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House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. JONES].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 13, 1995.

I hereby designate the Honorable WALTER B. JONES, Jr. to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

With the psalmist of old we pray:

''Whither shall I go from thy Spirit? Or whither shall I flee from thy presence?

''If I ascend to Heaven, Thou art there! If I make my bed in Sheol, Thou art there!

''If I take the wings of the morning and dwell in the uttermost parts of the sea, even there thy hand shall lead me, and thy right hand shall hold me.''

O gracious God, You have promised to be with us in every time and every place and have assured us that Your healing spirit never leaves. We pray this day that Your spirit and Your blessings are with us and remain with us always. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Oregon [Ms. FURSE] come forward and lead the House in the Pledge of Allegiance.

Ms. FURSE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget.

We kept our promise.

It continues that in the first 100 days, we will vote on the following items: A balanced budget amendment—we kept our promise; unfunded mandates legislation—we kept our promise; line-item veto—we kept our promise; a new crime package to stop violent criminals—we kept our promise; national security restoration to protect our freedoms—we kept our promise; Government regulatory reform—we kept our promise; commonsense legal reform to end frivolous lawsuits—we kept our promise; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for middle-income families; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

ELIMINATION OF LIHEAP IS IRRESPONSIBLE

(Mr. BALDACCI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALDACCI. Mr. Speaker, our Republican colleagues have proposed the elimination of funds for the LIHEAP Program. This is simply irresponsible.

The winter in Maine is long and cold. Last month in Presque Isle, the temperature averaged just 9 degrees. That's relatively warm. In January 1994, the average temperature was minus .7 degree. Last winter, 60,000 Maine households received help from the LIHEAP Program.

An elderly woman in Woodland, ME, recently sent a letter to the State agency that oversees LIHEAP funds to say thank you for her fuel assistance. She said that she had high medication costs and lived on a meager income, and that without LIHEAP, she would have been forced to stop buying the medications that keep her well.

Nobody should be forced to choose between heat and medicine or heat and food. This proposal unfairly targets two highly vulnerable populations: children and the elderly. That is wrong. It is not the fault of children or the poor or the elderly that our Nation faces high deficits and debts. They should not have the budget balanced on their backs.

I urge my colleagues to reject this proposal to kill the LIHEAP Program. LIHEAP is not waste; it is not pork; it is an effective program that saves lives and deserves to be maintained.

CONGRATULATIONS TO CORNHUSKERS

(Mr. BEREUTER asked and was given permission to address the House for 1 minute.)

Mr. BEREUTER. Mr. Speaker, it is a proud day for Nebraska because the NCAA football champions University of Nebraska Cornhuskers are in the city to be honored today. At 11:30 on the south lawn of the White House, they were honored by President Clinton. We are very proud, of course, of coach Tom Osborne, his coaching staff and the players of the Nebraska Cornhuskers.

Coach Osborne has taken his teams to 22 consecutive bowls. He has the best winning record of any active college coach in the Nation, with over 82 percent wins.

We are also very proud of the fact not only do we have three all-American players on the team this year, but we have three academic all-Americans, including the outstanding academic all-American in the United States, which gives the University of Nebraska now more academic all-Americans by far than any other school in the country.

Coach Osborne, we take our football very seriously out there. We liked the event so much today, we think we will make it an annual affair.

Congratulations.

AMERICA'S ECONOMIC SYSTEM AND WOMEN

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I know all of us today want to congratulate the new freshman Congresswoman from Utah, as she and her husband announce that she will be expecting a new baby. This will only be the second Congresswoman who had a baby during her term of office, the first being Yvonne Brathwaite Burke. She did a terrific job, so the precedent has been laid. And I know all will go well.

I particularly appreciate what the Congresswoman from Utah said in that she said this was no big deal. Over 60 percent of the women in Utah with small children were working outside the home and so that is what American families are doing today.

I also hope the gentlewoman from Utah brings that up to the chairman of the Committee on Ways and Means who was in the Wall Street Journal this week saying they had to get the Tax Code fixed so that women could stay home in their proper role and take care of children. That may be the world he would like, but unfortunately that is not the world the economic system allows.

So congratulations to her, and we will all do a lot of reeducation, we hope, on some of the Members who still have not gotten it yet.

GO BIG RED

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, I rise to congratulate the 1994 National Champion Nebraska Cornhuskers, as they were honored today at the White House with President Clinton.

Despite losing a starting quarterback and nearly losing a second one, coach Tom Osborne led his team to an undefeated season, and Nebraska's third national title. It was Coach Osborne's first national championship, one of the best coaching minds in the country.

Nebraska's win in the Orange Bowl was a tremendous accomplishment, as the Cornhuskers overcame a hometown crowd and a very good Miami team. In the final analysis, the Huskers won it with heart. We're all proud of the tremendous effort that it took to win.

Mr. Speaker, this outstanding team was not just No. 1 on the football field. They also have had 56 football academic all-Americans, more than any other university in the Nation. They work as hard in the classroom as they do on the football field.

On behalf of the people of Nebraska and Husker fans everywhere, I say to Coach Osborne and the Cornhuskers: congratulations. You deserve to be No. 1.

NORTHAMPTON AND HALIFAX STUDENTS WIN ELECTRIC CAR COMPETITION

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, I want to commend the 14 young scientists from the counties of Northampton and Halifax in my congressional district. They are the winners of the 1995 National Electric Car Championships. At the competition, held in Phoenix, AZ, recently, the car submitted by these students was judged better than electric cars submitted by 37 other school systems, throughout the Nation.

The National Championship followed top honors won by this same group at the Mid-Atlantic Electric Vehicle Grand Prix, which was held in Richmond, VA, last spring. Their win is even more impressive when considering that the students come from schools that are among the poorest in North Carolina. Competing against much larger and wealthier schools, the students rebuilt a Geo Metro with an electric engine and scored at or near the top in four of the five categories used in judging. Their teachers, Eric Ryan and Harold Miller, are also to be commended for their patience and the long hours they devoted to providing guidance and direction to the students. Congratulations Northampton, Halifax, and Weldon city schools. You have made North Carolina proud.

ILLEGAL IMMIGRATION

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, in the last Congress there was a lot of tough talk about illegal immigration; however, little got accomplished. The Democrat majority repeatedly prevented us from considering legislation to stop the flood of illegal immigration facing our country. And contrary to public demands, they even slipped in a change to immigration law which rewards illegal aliens for breaking into our country. This provision was snuck into last year's Commerce, State, Justice appropriation bill without most Members' knowledge and allows certain aliens who are in the United States illegally—let me repeat that, illegally—to pay an $800 fee to the INS and acquire temporary legal status while applying to become permanent legal residents. These illegal aliens then are eligible for a whole host of taxpayer-funded Government benefits.

Our social service agencies are already stretched to the limit trying to provide services to eligible citizens and permanent residents who need them. How are we going to handle the needs of the 100,000 people the INS estimates will qualify this year, alone, under this fee-for-preference system?

I have introduced a bill, H.R. 592, which will repeal this travesty of justice. Let's stop rewarding those who have flagrantly violated our immigration laws by closing this loophole immediately. Cosponsor H.R. 592 today.

Let us make this Congress act, unlike when the Democrats controlled Congress and refused to stop illegal immigration. We Republicans will do the job.

REPUBLICANS AND THEIR PROMISE OF A VOTE ON TERM LIMITS

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, every day the Republicans come down on this floor and they tell us how they have kept their promises with the contract.

Well, they did keep some. They kept their promise to adversely affect children, women, and seniors. They kept their promise to weaken environmental laws. They kept their promise to protect companies who produce products that harm women and children.

Yes, they made lots of promises, but they made another promise. They promised to bring term limits to the floor. They promised that we could vote today on congressional term limits.

But guess what? The leadership said they could not schedule that vote today. I ask my colleagues why.

I suggest, perhaps because now they are elected, they really do not want to consider term limits.

CONFERENCE REPORT ON S. 1, UNFUNDED MANDATES REFORM ACT OF 1995

Mr. CLINGER submitted the following conference report and statement on the Senate bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes:

CONFERENCE REPORT (H. REPT. 104–76)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1), to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Unfunded Mandates Reform Act of 1995''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and State, local, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting State, local, and tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to require that Congress consider whether to provide funding to assist State, local, and tribal governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dissemination of that information provide informed and deliberate decisions by Congress and Federal agencies and retain competitive balance between the public and private sectors;

(6) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal intergovernmental mandates without providing adequate funding to comply with such mandates;

(7) to assist Federal agencies in their consideration of proposed regulations affecting State, local, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of State, local, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider estimates of the budgetary impact of regulations containing Federal mandates upon State, local, and tribal governments and the private sector before adopting such regulations, and ensuring that small governments are given special consideration in that process; and

(8) to begin consideration of the effect of previously imposed Federal mandates, including the impact on State, local, and tribal governments of Federal court interpretations of Federal statutes and regulations that impose Federal intergovernmental mandates.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) except as provided in section 305 of this Act, the terms defined under section 421 of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 101 of this Act) shall have the meanings as so defined; and

(2) the term ''Director'' means the Director of the Congressional Budget Office.

SEC. 4. EXCLUSIONS.

This Act shall not apply to any provision in a bill, joint resolution, amendment, motion, or conference report before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the Federal Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations;

(6) the President designates as emergency legislation and that the Congress so designates in statute; or

(7) relates to the old-age, survivors, and disability insurance program under title II of the Social Security Act (including taxes imposed by sections 3101(a) and 3111(a) of the Internal Revenue Code of 1986 (relating to old-age, survivors, and disability insurance)).

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director such information and assistance as the Director may reasonably request to assist the Director in carrying out this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM.

(a) IN GENERAL.—Title IV of the Congressional Budget and Impoundment Control Act of 1974 is amended by—

(1) inserting before section 401 the following:

''PART A—GENERAL PROVISIONS''; and

(2) adding at the end thereof the following new part:

''PART B—FEDERAL MANDATES

''SEC. 421. DEFINITIONS.

''For purposes of this part:

''(1) AGENCY.—The term 'agency' has the same meaning as defined in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies.

''(2) AMOUNT.—The term 'amount', with respect to an authorization of appropriations for Federal financial assistance, means the amount of budget authority for any Federal grant assistance program or any Federal program providing loan guarantees or direct loans.

''(3) DIRECT COSTS.—The term 'direct costs'—

''(A)(i) in the case of a Federal intergovernmental mandate, means the aggregate estimated amounts that all State, local, and tribal governments would be required to spend or would be prohibited from raising in revenues in order to comply with the Federal intergovernmental mandate; or

''(ii) in the case of a provision referred to in paragraph (5)(A)(ii), means the amount of Federal financial assistance eliminated or reduced;

''(B) in the case of a Federal private sector mandate, means the aggregate estimated amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate;

''(C) shall be determined on the assumption that—

''(i) State, local, and tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations; and

''(ii) reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees; and

''(D) shall not include—

''(i) estimated amounts that the State, local, and tribal governments (in the case of a Federal intergovernmental mandate) or the private sector (in the case of a Federal private sector mandate) would spend—

''(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate; or

''(II) to comply with or carry out State, local, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that mandate; or

''(ii) expenditures to the extent that such expenditures will be offset by any direct savings to the State, local, and tribal governments, or by the private sector, as a result of—

''(I) compliance with the Federal mandate; or

''(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate.

''(4) DIRECT SAVINGS.—The term 'direct savings', when used with respect to the result of compliance with the Federal mandate—

''(A) in the case of a Federal intergovernmental mandate, means the aggregate estimated

reduction in costs to any State, local, or tribal government as a result of compliance with the Federal intergovernmental mandate; and

''(B) in the case of a Federal private sector mandate, means the aggregate estimated reduction in costs to the private sector as a result of compliance with the Federal private sector mandate.

''(5) FEDERAL INTERGOVERNMENTAL MANDATE.—The term 'Federal intergovernmental mandate' means—

''(A) any provision in legislation, statute, or regulation that—

''(i) would impose an enforceable duty upon State, local, or tribal governments, except—

''(I) a condition of Federal assistance; or

''(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

''(ii) would reduce or eliminate the amount of authorization of appropriations for—

''(I) Federal financial assistance that would be provided to State, local, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

''(II) the control of borders by the Federal Government; or reimbursement to State, local, or tribal governments for the net cost associated with illegal, deportable, and excludable aliens, including court-mandated expenses related to emergency health care, education or criminal justice; when such a reduction or elimination would result in increased net costs to State, local, or tribal governments in providing education or emergency health care to, or incarceration of, illegal aliens; except that this subclause shall not be in effect with respect to a State, local, or tribal government, to the extent that such government has not fully cooperated in the efforts of the Federal Government to locate, apprehend, and deport illegal aliens;

''(B) any provision in legislation, statute, or regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority, if the provision—

''(i)(I) would increase the stringency of conditions of assistance to State, local, or tribal governments under the program; or

''(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to State, local, or tribal governments under the program; and

''(ii) the State, local, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the legislation, statute, or regulation.

''(6) FEDERAL MANDATE.—The term 'Federal mandate' means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (5) and (7).

''(7) FEDERAL PRIVATE SECTOR MANDATE.—The term 'Federal private sector mandate' means any provision in legislation, statute, or regulation that—

''(A) would impose an enforceable duty upon the private sector except—

''(i) a condition of Federal assistance; or

''(ii) a duty arising from participation in a voluntary Federal program; or

''(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purposes of ensuring compliance with such duty.

''(8) LOCAL GOVERNMENT.—The term 'local government' has the same meaning as defined in section 6501(6) of title 31, United States Code.

''(9) PRIVATE SECTOR.—The term 'private sector' means all persons or entities in the United States, including individuals, partnerships, associations, corporations, and educational and nonprofit institutions, but shall not include State, local, or tribal governments.

''(10) REGULATION; RULE.—The term 'regulation' or 'rule' (except with respect to a rule of either House of the Congress) has the meaning of 'rule' as defined in section 601(2) of title 5, United States Code.

''(11) SMALL GOVERNMENT.—The term 'small government' means any small governmental jurisdictions defined in section 601(5) of title 5, United States Code, and any tribal government.

''(12) STATE.—The term 'State' has the same meaning as defined in section 6501(9) of title 31, United States Code.

''(13) TRIBAL GOVERNMENT.—The term 'tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

''SEC. 422. EXCLUSIONS.

''This part shall not apply to any provision in a bill, joint resolution, amendment, motion, or conference report before Congress that—

''(1) enforces constitutional rights of individuals;

''(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, handicap, or disability;

''(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the Federal Government;

''(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

''(5) is necessary for the national security or the ratification or implementation of international treaty obligations;

''(6) the President designates as emergency legislation and that the Congress so designates in statute; or

''(7) relates to the old-age, survivors, and disability insurance program under title II of the Social Security Act (including taxes imposed by sections 3101(a) and 3111(a) of the Internal Revenue Code of 1986 (relating to old-age, survivors, and disability insurance)).

''SEC. 423. DUTIES OF CONGRESSIONAL COMMITTEES.

''(a) IN GENERAL.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character that includes any Federal mandate, the report of the committee accompanying the bill or joint resolution shall contain the information required by subsections (c) and (d).

''(b) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the Senate or the House of Representatives orders reported a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director of the Congressional Budget Office and shall identify to the Director any Federal mandates contained in the bill or resolution.

''(c) REPORTS ON FEDERAL MANDATES.—Each report described under subsection (a) shall contain—

''(1) an identification and description of any Federal mandates in the bill or joint resolution, including the direct costs to State, local, and tribal governments, and to the private sector, required to comply with the Federal mandates;

''(2) a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and

''(3) a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs or the modification or termination of the Federal mandate as provided under section 425(a)(2) would affect the competitive balance between State, local, or tribal governments and the private sector including a description of the actions, if any, taken by the committee to avoid any adverse impact on the private sector or the competitive balance between the public sector and the private sector.

''(d) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required under subsection (a) shall also contain—

''(1)(A) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable for activities of State, local, or tribal governments subject to the Federal intergovernmental mandates;

''(B) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention; and

''(C) if funded in whole or in part, a statement of whether and how the committee has created a mechanism to allocate the funding in a manner that is reasonably consistent with the expected direct costs among and between the respective levels of State, local, and tribal government; and

''(2) any existing sources of Federal assistance in addition to those identified in paragraph (1) that may assist State, local, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates.

''(e) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution is intended to preempt any State, local, or tribal law, and, if so, an explanation of the effect of such preemption.

''(f) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

''(1) IN GENERAL.—Upon receiving a statement from the Director under section 424, a committee of the Senate or the House of Representatives shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available at the time the report is printed.

''(2) OTHER PUBLICATION OF STATEMENT OF DIRECTOR.—If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the Senate or the House of Representatives before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

''SEC. 424. DUTIES OF THE DIRECTOR; STATEMENTS ON BILLS AND JOINT RESOLUTIONS OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS.

''(a) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

''(1) CONTENTS.—If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal intergovernmental mandate in the bill

or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

''(2) ESTIMATES.—Estimates required under paragraph (1) shall include estimates (and brief explanations of the basis of the estimates) of—

''(A) the total amount of direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution;

''(B) if the bill or resolution contains an authorization of appropriations under section 425(a)(2)(B), the amount of new budget authority for each fiscal year for a period not to exceed 10 years beyond the effective date necessary for the direct cost of the intergovernmental mandate; and

''(C) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by State, local, or tribal governments for activities subject to the Federal intergovernmental mandates.

''(3) ESTIMATE NOT FEASIBLE.—If the Director determines that it is not feasible to make a reasonable estimate that would be required under paragraphs (1) and (2), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement. If such determination is made by the Director, a point of order under this part shall lie only under section 425(a)(1) and as if the requirement of section 425(a)(1) had not been met.

''(b) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

''(1) CONTENTS.—If the Director estimates that the direct cost of all Federal private sector mandates in the bill or joint resolution will equal or exceed $100,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

''(2) ESTIMATES.—Estimates required under paragraph (1) shall include estimates (and a brief explanation of the basis of the estimates) of—

''(A) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

''(B) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution usable by the private sector for the activities subject to the Federal private sector mandates.

''(3) ESTIMATE NOT FEASIBLE.—If the Director determines that it is not feasible to make a reasonable estimate that would be required under paragraphs (1) and (2), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

''(c) LEGISLATION FALLING BELOW THE DIRECT COSTS THRESHOLDS.—If the Director estimates that the direct costs of a Federal mandate will not equal or exceed the thresholds specified in subsections (a) and (b), the Director shall so state and shall briefly explain the basis of the estimate.

''(d) AMENDED BILLS AND JOINT RESOLUTIONS; CONFERENCE REPORTS.—If a bill or joint resolution is passed in an amended form (including if passed by one House as an amendment in the nature of a substitute for the text of a bill or joint resolution from the other House) or is reported by a committee of conference in amended form, and the amended form contains a Federal mandate not previously considered by either House or which contains an increase in the direct cost of a previously considered Federal mandate, then the committee of conference shall ensure, to the greatest extent practicable, that the Director shall prepare a statement as provided in this subsection or a supplemental statement for the bill or joint resolution in that amended form.

''SEC. 425. LEGISLATION SUBJECT TO POINT OF ORDER.

''(a) IN GENERAL.—It shall not be in order in the Senate or the House of Representatives to consider—

''(1) any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with section 423(f) before such consideration, except this paragraph shall not apply to any supplemental statement prepared by the Director under section 424(d); and

''(2) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in section 424(a)(1) to be exceeded, unless—

''(A) the bill, joint resolution, amendment, motion, or conference report provides new budget authority or new entitlement authority in the House of Representatives or direct spending authority in the Senate for each fiscal year for such mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to or exceeding the direct costs of such mandate; or

''(B) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to or exceeding the direct costs of such mandate, and—

''(i) identifies a specific dollar amount of the direct costs of such mandate for each year up to 10 years during which such mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under subsection (e) for each fiscal year;

''(ii) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under clause (i); and

''(iii)(I) provides that for any fiscal year the responsible Federal agency shall determine whether there are insufficient appropriations for that fiscal year to provide for the direct costs under clause (i) of such mandate, and shall (no later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit either—

''(aa) a statement that the agency has determined, based on a re-estimate of the direct costs of such mandate, after consultation with State, local, and tribal governments, that the amount appropriated is sufficient to pay for the direct costs of such mandate; or

''(bb) legislative recommendations for either implementing a less costly mandate or making such mandate ineffective for the fiscal year;

''(II) provides for expedited procedures for the consideration of the statement or legislative recommendations referred to in subclause (I) by Congress no later than 30 days after the statement or recommendations are submitted to Congress; and

''(III) provides that such mandate shall—

''(aa) in the case of a statement referred to in subclause (I)(aa), cease to be effective 60 days after the statement is submitted unless Congress has approved the agency's determination by joint resolution during the 60-day period;

''(bb) cease to be effective 60 days after the date the legislative recommendations of the responsible Federal agency are submitted to Congress under subclause (I)(bb) unless Congress provides otherwise by law; or

''(cc) in the case that such mandate that has not yet taken effect, continue not to be effective unless Congress provides otherwise by law.

''(b) RULE OF CONSTRUCTION.—The provisions of subsection (a)(2)(B)(iii) shall not be construed to prohibit or otherwise restrict a State, local, or tribal government from voluntarily electing to remain subject to the original Federal intergovernmental mandate, complying with the programmatic or financial responsibilities of the original Federal intergovernmental mandate and providing the funding necessary consistent with the costs of Federal agency assistance, monitoring, and enforcement.

''(c) COMMITTEE ON APPROPRIATIONS.—

''(1) APPLICATION.—The provisions of subsection (a)—

''(A) shall not apply to any bill or resolution reported by the Committee on Appropriations of the Senate or the House of Representatives; except

''(B) shall apply to—

''(i) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives;

''(ii) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any amendment offered to a bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives;

''(iii) any legislative provision increasing direct costs of a Federal intergovernmental mandate in a conference report accompanying a bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives; and

''(iv) any legislative provision increasing direct costs of a Federal intergovernmental mandate contained in any amendments in disagreement between the two Houses to any bill or resolution reported by the Committee on Appropriations of the Senate or House of Representatives.

''(2) CERTAIN PROVISIONS STRICKEN IN SENATE.—Upon a point of order being made by any Senator against any provision listed in paragraph (1)(B), and the point of order being sustained by the Chair, such specific provision shall be deemed stricken from the bill, resolution, amendment, amendment in disagreement, or conference report and may not be offered as an amendment from the floor.

''(d) DETERMINATIONS OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this section, in the Senate, the presiding officer of the Senate shall consult with the Committee on Governmental Affairs, to the extent practicable, on questions concerning the applicability of this part to a pending bill, joint resolution, amendment, motion, or conference report.

''(e) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For purposes of this section, in the Senate, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget.

''SEC. 426. PROVISIONS RELATING TO THE HOUSE OF REPRESENTATIVES.

''(a) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of section 425.

''(b) DISPOSITION OF POINTS OF ORDER.—

''(1) APPLICATION TO THE HOUSE OF REPRESENTATIVES.—This subsection shall apply only to the House of Representatives.

''(2) THRESHOLD BURDEN.—In order to be cognizable by the Chair, a point of order under section 425 or subsection (a) of this section must specify the precise language on which it is premised.

''(3) QUESTION OF CONSIDERATION.—As disposition of points of order under section 425 or subsection (a) of this section, the Chair shall put the question of consideration with respect to the proposition that is the subject of the points of order.

''(4) DEBATE AND INTERVENING MOTIONS.—A question of consideration under this section shall be debatable for 10 minutes by each Member initiating a point of order and for 10 minutes by an opponent on each point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

''(5) EFFECT ON AMENDMENT IN ORDER AS ORIGINAL TEXT.—The disposition of the question of consideration under this subsection with respect to a bill or joint resolution shall be considered also to determine the question of consideration under this subsection with respect to an amendment made in order as original text.

''SEC. 427. REQUESTS TO THE CONGRESSIONAL BUDGET OFFICE FROM SENATORS.

''At the written request of a Senator, the Director shall, to the extent practicable, prepare an estimate of the direct costs of a Federal intergovernmental mandate contained in an amendment of such Senator.

''SEC. 428. CLARIFICATION OF APPLICATION.

''(a) IN GENERAL.—This part applies to any bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out any statute, or that otherwise amends any statute, only if enactment of the bill, joint resolution, amendment, motion, or conference report—

''(1) would result in a net reduction in or elimination of authorization of appropriations for Federal financial assistance that would be provided to State, local, or tribal governments for use for the purpose of complying with any Federal intergovernmental mandate, or to the private sector for use to comply with any Federal private sector mandate, and would not eliminate or reduce duties established by the Federal mandate by a corresponding amount; or

''(2) would result in a net increase in the aggregate amount of direct costs of Federal intergovernmental mandates or Federal private sector mandates other than as described in paragraph (1).

''(b) DIRECT COSTS.—

''(1) IN GENERAL.—For purposes of this part, the direct cost of the Federal mandates in a bill, joint resolution, amendment, motion, or conference report that reauthorizes appropriations, or that amends existing authorizations of appropriations, to carry out a statute, or that otherwise amends any statute, means the net increase, resulting from enactment of the bill, joint resolution, amendment, motion, or conference report, in the amount described under paragraph (2)(A) over the amount described under paragraph (2)(B).

''(2) AMOUNTS.—The amounts referred to under paragraph (1) are—

''(A) the aggregate amount of direct costs of Federal mandates that would result under the statute if the bill, joint resolution, amendment, motion, or conference report is enacted; and

''(B) the aggregate amount of direct costs of Federal mandates that would result under the statute if the bill, joint resolution, amendment, motion, or conference report were not enacted.

''(3) EXTENSION OF AUTHORIZATION OF APPROPRIATIONS.—For purposes of this section, in the case of legislation to extend authorization of appropriations, the authorization level that would be provided by the extension shall be compared to the authorization level for the last year in which authorization of appropriations is already provided.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) by inserting ''PART A—GENERAL PROVISIONS'' before the item relating to section 401; and

(2) by inserting after the item relating to section 407 the following:

''PART B—FEDERAL MANDATES

''Sec. 421. Definitions.
''Sec. 422. Exclusions.
''Sec. 423. Duties of congressional committees.
''Sec. 424. Duties of the Director; statements on bills and joint resolutions other than appropriations bills and joint resolutions.
''Sec. 425. Legislation subject to point of order.
''Sec. 426. Provisions relating to the House of Representatives.
''Sec. 427. Requests to the Congressional Budget Office from Senators.
''Sec. 428. Clarification of application.''.

SEC. 102. ASSISTANCE TO COMMITTEES AND STUDIES.

The Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) in section 202—

(A) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (3); and

(ii) by inserting after paragraph (1) the following new paragraph:

''(2) At the request of any committee of the Senate or the House of Representatives, the Office shall, to the extent practicable, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

''(A) a significant budgetary impact on State, local, or tribal governments;

''(B) a significant financial impact on the private sector; or

''(C) a significant employment impact on the private sector.''; and

(B) by amending subsection (h) to read as follows:

''(h) STUDIES.—

''(1) CONTINUING STUDIES.—The Director of the Congressional Budget Office shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.

''(2) FEDERAL MANDATE STUDIES.—

''(A) At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall, to the extent practicable, conduct a study of a legislative proposal containing a Federal mandate.

''(B) In conducting a study on intergovernmental mandates under subparagraph (A), the Director shall—

''(i) solicit and consider information or comments from elected officials (including their designated representatives) of State, local, or tribal governments as may provide helpful information or comments;

''(ii) consider establishing advisory panels of elected officials or their designated representatives, of State, local, or tribal governments if the Director determines that such advisory panels would be helpful in performing responsibilities of the Director under this section; and

''(iii) if, and to the extent that the Director determines that accurate estimates are reasonably feasible, include estimates of—

''(I) the future direct cost of the Federal mandate to the extent that such costs significantly differ from or extend beyond the 5-year period after the mandate is first effective; and

''(II) any disproportionate budgetary effects of Federal mandates upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities, as appropriate.

''(C) In conducting a study on private sector mandates under subparagraph (A), the Director shall provide estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

''(i) future costs of Federal private sector mandates to the extent that such mandates differ significantly from or extend beyond the 5-year time period referred to in subparagraph (B)(iii)(I);

''(ii) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon any particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

''(iii) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services.''; and

(2) in section 301(d) by adding at the end thereof the following new sentence: ''Any Committee of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.''.

SEC. 103. COST OF REGULATIONS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that Federal agencies should review and evaluate planned regulations to ensure that the cost estimates provided by the Congressional Budget Office will be carefully considered as regulations are promulgated.

