 of title 31, Code of Federal Regulations, shall cease to apply; and

(4) the President shall take such other steps as may be necessary to rescind any other regulations in effect under the economic embargo of Cuba.

(b) EFFECTIVE DATE.—This section shall take effect upon transmittal to Congress of a determination under section __23(c) that a democratically elected government in Cuba is in power.

SEC. __25. REQUIREMENTS FOR A TRANSITION GOVERNMENT.

For purposes of this title, a transition government in Cuba is a government in Cuba that—

(1) is demonstrably in transition from communist totalitarian dictatorship to representative democracy;

(2) has released all political prisoners and allowed for investigations of Cuban prisons by appropriate international human rights organizations;

(3) has dissolved the present Department of State Security in the Cuban Ministry of the Interior, including the Committees for the Defense of the Revolution and the Rapid Response Brigades;

(4) has publicly committed itself to, and is making demonstrable progress in—

(A) establishing an independent judiciary;

(B) respecting internationally recognized human rights and basic freedoms as set forth in the Universal Declaration of Human Rights, to which Cuba is a signatory nation;

(C) effectively guaranteeing the rights of free speech and freedom of the press;

(D) permitting the reinstatement of citizenship to Cuban-born nationals returning to Cuba;

(E) organizing free and fair elections for a new government—

(i) to be held within 1 year after the transition government assumes power;

(ii) with the participation of multiple independent political parties that have full access to the media on an equal basis, including (in the case of radio, television, or other telecommunications media) in terms of allotments of time for such access and the times of day such allotments are given; and

(iii) to be conducted under the supervision of internationally recognized observers, such as the Organization of American States, the United Nations, and other elections monitors;

(F) assuring the right to private property;

(G) taking appropriate steps to return to United States citizens and entities property taken by the Government of Cuba from such citizens and entities on or after January 1, 1959, or to provide equitable compensation to such citizens and entities for such property;

(H) having a currency that is fully convertible domestically and internationally;

(I) granting permits to privately owned telecommunications and media companies to operate in Cuba; and

(J) allowing the establishment of an independent labor movement and of independent social, economic, and political associations;

(5) does not include Fidel Castro or Raul Castro;

(6) has given adequate assurances that it will allow the speedy and efficient distribution of assistance to the Cuban people; and

(7) permits the deployment throughout Cuba of independent and unfettered international human rights monitors.

SEC. __26. REQUIREMENTS FOR A DEMOCRATICALLY ELECTED GOVERNMENT.

For purposes of this title, a democratically elected government in Cuba, in addition to continuing to comply with the requirements of section __25, is a government in Cuba which—

(1) results from free and fair elections—

(A) conducted under the supervision of internationally recognized observers;

(B) in which opposition parties were permitted ample time to organize and campaign for such elections, and in which all candidates in the elections were permitted full access to the media;

(2) is showing respect for the basic civil liberties and human rights of the citizens of Cuba;

(3) has established an independent judiciary;

(4) is substantially moving toward a market-oriented economic system based on the right to own and enjoy property;

(5) is committed to making constitutional changes that would ensure regular free and fair elections that meet the requirements of paragraph (2); and

(6) has returned to United States citizens, and entities which are 50 percent or more beneficially owned by United States citizens, property taken by the Government of Cuba from such citizens and entities on or after January 1, 1959, or provided full compensation in accordance with international law standards and practice to such citizens and entities for such property.

PART C—PROTECTION OF AMERICAN PROPERTY RIGHTS ABROAD

SEC. __31. EXCLUSION FROM THE UNITED STATES OF ALIENS WHO HAVE CONFISCATED PROPERTY CLAIMED BY UNITED STATES PERSONS.

(a) ADDITIONAL GROUNDS FOR EXCLUSION.—Section 212(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) is amended by adding at the end the following:

''(D) ALIENS WHO HAVE CONFISCATED AMERICAN PROPERTY ABROAD AND RELATED PERSONS.—(i) Any alien who—

''(I) has confiscated, or has directed or overseen the confiscation of, property the claim to which is owned by a United States person, or converts or has converted for personal gain confiscated property, the claim to which is owned by a United States person;

''(II) traffics in confiscated property, the claim to which is owned by a United States person;

''(III) is a corporate officer, principal, or shareholder of an entity which the Secretary of State determines or is informed by competent authority has been involved in the confiscation, trafficking in, or subsequent unauthorized use or benefit from confiscated property, the claim to which is owned by a United States person, or

''(IV) is a spouse or dependent of a person described in subclause (I),

is excludable.

''(ii) The validity of claims under this subparagraph shall be established in accordance with section 303 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995.

''(iii) For purposes of this subparagraph, the terms 'confiscated', 'traffics', and 'United States person' have the same meanings given to such terms under section 4 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals seeking to enter the United States on or after the date of enactment of this title.