(b) STATEMENT OF COST.—At the request of a committee chairman or ranking minority member, the Director shall, to the extent practicable, prepare a comparison between—

(1) an estimate by the relevant agency, prepared under section 202 of this Act, of the costs of regulations implementing an Act containing a Federal mandate; and

(2) the cost estimate prepared by the Congressional Budget Office for such Act when it was enacted by the Congress.

(c) COOPERATION OF OFFICE OF MANAGEMENT AND BUDGET.—At the request of the Director of the Congressional Budget Office, the Director of the Office of Management and Budget shall provide data and cost estimates for regulations implementing an Act containing a Federal mandate covered by part B of title IV of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 101 of this Act).

SEC. 104. REPEAL OF CERTAIN ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.

Section 403 of the Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) in subsection (a)—

(A) by striking out paragraph (2);

(B) in paragraph (3) by striking out ''paragraphs (1) and (2)'' and inserting in lieu thereof ''paragraph (1)''; and

(C) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively;

(2) by striking out ''(a)''; and

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

SEC. 105. CONSIDERATION FOR FEDERAL FUNDING.

Nothing in this Act shall preclude a State, local, or tribal government that already complies with all or part of the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report from consideration for Federal funding under section 425(a)(2) of the Congressional Budget and Impoundment Control Act of 1974 (as added by section 101 of this Act) for the cost of the mandate, including the costs the State, local, or tribal government is currently paying and any additional costs necessary to meet the mandate.

SEC. 106. IMPACT ON LOCAL GOVERNMENTS.

(a) FINDINGS.—The Senate finds that—

(1) the Congress should be concerned about shifting costs from Federal to State and local authorities and should be equally concerned about the growing tendency of States to shift costs to local governments;

(2) cost shifting from States to local governments has, in many instances, forced local governments to raise property taxes or curtail sometimes essential services; and

(3) increases in local property taxes and cuts in essential services threaten the ability of many citizens to attain and maintain the American dream of owning a home in a safe, secure community.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Federal Government should not shift certain costs to the State, and States should end the practice of shifting costs to local governments, which forces many local governments to increase property taxes;

(2) States should end the imposition, in the absence of full consideration by their legislatures, of State issued mandates on local governments without adequate State funding, in a manner that may displace other essential government priorities; and

(3) one primary objective of this Act and other efforts to change the relationship among Federal, State, and local governments should be to reduce taxes and spending at all levels and to end the practice of shifting costs from one level of government to another with little or no benefit to taxpayers.

SEC. 107. ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.

(a) MOTIONS TO STRIKE IN THE COMMITTEE OF THE WHOLE.—Clause 5 of rule XXIII of the Rules of the House of Representatives is amended by adding at the end the following:

''(c) In the consideration of any measure for amendment in the Committee of the Whole containing any Federal mandate the direct costs of which exceed the threshold in section 424(a)(1) of the Unfunded Mandate Reform Act of 1995, it shall always be in order, unless specifically waived by terms of a rule governing consideration of that measure, to move to strike such Federal mandate from the portion of the bill then open to amendment.''.

(b) COMMITTEE ON RULES REPORTS ON WAIVED POINTS OF ORDER.—The Committee on Rules shall include in the report required by clause 1(d) of rule XI (relating to its activities during the Congress) of the Rules of the House of Representatives a separate item identifying all waivers of points of order relating to Federal mandates, listed by bill or joint resolution number and the subject matter of that measure.

SEC. 108. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 101 and 107 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Congressional Budget Office $4,500,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 to carry out the provisions of this title.

SEC. 110. EFFECTIVE DATE.

This title shall take effect on January 1, 1996 or on the date 90 days after appropriations are made available as authorized under section 109, whichever is earlier and shall apply to legislation considered on and after such date.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

Each agency shall, unless otherwise prohibited by law, assess the effects of Federal regulatory actions on State, local, and tribal governments, and the private sector (other than to the extent that such regulations incorporate requirements specifically set forth in law).

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Unless otherwise prohibited by law, before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any 1 year, and before promulgating any final rule for which a general notice of proposed rulemaking was published, the agency shall prepare a written statement containing—

(1) an identification of the provision of Federal law under which the rule is being promulgated;

(2) a qualitative and quantitative assessment of the anticipated costs and benefits of the Federal mandate, including the costs and benefits to State, local, and tribal governments or the private sector, as well as the effect of the Federal mandate on health, safety, and the natural environment and such an assessment shall include—

(A) an analysis of the extent to which such costs to State, local, and tribal governments may be paid with Federal financial assistance (or otherwise paid for by the Federal Government); and

(B) the extent to which there are available Federal resources to carry out the intergovernmental mandate;

(3) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future compliance costs of the Federal mandate; and

(B) any disproportionate budgetary effects of the Federal mandate upon any particular regions of the nation or particular State, local, or tribal governments, urban or rural or other types of communities, or particular segments of the private sector;

(4) estimates by the agency of the effect on the national economy, such as the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services, if and to the extent that the agency in its sole discretion determines that accurate estimates are reasonably feasible and that such effect is relevant and material; and

(5)(A) a description of the extent of the agency's prior consultation with elected representatives (under section 204) of the affected State, local, and tribal governments;

(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency; and

(C) a summary of the agency's evaluation of those comments and concerns.

(b) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(c) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required under subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. SMALL GOVERNMENT AGENCY PLAN.

(a) EFFECTS ON SMALL GOVERNMENTS.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(1) provide notice of the requirements to potentially affected small governments, if any;

(2) enable officials of affected small governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates; and

(3) inform, educate, and advise small governments on compliance with the requirements.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to each agency to carry out the provisions of this section and for no other purpose, such sums as are necessary.

SEC. 204. STATE, LOCAL, AND TRIBAL GOVERNMENT INPUT.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officers of State, local, and tribal governments (or their designated employees with authority to act on their behalf) to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates.

(b) MEETINGS BETWEEN STATE, LOCAL, TRIBAL AND FEDERAL OFFICERS.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to actions in support of intergovernmental communications where—

(1) meetings are held exclusively between Federal officials and elected officers of State, local, and tribal governments (or their designated employees with authority to act on their behalf) acting in their official capacities; and

(2) such meetings are solely for the purposes of exchanging views, information, or advice relating to the management or implementation of Federal programs established pursuant to public law that explicitly or inherently share intergovernmental responsibilities or administration.

(c) IMPLEMENTING GUIDELINES.—No later than 6 months after the date of enactment of this Act, the President shall issue guidelines and instructions to Federal agencies for appropriate implementation of subsections (a) and (b) consistent with applicable laws and regulations.

SEC. 205. LEAST BURDENSOME OPTION OR EXPLANATION REQUIRED.

(a) IN GENERAL.—Except as provided in subsection (b), before promulgating any rule for which a written statement is required under section 202, the agency shall identify and consider a reasonable number of regulatory alternatives and from those alternatives select the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule, for—

(1) State, local, and tribal governments, in the case of a rule containing a Federal intergovernmental mandate; and

(2) the private sector, in the case of a rule containing a Federal private sector mandate.

(b) EXCEPTION.—The provisions of subsection (a) shall apply unless—

(1) the head of the affected agency publishes with the final rule an explanation of why the least costly, most cost-effective or least burdensome method of achieving the objectives of the rule was not adopted; or

(2) the provisions are inconsistent with law.

(c) OMB CERTIFICATION.—No later than 1 year after the date of the enactment of this Act, the Director of the Office of Management and Budget shall certify to Congress, with a written explanation, agency compliance with this section and include in that certification agencies and rulemakings that fail to adequately comply with this section.

SEC. 206. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall—

(1) collect from agencies the statements prepared under section 202; and

(2) periodically forward copies of such statements to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 207. PILOT PROGRAM ON SMALL GOVERNMENT FLEXIBILITY.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) PROGRAM FOCUS.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

SEC. 208. ANNUAL STATEMENTS TO CONGRESS ON AGENCY COMPLIANCE.

No later than 1 year after the effective date of this title and annually thereafter, the Director of the Office of Management and Budget shall submit to the Congress, including the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives, a written report detailing compliance by each agency during the preceding reporting period with the requirements of this title.

SEC. 209. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect on the date of the enactment of this Act.

TITLE III—REVIEW OF FEDERAL MANDATES

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) IN GENERAL.—No later than 18 months after the date of enactment of this Act, the Advisory Commission on Intergovernmental Relations (hereafter in this title referred to as the ''Advisory Commission''), in consultation with the Director, shall complete a study to examine the measurement and definition issues involved in calculating the total costs and benefits to State, local, and tribal governments of compliance with Federal law.

(b) CONSIDERATIONS.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to State, local, and tribal governments.

SEC. 302. REPORT ON FEDERAL MANDATES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

(a) IN GENERAL.—The Advisory Commission on Intergovernmental Relations shall in accordance with this section—

(1) investigate and review the role of Federal mandates in intergovernmental relations and their impact on State, local, tribal, and Federal government objectives and responsibilities, and their impact on the competitive balance between State, local, and tribal governments, and the private sector and consider views of and the impact on working men and women on those same matters;

(2) investigate and review the role of unfunded State mandates imposed on local governments;

(3) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for State, local, and tribal governments in complying with specific Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of State, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by State, local, and tribal governments with those mandates;

(F) establishing common Federal definitions or standards to be used by State, local, and tribal governments in complying with Federal mandates that use different definitions or standards for the same terms or principles; and

(G)(i) the mitigation of negative impacts on the private sector that may result from relieving State, local, and tribal governments from Federal mandates (if and to the extent that such negative impacts exist on the private sector); and

(ii) the feasibility of applying relief from Federal mandates in the same manner and to the same extent to private sector entities as such relief is applied to State, local, and tribal governments; and

(4) identify and consider in each recommendation made under paragraph (3), to the extent practicable—

(A) the specific Federal mandates to which the recommendation applies, including requirements of the departments, agencies, and other entities of the Federal Government that State, local, and tribal governments utilize metric systems of measurement; and

(B) any negative impact on the private sector that may result from implementation of the recommendation.

(b) CRITERIA.—

(1) IN GENERAL.—The Commission shall establish criteria for making recommendations under subsection (a).

(2) ISSUANCE OF PROPOSED CRITERIA.—The Commission shall issue proposed criteria under this subsection no later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) FINAL CRITERIA.—No later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(c) PRELIMINARY REPORT.—

(1) IN GENERAL.—No later than 9 months after the date of the enactment of this Act, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this title, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) PUBLIC HEARINGS.—The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

(d) FINAL REPORT.—No later than 3 months after the date of the publication of the preliminary report under subsection (c), the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on the Budget of the Senate, and the Committee on the Budget of the House of Representatives, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

(e) PRIORITY TO MANDATES THAT ARE SUBJECT OF JUDICIAL PROCEEDINGS.—In carrying out this section, the Advisory Commission shall give the highest priority to immediately investigating, reviewing, and making recommendations regarding Federal mandates that are the subject of judicial proceedings between the United States and a State, local, or tribal government.

(f) DEFINITION.—For purposes of this section the term ''State mandate'' means any provision in a State statute or regulation that imposes an enforceable duty on local governments, the private sector, or individuals, including a condition of State assistance or a duty arising from participation in a voluntary State program.

SEC. 303. SPECIAL AUTHORITIES OF ADVISORY COMMISSION.

(a) EXPERTS AND CONSULTANTS.—For purposes of carrying out this title, the Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(b) DETAIL OF STAFF OF FEDERAL AGENCIES.—Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out this title.

(c) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Advisory Commission, the Administrator of General Services shall provide to the Advisory Commission, on a reimbursable basis, the administrative support services necessary for the Advisory Commission to carry out its duties under this title.

(d) CONTRACT AUTHORITY.—The Advisory Commission may, subject to appropriations, contract with and compensate government and private persons (including agencies) for property and services used to carry out its duties under this title.

SEC. 304. ANNUAL REPORT TO CONGRESS REGARDING FEDERAL COURT RULINGS.

No later than 4 months after the date of enactment of this Act, and no later than March 15 of each year thereafter, the Advisory Commission on Intergovernmental Relations shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a report describing any Federal court case to which a State, local, or tribal government was a party in the preceding calendar year that required such State, local, or tribal government to undertake responsibilities or activities, beyond those such government would otherwise have undertaken, to comply with Federal statutes and regulations.

SEC. 305. DEFINITION.

Notwithstanding section 3 of this Act, for purposes of this title the term ''Federal mandate'' means any provision in statute or regulation or any Federal court ruling that imposes an enforceable duty upon State, local, or tribal governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

SEC. 306. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Advisory Commission to carry out section 301 and section 302, $500,000 for each of fiscal years 1995 and 1996.

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) AGENCY STATEMENTS ON SIGNIFICANT REGULATORY ACTIONS.—

(1) IN GENERAL.—Compliance or noncompliance by any agency with the provisions of sections 202 and 203(a) (1) and (2) shall be subject to judicial review only in accordance with this section.

(2) LIMITED REVIEW OF AGENCY COMPLIANCE OR NONCOMPLIANCE.—(A) Agency compliance or noncompliance with the provisions of sections

202 and 203(a) (1) and (2) shall be subject to judicial review only under section 706(1) of title 5, United States Code, and only as provided under subparagraph (B).

(B) If an agency fails to prepare the written statement (including the preparation of the estimates, analyses, statements, or descriptions) under section 202 or the written plan under section 203(a) (1) and (2), a court may compel the agency to prepare such written statement.

(3) REVIEW OF AGENCY RULES.—In any judicial review under any other Federal law of an agency rule for which a written statement or plan is required under sections 202 and 203(a) (1) and (2), the inadequacy or failure to prepare such statement (including the inadequacy or failure to prepare any estimate, analysis, statement or description) or written plan shall not be used as a basis for staying, enjoining, invalidating or otherwise affecting such agency rule.

(4) CERTAIN INFORMATION AS PART OF RECORD.—Any information generated under sections 202 and 203(a) (1) and (2) that is part of the rulemaking record for judicial review under the provisions of any other Federal law may be considered as part of the record for judicial review conducted under such other provisions of Federal law.

(5) APPLICATION OF OTHER FEDERAL LAW.—For any petition under paragraph (2) the provisions of such other Federal law shall control all other matters, such as exhaustion of administrative remedies, the time for and manner of seeking review and venue, except that if such other Federal law does not provide a limitation on the time for filing a petition for judicial review that is less than 180 days, such limitation shall be 180 days after a final rule is promulgated by the appropriate agency.

(6) EFFECTIVE DATE.—This subsection shall take effect on October 1, 1995, and shall apply only to any agency rule for which a general notice of proposed rulemaking is promulgated on or after such date.

(b) JUDICIAL REVIEW AND RULE OF CONSTRUCTION.—Except as provided in subsection (a)—

(1) any estimate, analysis, statement, description or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review; and

(2) no provision of this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action.

And the House agree to the same.

WILLIAM F. CLINGER,
ROB PORTMAN,
DAVID DREIER,
TOM DAVIS,
GARY CONDIT,
CARDISS COLLINS,
EDOLPHUS TOWNS,
JOE MOAKLEY,
Managers on the Part of the House.

DIRK KEMPTHORNE,
BILL ROTH,
PETE V. DOMENICI,
JOHN GLENN,
J.J. EXON,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the text of the bill struck out all of the Senate bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The differences between the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

Sec. 2. Purposes

The Senate Bill includes a list of purposes for S. 1.

The House amendment contains a similar list with one exception. Subsection (8) of the House Amendment states that one of the purposes is to begin consideration of methods to relieve State, local, and tribal governments of unfunded mandates that result from Court interpretations of statutes and regulations.

The Conference Substitute adopts the House provision with an amendment. The substitute provides under subsection (8) that one of the purposes of the bill is to begin the consideration of the effect of mandates on States, local governments, and tribal governments, including those imposed by court interpretations of Federal statutes.

Sec. 3. Definitions

The Senate Bill provides that for purposes of this Act the terms defined under Sec. 408(h) of the Congressional Budget and Impoundment Control Act of 1974 (as added by Sec. 101 of this Act) shall have the meanings as defined. The Senate Bill also defines the term ''Director'' as the Director of the Congressional Budget Office.

The House Amendment provides that for purposes of this Act the terms defined under Sec. 421 of the Congressional Budget Act of 1974 (as added by Sec. 301 of this Act) shall have the meanings as defined. The House Amendment also defines the term ''small government''.

The Conference Substitute adopts the Senate language with technical changes.

Sec. 4. Exclusions

Section 4 of the Senate Bill, titled ''Exclusions'', sets out those provisions that are exempt from S. 1.

Section 4 of the House Amendment, titled ''Limitation on Application'', establishes a similar list of exempt provisions with two differences. For the exclusion applying to legislation that prohibits discrimination, the House uses ''gender'' rather than ''sex'' and does not include ''color.'' The House bill also includes an exclusion for any provision that pertains to Social Security.

The Conference Substitute adopts the Senate Bill's language with a narrower exclusion for Social Security. The Substitute only excludes legislation that relates to Title II of the Social Security Act.

Sec. 5. Agency assistance

The Senate Bill requires agencies to provide information and assistance to the Director of the Congressional Budget Office in carrying out this Act.

The House Amendment contains no such provision.

The Conference Substitute adopts the Senate language.

TITLE I. LEGISLATIVE ACCOUNTABILITY AND REFORM

Sec. 101. Legislative Mandate Accountability and Reform

Section 101 of the Senate Bill adds a new section 408 to the Congressional Budget and Impoundment Control Act of 1974 that establishes new Congressional procedures for the consideration of mandate legislation.

Section 301 of the House Amendment divides Title IV of the Budget Act into two parts. Part A contains all the existing provisions of Title IV of the Budget Act. Part B contains the new procedures for Congressional consideration of mandate legislation.

Section 101 of the Conference Substitute adopts the House framework for amending the Budget Act. It adds new sections 421 through 428 as Part B of the Budget Act.

Sec. 421. Definitions

Section 101(a) of the Senate Bill adds a new Section 408(h) to the Budget Act that defines terms for the purposes of this Act. This subsection defined the following terms: ''Federal intergovernmental mandate'', ''Federal private sector mandate'', ''Federal mandate'', ''Federal mandate direct costs'', ''amount'', ''private sector'', ''local government'', ''tribal government'', ''small government'', ''State'', ''agency'', ''regulation'' (or ''rule''), and ''direct savings''.

The House Amendment defines a similar list of terms as a new section 421 of the Budget Act with the following differences. The House Amendment does not include in the definition of the term ''Federal Intergovernmental Mandate'' a reduction or elimination of the amount authorized to be appropriated for the control of borders by the Federal Government or for reimbursement of net costs associated with illegal, deportable, and excludable aliens, unless the State, Local, or tribal government has not fully cooperated with Federal efforts to locate, apprehend, and deport illegal aliens. In the definition of the term ''Federal Mandate Direct Costs,'' the House Amendment includes the aggregated estimated amounts forgone in revenues in order to comply with a Federal intergovernmental mandate. The House amendment defines ''private sector'' to include ''business trusts, or legal representatives and organized groups of individuals'' and excludes from this definition ''all persons or entities in the United States.'' The House Amendment does not exclude from the definition of ''agency'' the Office of the Comptroller of the Currency and the Office of Thrift Supervision. The House Amendment does not include a definition of ''amount'', ''tribal government'', or ''direct savings''. The House Amendment includes a definition of ''Director'', ''Federal Financial Assistance'', and ''Significant Employment Impact''.

The Conference Substitute includes the list of definitions in a new section 421 of the Budget Act. The Substitute uses the Senate list of definitions with the House language on revenue forgone and defines the term ''agency'' as provided in the House Amendment. The Substitute defines the term ''Director'' in section 3.

The Conference Substitute defines direct costs to include the aggregate amount State, local, and tribal governments would be prohibited for raising in revenue including user fees. The conferees note that the Joint Committee on Taxation is responsible for providing revenue estimates to CBO for legislation that affects revenues. CBO works closely with the Joint Tax Committee to assure

these revenue estimates are reflected in cost estimates. The conferees do not intend to disrupt CBO's and the Joint Committee's respective responsibilities and expect the Joint Committee on Taxation will provide Congress with estimates for legislation that prohibits State, local, or tribal governments from raising revenue.

Subsection 5(B) of the Conference Substitute includes in the definition of an intergovernmental mandate any provision in legislation, statute, or regulation that relates to a then-existing Federal program that would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide entitlement funding to State, local, or tribal governments under the program. The conferees intend that this definition only apply to caps on individual programs. The conferees do not intend this definition to be applicable to a measure that contains general budgetary limits or caps on spending or categories of spending, unless that measure also contained implementing statutory language for reductions required in specific programs if the budgetary limit or cap were exceeded.

The programs to which this definition relates are Federal entitlement programs that provide $500 million or more annually to State, local and tribal governments. This would currently include only nine programs: Medicaid; AFDC, Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance and Independent Living; Family Support Payments for Job Opportunities and Basic Skills (JOBS); and, Child Support Enforcement. This subsection would also apply to entitlement programs that Congress may create in the future where Congress provides $500 million or more annually to State, local and tribal governments.

The conferees do not interpret the meaning of ''enforceable duty'' in subsection (5)(A)(i) and (ii) to include duties and conditions that are part of any voluntary Federal contract for the provision of goods and services.

Sec. 422. Exclusions

Section 101(a) of the Senate Bill adds a new Section 408(g) to the Budget Act that provides the same exclusions as contained in section 4 of S. 1.

Section 301(a) of the House Amendment adds a new section 422 to the Budget Act that provides the same limitations on application as a section 4 of the Amendment.

Section 101(a) of the Conference Substitute adds a new Section 422 to the Budget Act that repeats the same exclusions provided in section 4 of the Substitute.

Sec. 423. Committee reports

Section 101(a) of the Senate Bill adds a new Section 408(a) to the Budget Act that requires an authorizing committee, when it orders reported a public bill or joint resolution (hereafter ''a measure'') establishing or affecting any Federal mandates, to submit the measure to CBO and identify the mandates involved. The Senate Bill requires that reports by authorizing committees on measures dealing with Federal mandates include the following information on the mandates in the bill: an identification of the mandates, a cost-benefit analysis, the impact on the public and private sector competitive balance, information on Federal funding assistance to cover the cost of the mandate (including how Federal funding will be allocated among different levels of government), the extent to which the bill preempts State, local, or tribal government law, and a CBO cost estimate.

Section 301(a) of the House Amendment adds a new section 423 to the Budget Act that establishes similar requirements for committee reports except the Amendment does not require the report to indicate whether the mandate bill includes a mechanism to allocate funding in accordance with costs to different levels of government.

Section 101(a) of the Conference Substitute adds a new Section 423 to the Budget Act that adopts the Senate's requirements for reports with technical changes.

Sec. 424. CBO Cost Estimates

Section 101(a) of the Senate Bill adds a new Section 408(b)(1) to the Budget Act that requires CBO to prepare, and submit to the reporting committee, an estimate of the direct costs to the State, local, and tribal governments of Federal intergovernmental mandates in each reported measure (or in necessary implementing regulations). For intergovernmental mandates, CBO is required to prepare estimates if the costs of the mandate would equal at least $50 million in any of the five fiscal years after the mandate's effective date. For private sector mandates, CBO is required to prepare estimates if the costs of the mandate would equal at least $200 million in any of the five fiscal years after the mandate's effective date. The Senate bill extends the scope of the estimate to ten years following the mandate's effective date.

The Senate Bill provides if CBO finds it not feasible to make a reasonable estimate, CBO must report that finding with an explanation. If CBO makes such a determination for an intergovernmental mandate, then a point of order would lie against the reported bill only for failure to contain such an estimate under section 408(c)(1)(A). In such case, the bill as reported would be exempt only from the point of order under section 408(c)(1)(B). Other Budget Act points of order would still lie if applicable.

Section 408(b)(3) of the Senate Bill provides that if direct cost of respective mandates in a measure fall below the thresholds, CBO is to so state, and is to explain briefly the basis of this estimate. Paragraph (4) of this subsection requires a conference committee, under certain circumstances, to ensure that CBO prepare a supplemental estimate on a measure passed by either house in an amended form (including a measure of one house passed by the other with an amendment in the nature of a substitute) or reported from conference in an amended form. The Senate Bill requires such action if the amended form contains a mandate not previously considered by either house or increases the direct cost of a mandate in the measure.

Section 301(a) of the House Amendment adds a new section 424(a) to the Budget Act that establishes similar requirements for CBO cost estimates on mandates. The House Amendment provides the threshold is $50 million for both intergovernmental and private sector mandates. In addition, the Amendment does not limit the scope of the estimate to ten years.

Section 101(a) of the Conference Substitute adds a new Section 424 to the Budget Act that adopts the Senate language on CBO's responsibilities for preparing estimates on legislation containing intergovernmental and private sector mandates with two changes. The Substitute amends the language the Senate proposed on the scope of CBO cost estimates. If the bill would authorize appropriations and makes an intergovernmental mandate contingent on appropriations as provided in section 425(a)(2)(B) in the Conference Substitute, then CBO is required to provide an estimate of the budget authority needed to pay for the mandate for each fiscal year for a period not to exceed ten years. The Substitute provides a threshold of $100 million for private sector mandates.

Sec. 425. Points of Order Against Unfunded Mandates

Point of Order & Mandate Cost Estimates

Section 101(a) of the Senate Bill adds a new Section 408(c)(1)(A) to the Budget Act that establishes a point of order in the Senate against consideration of a reported measure containing a mandate unless the report accompanying the measure contains a CBO cost estimate of the mandate, or the CBO cost estimate has been published in the Congressional Record.

Section 301(a) of the House Amendment adds a new Section 424(a)(1) to the Budget Act that establishes a similar point of order in the Senate and the House against consideration of a reported measure, but provides it does not apply to supplemental estimates prepared by CBO.

Section 101(a) of the Conference Substitute adds a new Section 425(a) to the Budget Act that adopts the House language with minor changes.

Point of Order & Unfunded Mandate Legislation

Section 101(a) of the Senate Bill adds a new Section 408(c)(1)(B) to the Budget Act that establishes a point of order in the Senate against consideration of a bill, joint resolution, amendment, motion, or conference report (hereafter referred to as ''legislation'') containing intergovernmental mandates exceeding the thresholds established above, unless the legislation funds these mandates. The Senate bill applies this point of order against legislation that would cause the direct costs of intergovernmental mandates to breach the $50 million annual threshold. The waiver of this point of order and the appeal of rulings regarding this point of order are covered by existing provisions under title IX of the Budget Act. Section 904 provides that in the Senate points of order under title IV of the Budget Act, including the point of order regarding unfunded mandate legislation, can be waived or appealed by a simple majority.

This subparagraph of the Senate Bill provides that legislation is not subject to the point of order if it provides either: (1) direct spending authority equal to the mandate's costs for each fiscal year; (2) an increase in receipts and an increase in direct spending authority for each fiscal year for those mandates equal to their costs for each fiscal year; or, (3) an authorization of appropriations at least equal to the direct cost and provides a mechanism to ensure that a mandate is effective only to the extent that it is funded in appropriations Acts.

The House Amendment establishes a similar point of order against consideration of legislation in the House and Senate containing intergovernmental mandates. The House amendment differs from the Senate bill on the requirements of funding mechanisms for mandates. Under the House amendment, legislation is subject to the point of order unless it provides: (1) new budget authority or new entitlement authority in the House (or direct spending authority in the Senate) in an amount that equals or exceeds the direct costs of the mandate; (2) an increase in receipts or a decrease in new budget authority or new entitlement authority in the House (a decrease in direct spending authority in the Senate) to offset the costs of spending authority for the mandate; or, (3) an authorization of appropriations at least equal to the direct cost and provides a mechanism to ensure that a mandate never takes effect unless fully funded in appropriations Acts or mandates are scaled back consistent with appropriations levels.

The Conference Substitute adopts the House language with an amendment. The

Substitute provides that legislation containing a Federal intergovernmental mandate is out of order in the House and Senate unless it provides either: (1) new budget authority or new entitlement authority in the House (or direct spending authority in the Senate) in an amount that equals or exceeds the direct costs of the mandate; or (2) an authorization of appropriations and a mechanism to assure the mandate is only effective to the extent funding is provided in Appropriations Acts. If legislation funds the mandate to avoid the point of order, it must fund the entire cost of the mandate for each fiscal year.

The Substitute drops language in the House Amendment that provides a mandate could be paid for by an increase in spending authority and offset by a decrease in spending authority or an increase in receipts. This language is unnecessary because other budget laws already would govern how Federal mandates could be financed.