SEC. __32. LIABILITY FOR TRAFFICKING IN CONFISCATED PROPERTY CLAIMED BY UNITED STATES PERSONS.

(a) CIVIL REMEDY.—(1) Except as provided in paragraphs (2) and (3), any person or government that traffics in property confiscated by a foreign government shall be liable to the United States person who owns the claim to the confiscated property for money damages in an amount which is the greater of—

(A) the amount certified by the Foreign Claims Settlement Commission under title V of the International Claims Settlement Act of 1949, plus interest at the commercially recognized normal rate;

(B) the amount determined under section __33(a)(2); or

(C) the fair market value of that property, calculated as being the then current value of the property, or the value of the property when confiscated plus interest at the commercially recognized normal rate, whichever is greater.

(2) Except as provided in paragraph (3), any person or government that traffics in confiscated property after having received (A) notice of a claim to ownership of the property by the United States person who owns the claim to the confiscated property, and (B) a copy of this section, shall be liable to such United States person for money damages in an amount which is treble the amount specified in paragraph (1).

(3)(A) Actions may be brought under paragraph (1) with respect to property confiscated before, on, or after the date of enactment of this title.

(B) In the case of property confiscated before the date of enactment of this title, no United States person may bring an action under this section unless such person acquired ownership of the claim to the confiscated property before such date.

(C) In the case of property confiscated on or after the date of enactment of this title, in order to maintain the action, the United States person who is the plaintiff must demonstrate to the court that the plaintiff has taken reasonable steps to exhaust all available local remedies.

(b) JURISDICTION.—Chapter 85 of title 28, United States Code, is amended by inserting after section 1331 the following new section:

''§ 1331a. Civil actions involving confiscated property

''The district courts shall have exclusive jurisdiction, without regard to the amount in controversy, of any action brought under section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995.''.

(c) WAIVER OF SOVEREIGN IMMUNITY.—Section 1605 of title 28, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting ''; or''; and

(3) by adding at the end the following:

''(7) in which the action is brought with respect to confiscated property under section 302 of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1995.''.

SEC. __33. DETERMINATION OF CLAIMS TO CONFISCATED PROPERTY.

(a) EVIDENCE OF OWNERSHIP.—For purposes of this title, conclusive evidence of ownership by the United States person of a claim to confiscated property is established—

(1) when the Foreign Claims Settlement Commission certifies the claim under title V of the International Claims Settlement Act of 1949, as amended by subsection (b); or

(2) when the claim has been determined to be valid by a court or administrative agency of the country in which the property was confiscated.

(b) AMENDMENT OF THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949.—Title V of the International Claims Settlement Act of 1949 is amended by adding at the end the following new section:

''ADDITIONAL CLAIMS

''SEC. 514. Notwithstanding any other provision of this title, a United States national may bring a claim to the Commission for determination and certification under this title of the amount and validity of a claim resulting from actions taken by the Government of Cuba described in section 503(a), whether or not the United States national qualified as a United States national at the time of the Cuban government action, except that, in the case of property confiscated after the date of enactment of this section, the claimant must be a United States national at the time of the confiscation.''.

(c) CONFORMING REPEAL.—Section 510 of the International Claims Settlement Act of 1949 (22 U.S.C. 1643i) is repealed.

NOTICE OF HEARING

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing on Wednesday, March 8, 1995, at 9:30 a.m., in room 428A of the Russell Senate Office Building. The subject of the hearing is the Regulatory Flexibility Amendment Act.

For further information, please contact Louis Taylor at 224–5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Tuesday, March 7, 1995, in open session, to receive testimony on the defense authorization request for fiscal year 1996 and the future years defense program.

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

COMMITTEE ON FINANCE

Mr. GREGG. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Tuesday, March 7, 1995, in room 215 of the Dirksen Senate Office Building, beginning at 9:00 a.m. and continuing through most of the day, to conduct a hearing on the Federal Communications Commission's tax certificate program.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 7, 1995, at 10:00 a.m. to hold a hearing on the consideration of ratification of the convention on conventional weapons (Treaty Doc. 103–25).

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

COMMITTEE ON FOREIGN RELATIONS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 7, 1995, at 2:00 p.m. to hold a hearing on the overview of United States policy toward South Asia.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, March 7, 1995, beginning at 10 a.m., in room 485 of the Russell Senate Office Building on Federal programs authorized to address the challenges facing Indian youth.

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

COMMITTEE ON THE JUDICIARY

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday March 7, 1995, at 10:00 a.m. to hold a hearing on the jury and the search for truth.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. GREGG. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on health professions consolidation and reauthorization, during the session of the Senate on Tuesday, March 7, 1995 at 9:30 a.m.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. GREGG. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a joint hearing with the House Committee on Veterans' Affairs to receive the legislative presentation of The Veterans of Foreign Wars. The hearing will be held on March 7, 1995, at 9:30 a.m., in room 345 of the Cannon House Office Building.

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

SUBCOMMITTEE ON DRINKING WATER, FISHERIES, AND WILDLIFE

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Drinking Water, Fisheries, and Wildlife be granted permission to meet Tuesday, March 7, at 9:30 a.m. to conduct a legislative hearing on S. 191 and other pending proposals to institute a moratorium on certain activities under authority of the Endangered Species Act.

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

SUBCOMMITTEE ON OCEANS AND FISHERIES

Mr. GREGG. Mr. President, I ask unanimous consent that the Oceans and Fisheries Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on March 7, 1995, at 2:30 p.m. on appropriations for the U.S. Coast Guard in fiscal year 1996.

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

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. GREGG. Mr. President, I ask unanimous consent that the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, March 7, 1995, for purposes of conducting a joint hearing with the Subcommittee on National Parks, Forests and Lands, of the House Committee on Resources, which is scheduled to begin at 9:30 a.m. The purpose of the hearing is to receive testimony from officials of the General Accounting Office regarding their on-going study on the health of the National Park System.

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

ADDITIONAL STATEMENTS

BUDGET AMENDMENT'S TIME HAS COME

● Mr. SIMON. Mr. President, there was of a variety of comment before the vote on the balanced budget amendment, one of the more sensible appearing in the Buffalo News, written by Douglas Turner.

I ask that the column be printed in the RECORD.

The column follows:

[From the Buffalo News, Feb. 27, 1995]

BUDGET AMENDMENT'S TIME HAS COME; THE DEMOCRATS ARE MORTGAGING THEIR FUTURE BY OPPOSING IT

(By Douglas Turner)

WASHINGTON.—Sen. Daniel Patrick Moynihan predicted on Friday that the Senate will defeat a proposed amendment to the Constitution calling for a balanced federal budget.

If he's right, and the learned New York Democrat quite often is, that Senate action will squelch the bill that easily passed the House last month.

The crucial Senate vote will probably come Wednesday or Thursday.

Loss of the amendment will not be good for the country. Fighting this idea whose time has come will also be a calamitous loser for the Democrats. They won't get the Senate back in 1996 or 1998 if they win on this week's roll call.

It guarantees returning the Republicans to control of the House after next year's elections.

House GOP Campaign chairman Bill Paxon will say a bigger Republican majority is needed to offer up this amendment again.

If the amendment fails, the states will be denied their opportunity to vote on the measure. This will insult our embattled federal system. Belief in our national system is already under heavy attack from junkyard dog conservatives.

Defeat will be the same as Washington Democrats saying to the nation: ''We know you have a legal right to consider this popular idea, but we don't trust you, not even your sophisticated state legislatures, enough for you to consider it.'' Dumb.

''Popular'' doesn't describe the momentum behind the balanced budget idea. Eighty percent of the nation wants this amendment. Even in liberal New York State, support is overwhelming.

Moynihan is one of the Democrats who does believe voters are smart enough to understand. He has spent days, weeks, honing and delivering his arguments against the amendment. He's published a small booklet about it, and gave a lengthy floor address last week. He talked about it on ''Meet the Press'' again yesterday.

Central to their arguments, and Moynihan's, is their concern for loss of flexibility. The amendment, they say, will deprive Congress of the ability to infuse a sinking economy with enough federal money to restore its vigor.

We'd be inviting a sustained economic Depression, they say. Moynihan devised a chart that shows the big spikes in the national economy before 1940. These show crippling variations in gross national product, up and down by as much as 15 percent in the span of a couple of years.

Post-1940 variations are mild, and generally positive, on this chart. These came after the massive New Deal expansion of the government bureaucracy and the practice of ''counter-cyclical'' federal spending.

The chart is an icon to a generation of politicians and professors steeped in the Keynesian tradition of demand economics.

The chart looks good until you think about it. First, it credits special surges in federal spending for the relative stability of the post-war economy. But it ignores the role of such income support programs as Social Security, and the importance of the labor movement as post-war stabilizers.

It also ignores the fact that the most celebrated ''counter-cyclical'' spending (not

counting defense) was during the New Deal. It did build many fine projects, and it helped hundreds of thousands of individuals. It had little if any lasting effect on the economy as a whole.

The last counter-cyclical experience occurred during the recession of 1982–83. To help the unemployed and help stimulate a flat economy Congress threw a few billion into public works and expanded unemployment benefits.

There is nothing in this proposed amendment that would bar Congress from taking such modest steps again. If a crisis like the Depression occurred again, a three-fifths majority in each house could bypass the amendment's spending restrictions.

If there were a crisis, the people would respond just as they did in the 1930s. They threw out a catatonic GOP and installed Democrats, giving them a three-to-one margin.