Nothing in the Substitute waives existing provisions of law that establish controls on Federal spending. The Budget Act, budget resolutions adopted pursuant to the Budget Act, and the Balanced Budget and Emergency Deficit Control Act already establish requirements for Federal budgeting. Since these laws already control legislation providing Federal funding, including funding that could be provided to cover a mandate's direct costs, the conference agreement does not address requirements for offsets to pay for Federal funding for mandates.

The Substitute provides that the point of order can be avoided if the mandate is paid for by either an increase in spending authority outside the appropriations process (new budget authority or new entitlement authority in the House of Representatives and new direct spending authority in the Senate) or is contingent on funding being provided in the appropriations process.

If a Committee chooses to fund a mandate with spending authority outside the appropriations process, this legislation will be subject to the requirements of the Budget Act and the pay-as-you-go provisions of the Balanced Budget and Emergency Deficit Control Act. If a committee chooses to pay for a mandate with an increase in spending authority outside the Appropriations process, there are generally three options under these laws: provide new spending authority that will cause a deficit increase; provide new spending authority and offset it by reducing existing spending authority for other programs; or, provide new spending authority and offset it by increasing receipts. If a committee chooses to make the mandate contingent on funding being provided in Appropriations Acts, the Appropriations Committees will have to fund these mandates within the annual allocations made under section 602 of the Budget Act and the discretionary caps under section 601 of the Budget Act.

Point of Order & the Appropriations Process

Section 101(a) of the Senate Bill adds a new Section 408(c)(1)(B)(iii) to the Budget Act that allows legislation to avoid the unfunded mandate point of order if the mandate is contingent on funding being provided in the appropriations process. More specifically, the legislation would escape the point of order if it: (1) authorizes appropriations in an amount equal to the direct costs of the mandate; (2) specifies the amount of direct costs of the mandate for each year or other period up to ten years during which the mandate will be in effect; (3) identifies any appropriation bill that would be expected to provide funding for direct costs of the mandate; and (4) provides that, if appropriations are insufficient to cover the direct cost of the mandate (as previously calculated by CBO), the mandate will expire unless Congress provides otherwise by law (through expedited procedures).

Section 408(c)(1)(B)(iii)(III) of the Senate Bill requires mandate legislation to include procedures in the event insufficient appropriations are provided to cover the entire direct costs of a Federal intergovernmental mandate for a fiscal year. If appropriations provided are insufficient for the mandate, the Agency is required to notify Congress within 30 days of the beginning of the fiscal year and submit either: (1) a statement, based on a re-estimate of the direct costs of the mandate, that the lower appropriations is sufficient; or, (2) legislative recommendations for implementing a less costly mandate or making the mandate ineffective for the fiscal year. Sixty days after the Agency submission, the mandate ceases to be effective unless Congress provides otherwise by law (see Appendix). Only if the appropriation is less than the direct cost of the mandate, the agency is required to submit a statement or legislative recommendation.

Section 408(c)(1)(B)(iii)(III)(bb) stipulates that the relevant committees in both the House and Senate provide an expedited procedure in the underlying intergovernmental legislation for the consideration of agency statements and legislative recommendations. If the relevant committees of the House and Senate choose not to include expedited procedures in the underlying intergovernmental mandates legislation, then a point of order may be raised against that legislation.

Section 408(c)(3)(A) of the Senate Bill exempts appropriations legislation from the points of order against unfunded mandates but establishes a procedure to extract legislative intergovernmental mandate provisions in appropriations legislation. An appropriations bill, resolution, amendment thereto, or conference report thereon that contains a provision with an intergovernmental mandate that exceeds the thresholds established in the Bill is out of order in the Senate. Upon a point of order being sustained against provisions in appropriations legislation containing mandates, the offending provision is deemed strickened from the measure.

Section 408(c)(2) allows State, local, or tribal governments to continue to voluntarily comply with the original intergovernmental mandate at its own expense.

Section 301(a) of the House Amendment adds a new Section 425(a)(2)(C) to the Budget Act that establishes different procedures for intergovernmental mandates that are contingent on appropriations Acts. More specifically, if mandate legislation funds an intergovernmental mandate through an authorization of appropriations, in order to avoid the point of order, the legislation must either: 1) require the implementing agency to repeal the mandate at the beginning of the fiscal year unless there are sufficient appropriations to cover the full cost of the mandate; or, 2) require the implementing agency to reduce the requirements of the mandate to bring its costs within the amount provided in the appropriations Act.

Second, the House Amendment exempts appropriations bills and amendments thereto from the point of order.

Section 101(a) of the Conference Substitute adds a new section 425(a)(2)(B)(iii) to the Budget Act, which adopts the Senate language with technical changes. In the House of Representatives and the Senate, the requirements of subclause (II) shall be considered as fulfilled by inclusion in the authorization bill of any procedural prescription to expedite consideration of the statement or legislative recommendations, including a requirement that the authorizing committee consider the statement or legislative recommendations on an expedited basis.

If an agency submits a statement with a re-estimate of the direct costs of a mandate or legislative recommendations pursuant to section 425(a)(2)(B)(iii), the conferees expect the agency to submit this statement or legislative recommendations to CBO for its review and comment. The conferees expect the relevant agency to fully and freely share with CBO the information used in developing the re-estimate or the legislative recommendations for a less-costly mandate. CBO should make its review and comments available to Congress as appropriate.

The agency is expected to consult with State, local, and tribal governments in preparing its re-estimate or its legislative recommendations for a less costly mandate.

Determinations of Applicability of the Point of Order

Section 101(a) of the Senate Bill adds a new Section 408(c)(4) to the Budget Act that requires the Presiding Officer of the Senate to consult with the Senate Governmental Affairs Committee, to the extent practicable, on the applicability of the point of order in the Senate. Paragraph (5) provides that the levels of mandates for a fiscal year be determined on the basis of estimates by the Senate Budget Committee.

Section 301(a) of the Senate Bill adds a new Section 425(c) to the Budget Act that only provides that mandate levels be based on estimates made by the Budget Committees, in consultation with CBO.

The Conference Substitute contains the Senate language as a new section 425 (d) and (e) of the Budget Act.

Sec. 426. Provisions Relating to the House of Representatives

Section 101(a) of the Senate Bill adds a new Section 408(d) to the Budget Act that makes it out of order in the House to consider a rule or order that waives the point of order established by S. 1.

Section 301(a) of the House Amendment adds a new Section 426 to the Budget Act that contains the same provision as the Senate Bill. Section 427 of the House Amendment establishes procedures for the disposition of the point of order in the House.

The Conference Substitute contains the House language on House waivers of rules as a new section 426(a) of the Budget Act. Section 426(b) of the Substitute contains the House language on the House's disposition of points of order.

Sec. 427. Senator's requests for CBO cost estimates

The Senate Bill requires CBO to prepare a cost estimate on a bill, joint resolution, amendment, or motion containing an intergovernmental mandate at the written request of any Senator.

The House Amendment contained no such provision.

Section 101(a) of the Conference Substitute adds a new section 427 to the Budget Act that narrows the Senate language so that it only applies to cost estimates for amendments that contain intergovernmental mandates. The conferees note CBO already responds to members requests for cost estimates to the extent practicable. Viewing the concern about the applicability of this point of order to amendments that would cause the intergovernmental mandate thresholds to be exceeded, however, the conferees have retained language requiring CBO, to the extent practicable, to prepare cost estimates for a Senator's amendment if it were to cause the thresholds to be exceeded.

This more limited language is not intended to preclude CBO from preparing mandate

cost estimates for bills. These requirements are already provided for in section 424 of the Substitute regarding reported bills and conference reports. Moreover, the conferees intend that CBO be responsive to Senator's requests in preparing cost estimates for bills and joint resolutions that may be marked up or for bills and resolutions that may be offered as amendments.

Sec. 428. Clarification on the application

Section 101(a) of the Senate Bill adds a new subsection 408(f) to the Budget Act, which clarifies that application of section 408 to legislation. If a legislative measure would reauthorize or amend existing statutes, the points of order established by the bill would apply only if the measure would either: (1) reduce net authorized financial assistance for complying with mandates by an amount that would cause a breach of the thresholds, without reducing duties by a corresponding amount: or, (2) otherwise increase the net aggregate direct costs of mandates by an amount that would cause a breach of the thresholds. The Senate Bill also provides that the net direct cost of Federal mandates in legislation means the net increase of those costs as compared to current law levels. If mandate legislation is extending an authorization of appropriations, the levels authorized in the mandate legislation are to be compared to the last year in which appropriations are authorized under current law.

Section 301(a) of the House Amendment adds a new Section 425(d) to the Budget Act that provides narrower language for limiting the application of part B.

The Conference Substitute contains the Senate language as a new section 428 of the Budget Act.

Sec. 102. CBO assistance to committees and studies

Section 102(l) of the Senate Bill amends section 202 of the Budget Act to add to CBO's responsibilities a requirement to assist committees in analyzing legislative proposals that may have significant budgetary impact on State, local, and tribal governments, or significant financial impact on the private sector. The Bill also amends section 202 of the Budget Act to require CBO to prepare studies at the request of the chairman or ranking minority member of a committee. Subsection (h)(1), regarding continuing studies, restates existing law. Subsection (h)(2) adds new provisions regarding mandate studies.

Section 102(2) of the Senate Bill amends section 301(d) of the Budget Act to require committees to comment on mandate legislation as part of their views and estimates submissions to the Budget Committees.

Section 301(a) of the House Amendment adds a new section 424(b) and (c), which includes similar language as the Senate Bill except that the House Amendment requires CBO to assist committees in assessing mandate legislation that will have a significant employment impact on the private sector.

The Conference Substitute contains the Senate language with an amendment to reflect the House language to require CBO to assist committees in assessing the impact of private sector mandates on employment. The Substitute drops the definition of employment for the purposes of this section.

Sec. 103. Cost of Regulations

Section 103 of the Senate Bill express the sense of Congress that agencies should review planned regulations to ensure that they take CBO cost estimates into consideration. It also requires CBO, at the request of any Senator, to estimate the cost of regulations implementing mandate legislation and compare it with the CBO cost estimate for the legislation itself. It directs OMB to provide CBO with such data and cost estimates.

The House Amendment contains no such provision.

The Conference Substitute adopts the Senate language with an amendment to narrow the section in two respects. First, the section provides that the chairman or ranking minority member of a committee can request such a study, consistent with requests for mandate studies (section 102 of S. 1). Second, the section requires CBO to compare the agency's cost estimate to the estimate prepared by CBO when the legislation was considered. In preparing a comparison, the conferees intend that CBO critique the agency cost estimate in such comparison to make sure it is an accurate reflection of the cost of the mandate.

The primary objective of the Unfunded Mandate Reform Act is to make sure Congress is adequately informed of the cost mandates in legislation when they are considered. The conferees are particularly concerned about instances in which agencies exceed their discretion to impose regulations that are much more costly than anticipated when the legislation was considered. The intent of this section is to provide, when requested, a review of agencies' actions and estimates to make sure they are consistent with the costs of the mandate when Congress considered the legislation.

Sec. 104. Repeal of existing requirements for CBO mandate cost estimates

Section 106 of the Senate Bill repeals provisions in section 403 of the Budget Act that are superseded by Part B.

Section 305 of the House Amendment contained similar language.

Section 104 of the Conference Substitute contains the Senate language.

Sec. 105. Consideration for Federal funding

Section 107 of the Senate bill provides that nothing in S. 1 denies federal funding to State, local, or tribal governments because they are already complying with all or part of a federal mandate.

The House Amendment contains no such provision.

The Conference Substitute contains the Senate language with a clarification that it applies to section 425(b)(2). The Conferees do not intend this section to create any legally binding duty to pay these governments, nor is it intended to affect the calculation of mandate estimates or Federal budget cost estimates.

Sec. 106. Impact on local governments

Section 108 of the Senate Bill includes findings about cost shifting from Federal to State and local, and from State to local, governments, and resultant increases in property taxes and service cuts. This section states the sense of the Senate that these practices should cease and that curbing them, and reducing taxes and spending at all levels, are primary objectives of this Act.

The House Amendment contains no such provision.

The Conference Substitute adopts the Senate language as section 106.

Sec. 107. Enforcement in the House of Representatives

The Senate Bill did not include language on enforcement in the House of Representatives.

Section 302 of the House Amendment amends House Rule XXIII so that when the Committee of the Whole is considering an amendment that includes a provision that would have been subject to a point of order established by the bill, it will be in order to move to strike that provision, unless the special rule for considering the measure specifically prohibits the motion. The House Amendment also requires the Committee on Rules to list in its activities reports all special rules waiving points of order established by the bill, and the measures to which they related.

The Conference Substitute contains the House language as section 107.

Sec. 108. Exercise of rulemaking

Section 105 of the Senate Bill provides that certain provisions of S. 1 are enacted pursuant to the rulemaking power of each house.

Section 303 of the House Amendment contains similar language.

Section 108 of the Conference Substitute preserves the rulemaking authority of the houses.

Sec. 109. Authorization of appropriations

Section 104 of the Senate authorizes $4.5 million annually through fiscal year 2002 for CBO to carry out this act.

Section 421(e) of the House Amendment contains the same language.

Section 109 of the Conference Substitute authorizes appropriations for CBO. The conferees note that this Act provides a major expansion in the responsibilities of CBO and recognize the need for additional funding in order for CBO to carry out these responsibilities. The conferees intend that these new responsibilities should not supplant CBO's existing responsibilities under the Budget Act.

Sec. 110. Effective date

Section 109 of the Senate Bill provides an effective date of January 1, 1996, or 90 days after an appropriation for CBO authorized by the Bill becomes available.

Section 306 of the House Amendment provides an effective date of October 1, 1995.

The Conference Substitute contains the Senate language as section 110.

TITLE II. REGULATORY ACCOUNTABILITY AND REFORM

Sec. 201. Regulatory process

The Senate bill, in section 201, directs each agency, ''to the extent permitted in law'', to assess the effects of regulations on State and local governments and the private sector, and to minimize regulatory burdens that affect the governmental entities. It authorizes the appropriation of such sums as are necessary to carry out this title.

The House amendment, in section 201, contains a similar provision.

The Conference substitute directs each agency, unless otherwise prohibited by law, to assess the effects of regulatory actions on State, local, and tribal governments and the private sector (other than to the extent that such regulations incorporate requirements specifically set forth in law).

Sec. 202. Statements to accompany significant regulatory actions

The Senate bill, in section 202, requires that before promulgating any final rule that includes a Federal intergovernmental mandate that may result in aggregate costs to State, local, or tribal governments, and the private sector, of $100,000,000 or more in any one year, or any general notice of proposed rulemaking that is likely to result in such a rule, an agency must prepare a written statement. The statement must estimate anticipated costs to such governments and the private sector of complying with the intergovernmental mandate, as well as (to the extent that the agency determines that accurate estimates are reasonably feasible) the future compliance costs of the mandate, and any disproportionate budgetary effects of the mandate on any particular region of the nation or type of community. Also included in the statement must be a qualitative, and if possible, quantitative assessment of the costs and benefits anticipated from the intergovernmental mandate, the effect of the

private sector mandate on the national economy, a description of the extent of prior consultation with State and local elected officials (or their designated representatives), a summary of the comments of such officials, a summary of the agency's evaluation of those comments, and the agency's position supporting the need to issue the regulation.

The House amendment, in section 202, contains a similar provision with those same requirements, except that it applies to Federal mandates generally, and not just intergovernmental mandates, and the costs of $100,000,000 shall be of expenditures by States, local governments, or tribal governments, in the aggregate, *or* the private sector. In addition, it requires that the statement identify the provision of Federal law under which the rule is being promulgated, the disproportionate budgetary effects of the mandate on particular segments of the private sector, the effect of private sector mandates on the national economy, and the extent of the agency's prior consultation with designated representatives of the private sector.

The Conference substitute adopts the House provision, along with a condition that the items in the written report be included ''unless otherwise prohibited by law''. This section does not require the preparation of any estimate or analysis if the agency is prohibited by law from considering the estimate or analysis in adopting the rule. Several other modifications to the House provision were made by the conferees. The rules to which the required statement applies are any general notice of proposed rulemaking that is likely to result in promulgation of any rule that includes a Federal mandate, or any final rule for which such notice was published. The substitute adds a requirement that there be a qualitative and quantitative assessment of the anticipated costs and benefits of the mandate, and an analysis of the extent to which such costs may be paid with Federal financial assistance. The requirement that the effect of private sector mandates on the national economy be included is amended, so that the limitation to ''private sector'' mandates is stricken. The requirement that the statement include the agency's position supporting the need to issue the regulation containing the mandate is dropped. Also, the requirement for a description of prior consultation drops both the reference to ''designated representatives'' and to ''the private sector'', and instead refers to the ''prior consultation with elected representatives (under section 204)''.

It is the intent of the conferees that the rulemaking process shall follow the requirements of section 553 of title 5, United States Code, and shall be subject to the exceptions stated therein. When a general notice of proposed rulemaking is promulgated, such notice shall be accompanied by the written statement required by section 202. When an agency promulgates a final rule following the earlier promulgation of a proposed rule, the rule shall be accompanied by an updated written statement. In all cases, the exceptions stated in section 553 shall apply, including for good cause.

Sec. 203. Small government agency plan

The Senate bill, in subsection 201(c), provides that before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency provides notice to potentially affected small governments, enables officials of such governments to provide input, and informs and advises such governments on compliance with the requirements. Such sums as are necessary to carry out these requirements are authorized to be appropriated to each agency.

The House amendment, in subsection 201(c), contains an identical provision.

The Conference substitute retains this provision.

Sec. 204. State, local and tribal government input

The Senate bill, in subsection 201(b), requires each agency, to the extent permitted in law, to develop an effective process to permit State, local and tribal elected officials (or their designated representatives) to provide meaningful and timely input into the development of regulatory proposals containing significant mandates. Such as process shall be consistent with all applicable laws.

The House amendment, in subsection 201(b), contains a similar provision, but without the references to ''to the extent permitted in law'' and ''consistent with all applicable laws''.

The Conference substitute requires each agency, to the extent permitted in law, to develop an effective process to permit elected officers (or their designated employees with authority to act on their behalf) of State, local and tribal governments to provide meaningful and timely input into the development of regulations containing significant intergovernmental mandates. It provides that the Federal Advisory Committee Act (FACA) shall not apply to such intergovernmental communications where the meetings are held exclusively between Federal officials and elected State and local officials (or their designated employees with authority to act on their behalf) acting in their official capacities, and where such meetings are solely to exchange views on the implementation of Federal programs which explicitly share intergovernmental responsibilities. The President shall issue guidelines to agencies on the implementation of this requirement, within 6 months.

The conferees agree that an important part of efforts to improve the Federal regulatory process entails improved communications with State, local, and tribal governments. Accordingly, this legislation will require Federal agencies to establish effective mechanisms for soliciting and integrating the input of such interests into the Federal decision-making process. Where possible, these efforts should complement existing tools, such as negotiated rulemaking and/or the use of Federal advisory committees broadly representing all affected interests.

The conferees recognize that FACA has been the source of some confusion regarding the extent to which elected officials of State, local, and tribal governments, or their designated employees with authority to act on their behalf, may meet with Federal agency representatives to discuss regulatory and other issues involving areas of shared responsibility. Section 204(b) clarifies Congressional intent with respect to these interactions by providing an exemption from FACA for the exchange or official views regarding the implementation of public laws requiring shared intergovernmental responsibilities or administration.

Section 204(c) requires the President to issue guidelines and instructions to Federal agencies, consistent with other applicable laws and regulations, within six months of enactment. The conferees would expect the President to consult with the Director of the Office of Management and Budget (OMB) and the Administrator of General Services (GSA) before promulgating such guidelines.

Sec. 205. Least burdensome option or explanation required

The Senate bill contains no such provision.

The House amendment, in subsection 201(d), prohibits an agency from issuing a rule that contains a mandate if the rulemaking record indicates that there are two or more alternatives to accomplish the objective of the rule, unless the mandate is the least costly method or has the least burdensome effect, unless the agency publishes an explanation of why the more costly or more burdensome method was adopted.

The Conference substitute requires that before promulgating any rule for which a written statement is required under section 202, an agency shall identify and consider a reasonable number of regulatory alternatives and select from them either the least costly, the most cost-effective, or the least burdensome alternative that achieves the objectives of the rule, unless either the agency head publishes an explanation of why this was not done or such a selection is inconsistent with law. The conferees intend that ''a reasonable number of regulatory alternatives'' means the maximum number that an agency can thoroughly consider without delaying the rulemaking process. The substitute also requires the OMB Director, within one year of enactment, to certify agency compliance with this section, and to include in the written explanation any agencies and rulemakings that fail to do so.

Sec. 206. Assistance to the Congressional Budget Office

The Senate bill, in section 203, provides that the OMB Director shall collect from the agencies the statements prepared under section 202 and periodically forward copies to the CBO Director on a timely basis.

The House amendment, in section 203, contains an identical provision.

The Conference substitute retains this provision.

Sec. 207. Pilot program on small government flexibility

The Senate bill, in section 204, requires the OMB Director to establish pilot programs in at least two agencies to test innovative and more flexibility regulatory approaches that reduce reporting and compliance burdens on small governments, while meeting overall statutory goals and objectives. Any combination of proposed rules and rules in effect may be part of the pilot programs.

The House amendment, in section 204, contains an identical provision.

The Conference substitute retains this provision.

Sec. 208. Annual statements to Congress on agency compliance with requirements of title II

The Senate bill contains no such provision.

The House amendment, in section 207, provides that the OMB Director shall annually submit written statements to Congress, detailing agency compliance with the requirements of its sections 201 (Regulatory Process) and 202 (Statements to Accompany Significant Regulatory Actions).

The Conference substitute adopts the House requirement and applies it to compliance with all sections of this title.

Sec. 209. Effective date

The Senate bill, in section 205, provides that this title shall take effect 60 days after the date of enactment.

The House amendment would take effect upon enactment.

The Conference substitute adopts the House effective date of upon enactment.

TITLE III. REVIEW OF FEDERAL MANDATES

Sec. 301. Baseline study of costs and benefits

The Senate bill, in section 301, provides that within 180 days, the Advisory Commission on Intergovernmental Relations (ACIR) shall begin a study of how to measure and

define issues involved in calculating the total direct and indirect costs and benefits to State, local, and tribal governments of compliance with Federal law, and the direct and indirect benefits to such governments of Federal financial assistance and tax benefits. The study shall deal with issues related to the feasibility of measuring, and how to measure, such items.

The House amendment contains no similar provision.

The Conference substitute adopts the Senate language, except that the study is to be completed within 18 months rather than started within 180 days.

Sec. 302. Report on Federal mandates by Advisory Commission on Intergovernmental Relations

The Senate bill, in section 302, requires ACIR to study the role of unfunded Federal mandates in intergovernmental relations, and to make recommendations regarding allowing flexibility in complying with specific mandates, reconciling conflicting mandates, terminating duplicative or obsolete mandates, suspending mandates that are not vital to public health and safety, consolidating or simplifying mandates, and establishing common definitions or standards to be used in complying with Federal mandate. To the extent practicable, the specific unfunded mandate to which a recommendation applies should be identified. One of the existing Federal mandates that ACIR is to study and make specific recommendations on is the Federal requirement that State, local, and tribal governments utilize metric systems of measurement. Within 60 days of enactment of this Act, ACIR is required to issue proposed criteria under this subsection, and then to allow 30 days for public comment, with adoption of the final criteria not later than 45 days after the issuance of the proposed criteria. Within 9 months of enactment, ACIR is required to publish a preliminary report on its activities under this title, including its recommendations, and then to hold public hearings on these preliminary recommendations. Not later than 3 months after publication of the preliminary report, ACIR shall submit to Congress and the President a final report on its findings, conclusions, and recommendations under this section.

The House amendment, in section 101, contains nearly identical provisions, except that it also requires ACIR, when studying the role of unfunded Federal mandates, to review their impact on the competitive balance between State and local governments, and the private sector, to review the role of unfunded State mandates imposed on local governments and the private sector, and to review the role of unfunded local mandates imposed on the private sector. Definitions of ''State mandate'' and ''local mandate'' are provided. It also requires that ACIR make recommendations regarding the establishment of procedures to ensure that when private sector mandates apply to entities that compete with State or local governments, any relief from unfunded Federal mandates is applied in the same manner and the same extent to both. In addition, ACIR is instructed to give highest priority to mandates that are the subject of judicial proceedings between the United States and a State, local, or tribal government. The House amendment contains no provision regarding the metric system of measurement.

The Conference substitute retains the Senate provisions, and adds the House requirements for a review of the impact on competitive balance and a review of the role of unfunded State mandates imposed on local governments (only), as well as the provision placing highest priority on mandates that are the subject of intergovernmental judicial proceedings. It also includes a modification of a House requirement, so that ACIR shall make recommendations on mitigating any adverse impacts on the private sector that may result from relieving State and local governments of mandates, and the feasibility of applying relief from mandates in the same manner to both the private sector, and State and local governments. The House definition of ''State mandate'' is also retained. In addition, a provision is added requiring that, to the extent practicable, any negative impact on the private sector that may result from implementation of a recommendation be identified.

The conferees intend that ACIR have flexibility to review a wide array of federal requirements on State and local governments. These requirements may include conditions of federal assistance, such as those attached to the receipt of Federal grants, or direct orders like emissions testing requirements, carpool mandates, and national voter registration directives that are not tied to the receipt of Federal funds.

Sec. 303. Special Authorities of Advisory Commission

The Senate bill, in section 303, provides authority to the ACIR, for purposes of carrying out this title, to procure temporary and intermittent services of experts or consultants, to receive on a reimbursable basis detailees from Federal agencies, and to contract with and compensate government and private persons for property and services.

The House amendment, in section 102, contains the same provisions, as well as a provision authorizing ACIR to receive on a reimbursable basis administrative support services from the General Services Administration.

The Conference substitute adopts the House language.

Sec. 304. Annual report to Congress regarding Federal court rulings

The Senate bill contains no such provision.

The House amendment, in section 205, provides that ACIR shall annually submit to Congress a report describing Federal court rulings in the preceding your which imposed an enforceable duty on one or more State, local, or tribal governments.

The Conference substitute modifies the House provision, by requiring that the report describe any Federal court case to which a State, local, or tribal government was a party in the preceding year that required them to undertake responsibilities beyond those they would otherwise have undertaken, to comply with a Federal statute or regulation.

Sec. 305. Definition

The Senate bill contains no such provision.

The House amendment, in section 103, defines, for purposes of this title, ''Advisory Commission'' to mean the Advisory Commission on Intergovernmental Relations, and ''Federal mandate'' to mean any provision in statute or regulation or any Federal court ruling that imposes an enforceable duty upon States, local governments, or tribal governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

The Conference substitute retains the House definition of ''Federal mandate'', but adds at the beginning of it the phrase ''Notwithstanding section 3 of this Act,''.

Sec. 306. Authorization of appropriations

The Senate bill, in section 304, provides an authorization of appropriations of $1,250,00 for each of fiscal years 1995 and 1996 to ACIR for the purposes of carrying out sections 301 and 302.

The House bill provides no authorization of appropriations.

The Conference substitute provides an authorization of appropriations of $500,000 for each of fiscal years 1995 and 1996 to ACIR to carry out sections 301 and 302.

COMMITTEE REPORT ON JUDICIAL REVIEW

The purposes of Section 401 are as follows. Section 401(a)(1) and (2) would allow court review only to redress a failure of an agency to prepare the written statement (including the preparation of the estimates, analyses, statements or descriptions) required to be included in such statement under Section 202 or the written plan under Section 203(a)(1) and (2). A reviewing court may not review the adequacy of a written statement prepared under Section 202 or a written plan under Section 203(a) (1) and (2). Challenges to an agency's failure to prepare a written statement under Section 202 or a written plan under 203(a) (1) and (2) may be brought only under Section 706(1) of the Administrative Procedures Act and may not be brought until after a final rule has been promulgated.

Section 401(a)(3) prohibits any court in which review of a completed rulemaking action is sought from staying, enjoying, invalidating or otherwise affecting the effectiveness of an agency's rulemaking for failure to comply with the requirements of Section 202 and Section 203(a) (1) and (2) of this Act. This is true not only under Section 401(a)(3), which regards review of rules under other provisions of law, but also under Section 401(a)(1), which only authorizes a court to compel the agency to prepare a written statement, but does not authorize a court to stay, enjoin, invalidate, or otherwise affect a rule.