The Democrats are on the wrong side of this one. Balancing the budget is a liberal concept, in the classic sense of the word, liberating.

Interest on the debt nearly equals all the government spends on discretionary programs, such as disease control, transit, research, aid to cities, education and foster care.

Interest payments are crowding out aid to the underprivileged just as much as entitlements. Interest payments go to people rich enough to buy government securities in $10,000 and $100,000 lots—not exactly the guy in your neighborhood Legion hall.

It is a loser for the Democrats on demographic lines. It is the young voter—not the aging one—that is going to pay and pay and pay to get this debt off his back.

For every sophisticated argument against it, there is an even stronger common sense argument for balancing the budget—sooner than later.

The people aren't dumb.●

HOMICIDES BY GUNSHOT IN NEW YORK CITY

● Mr. MOYNIHAN. Mr. President, I rise to continue my weekly practice of reporting to the Senate on the death toll by gunshot in New York City. Last week, 12 people lost their lives to bullet wounds, bringing this year's total to 107.●

ALLEGATIONS REGARDING POTENTIAL NUCLEAR EXPLOSIONS IN A GEOLOGIC REPOSITORY FOR SPENT NUCLEAR FUEL

● Mr. JOHNSTON. Mr. President, last Sunday, the New York Times published a front-page story alleging that geologic disposal of spent nuclear fuel in Yucca Mountain could result in an ''atomic explosion of buried waste.'' The story is based on a hypothesis proposed several months ago by two scientists at the Los Alamos National Laboratory, Dr. Charles D. Bowman and Dr. Francisco Venneri. Drs. Bowman and Venneri, neither of whom is a geologist, performed some crude calculations on what might happen to plutonium in a geologic repository. They assumed that 50 to 100 kilograms of pure plutonium-239 would slowly diffuse through nonabsorbing silicon dioxide—not any type of rock actually found under Yucca Mountain—and then gradually reach criticality as various neutron-absorbing elements in the nuclear waste diffused away over the millennia.

We have been told by the New York Times and by both Senators from Nevada yesterday that three teams of scientists at Los Alamos ''have been unable to rebut the assertion'' of Drs. Bowman and Venneri. This is simply not true.

The Los Alamos National Laboratory, in fact, did respond to these allegations. It formed three review teams. A ''Red Team'' was set up to serve in the role of skeptic. A ''Blue Team'' was set up to take the role of defenders of the Bowman-Venneri hypothesis. A ''White Team'' was set up to serve as a neutral judge of the work of the other two teams, and to render an overall judgment as to which was more credible.

What was the conclusion of the White Team? I ask that a two-page ''Summary Critique of Bowman-Venneri Paper by Internal Review Groups at Los Alamos,'' which was publicly released yesterday by the Los Alamos National Laboratory, as well as the complete text of the White Team report, entitled ''Comments on 'Nuclear Excursions' and 'Criticality Issues' '' be printed in the RECORD at the end of this statement.

The White Team report is a devastating critique of the hypothesis of Drs. Bowman and Venneri. It states that:

> The geological situations in the Bowman paper are too idealized to validate the proposed scenario.
>
> The assumption of significant plutonium dispersion into the surrounding medium is without justification.
>
> The amount of water is overestimated by a factor of 1000. . . . There is no steam explosion.
>
> The assumptions about the behavior of the fissile mixture near criticality are not credible.
>
> There is no credible mechanism for releasing energy on a time scale short enough for even a steam explosion.

Even when the White Team started assuming that the impossible would happen, it still could not find the Bowman-Venneri hypothesis credible. For example, the White Team concluded:

> Even if dispersion and criticality are assumed (which is strongly objected to), the conclusion that an explosion would occur is incorrect.
>
> Even if dispersion, criticality, and energy release are assumed, there would be no serious consequences elsewhere in the repository or on the surface.

The florid story in the New York Times and the comments made on the floor yesterday by my distinguished colleagues from Nevada illustrate vividly how to misuse science in public policy debates.

Step No. 1. Ignore peer review. The New York Times clearly knew that an internal laboratory review of the Bowman-Venneri hypothesis had taken place, but got the story of that review completely wrong. Is there any way to characterize the above statements as being ''unable to lay [the Bowman-Venneri hypothesis] to rest,'' as the New York Times reported? I don't see how. And, of course, no external review by a scientific journal of this paper has taken place—it isn't even clear whether Drs. Bowman and Venneri have submitted their calculations to any journal, other than the New York Times, for consideration.

Step No. 2. Do not even bother to get your facts straight. The true story of the internal Los Alamos review of this paper was readily available yesterday to any Member of this body who would have taken the time to call anyone at the laboratory whose name was mentioned in the New York Times story.

Step No. 3. Just jump on any news story that seems to support your preconceived view. Blow up the headline into a big chart, and head directly to the Senate floor.