It is the intent of the Conference Committee that if an agency prepares the statements, analysis, estimates or descriptions under Section 202 and the written plan under Section 203(a) (1) and (2) for purposes of its rulemaking pursuant to the underlying statute, a court may, if pursuant to the review permitted under such statute, consider the adequacy of such information generated. Section 401(a)(4) provides that information generated under Section 202 and Section 203(a) (1) and (2) is not subject to judicial review pursuant to this Act under Section 706(2) of the Administrative Procedures Act. Section 401(a)(4) does allow that such information may, in accordance with the standards and process of the underlying statute, be part of the agency's rulemaking record subject to judicial review pursuant to the underlying statute. Any such information that is part of the record for judicial review pursuant to the underlying statute. Any such information that is part of the record for judicial review pursuant to the underlying statute may be subject to review under Section 706(2) of the Administrative Procedures Act (or other applicable law) and can be considered by a court, to the extent relevant under the underlying statute, as part of the entire record in determining whether the record before it supports the rule under the ''arbitrary and capricious'' or ''substantial evidence'' standard (whichever is applicable). Pursuant to the appropriate Federal law, a court should look at the totality of the record in assessing whether a particular rulemaking proceeding lacks sufficient support in the record. The provisions of this Act do not change the standards of underlying law, under which courts will review agency rules.

Section 401(a)(5) provides that, for any action under Section 706(1), the provisions of the underlying Federal statute relating to all other matters, such as exhaustion of remedies, statutes of limitations and venue, shall continue to govern, notwithstanding

the additional requirements on agencies that Title II of this Act imposes. If, however, such underlying Federal statutes does not have a statute of limitations that is less than 180 days, then for review of agency rules under Section 706(1) that include the requirements set forth in Section 202 or Section 203(a) (1) and (2), the time for filing an action under Section 706(1) is limited to 180 days.

Finally, Section 401(b)(1) makes it clear that except as provided in Section 401(a), no other provision or requirement in the Act is subject to judicial review. Title I, those portions of Title II not expressly referenced above, and Title III are completely exempt from any judicial review. Section 401(b)(2) states that, except as provided in Section 401(a), the Act creates no right or benefit that can be enforced by any person in any action. Section 401(a)(6) states that any agency rule for which a general notice of proposed rulemaking has been promulgated after October 1, 1995 shall be subject to judicial review as provided in Section 401(a)(2)(A) and (B).

U.S. SENATE,
OFFICE OF THE SECRETARY,
March 10, 1995.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: Per our conversation of March 9, 1995, I am writing to confirm that in the counting of days in the U.S. Senate, a sine die adjournment will result in the beginning again of the day counting process and that the sine die adjournment of a Congress results in all legislative action being terminated and any process ended so that it must begin again in a new Congress.

Hoping this may be of help. I remain,
Sincerely,

ROBERT B. DOVE,
Parliamentarian, U.S. Senate.

WILLIAM F. CLINGER,
ROB PORTMAN,
DAVID DREIER,
TOM DAVIS,
GARY CONDIT,
CARDISS COLLINS,
EDOLPHUS TOWNS,
JOE MOAKLEY,
Managers on the Part of the House.

DIRK KEMPTHORNE,
BILL ROTH,
PETE V. DOMENICI,
JOHN GLENN,
J.J. EXON,
Managers on the Part of the Senate.

VACATING OF SPECIAL ORDER

Mr. STEARNS. Mr. Speaker, I ask unanimous consent that the 5-minute special order granted to the gentleman from Missouri [Mr. TALENT] for Wednesday, March 15, 1995, be vacated.

The SPEAKER pro tempore (Mr. JONES). Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1415

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. JONES). Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

TERM LIMITS: BRING IT TO A VOTE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon [Ms. FURSE] is recognized for 5 minutes.

Ms. FURSE. Mr. Speaker, I am here today to talk about promises. The Republicans have not lived up to their promise with the American people. Today we were supported to vote on term limits and on the first day of this session, I introduce a term limits bill that mirrors the one passed in my home State of Oregon. Oregonians overwhelmingly support term limits, and the majority of Americans do, too, and by all of the talk by Republicans, you would think they supported term limits too. But apparently not so.

The leadership will not schedule a vote on term limits today because a lot of those people who campaigned on term limits have suddenly gotten squeamish now that they are in office. Our current Republican Speaker has served in Congress for 28 years. That is what I call a career.

By not voting on term limits today, Republicans are saying that maybe they don't care what their constituents want. Maybe they just want to stay in office.

Most of those Republicans who signed this Contract With America said they are proud of it and they keep saying so. That contract has been rushed through Congress. Most of the issues being voted on have never been scrutinized in a hearing or allowed full public comment. But Republicans don't seem to have any problem voting anyway on those very important issues.

For instance, when the contract called for slashing laws that protect our health and our environment, laws like clean air and clean water, they had no problem scheduling a vote. When the contract called for taking away the number of cops on the street, no problem then for scheduling a vote. When the contract calls for taking away the rights of women and children and seniors to get fair treatment when a company knowingly harms them, again, no problem scheduling a vote.

But I want to remind all of us that the contract also called for a vote on term limits. We were supposed to vote on that today and tomorrow, but guess what? That is a vote that affects Members of Congress.

Now, we are not talking about hurting women and seniors and children and the environment or civil rights, no, not when we talk about term limits. What we are talking about is Members of Congress, about their jobs, their power, their incomes. Now we are talking about something that actually affects us.

I think that that is outrageous. I think that the business of this Congress is to keep our promises, and the reason why the public has such a low regard for Congress is because lawmakers put their interest in front of their constituents.

I came to Congress to do a job, not to get a job. I came here to change the spending priorities of Congress, to protect a woman's right to choose and to make our streets safer for all our citizens and, when my work is done, I will go back to my farm in Hillsboro, OR.

It has been an honor and it is an honor to be a public servant and I am proud to keep the promise I made to my constituents. I an here to fight for them. But I am not here to make a career out of it. I call on the majority to be honest with the American people, bring up term limits for a vote now, today, or tomorrow.

Mr. ROHRABACHER. Will the gentlewoman yield?

Ms. FURSE. I yield back the balance of my time.

Mr. ROHRABACHER. Would the gentlewoman yield for a question?

Ms. FURSE. Yes.

Mr. ROHRABACHER. Your complaint today is we did not bring up the term limit votes today. Is there some doubt in your mind that it will be brought up during the first 100 days as was promised the American people.

Ms. FURSE. The vote was scheduled for today and tomorrow; and Thursday evening, at the very last moment, I received the word that we were not going to vote on term limits.

Mr. ROHRABACHER. Is there any doubt in your mind—our Contract With America said it would be within the first 100 days there would be a vote on this issue.

Ms. FURSE. It makes me very doubtful. It raises a strong doubt. Why have we been voting on things that hurt children and women and the environment and civil rights, like the fourth amendment?

Mr. ROHRABACHER. So the gentlewoman has a doubt that the Republicans mean to bring this up to a vote. I would hope that the people that have that doubt, and if we do bring it up for a vote, that they will then understand the Republicans are keeping their pledge.

Ms. FURSE. I would hope they would keep their pledge on time. I would hope we would vote on this only issue that affects us as Members of Congress, and I yield back the balance of my time.

Mr. ROHRABACHER. Would the gentlewoman answer one other question? When have the Democrats for the last 40 years had such a vote?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. BATEMAN] is recognized for 5 minutes.

[Mr. BATEMAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

NOTABLE WOMEN OF HISTORY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I just would like to add to the gentlewoman from Oregon's concern before I go into what I wanted to talk about. I think her concern is a legitimate one, that for over 200 years of this Republic we have done without term limits, and we have now driven the American people to really want term limits, and yet we seem to be able to get everything else up on time. But we tend to want to play with the term limits legislation so that it won't really apply to us, so that everybody will get at least 20 more years in before they kick in. There are some games being played and I think she had a legitimate point.

But, Mr. Speaker, the reason I really come to the floor is to talk about women's history week because—actually it is a month, we get a whole month this year, and it should be a month because actually this is a year where we are celebrating the 75th anniversary of women having gotten the right to vote federally, so in this diamond jubilee, I think it is only right that we look back at some of the history that so many Americans really don't know.

I want to just quickly talk about three women this morning that I think all played very important roles that a lot of people don't know about.

First is Anne Hutchinson. Ann Hutchinson was born in 1591 in England. She was born during the reign of Elizabeth I. Her father was an Episcopalian minister and she migrated with her husband to the Massachusetts Bay Colony. She was very steeped in theology because she had grown up with it, and obviously it was not long before she came to loggerheads with the different leaders in the Massachusetts Bay Colony who really were not under free speech. They were only into free speech for themselves.

We as Americans talk about, first, free speech, and, second, freedom of religion, but let me tell you, the first guys that got off the boat were not for that. And it was this very courageous woman, with her husband standing beside her, and she had over 12 children to join her, that took up this cudgel, and she and their followers ended up moving outside of the Massachusetts Bay Colony after several very prolonged trials where they tried to try her for witchcraft and everything else.

They moved and they started the first colony in America that had freedom of religion and freedom of speech in it. So I think as we talk about that, we should remember where some of those ideas came from and came from early on.

Another woman that I would like to talk about that we don't mention, she was one of the very early women in America to become a doctor, Mary Edwards Walker. She was not the first, but one of the first, and she became a great friend of Ms. Bloomer of the Bloomer girls. People forget where the word ''bloomer'' came from; it came from the woman who came up with the idea that it was very difficult to wear hoop skirts all the time and came up with these billowing bloomers.

Well, Dr. Edwards, or Dr. Walker became very, very involved in serving the Union Army in the fields, and when she used to come into Washington, DC; to get you in someplace, they would arrest her because she was not wearing proper attire. If you can remember the attire of the Civil War, you can certainly understand why if you were a woman doctor and you were out on the field treating patients, you were not running around in one of those big hoop skirts. And finally, the Congress gave her a special exemption so she could come into town and resupply and not be arrested because of the terrific, meritious job that she was doing for Union soldiers.

I think that is another very interesting and heroic woman that we know very little about. Another woman that I think is very interesting is Bertha Palmer. How many people who grew up in Chicago know about Palmer House, and she was the spouse of the Palmer of Palmer House. She also, when she inherited his wealth, proceeded to double it before she died, which is no shabby task, but she was a very, very strong person for women's rights. And some of the very interesting things that she did was during the Columbus exhibition, when they were celebrating the 400th anniversary of Columbus finding America, she was on the board and she said, ''Well, aren't we going to do anything about Queen Isabella who at least put up the money.''

I mean, this woman had some respect for that and of course you could imagine what the old boys said. They said, ''See, that is what happened, put a woman on the board, the next thing you know they are trying to take over everything,'' so she ended up having to form a woman's exhibition right alongside of it. It became very successful and actually it ended up in the black even though the other one ended up in the red.

So these are three mothers that I think we should think more about in this month and I hope we get to think about many more.

ON MEXICO BAILOUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. STEARNS] is recognized for 5 minutes.

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, my friends, in politics as in humor, timing is everything, and the timing of President Clinton's $20 billion bailout of Mexico could not be worse. At the very moment, the American dollar is taking a beating in world currency markets. The Clinton administration is sparing no expense to shore up the Mexican peso.

In looking through some of the clips over the weekend, it seemed to me the timing of what President Clinton is doing is everything. For on this House floor this week we will be voting on a rescission package that cuts benefits for veterans.

Now, how do the veterans feel about a rescission package that cuts the veterans at the same time we are shoring up the peso by giving $20 billion to the exchange stabilization fund?

Let me also talk to you about what the chief economist at Lehman Brothers, Allen Sinai said: ''The dollars' new all-time lows are being generated by the United States ties to Mexico and the panic flight right now of funds away from weak currency countries, Mexico, Canada, and the United States.''

Need I remind the Members of this body that the exchange stabilization fund that is being tapped by the Clinton administration was set up explicitly to protect the value of the United States dollar, not the Mexican peso. Yet the administration has already disbursed $3 billion from this fund to Mexico whose current political corruption saga contains more characters than a Tolstoy novel and is expecting to ship down the next $7 billion by the end of June. And for those of my colleagues who didn't read the paper this morning, Mr. Salinas, the former President of Mexico, has left Mexico, and now intends to reside in Boston, MA, and be a consultant.

Mr. Speaker, James Madison wrote, ''The House of Representatives alone can propose the supplies requisite for the support of the Government. They, in a word, hold the purse.''

My colleagues, what that means basically is Congress has to approve money that you spend. The administration can't take this kind of money from the American people without Congress approving.

So that is why I call on the rest of the Members of this House to allow a vote on congressional approval for any additional funds to Mexico and suspend further payment until all the questions are answered from the Leach letter that we approved in a House resolution here on the House floor.

I would like to conclude by reading a quote from a leading columnist in Mexico talking about the recent disruption in Mexico and the peso, and she said, ''Two things happened to Mexico under Mr. Salinas. He made us believe in the Government of Mexico and he anesthetized us from the corruption. Now the new President has made us see the corruption, and the result is we don't believe in Government anymore.''

Mr. Speaker, now is the time to allow us to vote on this matter and suspend all further payments, particularly in light of the fact that we have a rescission package coming on this House floor that is going to be $17 billion, almost as much as the President intends to give to Mexico without congressional approval.

Mr. Speaker, I yield to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Speaker, we will be voting on Wednesday on a major rescission. We will be voting to cut the spending for many programs that many of our people have learned to depend upon. Whether or not they should be depending on these programs, whether or not the Federal Government should be in those areas or not is a matter of debate, but if we cut these programs and then we spend the money, not on their benefit by bringing down the Federal deficit, which is the purpose behind cutting spending supposedly, but instead allow that money to be taken from the United States Treasury and sent to Wall Street speculators who went to Mexico to receive high returns on their investment or the Mexican elite, which is a corrupt elite that have betrayed their country time and again, we ourselves will be betraying our people in the same way that Mexican elite has been betraying their own people.

This bailout is a crime against our own people, and on top of that, it will not work. One can see the nature of this crime by the fact that here we are talking about the transferring of billions of dollars, American taxpayers' dollars, without so much as a vote of Congress.

The last time I heard, money was not supposed to be spent in this country unless the elected Representatives of the people voted for it. This is a travesty. It should and it will be stopped.

MORE ON THE MEXICAN BAILOUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. ROHRABACHER] is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, in terms of the bailout, the Mexican bailout, there was no vote in this body on the transfer of those funds. In fact, when the President of the United States turned to Congress and saw that there was no support in Congress for this $40 billion, potentially $40 billion expenditure, he proceeded in what I consider an antidemocratic fashion to scheme and to plot in what could be a legal way of taking billions of our dollars and sending it to Mexico and spending it on the purposes he intended, meaning the bailing out of Wall Street speculators and basically lining the pockets of a corrupt Mexican elite so that the system will not break down in Mexico.

Well, perhaps it would be good if the current Mexican elite, which is corrupt, which has been antidemocratic, perhaps it would be good if that power structure did break down and that the people of Mexico at long last would be given a chance for true democracy and honest government, because the grip of their oppressor would have been broken.

We have a chance to try to put an end to this. Already $3 billion has been spent. It is up to Congress now to do everything that we possibly can to stop the spending of that money, mainly because—OK, it is wrong but also it will not work. It is not going to save Mexico.

Sending—you know, pouring money—it is the old adage, sending good money after bad is not a way to make things right. It will just make things worse. In Mexico, it will not work.

What is needed down there is a change. It needs change, basic change, and by us subsidizing the status quo by spending billions of dollars, we will not see that change come.

Mr. Speaker, I yield to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. The gentleman, perhaps like myself, has heard the arguments if we do not give this money to Mexico, there will be a financial catastrophe in Mexico and we hear that oftentimes here in the halls of Congress and we have heard the administration—in fact, recently Mr. Greenspan, the Chairman of the Federal Reserve Bank and the Secretary of Treasury, Mr. Rubin, used this. And frankly I think it is sort of a scare tactic because a recent Wall Street Journal properly debunks that whole idea that there would be a financial catastrophe.

From early December through mid-February, stock markets in emerging countries that undertook significant pro-markets reforms, the ones you are talking about, and sound money reforms survived quite nicely during the so-called global crisis that the currency has just been through. Stock markets in Singapore, Chile, and the Czech Republic were essentially flat during that period. Emerging nations with partial or faltering reforms, including Brazil and Hungary, however, did indeed suffer mightily during the Mexican breakdown.

So, in other words, private global investment capital is discerning and mobile. It knows where it is investing its money. It knows a good deal from a bad deal and it will not be intimidated by disaster scenarios conjured up by financial officials like Chairman Greenspan and Secretary Rubin.

Mr. ROHRABACHER. Reclaiming my time, every time we try to cut the budget around here, every time we say, Let us not spend Federal money in this area, let us cut the deficit, we are always told, My goodness, there is going to be a catastrophe, people are going to starve, there are going to be babies in the street, it is going to be horrible.

But you know what, most of these scare tactics that are being thrown out are just absolutely wrong and the people who are talking that way know they are wrong but they are using a tactic to get us to spend the taxpayer's dollar to line their own pockets. This is not contrary to what we have experienced here at home. But let us take a look at that.

If we are going to spend money to stabilize the currencies, what about Russia? Isn't that also an important country? We could be spending hundreds of billions of dollars to stabilize their currency. After all, they have got nuclear weapons. What if chaos erupts in Russia?

This is a formula for the United States to be spending hundreds of billions of dollars to protect other people's currencies, and do you know what that means? That means our currency will come under attack. That means our currency will come under attack. That means people will sense that our currency no longer is strong because we are spending money from a stabilization fund meant to protect our currency that now is protecting these foreign interests who basically are big money guys and rich elitists in other countries, and what happens?

We have found that since the Mexican bailout and the defeat of the balanced budget amendment, that our own dollar is now under attack. This is unconscionable. It has already cost American people too much. It is a disgrace. We have got to act to stop this.

ON THE REPUBLICAN AGENDA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. MILLER] is recognized for 60 minutes as the designee of the minority leader.

Mr. MILLER of California. Mr. Speaker, I probably will not take the whole 60 minutes, much to your relief and others, but I would like to take some time here to discuss some matters that concern me, some of which will be addressed in the rescission this week and later those that will come before us in the welfare reform bill proposed by the Republican Members of this Congress.

First of all, let me just say that it is pretty well documented now and I think people have come to understand that the welfare reform bill holds major, major cuts to populations that are very vulnerable in this American society and especially with those cuts with respect to nutrition programs for school children and for newborn infants and for children in child care settings. Specifically, some $7 billion are cut out of nutrition programs that serve the women's, infants' and children's program and the school lunch programs.

Now, many of my colleagues on the Republican side of the aisle have come to the floor and suggested from time to time that they are not cutting anything, that they are simply slowing the growth, but the fact of the matter is that they are removing a little over $7 billion from these programs over the next 5 years, and that means that the people who are administering these programs at the local level, because that is where these programs are run, will have to decide whether fewer children receive a school lunch or whether they will receive a smaller school lunch or whether they will receive it fewer days a week than they would

otherwise, because this money is simply not sufficient to keep up with the current—the current—demand on these programs. And of course, if the economy should go into any kind of downturn, as more and more people become eligible for these programs because they have lost their jobs in the economic downturn, there will be no money to provide for those children and those programs.

The program also, and you will start to see the linkage here, that the Republicans also cut the moneys for the women's, infants' and children's program. Again, they will argue it is block granted. Again, they will argue it can be used more efficiently, but the fact of the matter is that the funding is incapable of keeping up with the current demand with a case load that unfortunately, unfortunately in this country, continues to grow, and that is, women who are pregnant, that are certified to be at medical risk of either not being able to carry the pregnancy to term and thereby giving it very extensive risks to a low-birth-weight baby being born.

We know from all of the academic studies and scientific studies that have been done over the last 20 years that should a low-birth-weight baby be born, a baby generally under 5.5 pounds, that that baby suffers a dramatic increase in the likelihood of mental or physical disabilities or other complications, medical complications at the time of birth. That baby can very easily cause the increase, because of the intensive and increased medical attention at the time of birth, that baby can cause an expenditure in the hundreds of thousands of dollars over a very short period of time to try to get the birth weight of the child up and to get the child functioning properly, to deal with the problems of the lungs, the respiratory problems that come from low-birth-weight babies as they are born. If the baby is very low birth weight, of course the complications become much more dramatic and the costs much more dramatic.

Interestingly enough, though, what we have found following these children over an extended period of time is that when you return them home from the hospital to the parents who now have a healthy child, a child that is up to par here in terms of its birth weight and it is looking healthy here, that many other problems continue to linger with these children, that these children now, as we track them, are 30 to 40 percent more likely to come in and need special education, remedial costs all throughout the early years of education.

So these problems do not end. Their problems do not cease, and yet we know that if we get them back up and if we were not cutting the WIC programs, that we have a dramatically, a dramatically increased opportunity of raising the birth weight of this child, of having this pregnancy go to term and having this child be a healthy, bouncy baby at the time of birth and not suffer all of these tragedies for the family, for the child, and eventually the expenses for the taxpayer.

But what are we doing now after 20 years of treating this population, we have now decided that we are going to turn our backs on this population and cut the funding to this most vulnerable, vulnerable group of people in our society, and something that is clearly preventable with a matter of a few dollars a week, because what has a few dollars a week done? What it does is it provides for medical screening for the pregnant mother.

At that time we try to tell them, do not engage in the use of alcohol, do not smoke during pregnancy because it can have a dramatic impact and unfortunately a bad impact on the fetus and the baby when it is born, and we also try to get them to understand nutrition.

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And in that light, we provide for them high-protein foods, foods high in iron and other supplements that we know can have a very dramatic impact on the likelihood that this nutritional risk that the woman suffers from can be reversed and we can have a healthy pregnancy at the outset.

Mr. Speaker, I yield to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I am delighted that the gentleman from California has taken this time, because I think there are a lot of myths going on. My understanding is that many offices are being flooded with phone calls because somebody on the radio told them that they were wrong.

But you do not have to be a rocket scientist to figure out Members of Congress cannot say we are delivering all these savings, but of course we are not cutting anything. It does not figure.

And I know the gentleman worked on the same reports that have seen when he chaired the Select Committee on Children, Youth and Families that showed constantly over and over and over again every dollar spent by the Federal Government for immunizations, for WIC, for child feeding programs, we got back over and over and over again. It was one of the best investments we can make.

So I think the gentleman's point about cutting this, or even cutting the increase in this, without having it driven by the need I just think is outrageous, because it is very shortsighted and we are going to see very, very long-term spending.

Mr. MILLER of California. I thank the gentlewoman. And we both had the honor to chair the Select Committee on Children, Youth and Families in previous Congresses. It is interesting that they try to portray to the public that there essentially will be no cuts in these programs affecting the children, what have you, and yet they are also telling everybody that they cut all this money out so they can afford a tax cut to the wealthiest 1 percent of the people in the country.

If there are no savings and no cuts, how do you pay for the tax cut? They say that they pay for the tax cut by the savings that they have made. You serve on the Committee on Armed Services. If you were to say to Congressman CUNNINGHAM, who serves, I believe, on the Committee on Armed Services with you. And he says this is not a cut, we are simply reducing the growth in spending. If you were to tell him that you were going to take the armed services down to current services to maintain this current fighting force next year and the year after, taking into account inflation and mission growth and all the other things that are taking place, and you told him that you were going to take away the money that would allow that, would he say, ''That is a cut'' or would he say, ''That is not so bad; it is slowing the growth''?

Mrs. SCHROEDER. You are setting me up. We would have to get a very large ladder and a scrapper and we would have to scrape him off the ceiling. He would be so angry that we would even think about cutting defense. In fact, they are yelling that defense is not high enough, even though defense is more than almost every other Nation on the planet is spending on defense added together, but that is still not enough. And, therefore, they are willing to go after these vulnerable populations.

I must say in my district I have not found anybody who agrees with these cuts. I have not found anyone who thinks these cuts are a great idea in order to give some fat cats who can pay $50,000 a plate for dinner, to give them a break. They do not feel that you take it from the most vulnerable and give it to the guys who have done the best. That is not America.

What I am hoping is that people who do agree with these cuts would not only write me but send me their picture. And I would hope that you would ask the same thing. I would like to have a board back here. I want to see what these people look like. They do not look like any Americans that I know.

And, really, there is a lot of flimflammery and a lot of smoke being blown around here. But the bottom line is, as the gentleman from California is saying, when you blow away the smoke, the children are going to be hurt.

Mr. MILLER of California. The gentlewoman is exactly right, because the fact of the matter is that if you take the cuts in school lunch programs, you are talking roughly about 2 million children that would have been served over that period of time, those 5 years, that simply will not be served because the programs will not have the money.

The notion is to suggest, again, that somehow local school districts will make up that money. The fact is that

the local school districts do not have that kind of money. And in our State they have been taking money from the School Lunch Program to do other things with. That is why we have a National School Lunch Program, because we knew that the politics was the most difficult at the local level and moneys were diverted to other purposes.

Mrs. SCHROEDER. Could I ask the gentleman another question? I think it is good to clear the airways that are cluttered with a lot of noise. The other issue being the women, infants and children's programs. And I know that we have worked very hard to get the best deal on formula we have ever seen. And no one that I am aware of has been complaining that that program has been mismanaged or anything else. To now see it broken up and sent out to 150 different States, when I believe and the gentleman from California knows about this, we have saved about a billion dollars just in the contracting with infant formula people.

Mr. MILLER of California. The gentlewoman is quite correct. What we found out, unfortunately, is that, this never ceases to amaze me, but we do have very upstanding members of our communities and corporate members of our community who are fully prepared to rip off the taxpayers.

And what we found at one point was that a number of formula companies were charging very excessive rates for the formula for the newborn infants in this program, so we went to a program of bidding and making them compete on a national basis for these contracts and it dramatically lowered the cost of the formula about a billion dollars. And that was able to be plowed back into extending the number of infants that can be served.

Interestingly enough, in the bill that we will be considering, although this was a proposal by, I believe, the now chairman of the committee, the gentleman from Pennsylvania [Mr. GOODLING], that we tried to make sure that this bidding would continue and that amendment was rejected in the committee.

So now we have the ability to see people negotiate contracts and, as I said, unfortunately, one of the sad things in our job from time to time is that we find out that there are professional people, well-educated people, and a lot of other people, who are fully prepared to rip the Federal Government off for their own narrow gains. And now the likelihood of that happening again is substantially increased and the loss of these savings and the loss of nutrition to the newborn infants and the babies.

Mrs. SCHROEDER. Might I ask the gentleman another question, because I figure in a way maybe our dialog here can straighten out some of these things. There is so much disinformation around.

While I chaired the Committee on Children, Youth and Families, I do not believe we ever had one person come in and complain, one person, about the management of the feeding programs for children and for WIC and for others. And I was wondering about the gentleman's experience when he was there. In other words, I am going through that old adage, ''If it isn't broken, don't fix it.''

Mr. MILLER of California. The gentlewoman is quite correct. There has been very few, if any, complaints about the management of this program. The WIC program is essentially run at the local level. We simply reimburse the States for the formula and for the food that they provide for the pregnant women and for the newborn infants.

It is run by State WIC directors and local WIC people in the counties that come together for this purpose. And there is unanimity. People like the way the program is being run now. And that is why the Congress, even during the Reagan years and the Bush years, there has been a steady trend toward full participation, 100 percent participation in WIC, because both Republicans and Democrats and Governors and Senators and Congresspeople and local county health directors and medical directors, they all like the say this program is running.

Now, we are using the issue of a block grant so we can slice the funding. It is a ruse, it is camouflage to cover up what is actually going on. It is interesting in the Committee on Education and Labor, the Republicans selected five witnesses. They selected the witnesses. I do not think we were allowed to have a witness from the Democratic side; maybe one. And all five witnesses said, ''Leave the program alone. Leave it alone.''

The only problems we have had in this program is from time to time when people from the private sector have come in and ripped the program off with stale meals and old meals, bad food, mislabeled commodities, phony formula. Those kinds of problems; not from the public sector but, from people from the private sector who are trying to rip the program off and make ill-gotten gains at the expense of the children.

Mrs. SCHROEDER. And we have aggressively gone after that.

Mr. MILLER of California. And that is minimal at this stage; 10 or 15 years ago it was a major problem, but because of the changes that have been made historically on a bipartisan basis with Senator DOLE and Congressman GOODLING leading the Republican efforts, this bipartisan effort on agriculture and on the education committees had worked out so that we have a program now which is the model throughout the world.

The WIC Program is the model throughout the world on how to deal with high-risk pregnancies and all of the tragedies that can come from that. And going up front and providing a very strong prevention mode that has worked beyond people's wildest expectations.

You point out that we saved $3 for every dollar that we expend in WIC and $10 for every dollar that we spend immunizing a young child. That is just the immediate medical cost. That does not go to what you save in special education and remedial education and all of these other problems that, unfortunately, these children manifest many years later that have been separated from the time of birth when people are no longer concentrating on what happened, so that now Sally or Johnny has a problem in class or with attention span or all of these other problems that occur today.

Mrs. SCHROEDER. If the gentleman would yield further, I guess I stand here absolutely stunned by all of this because my other committee, unlike yours, is Armed Services. And we certainly could not come to the floor and say, ''This has a been a model. This has been marvelous. No one has come in front of us and shown us any fraud.'' My word, it comes in by the ton over the transom every year in every Member's office. And no one is proposing to block grant the Pentagon. It is interesting, the systems that are having trouble, they are winking at and saying, ''No, we have to given them more money.''

Mr. MILLER of California. It is not to block grant it. They make a big point about they give in the nutrition program 200 million more a year. But if the money is insufficient to meet the demand of the children that are eligible, the children who need this nutrition, then they are in fact cutting the program.

If I said to the people in our Committee on the Armed Services: We will give you $500 million more a year every year for the next 5 years, they would say that is absolutely unacceptable. We have contingencies we cannot foresee. We do not know what is going to happen.

Mrs. SCHROEDER. They are saying that it is threat-based. We must have it be threat-based.

Mr. MILLER of California. We would like this to be family based and nutrition based and health based for the children of this country.

Mrs. SCHROEDER. The gentleman is correct. And I think it is so important to remember why we got into this. We got into this for national security reasons and that is because during World War II they found so many of the people that they drafted, when they came in for their physical, they were suffering from so many things from malnutrition and decided that it was a whole lot better to have some nutrition programs and some feeding programs and, obviously, national standards.

The idea to me that we are going to have 50 States having 50 different nutritional standards makes me crazy. But I think all of these things started as a national security program. Maybe what we ought to do is put it in the defense budget. I do not know.

And then the other thing, and this I realize I should not ask anyone from California. I realize you are in a difficult position, but I think of our Nation's children as a national problem. And it seems to me that in the past this is how we reflected it and they is why these have been in the budget.

And it seems that with these block grants we are saying, ''Do not bring your problems anymore.'' We will throw money to the State and quickly we will get bored with that problem and it will be easy to cut entirely.

But another piece is we are saying that disasters have become a national problem, but not children. Part of the reason that we are hearing that we have to cut these is because of disasters.

Mr. MILLER of California. I think it is very unfortunate that we see the situation where before the election, when we had the Northridge earthquake in California, again on a bipartisan basis, people believed that that was an national emergency and you should not cut other program to pay for that.

I happen to have a little different view. I believe we should privatize the disaster system. We cannot have the ''Disaster of the Month'' here draining the Treasury. And I would have hoped that we would have done that with this California aid bill. The gentleman from Illinois, Congressman DURBIN, had a proposal in to do that and then we would have a rainy day fund and an earthquake fund or hurricane fund so that we would build that money up so that we could pay it out.

But that was not done, so now as we are halfway through taking care of people who were devastated in the earthquake, people who still cannot enter their houses or businesses or the universities because of the earthquake damage, all of a sudden we have decided it is no longer a national emergency and it is going to have to be paid for and the way to pay for it is to cut summer jobs for children, to cut drug-free schools and to cut the weatherization program to pay for the California aid.

And at the same time, the California Governor wants to give the same amount of money back to the taxpayers of California for a tax cut. So you are telling people in our State of Colorado, or New Mexico, or Maine, or Texas, you have to cut all of your programs to pay for the California aid, but the people in California are going to get a tax cut. I think that is a little hard to sell.

And I think that the Governor is doing a little bit of putting the pea under the walnut shell and seeing whether or not Congress can follow it. Apparently, the Republicans have lost the pea and they have decided they are going to go ahead and give them the money and he can give the tax cut and people all over the country will have those programs cut. It doesn't make any sense.

I honestly believe, and said this during the Midwest flood crisis, that we have got to develop another means of this so that we do not reach out on an ad hoc basis when we have these horrible, horrible disasters that this country, given its geographic size, is never going to be immune from, no matter what we do.

Mrs. SCHROEDER. I truly thank you for being a statesman, because that is what it is. If you are from California, it is difficult to say what you just said.

Mr. MILLER of California. I just talked to my wife this morning and the sandbags are out. We are about this far from——

Mrs. SCHROEDER. It is right at your front door. But I think you are absolutely correct, with the water at your front door, for which there would be a great temptation to say yes, the feds should pay for this and cut any program that there is, you are pointing out if we put cut these feeding programs, we are going to have a much bigger national disaster coming down the road.

And it is not fair for the Governor to have it both ways. He can give back State taxes and then we are forced here to send our Federal taxes to him.

Mr. MILLER of California. The word ingrate comes to mind.

Mrs. SCHROEDER. It kind of comes to mind. I again thank the gentleman.

Mr. MILLER of California. I thank the gentlewoman for joining me in these remarks and raising these points.

The point is that when we look at the rescission bill that we will vote on on Wednesday, the cuts come from low-income housing, from elderly housing, low-income energy assistance. We are taking from the poorest people in this country to provide the disaster assistance so we can provide a tax cut. It just does not make sense and it does not add up. It sounds like Mexico. It sounds like those folks would not go for it over there.

Mrs. SCHROEDER. It is going to go for tax cuts for the richest and disaster relief and it is going to create a huge disaster downstream.

Mr. MILLER of California. I thank the gentlewoman for joining me and, again, for all of her involvement in these issues.

I would just like to say now that it has been pretty well established that the Republican budget cuts and the welfare reform are prepared to turn their back on the issues of prevention with respect to disabled children and preventing these pregnancies that are high risk that we have identified.

We know before the fact, we know that we can go out and change the course of these pregnancies. But yet somehow we are not going to dedicate those funds. And Wednesday we will be voting to cut 100,000 women, pregnant women, pregnancies that are started. They do not know budget rescissions or balanced budgets or fiscal years. The pregnancies are launched, and yet we know if we can get there early, we can change the outcome of this pregnancy. One hundred thousand women will not be served this fiscal year because of these cutbacks. And that is what I mean by cutting the most vulnerable.

But now let us move on to the next stage of the Republican plan. They have already decided they are not going to make the maximum effort to prevent a birth defect from taking place or prevent a low-birth-weight baby from being born or to prevent mental retardation or physical disabilities that occur for a whole host of reasons. They are not going to make that effort.

But now what we find out is that they come back years later. And when we see low-income families, one of the facts about disabilities, mental disabilities and physical disabilities and birth defects, is they know no socioeconomic bounds.

You can be living behind a gated community in a country club and you can have the sadness of the visitation of a birth defect come to your family. And you can struggle with this child and to work out and to create a life for the child and a community within your family, and a family setting for that child, or you can be the poorest person in town. It can happen.

But what we see now is that they are going to take 225,000 children who are severely disabled, either mentally or physically, and they are going to take them off of the Supplemental Security Income Fund that was created to try and help these most disabled children. And they are going to take these children off because they believe that somehow some parents may be coaching their children to act like they are retarded, to act like they have learning disabilities, to act like they have mental disabilities so they can get $400 a month.

I am sure somewhere out there some place there are parents who do this. But let us assume it is 10 percent. It is 10 percent of the parents, so it is 25,000 children. That still leaves you with 200,000 children who are medically certified as severely disabled children. They are off the rolls. This low-income family now gets no fiscal help for the taking care of this child.

Assume it is 20 percent. You have 175,000 children out there who come from low-income families, because you only get the 400 a month if you are very poor. You must be among the poorest to get the maximum payment. You are off of the rolls.

So if your child has cerebral palsy, you are off of the rolls. If your child has other complications, such as the 6-year-old Jennifer Cox, who suffered from a congenital bowel malformation requiring a colostomy, and eye problems and lacks peripheral vision causing her to run into the walls.

At 6, she is not yet toilet trained. But if you are the family trying to take care of your child with all of these problems, we are going to say we are not going to help you anymore, even if

you are low income. Somehow, that is not going to happen, because we are going to provide for a tax cut.

Or Kendra Whalen who is 2 who suffers from a very rare growth condition in which one arm is twice as long as the other arm which means it causes her to lose her balance, motor impairment, spinal curvature and has lost lung volume because of this. Kendra is off the rolls if this goes through.

And it goes on and on. To Mosha Smith who is 10 months old, requires a shunt in the back of her head to drain the cerebral spinal fluid from her brain into her abdominal cavity. She suffers partial paralysis of the legs, bowel and bladder and a condition that requires frequent catheterization.

The family is struggling to take care of these children in their family settings. They love these children. And yet somehow what we are saying to these families is the Government cannot help you a little bit.

And what is the help for? What is the help for after the child has been medically certified to suffer these disabilities of retardation, of physical impairments? A documentation that requires the person from Social Security to talk to child care providers; to talk to physicians; if they are school age, to talk to the school personnel; to talk to neighbors and playmates to make sure that this, in fact, this person is disabled to the extent to which it has been represented.

If you are so fortunate to get this help so you can keep your child home, so you can keep your child out of an institution, so you can provide your child some semblance of a normal family life and a normal childhood experience, be they infant or school age, what are you doing with this money that you are getting?

In some cases you are probably having the child's clothing altered, so instead of buttons it can be velcro because the child may not be able to button their clothes.

You may be paying utility bills because a child at home may be on a respirator for 24 hours a day. You may have it to buy or rent a backup generator, because you worry that the loss of electricity for the child who is on the respirator.

You worry about your ability for communication devices, so if something goes wrong you will be able to communicate to people.

What about all the telephone calls you have to make? You are a low-income person with a severely disabled child in your home. You are making phone calls to medical providers, pharmacists, to social services, to schools. We are not going to help you out with that.

How about specially trained child care? You are trying to work. You are low income and you are trying to work, but most child care centers will not take these children. They are not equipped or trained. And if you do find a place for your child, it is much more expensive. But the Government is not going to help you anymore.

Respite care. The taking care of these children is a 24-hour-a-day job. Husband and wife work it out together. They juggle their jobs. Most often what happens is one of them gives up income so that they can take care of the child. So you pay for respite care.

What is respite care? It is a chance to have the child taken care of for 5 hours, 6 hours, 12 hours. Maybe a big thrill, overnight so you and your spouse can spend the evening together. That would be the big thrill. Twenty-four hours of respite care. The Government helps you pay for that now. No longer, when you have a severely disabled child.

What about transportation? Additional transportation if the child is an older child? I mentioned adaptive clothing, the special laundry. The diapers for a teenage child that is uncontinent. You have to go through that for all those years.

Adaptive toys. All of the repairs for the equipment that you have for your child. That is what the $400 a month goes for and that is what is going to be cut off in the welfare reform bill for these most severely disabled children.

We cannot really be doing this in the name of humanity. We cannot be doing this because it is good for the children. We are simply doing this because the Republicans are on the march to round up money so that they can provide a tax cut, as we said, to some of the wealthiest people and corporations in this country.

I am sure that each of those people who earn over $100,000, $150,000, $200,000, if they knew where this money was coming from would probably say, ''Why do you not take care of the children? Why do you not help out this family? Why do you not help these families who are financially poor and now have to deal with the problems of a disabled child in their family?''

I am sure that is what those people would say. But, apparently, the politicians whose represent them cannot get that message that that kind of cut is not necessary. This is not a cut about fraud and abuse. This is a cut about gathering up money that some people think that maybe families should not have.

Now, you could get the money if you can show that but for that money, your child would not have to be institutionalized. So if you have the threat of losing your child into an institution, away from your home, even though you want to take care of it, even though it may be less expensive, that is what you would have to show.

What about all the time and the effort and the money that these families put into these children already before they ever get to the Government for help? We have had hearings after hearings on these children and these families and what you see is a very loving child, a Down's syndrome child, a child with cerebral palsy, and a very loving family.

But in this day and age, to hold that family together economically is very difficult with both people working. And if you are low-income, it is almost impossible. So what do you do? You risk losing your child. You risk having to give up your child, because you cannot get the money so that you can give up some hours of work to stay home with that child. And so, therefore, you must show that the child must be institutionalized. Somehow that does not seem to be fair. That does not seem to be fair in terms of putting families into that situation and I do not think it should be done.

If there is some allegation of fraud, if there is some belief that out there somewhere, some parent is coaching their child, then why do we not make it a crime? It is a fraud. Well, it is crime. Do what you want to do.

And the one random sampling of over 600 of these cases, I believe, in 13 cases, no case did they find coaching. And in 10 or 13 cases they thought maybe that potentially there could be some coaching. And I think 10 kids were taken off, but that comes nowhere near the whole population or 5 percent or 2 percent of this population.

And that is why we have to ask whether or not this is really where we want to cut the budget to these most vulnerable families and these most vulnerable children. We have had a history of commitment to these children. We have had a history of commitment to these children because we realized their situation.

We have recognized the stress, the pain, the financial burden that this places on a family. And we have said we will try to help you where that help is necessary. And now we are saying we are going to withdraw that kind of support.

I do not think that that is going to go over well in this country. I do not think that the people believe that that has a higher priority than a tax cut. I think that they believe that that is one of the missions of Government, to see that these families can stay together. To see that children are not taken away from their parents who love them, but are not able to care for them for the want of a couple of hundred dollars a month.

And finally, let me say this. That should a family have to give up their child, and should a family be unable to care for that child, and if because of those special circumstances that child becomes eligible for adoption, cutting SSI makes the adoption of that child much more difficult. Because today, the adoptive families could get some financial help for taking a child with special needs, reaching out to a child with disabilities and saying, ''We will make this child a part of our family, but we don't have the financial wherewithal.'' So it is a better deal for the Government. A child gets a loving family.

But today, that assistance would be cut off under this provision. So now a family that wants to adopt this child with special needs is denied the opportunity. The child is denied the opportunity, so now the child is in foster care. High-cost foster care, because foster care for children with special needs is very expensive, very difficult to come by.

So I want somebody to explain to me, when you get all done cutting the WIC program, the school lunch program, and the SSI benefits for disabled children, and the adoption benefits for disabled children, I want people to explain to me how the children are better off when the Contract With America is done.

The children of this Nation are the first victims of the Contract With American. I guess these Republicans grew up hearing, ''Women and children first.'' They thought that meant to throw them out of the life boat. It meant to put them in the life boat first. It means to save the women and children.

And yet, what do we see? We see that the contract now takes away prenatal care. It takes away health care for pregnancies because of nutritional risks. It takes away the care for a newborn infant because of nutritional risk and brain development; those first hours that are so important for the development of that child.

And now we see later in life, when this family and child is in need of more help because of the birth defects that they suffered, because of the disabilities that they suffered, once again the Federal Government is walking away.

So, clearly, I guess the policy is women and children first during the contract; that they will be sacrificed first in the contract's period on America's children and on America's women.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Ms. FURSE, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

(The following Members (at the request of Mr. STEARNS) to revise and extend their remarks and include extraneous material:)

Mr. TALENT, for 5 minutes, on March 14.

Mr. BRYANT of Tennessee, for 5 minutes, on March 14.

Mr. STEARNS, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. FRANK of Massachusetts.

Mr. HAMILTON.

Mrs. MEEK of Florida.

(The following Member (at the request of Mr. STEARNS) and to include extraneous matter:)

Mr. BURTON of Indiana.

(The following Member (at the request of Mr. MILLER of California) and to include extraneous matter:)

Mr. PALLONE.

ADJOURNMENT

Mr. MILLER of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 14, 1995, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

524. A letter from the Secretary of Defense, transmitting the annual report of the Reserve Forces Policy Board for fiscal year 1994, pursuant to 10 U.S.C. 113(c)(3); to the Committee on National Security.

525. A letter from the Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to Turkey (Transmittal No. 13–95), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

526. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification for Presidential Determination on drawdown of Department of Defense commodities and services to support the Palestinian police force to carry out its responsibilities, pursuant to 22 U.S.C. 2348a; to the Committee on International Relations.

527. A letter for the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112B(A); to the Committee on International Relations.

528. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, and other statutes, to extend VA's authority to operate various programs, collect copayments associated with provision of medical benefits, and obtain reimbursement from insurance companies for care furnished; to the Committee on Veterans' Affairs.

529. A letter from the Comptroller of the Currency, transmitting the annual report of consumer complaints filed against national banks and the disposition of those complaints; jointly, to the Committees on Banking and Financial Services and Commerce.

530. A letter from the Administrator, General Services Administration, transmitting the annual report regarding the accessibility standards issued, revised, amended, or repealed under the Architectural Barriers Act of 1968, as amended, pursuant to 42 U.S.C. 4151; jointly, to the Committees on Transportation and Infrastructure and Economic and Educational Opportunities.

531. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1996 for certain maritime programs of the Department of Transportation, and for other purposes; jointly, to the Committees on Transportation and Infrastructure and National Security.

532. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the guarantee fee provisions of the Federal Ship Mortgage Insurance Program in the Merchant Marine Act, 1936, as amended; jointly, to the Committees on Transportation and Infrastructure and National Security.

533. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Merchant Marine Act, 1936, as amended, to revitalize the United States-flag merchant marine, and for other purposes; jointly, to the Committees on Transportation and Infrastructure and National Security.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CLINGER: Committee of Conference. Conference report on S. 1. An act to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes (Rept. 104–76). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER (for himself, Mr. GOODLING, and Mr. ROBERTS):

H.R. 1214. A bill to help children by reforming the Nation's welfare system to promote work, marriage, and personal responsibility; to the Committee on Ways and Means, and in addition to the Committee on Economic and Educational Opportunities, Agriculture, Commerce, the Judiciary, National Security, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARCHER:

H.R. 1215. A bill to amend the Internal Revenue Code of 1986 to strengthen the American family and create jobs; to the Committee on Ways and Means.

By Mr. BLILEY:

H.R. 1216. A bill to amend the Atomic Energy Act of 1954 to provide for the privatization of the U.S. Enrichment Corporation; to the Committee on Commerce.

H.R. 1217. A bill to amend parts B and C of title XVIII of the Social Security Act to extend certain savings provisions under the Medicare Program, as incorporated in the budget submitted by the President for fiscal year 1996; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 1218. A bill to extend the authority of the Federal Communications Commission to use competitive bidding in granting licenses and permits; to the Committee on Commerce.

By Mr. KASICH:

H.R. 1219. A bill to amend the Congressional Budget Act of 1974 and the Balanced Budget and Emergency Deficit Control Act of 1985 to extend and reduce the discretionary spending limits, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATHAM:

H.R. 1220. A bill to establish a temporary moratorium on the delineation of new wetlands until enactment of a law that is the successor to the Food, Agriculture, Conservation, and Trade Act of 1990, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 29: Mr. BAKER of Louisiana.
H.R. 117: Mr. HEINEMAN and Mr. WELLER.
H.R. 230: Mr. LIVINGSTON.
H.R. 612: Mr. LIPINSKI.
H.R. 678: Mr. BURTON of Indiana.
H.R. 682: Mr. WELLER.
H.R. 860: Mr. PACKARD.
H.R. 902: Mr. MCCRERY and Mr. FATTAH.
H.R. 922: Mr. SERRANO and Mr. HILLIARD.
H.R. 969: Mr. YATES, Mr. LAFALCE, Mr. LIPINSKI, Mr. BRYANT of Texas, Mr. VISCLOSKY, Mr. EVANS, Mr. SERRANO, Mr. WYDEN, and Mr. SANDERS.
H.R. 1145: Mr. STUPAK and Mr. BERMAN.
H.J. Res. 61: Mr. BUNN of Oregon.
H.J. Res. 70: Mr. SCOTT, Mr. TUCKER, Ms. JACKSON-LEE, Ms. WATERS, Mr. FRANKS of Connecticut, Mr. FLAKE, Mrs. CLAYTON, Mr. WATTS of Oklahoma, Ms. LOFGREN, Mr. BRYANT of Tennessee, and Mr. FATTAH.
H. Con. Res. 12: Mr. NEY and Mr. CRAPO.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1159

OFFERED BY: MR. CLAY

AMENDMENT NO. 2: Page 12, strike lines 10 through 15.

H.R. 1159

OFFERED BY: MS. FURSE

AMENDMENT NO. 3: Page 12, after line 7, insert the following:

CHAPTER V

DEPARTMENT OF DEFENSE, MILITARY RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $486,600,000 is rescinded, to be derived from the Comanche helicopter.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $2,158,000,000 is rescinded, to be derived from the following programs in the specified amounts:

(1) F/A–18E/F fighter and attack aircraft program, $1,249,700,000.

(2) New attack submarine program, $455,600,000.

(3) V–22 Osprey program, $452,700,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $2,941,500,000 is rescinded, to be derived from the following programs in the specified amounts:

(1) F–22 fighter aircraft program, $2,325,300,000.

(2) Milstar communications satellite program, $616,200,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $2,467,600,000 is rescinded, to be derived from the ballistic missile defense program.

H.R. 1159

OFFERED BY: MS. FURSE

AMENDMENT NO. 4: Page 12, after line 7, insert the following:

CHAPTER V

DEPARTMENT OF DEFENSE, MILITARY PROCUREMENT

PROCUREMENT, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $1 is rescinded.

H.R. 1159

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 5: Page 14, line 11, strike ''*: Provided,* That'' and all that follows through ''term'' on line 16.

H.R. 1159

OFFERED BY: MRS. MORELLA

AMENDMENT NO. 6: Page 8, line 24, strike ''$19,500,000'' and insert ''$9,500,000''.

Page 9, line 11, strike ''$20,000,000'' and insert ''$30,000,000''.

H.R. 1159

OFFERED BY: MR. MURTHA

AMENDMENT NO. 7: Add the following Section to the end of the bill:

''SAVINGS TO BE USED EXCLUSIVELY FOR DEFICIT REDUCTION

''SEC. 308. An amount equal to the net budget authority reduced in this Act is hereby appropriated into the Deficit Reduction Fund established pursuant to Executive Order 12858 to be used exclusively to reduce the Federal deficit: *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. None of the savings derived from the net budget authority reduced in this Act shall be used as a budgetary offset for any subsequent legislation that reduces Federal tax revenue''.''

H.R. 1159

OFFERED BY: MR. MURTHA

AMENDMENT NO. 8: Add the following Section to the end of the bill:

''SAVINGS TO BE USED EXCLUSIVELY FOR DEFICIT REDUCTION

''SEC. 308. An amount equal to the net budget authority reduced in this Act is hereby appropriated into the Deficit Reduction Fund established pursuant to Executive Order 12858 to be used exclusively to reduce the Federal deficit: *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''.''

H.R. 1159

OFFERED BY: MR. OBEY

AMENDMENT NO. 9:

''SEC. 308. PRESERVATION OF SCHOOL LUNCH AND FAMILY NUTRITION PROGRAMS BY DELAYING DEPLOYMENT OF F–22 AIRCRAFT.

(INCLUDING RESCISSION)

''(a) F–22 BUDGET SAVINGS AND REPLENISHMENT OF NUTRITION PROGRAMS.—The Secretary of Defense shall defer the initial operational capability of the F–22 aircraft by 5 years in a manner consistent with recommendations of the General Accounting Office and shall adjust the currently planned production schedule accordingly.

''Of the funds available under 'Research, Development, Test, and Evaluation, Air Force' in Public Law 103–335 for development, test, and evaluation of the F–22 aircraft, $225,000,000 are rescinded. For additional payments to States above the amounts to which they are entitled for fiscal year 1996 under the School Lunch Program (42 USC 1751 et seq.), the School Breakfast Program (42 USC 1773), the Meal Supplements for Children in Afterschool Care Program (42 USC 1766a), the Special Milk Program (42 USC 1772), the Summer Food Service Program (42 USC 1761), the Child and Adult Care Food Program (42 USC 1766), the Homeless Children Nutrition Program (42 USC 1766b), and the Nutrition Education Grant Program (42 USC 1787), in accordance with the terms and conditions for such programs that exist in law as of the date of enactment of this Act, $200,000,000, to be available as of October 1, 1995 and to remain available until September 30, 1996: *Provided,* That the Secretary of Agriculture shall make available these supplementary funds to the States in a manner that best replenishes any funding gap a State may experience between what is currently authorized to be available for each program as of the date of enactment of this Act and what is authorized to be available for these activities on October 1, 1995. For an additional amount for 'Special Supplemental Food Program For Women, Infants, And Children (WIC)', $25,000,000 to remain available until September 30, 1996.

''(b) ESTABLISHMENT OF SCHOOL LUNCH AND FAMILY NUTRITION PRESERVATION FUND.—There is hereby created in the Treasury of the United States a fund to be known as the 'School Lunch and Family Nutrition Preservation Fund'. The total capitalization of the

Fund shall be not greater than $7,000,000,000, to be derived from the annual appropriations authorized to be made to the Fund beginning in fiscal year 1996 through fiscal year 2000. Such appropriations shall be based on amounts determined to be saved from extending the deployment date of the F–22 fighter aircraft as specified in this Act compared to the FY 1996 budget plan submitted by the President. The Secretary of Agriculture is authorized to provide grants to States (or to make amounts available to the Secretary of Defense as the case may be) from amounts available in the Fund for the purpose of carrying out nutrition programs authorized by the Child Nutrition Act of 1966 and the National School Lunch Act as the programs exist (and under the same terms and conditions) on the date of enactment of this Act. To the maximum extent feasible, the Secretary shall make grants in a manner that best replenishes any funding gap a recipient may experience between what is currently authorized to be available in each fiscal year for each program on the date of enactment of the Act and estimates of what is authorized to be available for these activities at the beginning of each fiscal year''.''

H.R. 1159

OFFERED BY: MR. OBEY

AMENDMENT NO. 10:

''SEC. 308. REPLENISHMENT OF SCHOOL LUNCH AND FAMILY NUTRITION PROGRAMS.

(INCLUDING RESCISSION)

''Of the funds available under ''Research, Development, Test, and Evaluation, Air Force'' in Public Law 103–335 for development, test, and evaluation of the F–22 aircraft, $225,000,000 are rescinded. For additional payments to States above the amounts to which they are entitled for fiscal year 1996 under the School Lunch Program (42 USC 1751 et seq.), the School Breakfast Program (42 USC 1773), the Meal Supplements for Children in Afterschool Care Program (42 USC 1766a), the Special Milk Program (42 USC 1772), the Summer Food Service Program (42 USC 1761), the Child and Adult Care Food Program (42 USC 1766), the Homeless Children Nutrition Program (42 USC 1766b), and the Nutrition Education Grant Program (42 USC 1787), in accordance with the terms and conditions for such programs that exist in law as of the date of enactment of this Act, $200,000,000, to be available as of October 1, 1995 and to remain available until September 30, 1996. *Provided,* That the Secretary of Agriculture shall make available these supplementary funds to the States in a manner that best replenishes any funding gap a State may experience between what is currently authorized to be available for each program as of the date of enactment of the Act and what is authorized to be available for these activities on October 1, 1995. For an additional amount for ''Special Supplemental Food Program For Women, Infants, And Children (WIC)'', $25,000,000, to remain available until September 30, 1996''.''

H.R. 1159

OFFERED BY: MR. VENTO

AMENDMENT NO. 11: Page 22, beginning line 5, strike ''shall not be precluded because'' and insert ''shall be precluded if''.

H.R. 1159

OFFERED BY: MR. VENTO

AMENDMENT NO. 12: Strike section 307 (page 14, line 17 and all that follows through line 24 on page 27), relating to the emergency salvage timber sale program.

H.R. 1159

OFFERED BY: MR. YATES

AMENDMENT NO. 13: Strike section 307 (page 14, line 17 and all that follows through line 24 on page 27).

H.R. 1159

OFFERED BY: MR. YATES

AMENDMENT NO. 14: Strike section 307 (page 14, line 17 and all that follows through line 24 on page 27), and insert the following new section:

PROHIBITION ON BELOW-COST TIMBER SALES

SEC. 307. After the date of the enactment of this Act, none of the funds appropriated under Public Law 103–138 or 103–332 may be expended by the Bureau of Land Management or the Forest Service to offer timber for sale at below cost. For the purposes of this section, timber is offered for sale at below cost if the estimated—

(1) costs to be incurred by the Bureau of Land Management or the Forest Service relating to preparing and offering such timber for sale, reforestation after such sale, and purchaser road credits allocable to such sale, are greater than

(2) receipts from such sale (excluding those receipts to be paid to States for schools and roads).