Unfortunately, this is not the first time that we have seen bad science injected into the debate over a permanent geologic repository for spent nuclear fuel. In 1989, another DOE scientist named Jerry Szymanski interpreted some mineral deposits adjacent to the Yucca Mountain site as evidence that ground water repeatedly had risen well above the level proposed for the repository in the geologically recent past. If such an event were to occur in the lifetime of the repository, it would flood the waste packages and could result in a release of radioactive material to the environment. But before this hypothesis could be properly reviewed by other scientists, Szymanski's report became a media sensation fueled by, among others, the New York Times. Eventually, a distinguished group of scientists from the National Academy of Sciences was asked to evaluate Szymanski's interpretations and the data upon which he had based those interpretations. This panel concluded what the vast majority of DOE and U.S. Geological Survey scientists had concluded already: that the mineral deposits were produced by rainwater at the surface and had nothing to do with fluctuations in the ground water table at all. That was in 1992. Notwithstanding the NAS conclusion, the State of Nevada continues to pay large sums of money to Szymanski, now an independent consultant, to continue beating a dead horse.

So let me respond in detail to the specific charges made yesterday by my distinguished colleagues from Nevada.

The distinguished junior Senator from Nevada charged that a ''discussion has been going on for months and months and months'' involving ''three teams comprised of 10 scientists—that is 30 scientists [that] have been unable to rebut the assertion that there is a genuine fear that an explosion can occur in a geologic repository.'' In fact, the scientists at Los Alamos were able to rebut the assertion, and did.

The distinguished senior Senator from Nevada complained that the Bowman-Venneri hypothesis had not been

mentioned in public hearings or debates. Well, that's how scientific review works. Scientific results ought to get careful peer review within the scientific community before they are served up in the Sunday New York times. If a scientific result can withstand neutral scrutiny—which is what Los Alamos was in the process of doing—then it should be published in the open scientific literature and we can start the debate as to what its relevance to policy might be. None of us is served by fragmentary and distorted accounts of scientific research in the public media.

The distinguished senior Senator from Nevada characterized the Bowman-Venneri calculations as ''evidence by a scientific community that says an explosion could occur.'' Do my colleagues really believe that a crude, theoretical calculation, predicated on all sorts of inaccurate assumptions for example, that the rock under Yucca Mountain is pure silicon dioxide, constitutes evidence? Evidence usually means something real. You can make up any theoretical calculations you like, and if you are not going to be constrained by reality, you can come up with some pretty interesting answers. But you will not get any evidence that way.

The distinguished senior Senator from Nevada stated that ''it is not as if it has not happened before. In the former Soviet Union, they had an explosion from nuclear waste.'' He would have us believe that the Soviet explosion is somehow relevant to geologic disposal of spent nuclear fuel. Not so. The Soviet explosion occurred in a nuclear waste tank at Tomsk, not in a geological repository. The explosion was caused by red oil—a byproduct of reprocessing spent nuclear fuel. The whole idea behind the current DOE waste program, and geologic storage in a location such as Yucca Mountain, is not to reprocess.

The distinguished senior Senator from Nevada says that his information is ''not sensationalism'' and that it ''comes from the scientific community.'' Well, publication in the New York Times hardly constitutes peer review. It is sensationalism, pure and simple.

Finally the distinguished senior Senator from Nevada said that these results came ''from one of the finest scientific labs in the world.'' Now that we can see what Los Alamos actually has to say about the Bowman-Venneri hypothesis, will the Senators from Nevada accept what the Los Alamos review team had to say?

In summary, it is not true that, as both Senators from Nevada tried to tell us yesterday: ''Thirty scientists * * * have tried to prove it wrong for 10 months. They cannot.'' As it turns out, they can shoot this hypothesis full of holes, and they did.

Before we call a halt to all attempts to find a solution to our nuclear waste problems, or before we set up mini-repositories for spent nuclear fuel at every nuclear plant in the Nation, let's see the Bowman-Venneri hypothesis for what it is—a preliminary calculation with a highly questionable connection to the real world. If scientists at Los Alamos want to pursue such calculations, that is their right. But we should not let ourselves be swayed by sensational reports based on sketchy theories. Good policy can and should only be based on good, peer-reviewed science.

The material follows:

[The attached paper is a summary of the work of the three review teams that have examined the paper on possible criticality at the planned Yucca Mountain Repository. It was compiled by the senior manager at Los Alamos National Laboratory who supervises the author of the original paper.]

SUMMARY POINTS OF BOWMAN-VENNERI PAPER—''UNDERGROUND AUTOCATALYTIC CRITICALITY OF PLUTONIUM AND OTHER FISSILE MATERIAL''

(By Charles Bowman and Francesco Venneri)

1. Underground storage as presently recommended could lead to autocatalytic criticality and uncontrolled dispersal of thermally fissile material with significant nuclear energy release and possibly nuclear explosions in the 100-ton range.