H.R. 1158

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 6: Page 4, line 25—Strike ''$12,678,000'' and insert ''$100,000,000''

Page 6 strike line 17 and all that follows through line 22.

H.R. 1158

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 7: Page 16, Line 23—strike ''$14,390,000'' and insert $33,190,000''

Page 17, line 16—strike ''Urban Park and Recreation Fund'' and all that follows through ''rescinded.''

H.R. 1158

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 8: Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to provide emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995, and for other purposes, namely:

TITLE I—EMERGENCY SUPPLEMENTAL APPROPRIATIONS

CHAPTER I

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster Relief'' for necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $860,000,000, to remain available until expended: *Provided,* That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER II

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for ''Operating expenses'', to cover the incremental costs arising from the consequences of Operations Able Manner, Able Vigil, Restore Democracy, and Support Democracy, $28,197,000, to remain available until September 30, 1995: *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—RESCISSIONS

CHAPTER I

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $31,000 is rescinded: *Provided,* That none of the funds made available to the Department of Agriculture may be used to carry out activities under 7 U.S.C. 2257 without prior notification to the Committees on Appropriations.

DEPARTMENTAL ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $2,500,000 is rescinded.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $8,000,000 is rescinded.

OFFICE OF COMMUNICATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $700,000 is rescinded.

ECONOMIC RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $3,600,000 is rescinded.

NATIONAL AGRICULTURAL STATISTICS SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $5,300,000 is rescinded.

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $3,000,000 is rescinded.

AGRICULTURAL RESEARCH SERVICE

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $100,000,000 is rescinded.

COOPERATIVE STATE RESEARCH SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,051,000 is rescinded, including $524,000 for contracts and grants for agricultural research under the Act of August 4, 1965, as amended (7 U.S.C. 450i(c)); and $527,000 for necessary expenses of Cooperative State Research Service activities: *Provided,* That the amount of ''$9,917,000'' available under this heading in Public Law 103–330 (108 Stat. 2441) for a program of capacity building grants to colleges eligible to receive funds under the Act of August 30, 1890, is amended to read ''$9,207,000''.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330 and other Acts, $20,994,000 is rescinded.

AGRICULTURAL MARKETING SERVICE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $5,750,000 is rescinded.

RURAL DEVELOPMENT ADMINISTRATION AND FARMERS HOME ADMINISTRATION

LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $1,750,000 is rescinded.

ALCOHOL FUELS CREDIT GUARANTEE PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 102–341, $9,000,000 is rescinded.

RURAL ELECTRIFICATION ADMINISTRATION

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $3,000,000 for the cost of 5 percent rural telephone loans is rescinded.

FOREIGN AGRICULTURAL SERVICE AND GENERAL SALES MANAGER

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $9,500,000 is rescinded.

PUBLIC LAW 480 PROGRAM ACCOUNTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $6,100,000 is rescinded from the amount provided for Public Law 480 title I credit and $92,500,000 is rescinded from the amount provided for commodities supplied in connection with dispositions abroad pursuant to title III.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–330, $40,000,000 is rescinded.

CHAPTER II

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $7,000,000 is rescinded.

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances in the Working Capital Fund, $1,500,000 is rescinded.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 is rescinded.

OFFICE OF JUSTICE PROGRAMS

DRUG COURTS

(RESCISSION)

Of the funds made available under this heading in title VIII of Public Law 103–317, $27,750,000 is rescinded.

OUNCE OF PREVENTION COUNCIL

(TRANSFER OF FUNDS)

Under this heading in Public Law 103–317, after the word ''grants'', insert the following: ''and administrative expenses''. After the word ''expended'', insert the following: '': *Provided*, That the Council is authorized to accept, hold, administer, and use gifts, both real and personal, for the purpose of aiding or facilitating the work of the Council''.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,000,000 is rescinded.

DEPARTMENT OF COMMERCE

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $16,000,000 is rescinded.

INDUSTRIAL TECHNOLOGY SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $35,100,000 is rescinded.

CONSTRUCTION OF RESEARCH FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $9,000,000 is rescinded.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $37,000,000 is rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $6,200,000 is rescinded.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,460,000 is rescinded.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $17,300,000 is rescinded.

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $3,000,000 is rescinded.

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $18,000,000 is rescinded.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,100,000 is rescinded.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $3,300,000 is rescinded.

NATIONAL TECHNICAL INFORMATION SERVICE

NTIS REVOLVING FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $4,000,000 is rescinded.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

PUBLIC BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $18,000,000 is rescinded.

INFORMATION INFRASTRUCTURE GRANTS

(RESCISSION)

Of the funds made available under this heading in Public Laws 103–317, $30,000,000 is rescinded.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Laws 103–75 and 102–368, $37,584,000 is rescinded.

In addition, of the funds made available under this heading in Public Laws 99–500 and 99–591, $7,500,000 for the Fort Worth Stockyards Project is rescinded.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

DEFENDER SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $1,100,000 is rescinded.

RELATED AGENCIES

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $33,000,000 is rescinded: *Provided*, That no funds in that Public Law shall be available to implement section 24 of the Small Business Act, as amended.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317 and prior appropriations Acts, $5,849,000 is rescinded, of which $33,000 are from funds made available for law school clinics; $31,000 are from funds made available for supplemental field programs; $75,000 are from funds made available for regional training centers; $1,189,000 are from funds made available for national support; $1,021,000 are from funds made available for State support; $685,000 are from funds

made available for client initiatives; $44,000 are from funds made available for the Clearinghouse; $4,000 are from funds made available for computer assisted legal research regional centers; and $1,572,000 are from funds made available for Corporation management and administration.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $130,000,000 is rescinded.

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $22,200,000 is rescinded.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $36,700,000 is rescinded.

RELATED AGENCIES

BOARD FOR INTERNATIONAL BROADCASTING

ISRAEL RELAY STATION

(RESCISSION)

From unobligated balances available under this heading, $2,000,000 is rescinded.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–317, $2,700,000 is rescinded.

CHAPTER III

ENERGY AND WATER DEVELOPMENT

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Act, $10,000,000 is rescinded.

CONSTRUCTION, GENERAL

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316 and prior years' Energy and Water Development Appropriations Acts, $40,000,000 is rescinded.

OPERATION AND MAINTENANCE, GENERAL

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $100,000,000 is rescinded.

REGULATORY PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $5,000,000 is rescinded.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $18,000,000 is rescinded.

OPERATION AND MAINTENANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $18,000,000 is rescinded.

DEPARTMENT OF ENERGY

ENERGY SUPPLY, RESEARCH AND DEVELOPMENT ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316 and in appropriation Acts for prior fiscal years, $770,235,000 is rescinded.

GENERAL SCIENCE AND RESEARCH ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $86,265,000 is rescinded.

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 Acts, $28,000,000 is rescinded.

DEPARTMENTAL ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $34,000,000 is rescinded.

POWER MARKETING ADMINISTRATIONS

OPERATION AND MAINTENANCE, ALASKA POWER ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $2,000,000 is rescinded.

OPERATION AND MAINTENANCE, SOUTHEASTERN POWER ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $13,000,000 is rescinded.

OPERATION AND MAINTENANCE, SOUTHWESTERN POWER ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $9,000,000 is rescinded.

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $43,000,000 is rescinded.

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $109,000,000 is rescinded.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–316, $70,000,000 is rescinded.

CHAPTER IV

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

MULTILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $25,000,000 is rescinded.

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

AGENCY FOR INTERNATIONAL DEVELOPMENT

DEVELOPMENT ASSISTANCE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $45,500,000 is rescinded.

POPULATION, DEVELOPMENT ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $9,000,000 is rescinded.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

PEACEKEEPING OPERATIONS

(RESCISSION)

Of the unobligated or unexpended balances of funds available under this heading from funds provided in Public Law 103–306, $4,500,000 is rescinded.

EXPORT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–87 and Public Law 103–306, $400,000,000 is rescinded.

ADMINISTRATIVE EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $39,200,000 is rescinded.

FUNDS APPROPRIATED TO THE PRESIDENT

TRADE AND DEVELOPMENT AGENCY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–306, $4,500,000 is rescinded.

CHAPTER V

DEPARTMENT OF INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $37,370,000 is rescinded, of which $70,000 is to be derived from amounts available for developing and finalizing the Roswell Resource Management Plan/Environmental Impact Statement and the Carlsbad Resource Management Plan Amendment/Environmental Impact Statement: *Provided*, That none of the funds made available in such Act or any other appropriations Act may be used for finalizing or implementing either such plan.

CONSTRUCTION AND ACCESS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, and Public Law 102–381, $4,500,000 is rescinded.

PAYMENTS IN LIEU OF TAXES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 is rescinded.

LAND ACQUISITION

(RESCISSION)

Of the funds available under this heading in Public Law 102–381, Public Law 101–121, and Public Law 100–446, $1,997,000 is rescinded.

OREGON AND CALIFORNIA GRANT LANDS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $6,000,000 is rescinded.

RANGE IMPROVEMENTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $600,000 is rescinded.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,000,000 is rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading or the heading Construction and Anadromous Fish in Public Law 103–332, Public Law 103–138, Public Law 103–75, Public Law 102–381, Public Law 102–154, Public Law 102–368, Public Law 101–512, Public Law 101–121, Public Law 100–446, and Public Law 100–202, $33,190,000 is rescinded.

LAND ACQUISITION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, and Public Law 101–512, $10,345,000 is rescinded.

REWARDS AND OPERATIONS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332 to carry out the provisions of the African Elephant Conservation Act, $300,000 is rescinded.

NATIONAL BIOLOGICAL SURVEY

RESEARCH, INVENTORIES, AND SURVEYS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $16,680,000 is rescinded.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $50,000,000 is rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $41,631,000 is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138, Public Law 102–381, Public Law 102–154, Public Law 101–512, Public Law 101–121, Public Law 100–446, Public Law 100–202, Public Law 99–190, Public Law 98–473, and Public Law 98–146, $16,509,000 is rescinded.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $18,000,000 is rescinded.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $10,000,000 is rescinded.

BUREAU OF MINES

MINES AND MINERALS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $18,000,000 is rescinded.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $4,046,000 is rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $10,309,000 is rescinded.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ADMINISTRATION OF TERRITORIES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $6,438,000 is rescinded.

TRUST TERRITORY OF THE PACIFIC ISLANDS

(RESCISSION)

Of the funds available under this heading in Public Law 99–591, $32,139,000 is rescinded.

DEPARTMENTAL OFFICES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–332, $3,000,000 is rescinded.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $6,000,000 is rescinded.

STATE AND PRIVATE FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103–332 and Public Law 103–138, $12,500,000 is rescinded.

INTERNATIONAL FORESTRY

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $1,000,000 is rescinded.

NATIONAL FOREST SYSTEM

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,327,000 is rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $4,919,000 is rescinded.

LAND ACQUISITION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, Public Law 103–138 and Public Law 102–381, $3,974,000 is rescinded.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $18,650,000 is rescinded.

NAVAL PETROLEUM AND OIL SHALE RESERVES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $21,000,000 is rescinded.

ENERGY CONSERVATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $46,228,000 is rescinded and of the funds available under this heading in Public Law 103–138, $13,700,000 is rescinded.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,000,000 is rescinded.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

(RESCISSION)

Of the funds available under this heading in Public Law 102–381, and Public Law 103–138, $1,000,000 is rescinded.

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 102–154, Public Law 102–381, Public Law 103–138, and Public Law 103–332, $31,012,000 is rescinded.

NATIONAL GALLERY OF ART

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $407,000 is rescinded.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

CONSTRUCTION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $3,000,000 is rescinded.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $2,300,000 is rescinded.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 is rescinded.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

(RESCISSION)

Of the funds available under this heading in Public Law 103–332, $5,000,000 is rescinded.

CHAPTER VI

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, $945,466,000 is rescinded, including $10,000,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $12,500,000 for the School-to-Work Opportunities Act, $6,408,000 for section 401 of the Job Training Partnership Act, $8,571,000 for section 402 of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $2,223,000 for the National Commission for Employment Policy and $500,000 for the National Occupational Information Coordinating Committee.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

(RESCISSION)

Of the funds made available in the first paragraph under this heading in Public Law 103–333, $11,263,000 is rescinded.

Of the funds made available in the second paragraph under this heading in Public Law 103–333, $3,177,000 is rescinded.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $12,000,000 is

rescinded, and amounts which may be expended from the Employment Security Administration account in the Unemployment Trust Fund are reduced from $3,269,097,000 to $3,253,097,000.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $2,487,000 is rescinded.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $16,072,000 is rescinded.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $10,000,000 is rescinded.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $7,000,000 is rescinded.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $78,275,000 is rescinded.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $8,883,000 is rescinded.

NATIONAL INSTITUTES OF HEALTH

NATIONAL CENTER FOR RESEARCH RESOURCES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for extramural facilities construction grants, $20,000,000 is rescinded.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the available balances under this heading, $50,000,000 is rescinded.

ASSISTANT SECRETARY FOR HEALTH

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,400,000 is rescinded.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

(RESCISSION)

Of the Federal funds made available under this heading in Public Law 103–333, $3,132,000 is rescinded.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

(RESCISSION)

Funds made available under this heading in Public Law 103–333 are reduced from $2,207,135,000 to $2,168,935,000, and funds transferred to this account as authorized by section 201(g) of the Social Security Act are reduced to the same amount.

ADMINISTRATION FOR CHILDREN AND FAMILIES

COMMUNITY SERVICES BLOCK GRANT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $26,988,000 is rescinded.

CHILDREN AND FAMILIES SERVICES PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 to be derived from the Violent Crime Reduction Trust Fund, $25,900,000 is rescinded for carrying out the Community Schools Youth Services and Supervision Grant Program Act of 1994.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for payments to States under section 474(a)(3) of the Social Security Act, an amount is hereby rescinded such that the total made available to any State under such section in fiscal year 1995 does not exceed 110 percent of the total paid to such State thereunder in fiscal year 1994 which, notwithstanding any other provision of law, is the maximum amount to which any such State shall be entitled for payments under such section 474(a)(3) for fiscal year 1995.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $899,000 is rescinded.

GENERAL DEPARTMENTAL MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $4,500,000 is rescinded.

DEPARTMENT OF EDUCATION

EDUCATION REFORM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $186,030,000 is rescinded, including $142,000,000 from funds made available for State and local education systemic improvement, $21,530,000 from funds made available for Federal activities, and $10,000,000 from funds made available for parental assistance under the Goals 2000: Educate America Act; and $12,500,000 is rescinded from funds made available under the School to Work Opportunities Act, including $9,375,000 for National programs and $3,125,000 for State grants and local partnerships.

EDUCATION FOR THE DISADVANTAGED

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $8,270,000 from the Elementary and Secondary Education Act, title I, part E, section 1501.

IMPACT AID

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $16,293,000 for section 8002 is rescinded.

SCHOOL IMPROVEMENT PROGRAMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $275,170,000 is rescinded as follows: from the Elementary and Secondary Education Act, title II–B, $60,000,000, title V–C, $28,000,000, title IX–B, $12,000,000, title X–D, –E, and –G, and section 10602, $21,384,000, and title XII, $100,000,000; from the Higher Education Act, section 596, $13,875,000; from the Stewart B. McKinney Homeless Assistance Act, title VII–B, $28,811,000; and from funds derived from the Violent Crime Reduction Trust Fund, $11,100,000.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $799,000 is rescinded.

GALLAUDET UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $1,298,000 is rescinded.

VOCATIONAL AND ADULT EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $232,413,000 is rescinded as follows: from the Carl D. Perkins Vocational and Applied Technology Education Act, title III–A, –B, and –E, $151,888,000 and from title IV–A, –B, and –C, $34,535,000; from the Adult Education Act, section 384(c), part B–7, and section 371, $31,392,000; from the Stewart B. McKinney Homeless Assistance Act, $9,498,000; and from the National Literacy Act, $5,100,000.

STUDENT FINANCIAL ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $83,375,000 is rescinded from funding for the Higher Education Act, title IV, part A–4 and part H–1.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $3,000,000 is rescinded.

HIGHER EDUCATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $91,046,000 is rescinded as follows: from amounts available for Public Law 99–498, $1,000,000; the Higher Education Act, title IV–A, chapter 5, $496,000, title IV–A–2, chapter 2, $3,108,000, title IV–A–6, $9,823,000, title V–C, subparts 1 and 3, $16,175,000, title IX–B, $10,100,000, title IX–C, $7,500,000, title IX–E, $3,500,000, title IX–G, $14,920,000, title X–D, $4,000,000, and title XI–A, $13,000,000; Public Law 102–325, $1,000,000; and the Excellence in Mathematics, Science, and Engineering Education Act of 1990, $6,424,000: *Provided*, That in carrying out title IX–B, remaining appropriations shall not be available for awards for doctoral study.

HOWARD UNIVERSITY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $4,300,000 is rescinded, including $2,500,000 for construction.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333 for the costs of direct loans, as authorized under part C of title VII of the Higher Education Act, as amended, $168,000 is rescinded, and the authority to subsidize gross loan obligations is repealed. In addition, $322,000 appropriated for administrative expenses is rescinded.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

(RESCISSION)

(TRANSFER OF FUNDS)

Of the funds made available under this heading in Public Law 103–333, $55,250,000 is rescinded as follows: from the Elementary and Secondary Education Act, title III–A, $30,000,000, title III–B, $10,000,000, title III–C, $2,700,000, title III–D, $2,250,000; title X–B, $4,600,000, and title XIII–B, $2,700,000; from the Goals 2000: Educate America Act, title VI, $3,000,000.

Notwithstanding any other provision of law, during fiscal year 1995, $56,750,000 shall be available under this heading for the Fund for the Improvement of Education: *Provided,* That none of the funds under this heading during fiscal year 1995 shall be obligated for title III–B of the Elementary and Secondary Education Act (Star Schools Program).

LIBRARIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $26,716,000 is rescinded as follows: for the Library Services and Construction Act, and part II, $15,300,000; for the Higher Education Act, part II, sections 222 and 223, $11,416,000.

DEPARTMENTAL MANAGEMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $10,000,000 is rescinded.

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–112, $47,000,000 is rescinded. Of the funds made available under this heading in Public Law 103–333, $94,000,000 is rescinded.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–333, $5,000,000 is rescinded.

GENERAL PROVISION

FEDERAL DIRECT STUDENT LOAN PROGRAM

SEC. 601. Section 458(a) of the Higher Education Act of 1965 (20 U.S.C. 1087h(a)) is amended—

(1) by striking ''$345,000,000'' and inserting ''$298,000,000''; and

(2) by striking ''$2,500,000,000'' and inserting ''$2,453,000,000''.

CHAPTER VII

LEGISLATIVE BRANCH

JOINT ITEMS

JOINT ECONOMIC COMMITTEE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $460,000 is rescinded.

JOINT COMMITTEE ON PRINTING

(RESCISSION)

(TRANSFER OF FUNDS)

Of the funds made available under this heading in Public Law 103–283, $418,000 is rescinded: *Provided,* That, upon enactment of this Act, any balance of the funds made available that remains after this rescission shall be transferred in equal amounts to the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate for the purpose of carrying out the functions of the Joint Committee on Printing.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $650,000 is rescinded.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

(RESCISSIONS)

Of the funds made available until expended for energy efficient lighting retrofitting under this heading in Public Law 102–392, $500,000 is rescinded.

Of the funds made available until expended for energy efficient lighting retrofitting under this heading in Public Law 103–69, $2,000,000 is rescinded.

GOVERNMENT PRINTING OFFICE

(RESCISSIONS)

CONGRESSIONAL PRINTING AND BINDING

Of the funds made available under this heading in Public Law 103–283, $3,000,000 is rescinded.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103–283, $600,000 is rescinded.

BOTANIC GARDEN

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available until expended by transfer under this heading in Public Law 103–283, $4,000,000 is rescinded.

LIBRARY OF CONGRESS

(RESCISSIONS)

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103–283, $150,000 is rescinded.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

Of the funds made available under this heading in Public Law 103–283, $100,000 is rescinded.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–283, $8,867,000 is rescinded.

CHAPTER VIII

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–331, $3,000,000 is rescinded.

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $1,293,000 is rescinded.

WORKING CAPITAL FUND

The obligation authority under this heading in Public Law 103–331 is hereby reduced by $8,000,000.

COAST GUARD

OPERATING EXPENSES

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $6,440,000 is rescinded.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(RESCISSION)

Of the available balances under this heading, $42,569,000 is rescinded.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $3,500,000 is rescinded.

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $69,825,000 is rescinded.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $7,500,000 is rescinded.

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, all amounts available for the military airport program is rescinded.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $42,500,000.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

The obligation limitation under this heading in Public Law 103–331 is hereby reduced by $70,140,000: *Provided,* That $27,640,000 shall be deducted from amounts made available for the Applied Research and Technology Program authorized under section 307(e) of title 23, United States Code: *Provided further,* That no reduction shall be made in any amount distributed to any State under section 310(a) of Public Law 103–331.

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(HIGHWAY TRUST FUND)

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–211, $351,000,000 is rescinded.

FEDERAL RAILROAD ADMINISTRATION

LOCAL RAIL FREIGHT ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–331, $13,000,000 is rescinded.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(RESCISSION)

Of the amounts provided under this heading in Public Law 103–331, $7,768,000 is rescinded.

FEDERAL TRANSIT ADMINISTRATION

TRANSIT PLANNING AND RESEARCH

(RESCISSION)

Of the available balances under this heading, $8,800,000 is rescinded.

DISCRETIONARY GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(a) REDUCTION OF FISCAL YEAR 1995 LIMITATION.—The obligation limitation under this heading in Public Law 103–331 is reduced by $146,160,000, to be distributed as follows:

(1) $91,110,000, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, to be distributed as follows:
(A) Little Rock, Arkansas, $500,000.
(B) Long Beach, California, $500,000.
(C) Santa Cruz, California, $500,000.
(D) San Francisco Bay Area, California, $500,000.
(E) Eagle County, Colorado, $500,000.
(F) Norwich, Connecticut, $1,000,000.
(G) Orlando, Florida, $3,250,000.
(H) Iowa State, Illinois, $3,500,000.
(I) Cedar Rapids, Iowa, $1,500,000.
(J) Illinois State, Illinois, $5,500,000.
(K) Johnston County, Kansas, $5,050,000.
(L) Wichita, Kansas, $1,350,000.
(M) Detroit, Michigan, $2,000,000.
(N) Lansing, Michigan, $2,350,000.
(O) Michigan State, Michigan, $4,500,000.
(P) North Carolina, North Carolina, $8,000,000.
(Q) Atlantic City, New Jersey, $2,000,000.
(R) Vineland, New Jersey, $1,750,000.
(S) Las Vegas, Nevada, $60,000.
(T) Bronx, New York, $1,000,000.
(U) Buffalo bus transit centers, New York, $400,000.
(V) Long Island, New York, $3,600,000.
(W) Ohio State, Ohio, $7,500,000.
(X) Cleveland Tower City International hub, Ohio, $500,000.
(Y) Salem, Oregon, $500,000.
(Z) Philadelphia Erie Avenue, Pennsylvania, $750,000.
(aa) El Paso, Texas, $4,500,000.
(bb) Northern Virginia-Dulles, Virginia, $450,000.
(cc) Rowland, Vermont, $750,000.
(dd) Edmund, Washington, $200,000.
(ee) Seattle, Washington, $2,500,000.
(ff) Milwaukee, Wisconsin, $500,000.
(gg) Wisconsin, Wisconsin, $6,000,000.
(hh) additional, $17,650,000.
(2) $55,050,000, for new fixed guideway systems, to be distributed as follows:
(A) $300,000, for the Seattle-Renton-Tacoma commuter rail project.
(B) $1,500,000, for the DART North Central light rail extension project.
(C) $250,000, for the Miami Metrorail north corridor extension project.
(D) $2,000,000, for the Twin Cities central corridor project.
(E) $4,500,000, for the New Orleans Canal Street Corridor project.
(F) $3,000,000, for the St. Louis Metro Link LRT project.
(G) $1,000,000, for the Dallas-Fort Worth RAILTRAN project.
(H) $500,000, for the Boston, Massachusetts to Portland, Maine Transportation Corridor Program.
(I) $1,000,000, for the New Jersey Urban Core project.
(J) $40,000,000, for the New Jersey Secaucus transfer project.
(K) $1,000,000, for the Salt Lake City light rail project.
(b) REDUCTION OF FISCAL YEAR 1994 LIMITATION.—Notwithstanding section 313 of Public Law 103–331, the obligation limitation under this heading in Public Law 103–122 is reduced by $42,100,000, to be distributed as follows:
(1) $36,700,000, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, to be distributed as follows:
(A) $1,500,000, Little Rock, Arkansas.
(B) $2,700,000, Sacramento, California.
(C) $75,000, San Francisco-Fairfield, California.
(D) $100,000, San Francisco-Santa Rosa, California.
(E) $200,000, Sam. Trans., California.
(F) $500,000, San Francisco-Santa Clara, California.
(G) $5,500,000, State of Illinois.
(H) $6,000,000, Topeka, Kansas.
(I) $150,000, State of Maine.
(J) $3,000,000, Southeast Michigan (SMART).
(K) $1,000,000, Silver Spring, Maryland.
(L) $450,000, Camden, New Jersey.
(M) $275,000, South Amboy, New Jersey.
(N) $1,000,000, Albuquerque, New Mexico.
(O) $850,000, State of Oklahoma.
(P) $500,000, Eugene, Oregon.
(Q) $2,700,000, Salem, Oregon.
(R) $600,000, Philadelphia, Pennsylvania.
(S) $750,000, El Paso, Texas.
(T) $750,000, Callaeln, Washington.
(U) $3,000,000, Seattle, Washington.
(V) $5,000,000, Wheeling, West Virginia.
(2) $5,400,000, for new fixed guideway systems, to be distributed as follows:
(A) $300,000, for the Cleveland Dual Hub Corridor Project.
(B) $1,000,000, for the Twin Cities Central Corridor Project.
(C) $600,000, for the New Orleans Canal Street Corridor Project.
(D) $3,500,000, for the St. Louis METRO Link LRT to Airport Project.
(c) REDUCTION OF FISCAL YEAR 1993 LIMITATION.—Notwithstanding section 313 of Public Law 103–331, the obligation limitation under this heading in Public Law 102–388 (as amended by Public Law 103–122) is reduced by $126,689,500, to be distributed as follows:
(1) $63,169,500, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, to be distributed as follows:
(A) $29,022,500: *Provided*, That in distributing the foregoing reduction, obligational authority remaining unobligated for each project identified in the joint explanatory statements of the committees of conference accompanying such Act shall be reduced by 50 percent.
(B) $5,500,000, Sacramento, California.
(C) $11,300,000, Des Moines, Iowa.
(D) $740,000, State of Maryland.
(E) $814,000, St. Louis, Missouri.
(F) $325,000, Rio Ranch, New Mexico.
(G) $3,350,000, Eugene, Oregon.
(H) $4,086,000, Erie, Pennsylvania.
(I) $6,136,000, Robins Town Center, Pennsylvania.
(J) $1,914,000, Challan-Douglas, Washington.
(2) $63,520,000, for new fixed guideway systems, to be distributed as follows:
(A) $9,120,000, for the San Francisco BART Extension/Tasman Corridor Project.
(B) $25,310,000, for the Boston, Massachusetts to Portland, Maine Commuter Rail Project.
(C) $1,750,000, for the Orlando OSCAR LRT Project.
(D) $1,880,000, for the Salt Lake City South LRT Project.
(E) $1,690,000, for the Cleveland Dual Hub Corridor Project.
(F) $3,000,000, for the Milwaukee East-West Corridor Project.
(G) $1,690,000, for the San Diego Mid-Coast Extension Project.
(H) $15,190,000, for the Seattle-Tacoma Commuter Rail Project.
(I) $1,490,000, for the Lakewood, Freehold, and Matawan or Jamesburg Commuter Rail Project.
(J) $165,000, for the Miami Downtown Peoplemover Project.
(K) $4,470,000, for the New Jersey Hawthorne-Warwick Commuter Rail Project.
(d) REDUCTION OF FISCAL YEAR 1992 LIMITATION.—Notwithstanding section 313 of Public Law 103–331, the obligation limitation under this heading in Public Law 102–143 is reduced by $98,696,500, to be distributed as follows:
(1) $10,781,500, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, to be distributed as follows:
(A) $6,781,500: *Provided*, That in distributing the foregoing reduction, obligational authority remaining unobligated for each project for which the obligation limitation in Public Law 102–143 was applied shall be reduced by 50 percent.
(B) $2,000,000, San Francisco, California.
(C) $2,000,000, Eugene, Oregon.
(2) $87,915,000, for new fixed guideway systems, to be distributed as follows:
(A) $1,000,000, for the Cleveland Dual Hub Corridor Project.
(B) $465,000, for the Kansas City-South LRT Project.
(C) $950,000, for the San Diego Mid-Coast Extension Project.
(D) $10,000,000, for the Los Angeles-San Diego (LOSSAN) Commuter Rail Project.
(E) $57,100,000, for the Hawthorne-Warwick Commuter Rail Project.
(F) $1,000,000, for the New York-Staten Island-Midtown Ferry Project.
(G) $8,000,000, for the San Jose-Gilroy Commuter Rail Project.
(H) $3,240,000, for the Seattle-Tacoma Commuter Rail Project.
(I) $1,780,000, for the Vallejo Ferry Project.
(J) $5,000,000, for the Detroit LRT Project.
(e) REDUCTION OF FISCAL YEAR 1991 LIMITATION.—Notwithstanding section 313 of Public Law 103–331, the obligation limitation under this heading in Public Law 101–516 is reduced by $2,230,000, for new fixed guideway systems, to be derived from the Cleveland Dual Hub Corridor Project.
(f) REDUCTION OF FISCAL YEAR 1990 LIMITATION.—Notwithstanding section 313 of Public Law 103–331, the obligation limitation under this heading in Public Law 101–164 is reduced by $1,247,000, for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities: *Provided*, That in distributing the foregoing reduction, obligational authority remaining unobligated for each project identified in the joint explanatory statements of the committees of conference accompanying such Act shall be reduced by 50 percent.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

(RESCISSION)

Of the funds made available under this heading in Public Law 103–331, $1,000,000 is rescinded.