2. Fissile material when emplaced underground is subcritical. However, once containment is breached, the fissile material is free to disperse in the underground matrix either through natural (diffusion, earthquakes, water flow) or unnatural means (human intervention).

3. The underground matrix contains good moderators such as water and rock (silicon dioxide) in various proportions. Under certain conditions of fissile material density, radius, water and rock composition, the fissile material can reach criticality due to neutrons moderated in the rock/water mixture. The criticality can have either positive or negative feedback. Negative feedback would mean that the nuclear reactions would decrease as the mixture heated up and expanded and hence go subcritical. Positive feedback means that the nuclear fission is self-enhancing (autocatalytic). Hence the nuclear reactions continue to grow to supercriticality and possibly explosive conditions.

4. Neutron poisons, such as boron, that are added to the spent fuel when emplaced underground to prevent criticality have different solubilities than fissile materials and thus would be leached out from the fissile material area.

5. Without water, 50–100 kg of fissile material is required to reach autocriticality. As small an amount as 1 kg of fissile material can reach autocriticality with water present.

SUMMARY CRITIQUE OF BOWMAN-VENNERI PAPER BY INTERNAL REVIEW GROUPS AT LOS ALAMOS

GEOLOGIC EMPLACEMENT

1. The geological situation in the Bowman paper are too idealized to validate the proposed scenario. Pure silicon dioxide, a weak neutron absorber, is not a common geological material and has not been proposed as a repository material. Other elements present in all proposed geological formations absorb neutrons much more strongly than pure silicon dioxide, which reduces the reactivity of the mixture.

2. For periods less than 10,000 years, the presence of Plutonium 240 (half-life of 6,500 years) would also reduce reactivity strongly.

MATERIAL DISPERSION UNDERGROUND

1. The assumption of significant dispersion of plutonium into the surrounding geologic medium is without justification. Geologic processes take millions of years by which time the plutonium-239 (half-life of 24,000 years) would have decayed to 235 U which is less reactive.

2. The Bowman paper argues that water flowing down through the repository would dissolve glass logs in about 1,000 years and leave a fragile powder of plutonium that could disperse through steam ''explosions'' caused by criticality heating of the water in the vicinity of the Pu log. However, the amount of water is overestimated by a factor of 1,000 so that the correct time scale is on the order of a million years. Also the temperature gradient is over estimated by a factor of ten so that there is no steam ''explosion.'' Also the leaching process could leave a residue as strong as the original log.

3. Material is not likely to be dispersed into symmetric shapes by rather along fractures which would provide more difficult geometries for criticality.

CRITICALITY

1. The assumptions about the behavior of the fissile mixture near criticality are not credible.

2. As the fissile/rock/water mixture approached criticality, it would slowly heat and expand which would drop its reactivity below critical and mixture would cool. Thus the mixture would have a negative temperature coefficient.

EXPLOSIONS/ENERGY RELEASE

1. Even if dispersion and criticality are assumed (which is strongly objected to), the conclusion that an explosion would occur is incorrect.

2. There is no credible mechanism for releasing energy on a time scale short enough for even a steam explosion. A nuclear explosion must make the transition from critical to highly supercritical in a fraction of a second. A credible means to force this transition in a repository has not been found.

3. Even if dispersion, criticality and energy release are assumed, there would be no serious consequences elsewhere in the repository or on the surface.

[The attached paper is the preliminary work of a team of scientists at Los Alamos National Laboratory. The team was asked to review the papers that have been generated dealing with the issue of possible criticality at the planned Yucca Mountain Repository. Further analysis may be conducted, and possible further modifications of the estimates contained in this paper may occur, in the normal process of scientific investigation. The paper of the review team as it stands now does contain considerable work by the team.]

COMMENTS ON ''NUCLEAR EXCURSIONS'' AND ''CRITICALITY ISSUES''

The Laboratory provided a technical review of a paper by Drs. Bowman and Venneri on the ''Nuclear Excursions and Eruptions from Plutonium and Other Fissile Material Stored Underground,'' which argued that the dispersal of plutonium (Pu) stored underground could increase its reactivity to the point where critically, auto-catalytic reaction, and explosive energy release could occur.

The review concluded that the probability of each of these steps is vanishingly small and that the probability of the occurrence of all three is essentially zero. Moreover, even if these steps could occur, any energy release would be too small and slow to produce any significant consequences either in the repository or on the surface.

The authors of ''Nuclear Excursions'' provided responses to the issues raised in that review in the form of a paper entitled ''Criticality Issues for Thermally Fissile Material in Geologic Storage.'' The white team and the leaders of the blue and red teams reviewed the responses in ''Criticality Issues,'' met to discuss them, determined that they are flawed for essentially the same reasons as the original paper, and concluded that they do not significantly impact the conclusion of the review that the probability of the chain of events postulated in ''Nuclear Excursions'' and ''Criticality Issues is essentially zero and that even if they could occur, any energy release would be too small and slow to produce significant consequences.

EMPLACEMENT

The geological situations discussed in ''Nuclear Excursions'' were too idealized to provide a useful framework for analysis or to validate the proposed scenario. That was pointed out in the review, but those situations were still used in ''Criticality Issues.'' ''Nuclear Excursions'' postulates the emplacement of fissile materials in geologic formations of pure silicon dioxide. Pure silicon dioxide is a weak neutron absorber, is not a common geologic material, and has not been proposed as a repository material. Other elements present in all geologic formations that have been proposed absorb neutrons much more strongly than pure silicon dioxide, which reduces the reactivity of the mixture.

Furthermore, ''Nuclear Excursions'' performs most of its yield calculation for pure Pu–239; so does ''Criticality Issues.'' The weapons plutonium of interest has a significant fraction of Pu–240, which is a strong absorber that further reduces reactivity. Even for the maximum loading postulated in ''Nuclear Excursions,'' weapons plutonium could never disperse to a condition of criticality in real, dry repository materials. It is argued that the Pu–240 would decay, leaving the more reactive Pu–239, but that would happen over several times the 6,500 year half life of Pu–240. Even then the Pu–240 would be replaced by its daughter U–236, which is also a strong absorber. Moreover, as noted above, the calculations in both papers ignore minor soil constituents with very large absorption cross sections. When they are properly included, it may not be possible to achieve criticality for the assumed conditions even without the Pu–240.

The assumption of significant dispersion of plutonium into the surrounding geologic medium in ''Nuclear Excursions'' is without justification. Geological processes would take millions of years, by which time plutonium would have decayed to uranium-235, which is less reactive than Pu-239. We have not discovered a credible process that would produce more rapid dispersal. Anthropogenic measures are unlikely and are routinely accounted for in repository analyses. ''Criticality Issues'' argues that water flowing down through the repository would dissolve the glass log in 1,000 years and leave a fragile powder, but its calculation overestimates the amount of rainfall on and water in the repository by factors of 1,000, so the correct time scale for dispersal is again about a million years.

It has also been noted that the temperature gradient driving the process is overestimated by an order of magnitude and that the leaching process could leave a residue as strong as the original log.

CRITICALITY

The assumptions about the behavior of the fissile mixture near criticality are not credible. ''Nuclear Excursions'' assumed that the rock in which the fissile material is placed is rigid and would prevent the expansion of the material and permit the achievement of super criticality. That was based on an improper interpretation of the published equation of state. In reality, rock is compressible, and even at depths of several kilometers, lithostatic stresses are small and anisotropic, so that confining stresses are small. Even if it fractured the rock, it would not do so in a spherically symmetric manner. Even if the mixed material became critical, it would slowly heat and expand, which would drop its reactivity below critical, after which its neutron flux would drop, and the mixture would cool. That is, the mixture has the negative temperature coefficient of many fissile assemblies. This was pointed out in detail in the review.

Nevertheless, ''Criticality Issues'' again argued that fissile material could diffuse through criticality, although it shifted its argument to soils with very high amounts of water, which have higher reactivity. However, the essential physics is the same as for dry rock. The mixed material would slowly heat and expand, which would drop its reactivity, which would cause it to cool. Hydrated mixtures also generally have negative temperature coefficients. Moreover, the first time the mixture underwent this cycle, it would drive off the water, after which it would be left far below critical, dry, and with no mechanism for the reinsertion of water. Thus, there is nothing new in ''Criticality Issues,'' it simply repeats the stability errors made in ''Nuclear Excursions.''

There are some interesting tradeoffs between the negative temperature coefficient of such mixtures from expansion and the potentially small positive coefficient from absorption and Pu-239 resonance broadening, but those effects are delicate and comparable even at high hydration. Unfortunately, they cannot be evaluated from the calculations in ''Criticality Issues,'' which were apparently all performed for cold soil, pure SiO_2, and pure Pu-239. All three of those restrictions would have to be removed to provide an assessment beyond that in ''The Myth of Nuclear Explosions at Waste Disposal Sites.'' Given the simplicity and ease of monitoring for the development of the conditions postulated, that is readily addressed.

ENERGY RELEASE

Even if dispersion and criticality are assumed, the conclusion that an explosion would occur is incorrect. ''Nuclear Excursions'' postulates ''auto-catalytic'' behavior in which the release of energy leads to greater criticality, but the discussion above shows that in dry repository material, the release of energy instead reduces criticality and shuts the reaction off. ''Criticality Issues'' postulates autocatalytic behavior in hydrated mixtures, but the discussion of the previous section shows that to the extent that the phenomena has been quantified by earlier work, the release of energy reduces criticality there, too.