GENERAL PROVISIONS

(INCLUDING RESCISSIONS)

SEC. 801. Of the funds provided in Public Law 103–331 for the Department of Transportation working capital fund (WCF), $8,000,000 is rescinded, which limits fiscal year 1995 WCF obligational authority for elements of the Department of Transportation funded in Public Law 103–331 to no more than $85,000,000.

SEC. 802. Of the total budgetary resources available to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1995 for civilian and military compensation and benefits and other administrative expenses, $20,000,000 are permanently canceled.

CHAPTER IX

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $33,200,000 is rescinded.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

(RESCISSION)

(TRANSFER OF FUNDS)

Of the funds made available for construction at the Davis-Monthan Training Center under Public Law 103–123, $5,000,000 is rescinded. Of the funds made available for construction at the Davis-Monthan Training Center under Public Law 103–329, $6,000,000 is rescinded: *Provided*, That $1,000,000 of the remaining funds made available under Public Law 103–123 shall be used to initiate design and construction of a Burn Building in Glynco, Georgia.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $9,960,000 is rescinded.

RESOLUTION FUNDING CORPORATION

(RESCISSION)

Of the balances available to the Resolution Funding Corporation, $300,000,000 is rescinded.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $6,000,000 is rescinded.

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–123, $1,500,000 is rescinded.

INTERNAL REVENUE SERVICE

INFORMATION SYSTEMS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $1,490,000 is rescinded.

EXECUTIVE OFFICE OF THE PRESIDENT

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $171,000 is rescinded.

FEDERAL DRUG CONTROL PROGRAMS

SPECIAL FORFEITURE FUND

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $13,200,000 is rescinded.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

(LIMITATIONS ON AVAILABILITY OF REVENUE)

(RESCISSION)

(a) NEW CONSTRUCTION.—Of the funds made available under this heading for ''New Construction'' in appropriation Acts for fiscal year 1995 and prior fiscal years, the following amounts are rescinded from the specified projects:

(1) Bullhead City, Arizona, a grant to the Federal Aviation Administration for a runway protection zone, $2,200,000.

(2) Nogales, Arizona, U.S. Border Patrol Station, $2,000,000.

(3) Sierra Vista, Arizona, U.S. Magistrates Office, $1,000,000.

(4) San Francisco, California, lease purchase, $9,700,000.

(5) San Francisco, California, U.S. Courthouse, $4,000,000.

(6) Washington, District of Columbia, General Services Administration Headquarters, $13,000,000.

(7) Washington, District of Columbia, U.S. Secret Service building, $113,000,000.

(8) Jacksonville, Florida, U.S. Courthouse, $10,633,198.

(9) Atlanta, Georgia, Centers for Disease Control, site acquisition and improvements, $25,890,000.

(10) Atlanta, Georgia, Centers for Disease Control, $14,110,000.

(11) Atlanta, Georgia, Centers for Disease Control Royal Laboratory, $47,000,000.

(12) Savannah, Georgia, U.S. Courthouse Annex, $3,000,000.

(13) Hilo, Hawaii, Consolidation, $12,000,000.

(14) Covington, Kentucky, U.S. Courthouse, $2,914,000.

(15) London, Kentucky, U.S. Courthouse, $1,523,000.

(16) Beltsville, Maryland, U.S. Secret Service building, $2,400,000.

(17) Cape Girardeau, Missouri, U.S. Courthouse, $3,500,000.

(18) Las Vegas, Nevada, U.S. Courthouse, $4,230,000.

(19) Newark, New Jersey, Parking Facility, $9,000,000.

(20) Brooklyn, New York, U.S. Courthouse, $43,500,000.

(21) Cleveland, Ohio, U.S. Courthouse, $28,246,000.

(22) Stubenville, Ohio, U.S. Courthouse, $2,820,000.

(23) Youngstown, Ohio, Federal Building and U.S. Courthouse, $4,500,000.

(24) Columbia, South Carolina, U.S. Courthouse Annex, $592,186.

(25) Greeneville, Tennessee, U.S. Courthouse, $2,936,000.

(26) Corpus Christi, Texas, U.S. Courthouse, $6,446,000.

(27) Laredo, Texas, Federal Building and U.S. Courthouse, $5,986,000.

(28) Charlotte Amalie, Saint Thomas, United States Virgin Islands, U.S. Courthouse Annex, $2,184,000.

(29) Blaine, Washington, U.S. Border Patrol Station, $4,472,000.

(30) Point Roberts, Washington, U.S. Border Patrol Station, $698,000.

(31) Seattle, Washington, U.S. Courthouse, $10,900,000.

(32) Beckley, West Virginia, Federal Building and U.S. Courthouse, $33,000,000.

(33) Wheeling, West Virginia, Federal Building and U.S. Courthouse, $35,500,000.

(34) Montgomery, Alabama, U.S. Courthouse Annex, $24,000,000.

(35) Phoenix, Arizona, U.S. Courthouse, $110,000,000.

(36) Tucson, Arizona, U.S. Courthouse, $81,000,000.

(37) Ft. Myers, U.S. Courthouse, $25,000,000.

(38) Kansas City, Missouri, U.S. Courthouse, $100,000,000.

(39) Fargo, North Dakota, U.S. Courthouse, $20,000,000.

(40) Omaha, Nebraska, U.S. Courthouse, $9,300,000.

(41) Albuquerque, New Mexico, U.S. Courthouse, $47,450,000.

(42) Brownsville, Texas, U.S. Courthouse, $4,330,000.

(43) Highgate Springs, Vermont, U.S. Border Patrol Station, $7,080,000.

(b) REPAIRS AND ALTERATIONS.—Of the funds made available under this heading for ''Repairs and Alterations'' in appropriation Acts for fiscal year 1995 and prior fiscal years, the following amounts are rescinded from the specified projects:

(1) Walla Walla, Washington, Corps of Engineers Building, $2,800,000.

(2) District of Columbia, Central and West Heating Plants, $5,000,000.

OPERATING EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $8,065,000 is rescinded.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $2,792,000 is rescinded.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–329, $10,140,000 is rescinded.

CHAPTER X

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

CONSTRUCTION, MAJOR PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $156,110,000 is rescinded.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

NATIONAL HOMEOWNERSHIP TRUST DEMONSTRATION PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $50,000,000 is rescinded.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and any unobligated balances from funds appropriated under this heading in prior years, $1,696,400,000 is rescinded: *Provided*, That of the total rescinded under this heading, $690,100,000 shall be from the amounts earmarked for the development or acquisition cost of public housing; $15,000,000 shall be from amounts provided for the Family Unification program; $465,100,000 shall be from amounts earmarked for the preservation of low-income housing programs; $90,000,000 shall be from amounts earmarked for the lead-based paint hazard reduction program; $70,000,000 shall be from the amounts earmarked for special purpose grants in Public Law 102–389 and prior years; $39,000,000 shall be from amounts recaptured during fiscal year 1995 or prior years; $34,200,000 shall be from amounts provided for lease adjustments; and $287,000,000 of amounts recaptured during fiscal year 1995 from the reconstruction of obsolete public housing projects.

CONGREGATE SERVICES

(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, $37,000,000 is rescinded.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $404,000,000 is rescinded.

SEVERELY DISTRESSED PUBLIC 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, $523,000,000 is rescinded.

DRUG ELIMINATION GRANTS FOR LOW-INCOME 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, $32,000,000 is rescinded.

YOUTHBUILD PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 is rescinded.

HOUSING COUNSELING ASSISTANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 is rescinded.

FLEXIBLE SUBSIDY FUND

(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, and excess rental charges, collections and other amounts in the fund, $8,000,000 is rescinded.

NEHEMIAH HOUSING OPPORTUNITIES FUND

(RESCISSION)

Of the funds transferred to this revolving fund in prior years, $19,000,000 is rescinded.

HOMELESS ASSISTANCE

HOMELESS ASSISTANCE GRANTS

Of the funds made available under this heading in Public Law 103–327, $297,000,000 shall not become available for obligation until September 30, 1995.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

(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, $349,200,000 is rescinded.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $2,000,000 is rescinded.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $22,000,000 is rescinded.

INDEPENDENT AGENCIES

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $500,000 is rescinded.

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $124,000,000 is rescinded.

ENVIRONMENTAL PROTECTION AGENCY

RESEARCH AND DEVELOPMENT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $14,635,000 is rescinded.

ABATEMENT, CONTROL, AND COMPLIANCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $4,806,805 is rescinded.

PROGRAM AND RESEARCH OPERATIONS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $45,000,000 is rescinded.

BUILDINGS AND FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 and prior years, $25,000,000 is rescinded.

WATER INFRASTRUCTURE/STATE REVOLVING FUNDS

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 for wastewater infrastructure financing, $3,200,000 is rescinded, and of the funds made available under this heading in Public Law 103–327 and prior years for drinking water state revolving funds, $1,300,000,000 is rescinded.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SCIENCE, AERONAUTICS AND TECHNOLOGY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $38,000,000 is rescinded.

CONSTRUCTION OF FACILITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 102–389, for the Consortium for International Earth Science Information Network, $27,000,000 is rescinded.

MISSION SUPPORT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, for administrative aircraft, $1,000,000 is rescinded.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $228,000,000 is rescinded.

ACADEMIC RESEARCH INFRASTRUCTURE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $131,867,000 is rescinded.

CORPORATIONS

FEDERAL DEPOSIT INSURANCE CORPORATION

FDIC AFFORDABLE HOUSING PROGRAM

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327, $11,281,034 is rescinded.

RESOLUTION TRUST CORPORATION

RTC REVOLVING FUND

(RESCISSION)

Of the unobligated balances in the RTC Revolving Fund, $500,000,000 is rescinded.

TITLE III—GENERAL PROVISION

DENIAL OF USE OF FUNDS FOR INDIVIDUALS NOT LAWFULLY WITHIN THE UNITED STATES

SEC. 3001. None of the funds made available in this Act may be used to provide any direct benefit or assistance to any individual in the United States when it is made known to the Federal entity or official to which the funds are made available that—

(1) the individual is not lawfully within the United States; and

(2) the benefit or assistance to be provided is other than search and rescue; emergency medical care; emergency mass care; emergency shelter; clearance of roads and construction of temporary bridges necessary to the performance of emergency tasks and essential community services; warning of further risks or hazards; dissemination of public information and assistance regarding health and safety measures; provision of food, water, medicine, and other essential needs, including movement of supplies or persons; or reduction of immediate threats to life, property, and public health and safety.

H.R. 1158

OFFERED BY: MR. BARR

AMENDMENT NO. 9: Page 52, line 18, strike ''$349,200,000'' and insert ''$59,200,000''.

Page 54, line 9, after ''Public Law 103–327'', add ''and prior years,''.

Page 54, line 10, strike ''$3,200,000'' and insert ''293,200,000''.

H.R. 1158

OFFERED BY: MR. BARR

AMENDMENT NO. 10: Page 22, line 13, strike ''$5,000,000'' and insert ''all unobligated balances''.

H.R. 1158

OFFERED BY: MR. BARR

AMENDMENT NO. 11: Page 52, line 18, strike ''$349,200,000'' and insert ''$59,200,000''.

Page 54, line 4, strike ''$25,000,000'' and insert ''$315,000,000''.

H.R. 1158

OFFERED BY: MR. BARR

AMENDMENT NO. 12: Page 49, line 14, strike ''$5,733,400,000'' and insert ''$5,823,400,000''.

Page 52, line 18, strike ''$349,200,000'' and insert ''$259,200,000''.

H.R. 1158

OFFERED BY: MR. BREWSTER

AMENDMENT NO. 13: At the end of the bill, add the following new title:

TITLE IV—DEFICIT REDUCTION LOCKBOX

DEFICIT REDUCTION TRUST FUND

SEC. 4001. (a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the ''Deficit Reduction Trust Fund'' (in this title referred to as the ''Fund'').

(b) CONTENTS.—The Fund shall consist only of amounts transferred to the Fund under subsection (c).

(c) TRANSFERS OF MONEYS TO FUND.—For each of the fiscal years 1995 through 1998, the Secretary of the Treasury shall transfer to the Fund amounts equivalent to the net deficit reduction achieved during such fiscal year as a result of the provisions of this Act.

(d) USE OF MONEYS IN FUND.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amounts in the Fund shall not be available, in any fiscal year, for appropriation, obligation, expenditure, or transfer.

(2) USE OF AMOUNTS FOR REDUCTION OF PUBLIC DEBT.—The Secretary of the Treasury shall use the amounts in the Fund to redeem, or buy before maturity, obligations of the Federal Government that are included in the public debt. Any obligation of the Federal Government that is paid, redeemed, or bought with money from the Fund shall be canceled and retired and may not be reissued.

DOWNWARD ADJUSTMENTS IN DISCRETIONARY SPENDING LIMITS

SEC. 4002. (a) IN GENERAL.—Upon the enactment of this Act, the Director of the Office of Management and Budget shall make downward adjustments in the discretionary spending limits (new budget authority and outlays) specified in section 601(a)(2) of the Congressional Budget Act of 1974 for each of the fiscal years 1995 through 1998 by the aggregate amount of estimated reductions in new budget authority and outlays for discretionary programs resulting from the provisions this Act (other than emergency appropriations) for such fiscal year, as calculated by the Director.

(b) OUTYEAR TREATMENT OF RESCISSIONS.—For discretionary programs for which this Act rescinds budget authority for specific fiscal years, the Director of the Office of Management and Budget shall include in the aggregate amount of the downward adjustments under subsection (a) amounts reflecting budget authority reductions for the succeeding fiscal years through 1998, calculated by inflating the amount of the rescission using the baseline procedures identified in section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT INCREASES RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION

SEC. 4003. Reductions in outlays, and reductions in the discretionary spending limits specified in section 601(a)(2) of the Congressional Budget Act of 1974, resulting from the enactment of this Act shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

H.R. 1158

OFFERED BY: MS. BROWN OF FLORIDA

AMENDMENT NO. 14: Page 48, strike lines 10 through 24.

H.R. 1158

OFFERED BY: MS. BROWN OF FLORIDA

AMENDMENT NO. 15: Page 48, line 24, insert after ''rescinded'' the following:

Provided, That such rescission shall not be taken from amounts made available for ambulatory care projects at Gainesville or Orlando, in the State of Florida.

H.R. 1158

OFFERED BY: MR. CASTLE

AMENDMENT NO. 16: On page 2, line 15: Strike $5,360,000,000 and Insert: $4,360,000,000

Explanation: The purpose of the amendment is to reduce the amount available for Disaster Assistance by $1 Billion. A significant portion of the Disaster Supplemental Appropriations is to repair public buildings damaged by the Northridge earthquake. The Federal Emergency Management Agency (FEMA) has indicated that a significant portion of the funds designated for repair of public buildings could not be expended until Fiscal years 1997 or 1998. Therefore, if needed, these funds could be appropriated in future years.

H.R. 1158

OFFERED BY: MR. CASTLE

AMENDMENT NO. 17: On page 29, Line 18: Strike $60,000,000 and Insert: $80,000,000.

On Page 29, Line 18: Strike: $481,962,000 and Insert $461,962,000.

Explanation: The purpose of this amendment is to restore $20 million in the Safe and Drug-Free Schools program to be used to continue funding for the Drug Abuse Resistance Education Program (D.A.R.E.) A corresponding reduction of $20 million is made in the Eisenhower professional development State grants program.

H.R. 1158

OFFERED BY: MR. CLAY

AMENDMENT NO. 18: On page 23, line 10: strike ''$1,603,094,000'' and insert ''$546,766,000''.

Page 23, strike line 23 and all that follows through line 25.

H.R. 1158

OFFERED BY: MR. CLAY

AMENDMENT NO. 19: Page 29, line 16, strike ''$757,132,000'' and insert ''$275,170,000''.

Page 29, line 18, strike ''title IV, $481,962,000,''.

H.R. 1158

OFFERED BY: MR. COLEMAN

AMENDMENT NO. 20: Page 43, after line 23, insert the following new section:

SEC. 803. (a) CANCELLATION OF FUNDS FOR HIGHWAY DEMONSTRATION PROJECTS.—Of the funds made available for highway demonstration projects of the Federal Highway Administration in any appropriation Act or P.L. 102–240, and that have not been obligated for construction, the Secretary of Transportation shall cancel $400,000,000 in unobligated balances. Funds may not be canceled under this section for any project that is under construction.

(b) PROJECTS SUBJECT TO CANCELLATION.—Funds may be cancelled under this section only for projects that—

(1) have low economic rates of return, if such measures are available;

(2) have low benefits relative to costs, if such measures are available; or

(3) have low priority in the transportation plans of the State, local government, or other contracting authority having responsibility for the project.

(c) NOTIFICATION REQUIREMENT.—No cancellation under this section shall take effect until 30 days after the Secretary of Transportation submits to the Congress a notification of the proposed cancellation.

(d) DEFINITION.—For purposes of this section, the term ''construction'' refers to a project or segment of a project for which a construction contract for physical construction has been awarded by the State, local government, or other contracting authority having responsibility for the project, regardless of whether other obligations (such as for preliminary engineering or environmental studies) have been incurred.

H.R. 1158

OFFERED BY: MR. CRANE

AMENDMENT NO. 21: Page 22, line 13, strike ''$5,000,000'' and insert ''all unobligated balances''.

H.R. 1158

OFFERED BY: MR. CRANE

AMENDMENT NO. 22: Page 22, line 13, strike ''$5,000,000'' and insert ''$10,000,000''.

H.R. 1158

OFFERED BY: MR. CRANE

AMENDMENT NO. 23: Page 22, line 13, strike ''$5,000,000'' and insert ''$15,000,000''.

H.R. 1158

OFFERED BY: MR. CRANE

AMENDMENT NO. 24: page 33, line 20, strike ''$47,000,000'' and insert ''$112,000,000''.

Page 33, line 22, strike ''$94,000,000'' and insert ''$215,000,000''.

H.R. 1158

OFFERED BY: MR. CRANE

Amendment No. 25: Page 33, line 20, strike ''$47,000,000'' and insert ''$112,000,000''.

Page 33, line 22, strike ''$94,000,000'' and insert ''$215,000,000''.

Page 30, line 23, strike ''$151,888,000'' and insert ''$101,888,000''.

H.R. 1158

OFFERED BY: MS. DELAURO

AMENDMENT NO. 26: Page 48, strike lines 10 through 24.

Page 54, line 18, strike ''$38,000,000'' and insert ''$244,110,000''.

H.R. 1158

OFFERED BY: MS. DELAURO

Substitute For The Amendment Offered By ———.

AMENDMENT NO. 27: Page 48, strike lines 10 through 24.

Page 54, line 18, strike ''$38,000,000'' and insert ''$244,110,000''.

H.R. 1158

OFFERED BY: MR. DELAY

AMENDMENT NO. 28: Page 25, line 12 strike ''$82,775,000 are rescinded.'' and insert the following:

$107,775,000 are rescinded, including $25,000,000 from funds made available for carrying out title X of the Public Health Service Act.

H.R. 1158

OFFERED BY: MR. DELAY

AMENDMENT NO. 29: On page 25, line 5 strike ''$16,072,000'' and insert ''$19,572,000.''

H.R. 1158

OFFERED BY: MR. DOOLEY

AMENDMENT NO. 30: Page 23, line 10, strike ''$1,603,094,000'' and insert ''$2,059,376,000''.

Page 23, line 11, strike ''$10,000,000'' and insert ''$410,000,000''.

Page 23, line 13, strike ''$12,500,000'' and insert ''$84,500,000''.

Page 23, line 17, strike ''$33,000,000'' and insert ''$66,800,000''.

Page 23, line 18, strike ''$310,000,000'' and insert ''$159,700,000''.

Page 23, strike lines 23 through 25.

Page 24, line 14, strike ''$12,000,000'' and insert ''$66,000,000''.

Page 24, line 18, strike ''$3,253,097,000'' and insert ''$3,153,097,000''.

Page 28, line 14, strike ''$186,030,000'' and insert ''$258,030,000''.

Page 28, line 20, strike ''$12,500,000'' and insert ''$84,500,000''.

Page 28, line 22, strike ''$3,125,000'' and insert ''$75,125,000''.

H.R. 1158

OFFERED BY: MR. FIELDS OF LOUISIANA

AMENDMENT NO. 31: Page 31, line 12, strike ''$102,246,000'' and insert ''$91,046,000''.

Page 31, line 15, strike ''title IV–A–2, chapter 1, $11,200,000,''.

H.R. 1158

OFFERED BY: MR. FIELDS OF LOUISIANA

AMENDMENT NO. 32: Page 29, line 16, strike ''$757,132,000'' and insert ''$275,170,000''.

Page 29, line 18, strike ''title IV, $481,962,000,''.

H.R. 1158

OFFERED BY: MR. FIELDS OF LOUISIANA

AMENDMENT NO. 33: Page 23, line 10, strike ''$1,603,094,000'' and insert ''$188,481,000''.

Page 23, beginning on line 11, strike ''$10,000,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $12,500,000 for the School-to-Work Opportunities Act,''.

Page 23, beginning on line 18, strike ''$310,000,000 for carrying out title II, part C of such Act,''.

Page 23, strike lines 23 through 25.

H.R. 1158

OFFERED BY: MR. FOGLIETTA

AMENDMENT NO. 34: Page 23, line 10, strike ''$1,603,094,000'' and insert ''$825,376,000''.

Page 23, strike lines 23 through 25.

Page 34, after line 5, insert the following:

DEPARTMENT OF DEFENSE, MILITARY

AIRCRAFT PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, the following amounts are rescinded from the specified programs:

(1) Bomber Industrial Base, $125,000,000.

(2) B–2A MYP, $339,384,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, the following amounts are rescinded from the specified programs:

(1) Milstar Satellite, $607,248,000.

(2) B–2 Advanced Technology Bomber, $388,543,000.

H.R. 1158

OFFER BY: MR. FOGLIETTA

Amendment No. 35, Page 25, line 12, strike ''$82,775,000'' and insert ''$72,775,000''.

Page 26, line 4, strike ''$50,000,000'' and insert ''$60,000,000''.

H.R. 1158

OFFERED BY: MS. FURSE

AMENDMENT NO. 36: Page 55, after line 16, insert the following:

CHAPTER XI

DEPARTMENT OF DEFENSE, MILITARY

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $486,600,000 is rescinded, to be derived from the Comanche helicopter.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $2,158,000,000 is rescinded, to be derived from the following programs in the specified amounts:

(1) F/A–18E/F fighter and attack aircraft program, $1,249,700,000.

(2) New attack submarine program, $455,600,000.

(3) V–22 Osprey program, $452,700,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $2,941,500,000 is rescinded, to be derived from the following programs in the specified amounts:

(1) F–22 fighter aircraft program, $2,325,300,000.

(2) Milstar communications satellite program, $616,200,000.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $2,467,600,000 is rescinded, to be derived from the ballistic missile defense program.

H.R. 1158

OFFERED BY: MS. FURSE

AMENDMENT NO. 37: Page 55, after line 16, insert the following:

CHAPTER XI

DEPARTMENT OF DEFENSE, MILITARY

PROCUREMENT

PROCUREMENT, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $1 is rescinded.

H.R. 1158

OFFERED BY: MR. GUNDERSON

AMENDMENT NO. 38: On p. 2 line 15, delete $5,360,000,000 and insert $4,760,000,000.

On page 49, line 20, delete $2,694,000,000 and insert $2,194,000,000.

On page 50, line 6, delete $186,000,000 and insert $86,000,000.

H.R. 1158

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 39: Page 27, strike lines 2 through 6.

H.R. 1158

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 40: Page 50, beginning on line 6, strike ''$186,000,000 shall be from amounts earmarked for housing opportunities for persons with AIDS;''.

Conform the aggregate amount set forth on page 49, line 14, accordingly.

H.R. 1158

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 41: Page 5, after line 18, insert the following:

COMMODITY CREDIT CORPORATION FUND

MARKET PROMOTION PROGRAM

(RESCISSION)

All unobligated balances available to carry out the Market Promotion Program under section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) are rescinded.

H.R. 1158

OFFERED BY: MR. HORN

AMENDMENT NO. 42, Page 23, line 10, strike ''$1,603,094,000'' and insert ''$1,198,124,000''.

Page 25, line 23, strike ''$20,000,000'' and insert ''$120,000,000''.

Page 28, line 14, strike ''$186,030,000'' and insert ''$391,000,000''.

Page 29, line 16, strike ''$757,132,000'' and insert ''$857,132,000''.

Page 29, line 18, strike ''$60,000,000'' and insert ''$160,000,000''.

H.R. 1158

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 43: Page 27, strike lines 2 through 6.

Page 34, after line 5, insert the following:

DEPARTMENT OF DEFENSE—MILITARY

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $1,319,204,000 are rescinded; *Provided*, That this amount is to be taken from amounts available for the F–22 aircraft program.

H.R. 1158

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 44: At the end of the bill, add the following new title:

TITLE IV—ADDITIONAL PROVISIONS

RESTORATION OF HOUSING FUNDING

SEC. 4001. The amounts otherwise specified by this Act are revised by reducing the amount appropriated for ''Federal Emergency Management Agency—Disaster Relief'', and reducing the amount rescinded from ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'' (consisting of reductions of rescissions by $37,000,000, $32,000,000, $90,000,000, $404,000,000, $69,000,000, and $159,000,000 for ''Congregate Services'', ''Drug Elimination Grants for Low-Income Housing'', the lead-based paint hazard reduction program, ''Payments for Operation of Low-Income Housing Projects'', rental assistance under the section 8 existing certificate program and the section 8(i) housing voucher program, and the aggregate amount under ''Annual Contributions for Assisted Housing'', respectively), by $632,000,000.

H.R. 1158

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 45: At the end of the bill, add the following new title:

TITLE IV—ADDITIONAL PROVISIONS

RESTORATION OF HOUSING FUNDING

SEC. 4001. The amounts otherwise specified by this Act are revised by reducing the amount appropriated for ''Federal Emergency Management Agency—Disaster Relief'', and reducing the amount rescinded from ''DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'' (consisting of reductions of rescissions by $37,000,000, $32,000,000, $90,000,000, $404,000,000, $69,000,000, and $159,000,000 for ''Congregate Services''. ''Drug Elimination Grants for Low-Income Housing'', the lead-based paint hazard reduction program, ''Payments for Operation of Low-Income Housing Projects'', rental assistance under the section 8 existing certificate program and the section 8(o) housing voucher program, and the aggregate amount under ''Annual Contributions for Assisted Housing'', respectively), by $791,000,000.

H.R. 1158

OFFERED BY: MR. KLUG

AMENDMENT NO. 46: Page 13, line 9, strike ''$10,000,000'' and insert ''$117,500,000''.