The postulated mechanisms for explosion are not credible; the most that appears possible is heating and evaporation of some water before a smooth shut down. There is no credible mechanism for releasing energy on a time scale short enough for even a steam explosion. A nuclear explosion must make the transition from critical to highly supercritical in a fraction of a second. A credible means to force the transition in a repository has not been found. Thus, the assertion that an explosion would occur is incorrect.

Even if dispersion, criticality, and energy release are assumed, which appear virtually impossible on the basis of the arguments above, there would be no serious consequences elsewhere in the repository or on the surface. Calculations indicate containment volumes very small compared to the nominal spacing between storage elements; thus, there could not be any coupling between storage elements or any possibility of greater energy releases through synergisms.

RELATION WITH OTHER WORK

That the critical mass may be reduced by dilution by moderating material discussed in the paper is well understood by the nuclear community. Fermi used it to full advantage when he assembled the first pile under the grandstand at Stagg Stadium.

Fermi also used the advantages of heterogeneity in minimizing resonance losses in natural uranium, although that is irrelevant to the discussions of Pu reactivity here.

The National Academy of Science report does not suggest emplacement of weapons plutonium in the manner discussed by ''Nuclear Excursions,'' although it did comment on the advantages of higher fissile loading. The Academy was alert to the potential for criticality and qualified its recommendations by stating that further analysis and discussion were needed before deciding on the best and safest geologic disposition of weapons and reactor spent fuel.

SUMMARY

We should always be alert to unintended consequences and open to discussions that illuminate potential dangers in nuclear waste storage. ''Nuclear Excursions'' argued that there were serious dangers in proposed repository concepts. We disagreed with the paper's major assumptions and found its major conclusions to be incorrect for fundamental, technical reasons, which were stated in detail and in writing. ''Criticality Issues'' did not respond to those reasons, but introduced a new scenario, in which it made the same technical errors in a new context. We have pointed those errors out above. At this point we find no technical merit in either paper. However, the papers treat technical matters and apparently contain no classified material; thus, in accord with the laboratory's policy of open and unrestricted research and discussion on unclassified matters, the authors should be free to submit their paper for publication in a peer reviewed journal.

That said, we do not find any value in these two papers that would justify publication in their current form, and we do not see how to produce such a paper from them. They contain fundamental errors in concept and execution. They show no grasp of such elementary concepts as the time scale for the approach to criticality and energy release and the crucial role of the negative temperature coefficient of the mixtures treated. Worse, they show no appreciation of these points even after they were pointed out forcefully in the review. That is compounded by the constantly shifting scenarios in the papers and the alarmist estimates of potential effects, which have become less credible and more shrill throughout this process.

The authors apparently show little interest in technical suggestions or inclination to respond to it. Thus, it would not appear to be useful to continue this one-sided discussion, which we take to be concluded. If this program is continued, and these individuals remain associated with it, the laboratory would be well served by establishing a permanent red team, funded by this program and composed of independent members from the cognizant technical divisions, and giving them the responsibility of checking each calculation done by them.●

Mr. ASHCROFT. Mr. President, the following unanimous consent requests have been agreed to by the minority leadership, as well as the majority.

EXECUTIVE CALENDAR

Mr. ASHCROFT. Mr. President, as if in executive session, I ask unanimous consent that the Senate immediately proceed to the consideration of Executive Calendar Nos. 32 and 33 en bloc; further, that the nominations be confirmed, en bloc; that the motions to reconsider be laid upon the table en bloc; that any statements relating to the nominations appear at the appropriate place in the RECORD; and the President be immediately notified of the Senate's action.

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

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF DEFENSE

Herschelle Challenor, of Georgia, to be a member of the National Security Education Board for a term of 4 years, vice Steven Muller.

Sheila Cheston, of the District of Columbia, to be general counsel of the Department of the Air Force, vice Gilbert F. Casellas.

ORDERS FOR WEDNESDAY, MARCH 8, 1995

Mr. ASHCROFT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10:30 a.m. on Wednesday, March 8, 1995; that following the prayer, the Journal of the proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume consideration of H.R. 889, the supplemental appropriations bill.

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

PROGRAM

Mr. ASHCROFT. Mr. President, for the information of my colleagues, we hope to complete action on the supplemental bill tomorrow. Therefore, Senators should be aware that rollcall votes are expected throughout tomorrow's session.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. ASHCROFT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in recess under the previous order.

There being no objection, the Senate, at 6:34 p.m., recessed until Wednesday, March 8, 1995, at 10:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 7, 1995:

DEPARTMENT OF DEFENSE

HERSCHELLE CHALLENOR, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF 4 YEARS.

SHEILA CHESTON, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF THE AIR FORCE.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.