H.R. 1158

OFFERED BY: MR. MCINTOSH

AMENDMENT NO. 47: Page 16, line 14, strike ''$2,000,000'' and insert ''$19,540,000''.

Page 20, line 13, strike ''$46,228,000'' and insert ''$26,228,000''.

After page 17, line 5, insert:

''COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

''(RESCISSION)

''Of the funds available under this heading in Public Law 103–138, $8,290,000 are rescinded''.

H.R. 1158

OFFERED BY: MR. MCINTOSH

AMENDMENT NO. 48: Page 16, line 14, strike ''$2,000,000'' and insert ''$19,540,000''.

After page 17, line 5, insert:

''COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

''(RESCISSION)

''Of the funds available under this heading in Public Law 103–138, $8,290,000 are rescinded''.

On page 36, lines 5 through 10, strike the text.

H.R. 1158

OFFERED BY: MR. MCINTOSH

AMENDMENT NO. 49: Page 16, line 14, strike ''$2,000,000'' and insert ''$19,540,000''.

After page 17, line 5, insert:

''COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

''(RESCISSION)

''Of the funds available under this heading in Public Law 103–138, $8,290,000 are rescinded''.

H.R. 1158

OFFERED BY: MR. MCINTOSH

AMENDMENT NO. 50: Page 16, line 14, strike ''$2,000,000'' and insert ''$19,540,000''.

H.R. 1158

OFFERED BY: MR. MONTGOMERY

AMENDMENT NO. 51: Page 48, strike lines 10 through 24.

H.R. 1158

OFFERED BY: MR. MONTGOMERY

AMENDMENT NO. 52: At the end of the bill, add the following new title:

TITLE IV—ADDITIONAL PROVISIONS

RESTORATION OF VETERANS FUNDING

SEC. 4001. The amounts otherwise specified by this Act are revised by reducing the amount appropriated for ''Federal Emergency Management Agency—Disaster Relief'', and reducing the amount rescinded from ''DEPARTMENT OF VETERANS AFFAIRS'' (consisting of reductions of rescissions by $50,000,000 and $156,110,000 for ''Veterans Health Administration—Medical Care'' and ''Departmental Administration—Construction, Major Projects'', respectively), by $206,110,000.

H.R. 1158

OFFERED BY: MR. MURTHA

AMENDMENT NO. 53: Add the following Section to the end of the bill:

''SAVINGS TO BE USED EXCLUSIVELY FOR DEFICIT REDUCTION

''SEC. 302. An amount equal to the net budget authority reduced in this Act is hereby appropriated into the Deficit Reduction Fund established pursuant to Executive Order 12858 to be used exclusively to reduce the Federal deficit: *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.''

H.R. 1158

OFFERED BY: MR. MURTHA

AMENDMENT NO. 54: Add the following Section to the end of the bill:

''SAVINGS TO BE USED EXCLUSIVELY FOR DEFICIT REDUCTION

''SEC. 302. An amount equal to the net budget authority reduced in this Act is hereby appropriated into the Deficit Reduction Fund established pursuant to Executive Order 12858 to be used exclusively to reduce the Federal deficit: *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. None of the savings derived from the net budget authority reduced in this Act shall be used as a budgetary offset for any subsequent legislation that reduces Federal tax revenue.''

H.R. 1158

OFFERED BY: MR. NADLER

AMENDMENT NO. 55: Page 20, line 5, strike ''$18,650,000'' and insert ''$28,650,000''.

Page 22, strike lines 7 through 18.

H.R. 1158

OFFERED BY: MR. NADLER

AMENDMENT NO. 56: Page 12, line 18, strike ''$116,500,000'' and insert ''$81,500,000''.

Page 13, line 14, strike ''$5,000,000'' and insert ''$40,000,000''.

H.R. 1158

OFFERED BY: MR. NADLER

AMENDMENT NO. 57: Page 49, line 14, strike out ''$5,733,400,000'' and insert ''$1,696,400,000''.

Page 50, line 6, strike ''$1,157,000,000'' and all that follows through ''103–327;'' on page 50, line 1.

Page 49, line 17, strike ''$186,000,000'' and all that follows through the semicolon at the end of line 7.

Page 55, after line 16, insert the following:

DEPARTMENT OF DEFENSE, MILITARY RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $2,385,000,000 is rescinded, to be derived from the C–17 program.

SHIPBUILDING AND CONVERSION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $2,000,000,000 is rescinded, to be derived from the CVN 76 program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $158,100,000 is rescinded, to be derived from the Sea Wolf program.

H.R. 1158

OFFERED BY: MR. OBEY

AMENDMENT NO. 58: 1. Disaster Assistance:

On page 2 strike 11 through 20 and insert the following:

DISASTER ASSISTANCE LOAN GUARANTEES

Subject to such terms, fees, and conditions as the Secretary of the Treasury determines to be appropriate and without regard to fiscal year limitation, the Director of the Federal Emergency Management Agency may make commitments to guarantee, and may issue guarantees, against losses incurred in connection with loans to States made to carry out disaster relief activities and functions described in the Robert T. Stafford Disaster Relief and Emergency Assistance Act for major disasters and emergencies declared under such Act and occurring before March 1, 1995. The aggregate principal amount of loans guaranteed under this head may not exceed $5,360,000,000. The Secretary of the Treasury shall establish terms, rates of interest, and other conditions for such loans as may be necessary to ensure that the aggregate cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of the guarantees for such loans does not exceed the amount appropriated under this head.

For the cost, as such term is defined in section 502 of the Congressional Budget Act of 1974, of guarantees under this head, $536,000,000, to remain available until expended, and such amount is hereby designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

1A. Disaster Assistance alternative:

On page 2 line 15, strike ''$5,360,000,000'' and insert ''$536,000,000''

2. WIC, Women, Infants and Children:

On page 6, strike lines 17 through 22.

3. Training & Employment Services:

On page 23 line 10, strike ''$1,603,094,000'' and insert ''$940,594,000''.

On page 23 lines 13 & 14, strike ''$12,500,000 for the School-to-Work Opportunities Act,''.

On page 23, strike lines 23 through 25.

4. Community Services Employment for Older Americans:

On page 24 strike lines 1 through 9.

5. Health Resources and Services:

On page 25 line 12, strike ''$82,775,000'' and insert ''$72,775,000''.

6. Low Income Energy Assistance:

On page 27, strike lines 2 through 6.

7. Education Reform:

On page 28 line 14, strike ''186,030,000'' and insert ''$103,530,000''.

On page 28 line 15, strike ''142,000,000'' and insert ''$83,000,000''.

On page 28 line 16, strike ''$21,530,000'' and insert ''10,530,000''.

On page 28 line 19 after the word ''Act'' strike all through the word ''partnerships'' on line 23.

8. Education for the Disadvantaged:

On page 29 line 4 strike all after ''103–333,'' through line 7 and insert ''$8,270,000 from part E, section 1501 are rescinded.''

9. School Improvement:

On page 29 line 16 strike ''757,132,000'' and insert ''$408,321,000''.

On page 29 line 18, strike ''60,000,000'' and insert ''$40,000,000''.

On page 29 line 18, strike ''481,962,000'' and insert ''181,962,000''.

On page 29 line 22 strike all after the semicolon through the semicolon on line 23.

10. Vocational and Adult Education:

On page 30 line 20, strike ''$232,413,000'' and insert ''$124,413,000''.

On page 30 line 22, strike ''–B, and –E'' and insert ''and –B''.

On page 30 line 23, strike ''$151,888,000'' and insert ''$43,888,000''.

11. Student Financial Assistance:

On page 31 line 6, strike ''$83,375,000'' and insert ''$20,000,000''.

On page 31 lines 7 & 8 strike ''part A–4 and''.

12. Corporation for Public Broadcasting:

On page 33 line 20, strike ''$47,000,000'' and insert ''$31,000,000''.

On page 33 line 22, strike ''$94,000,000'' and insert ''$34,000,000''.

13. Veterans Medical Care:

On page 48 strike lines 10 through 24.

14. Assisted Housing:

On page 49 line 14, strike ''$5,733,400,000'' and insert ''$5,018,400,000''.

On page 49 line 17, strike ''$1,157,000,000'' and insert ''$467,000,000''.

On page 50 line 4, strike ''$90,000,000'' and insert ''$65,000,000''.

On page 50, strike lines 22 through 26.

H.R. 1158

OFFERED BY: MR. PORTER

AMENDMENT NO. 59: On page 23, line 10: strike ''$1,603,094,000'' and insert ''$1,601,850''.

On page 24, line 18: strike ''$3,253,097,000'' and insert ''$3,221,397,000''.

On page 25, line 12: strike ''$82,775,000'' and insert ''$53,925,000''.

On page 26, line 20: strike ''$2,168,935,000'' and insert ''$2,178,935,000''.

On page 29, line 4: strike ''$113,270,000'' and insert ''$148,570,000'' and on line 5: strike ''$105,000,000'' and insert ''$140,000,000''.

On page 29, line 16: strike ''$757,132,000'' and insert ''$747,021,000''.

On page 29, line 18: strike ''$60,000,000'' and insert ''$90,000,000''.

On page 29, line 19: strike ''–D,'' and ''–E''.

On page 29, line 20: strike ''$21,384,000'' and insert ''$10,084,000''.

On page 29, line 22: strike all after the semicolon through the semicolon on page 29, line 23.

On page 30, line 20: strike ''$232,413,000'' and insert ''$119,544,000''.

On page 30, line 22: after ''III–A,'' insert ''and''.

On page 30, line 22: strike ''and –E,''.

On page 30, line 23: strike ''$151,888,000'' and insert ''$43,888,000''.

On page 30, line 24: strike ''section''.

On page 30, line 25: strike ''384(c),''.

On page 30, line 25: strike ''$31,392,000'' and insert ''$26,523,000''

On page 31, line 6: strike ''$83,375,000'' and insert ''$187,475,000''

On page 31, line 7: after ''IV,'' insert ''part A–1,''

On page 33, line 11: strike ''$34,742,000'' and insert ''$26,716,000''; and

On page 33, line 13: after ''$15,300,000'' strike '', and part VI, $8,026,000''

H.R. 1158

OFFERED BY: MR. PORTER

AMENDMENT NO. 60: On page 23, line 10: Strike ''$1,603,094,000'' and insert ''$1,680,550,000''

On page 24, line 18: strike ''$3,253,097,000'' and insert ''$3,221,397,000''

On page 25, line 12: strike ''$82,775,000'' and insert ''$53,925,000''

On page 26, line 20: strike ''$2,168,935,000'' and insert ''$2,178,935,000''

On page 29, line 4: strike ''$113,270,000'' and insert ''$148,570,000'' and on line 5: strike ''$105,000,000'' and insert ''$140,000,000''

On page 29, line 16: strike ''$757,132,000'' and insert ''$772,421,000''

On page 29, line 18: strike ''$60,000,000'' and insert ''$115,400,000''

On page 29, line 19: strike ''–D,'' and ''–E''

On page 29, line 20: strike ''$21,384,000'' and insert ''$10,084,000''

On page 29, line 22: strike all after the semicolon through the semicolon on page 29, line 23

On page 30, line 20: strike ''$232,413,000'' and insert ''$119,544,000''

On page 30, line 22, after ''III–A,'' insert ''and''

On page 30, line 22: strike ''and–E,''

On page 30, line 23: strike ''$151,888,000'' and insert ''$43,888,000''

On page 30, line 24: strike ''section''

On page 30, line 25: strike ''384(c),''

On page 30, line 25: strike ''$31,392,000'' and insert ''$26,523,000''

On page 33, line 11: strike ''$34,742,000'' and insert ''$26,716,000'', and

On page 33, line 13: after ''$15,300,000'' strike '', and part VI $8,026,000''

H.R. 1158

OFFERED BY: MR. ROEMER

AMENDMENT NO. 61: At the end of the bill, add the following new title:

TITLE IV—DEFICIT AND DEBT REDUCTION ASSURANCE

TRANSFER OF SAVINGS TO PRESIDENT'S DEFICIT REDUCTION FUND

SEC. 4001. (a) IN GENERAL.—For each of the fiscal years 1995 through 1998, the Secretary of the Treasury shall transfer to the Deficit Reduction Fund established by Executive Order 12858 (58 Fed. Reg. 42185) amounts equivalent to the net deficit reduction achieved during such fiscal year as a result of the provisions of this Act.

(b) COORDINATION OF PROVISIONS.—Such amounts shall be in addition to the amounts specified in section 2(b) of such order, but shall be subject to the requirements and limitations set forth in sections 2(c) and 3 of such order.

PROHIBITION ON USE OF SAVINGS TO OFFSET DEFICIT INCREASES RESULTING FROM DIRECT SPENDING OR RECEIPTS LEGISLATION

SEC. 4002. Reductions in outlays resulting from the enactment of this Act shall not be taken into account for purposes of section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985.

H.R. 1158

OFFERED BY: MR. ROEMER

AMENDMENT NO. 62: Page 26, line 20, strike ''$2,168,935,000'' and insert ''$2,119,253,000''.

Page 29, line 18 strike ''$481,962,000'' and insert ''$432,280,000''.

H.R. 1158

OFFERED BY: MR. ROEMER

AMENDMENT NO. 63: Page 53, strike lines 8 through 17.

Page 54, after line 18, insert the following:

HUMAN SPACE FLIGHT

(RESCISSION)

Of the funds made available under this heading in Public Law 103–327 for the space station, $210,000,000 are rescinded.

H.R. 1158

OFFERED BY: MR. ROEMER

AMENDMENT NO. 64: Page 29, line 18, strike ''$481,962,000'' and insert ''$308,337,000''.

Page 29, line 19, insert ''title VI, $173,625,000,'' after ''$28,000,000,''.

H.R. 1158

OFFERED BY: MR. ROEMER

AMENDMENT NO. 65: On page 53, eliminate lines 8 through 17.

On page 55, after line 16, enter:

CHAPTER XI

NATIONAL SECURITY

(RECISSION)

Of the funds made available under this heading from Public Law 103–335, $210,000,000 are rescinded from the account for ''National Missile Defense.''

H.R. 1158

OFFERED BY: MR. ROHRABACHER

AMENDMENT NO. 66: Page 20, line 5, strike ''$18,650,000'' and insert ''$23,450,000.''

H.R. 1158

OFFERED BY: MR. ROMERO-BARCELÓ

AMENDMENT NO. 67: Page 48, strike lines 10 through 24.

Page 54, line 23, strike ''$27,000,000'' and insert ''$233,110,000''.

H.R. 1158

OFFERED BY: MS. ROYBAL-ALLARD

AMENDMENT NO. 68: Page 50, strike line 16 through 21.

Page 54, line 18, strike ''$38,000,000'' and insert ''$75,000,000''.

H.R. 1158

OFFERED BY: MR. SCARBOROUGH

AMENDMENT NO. 69: Page 34, line 8, insert ''(a)'' after ''601.''.

Page 34, after line 13, insert the following new subsection:

(b) Notwithstanding any other provision of section 458 of the Higher Education Act of 1965 (20 U.S.C. 1087h), none of the funds made available under such section may be used by the Secretary of Education after the date of the enactment of this Act to hire additional fulltime equivalent employees for the sole or partial purpose of administering the Federal Direct Student Loan Program.

H.R. 1158

OFFERED BY: MR. SHAYS

AMENDMENT NO. 70: Page 50, beginning on line 6, strike ''$186,000,000 shall be from amounts earmarked for housing opportunities for persons with AIDS;''.

Conform the aggregate amount set forth on page 49, line 14, accordingly.

Page 54, line 18, strike ''$38,000,000'' and insert ''$224,000,000''.

H.R. 1158

OFFERED BY: MR. STEARNS

AMENDMENT NO. 71: Page 48, strike lines 10 through 24.

Page 53, line 22, strike ''$14,635,000'' and insert ''$220,745,000''.

H.R. 1158

OFFERED BY: MR. STEARNS

AMENDMENT NO. 72: Page 22, line 13, strike ''$5,000,000'' and insert ''all unobligated balances''.

H.R. 1158

OFFERED BY: MR. STEARNS

AMENDMENT NO. 73: Page 45, after line 15, insert the following:

EXCHANGE STABILIZATION FUND

(RESCISSION)

Of the funds in the Exchange Stabilization Fund, all unobligated balances are rescinded.

H.R. 1158

OFFERED BY: MR. STOKES

AMENDMENT NO. 74: On page 2, line 15, strike ''$5,360,000,000'' and insert in lieu thereof, ''$3,360,000,000''.

On page 48, strike lines 10 through 24.

On page 49, line 14, strike ''$5,733,400,000'' and insert in lieu thereof, ''$4,914,300,000''.

On page 49, line 17, strike ''$1,157,000,000'' and insert in lieu thereof, ''$756,000,000''.

On page 50, line 2, strike ''$465,100,000'' and insert in lieu thereof, ''$150,000,000''.

On page 50, line 4, strike ''$90,000,000'' and insert in lieu thereof, ''$80,000,000''.

On page 50, line 6, strike ''$186,000,000'' and insert in lieu thereof, ''$86,000,000''.

On page 50, strike lines 22 through 26.

On page 51, line 6, strike ''$523,000,000'' and insert in lieu thereof, ''$333,410,000''.

On page 51, strike lines 7 through 12.

On page 52, strike lines 12 through 18.

H.R. 1158

OFFERED BY: MR. STUMP

AMENDMENT NO. 75: Page 48, strike lines 10 through 24.

Page 53, line 13, strike ''$210,000,000'' and all that follows through line 17 and insert ''$416,110,000 are rescinded.''.

H.R. 1158

OFFERED BY: MRS. THURMAN

AMENDMENT NO. 76: Page 12, line 18, strike ''$116,500,000'' and insert ''$183,500,000''.

Page 13, line 9, strike ''$10,000,000'' and insert ''$63,200,000''.

Page 15, line 26, strike ''$4,500,000'' and insert ''$11,000,000''.

Page 48, strike lines 10 through 24.

Page 46, line 11, after ''rescinded'' insert ''; for Albuquerque, New Mexico, U.S. Court House, $44,300,000 are rescinded; for Long Island, New York, U.S. Court House, $23,200,000 are rescinded; for Steubenville, Ohio, U.S. Court House, $2,800,000 are rescinded''.

Page 55, after line 16, insert the following:

CHAPTER XI

DEPARTMENT OF DEFENSE—MILITARY

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $11,000,000 are rescinded.

H.R. 1158

OFFERED BY: MS. WATERS

AMENDMENT NO. 77: Page 23, line 10, strike ''$1,603,094,000'' and insert ''$1,578,309,000''.

H.R. 1158

OFFERED BY: MS. WATERS

AMENDMENT NO. 78: Page 23, line 10, strike ''$1,603,094,000'' and insert ''$1,598,083,000''.

H.R. 1158

OFFERED BY: MR. WOLF

AMENDMENT NO. 79: Page 25, line 12, strike ''82,775,000'' and insert ''82,775,001''.

H.R. 1158

OFFERED BY: MR. YOUNG OF FLORIDA

AMENDMENT NO. 80: Page 48, strike lines 10 through 24.

Page 53, line 13, strike ''$210,000,000'' and insert ''$416,110,000''.

Page 53, line 14, insert ''$386,212,000 of'' after ''That''.

H.R. 1158

OFFERED BY: MR. YOUNG OF FLORIDA

AMENDMENT NO. 81: Page 48, strike lines 20 through 24.

Page 53, line 13, strike ''$210,000,000'' and insert ''$366,110,000''.

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

Vol. 141 WASHINGTON, MONDAY, MARCH 13, 1995 *No. 46*

Senate

(Legislative day of Monday, March 6, 1995)

The Senate met at 12:30 p.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Our new Chaplain is now with us, Dr. Lloyd Ogilvie. He will now open the Senate with a prayer. We are delighted to have this fine man with us.

PRAYER

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

Let us pray:

Almighty God, Lord of our lives and Sovereign of our beloved Nation, as we begin this new day filled with awesome responsibilities and soul-sized issues, we are irresistibly drawn into Your presence by the magnetism of Your love and by our need for Your guidance. We come to You at Your invitation. Our longing to know Your will is motivated by Your prevenient and greater desire to guide and inspire us. In the quiet of intimate communion with You, the tightly wound springs of pressure and stress are released and a profound inner peace invades our minds. We hear again the impelling cadences of the drumbeat of Your Spirit calling up to press on in the battle for truth, righteousness, and justice. Our minds snap to full attention, and our hearts salute You as sovereign Lord. You have given us minds capable of receiving Your mind, imaginations able to envision Your plan and purpose, and wills ready to do Your will. Anoint our minds with the liberating assurance that whatever You give us the vision to conceive, and the power to believe, we can completely trust You to help us achieve. Lord, fill our minds with Your spirit. Go before us to show us the way, behind us to press us forward, beside us to give us courage, above us to protect us, and within us to give us supernatural wisdom and discernment. Continue to bless our President and his Cabinet, the House of Representatives, and the men and women of the Senate as together they serve You as partners in solving the problems which confront us and grasp the full potential of Your destiny for our great Nation.

In Your all-powerful name, amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

WELCOMING OF NEW SENATE CHAPLAIN, DR. LLOYD JOHN OGILVIE

Mr. HATFIELD. Thank you, Mr. President.

It is my great honor to welcome the Senate's new Chaplain, Dr. Lloyd Ogilvie. It is my feeling that the Senate is going to be richly blessed by the presence of Dr. Ogilvie. Reverend Ogilvie is undertaking a difficult task, because he is succeeding our good friend, Richard Halverson. Reverend Halverson not only leaves a spiritual legacy behind him, but he also leaves some very difficult shoes to fill. Richard Halverson offered this body an example of humility, gentleness, and personal integrity. He will be missed, not only by the Senators, but also by the staff, support workers, pages, and the various workers who experienced his ministry.

In the committee's search of hundreds of extremely qualified applicants, Dr. Ogilvie stood out because of his emphasis on nurturing others through personal relationships. I am pleased to hear of his determination to keep the office of Chaplain nonpolitical, nonsectarian, and nonpartisan. He has indicated that his role as Chaplain is to act as an intercessor for the Senators, serving as a trusted prayer partner and a faithful counselor. In his opening prayers, he is committed to praying to God, not preaching to the Senators. I believe this is the correct approach to the chaplaincy. The last thing we need in the Senate is another bully pulpit, instructing us as to the proper political decision or action. Dr. Ogilvie will minister through friendships and relationships with Members. His emphasis will be encouragement, not persuasion.

When I mentioned all these qualified applicants, let me suggest one further fact. Dr. Ogilvie did not apply for the office of Chaplain. He was sought out for the office.

I am so excited that Dr. Ogilvie will be joining us in this capacity. I would like to take some time to reflect on his many accomplishments. I will highlight some of his greater accomplishments and then enter his résumé into the RECORD. If I were to highlight all of his life work, I am afraid my colleagues would accuse me of filibustering. Dr. Ogilvie is leaving his congregation at First Presbyterian Church in Hollywood, CA, where he has ministered since 1972. In his capacity as pastor of First Presbyterian in Hollywood, he sought to encourage leaders in entertainment, business, and the community in the Los Angeles area.

Through personal interaction and small group settings, Dr. Ogilvie attempted to help men and women find mutual support to face their problems and to follow their callings in their vocations by encouraging the individuals around them. One of the keys to Dr. Ogilvie's ministry has been listening. By listening closely to the concerns of those around him, he can respond by tailoring his ministry to directly respond to those concerns. I think this will be an invaluable tool in his ministries in the Senate. The Senate is a

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

dynamic body thus requiring an individual that can carefully listen and respond to the many concerns that we confront each day.

Dr. Ogilvie is an accomplished author of approximately 50 books, and he is a contributing author in many current religious magazines and periodicals. He is leaving his nationally syndicated weekly television show, ''Let God Love You,'' which has been on the air for 17 years. He is also ending his daily radio program of 10 years. Both of these programs are financed by Lloyd Ogilvie Ministries, a independent, nonprofit organization from which Ogilvie draws no salary or compensation.

It is my belief that Dr. Ogilvie will be successful because of his calling as a pastor to be available, approachable, and attentive. As he seeks to be influential in the spiritual lives of the Senators, I trust that he will always strive to be a faithful friend and confidant. And I know and am persuaded that he will be.

I look forward to his work, and I encourage all my distinguished colleagues to take the opportunity to get to know him.

Of course, like all of us, he brings to this new ministry his devoted, wonderful, accomplished wife, Mary Jane, as they have worked together on the Lord's ministry all of these years. He has a beautiful family who support him and each of whom is contributing to our society.

So, Mr. President, at this time, I ask unanimous consent that a biographical sketch, with background, education, degrees, awards, and pastorates be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD.

BIOGRAPHICAL SKETCH—LLOYD JOHN OGILVIE

BACKGROUND

Born in Kenosha, Wisconsin, September 2, 1930.

Married to Mary Jane Jenkins Ogilvie.

Children: Heather, Scott, Andrew.

EDUCATION

Public schools of Kenosha, Wisconsin.

Lake Forest College, Lake Forest, Illinois.

Garrett Theological Seminary, Northwestern University, Evanston, Illinois.

New College, University of Edinburgh, Edinburgh, Scotland.

DEGREES

Bachelor of Arts (Lake Forest College).

Master of Theology (Garrett Theological Seminary).

Doctor of Divinity (Whitworth College).

Doctor of Humane Letters (University of Redlands).

Doctor of Humanities (Moravian College and Seminary).

Doctor of Laws (Eastern College).

AWARDS (PARTIAL LIST)

Distinguished Service Citation, Lake Forest College.

Preacher of the Year, Religion in Media.

Angel Award, Religion in Media.

1982, 1986—Silver Angel Award (to Television Ministry).

Gold Medallion Book Award, 1985, ''Making Stress Work For You''. Presented by the Evangelical Christian Publishers Assn.

Salvation Army's William Booth Award, 1992.

PASTORATES

Gurnee Community Church, Gurnee, Illinois (Student Pastor).

Winnetka Presbyterian Church, Winnetka, Illinois (1956–62).

First Presbyterian Church, Bethlehem, Pennsylvania (1962–72).

First Presbyterian Church, Hollywood, California (1972–).

MINISTRY FOCUS

The consistent focus of the ministry of Lloyd Ogilvie through the years has been on the care, encouragement and support of business, political and community leaders. Beginning his ministry in Winnetka, Illinois working with the business leaders of Chicago, he developed a deep appreciation for the impact of leaders on society and their need to receive sensitive pastoral care to live out their faith in the pressures, stresses and immense challenges of their work. During this time of his ministry, Dr. Ogilvie developed a small group strategy to help men and women leaders and their families find mutual support and networking to face the problems and grasp the opportunities of their calling to serve God in their personal relationships, at work, and in the community. This emphasis was continued in his ministry to leaders and their families in the steel industry when he served as Pastor of the First Presbyterian Church of Bethlehem, Pennsylvania. He has pursued this calling during the past twenty-two years as Pastor of the historic First Presbyterian Church of Hollywood where he seeks to enable leaders in the entertainment community as well as business and community leaders in the greater Los Angeles basin.

In addition to his responsibilities as Pastor of the Hollywood Church, Dr. Ogilvie is a media communicator, author and frequent speaker throughout the nation.

Dr. Ogilvie believes that listening is the key to effective communication of the Gospel. His contemporary expositions of the Bible are in direct response to the most urgent questions and deepest needs of people in his congregation and throughout the nation. Through being attentive in conversations, extensive correspondence, and personal surveys of his national radio and television audiences, he seeks to feel the pulse of what people are thinking and feeling today. His messages, books, and the leadership of his congregation in Hollywood arise out of the ministry of listening to people's hopes and hurts and then to God for His answers in the Bible.

LOCAL CHURCH

As Pastor of his large congregation in the communications capitol, Dr. Ogilvie has developed the church's program in four major thursts—as a workshipping congregation, a healing community, an equipping center for the ministry of the laity, and a deployment agency for evangelism and mission. His guiding conviction is that all Christians are called into ministry and that the role of the local church is to equip them to be a bold, articulate apostolate of hope in the structures of society. This equipping program is carried out in in-depth study of the Scriptures, small group meetings throughout the Los Angeles basin, and retreats and conferences. Dr. Ogilvie consistently monitors the effectiveness of the ministry with these questions: What kind of people are we called to deploy in the world? What kind of church sets free that kind of people? What kind of church officers enables that kind of church?; and, What kind of pastoral leadership inspires that quality of vision?

Lloyd Ogilvie's strategy of leadership is to work with and through the lay Elders to shape the goals and program of the church. Along with a team of four pastors and ten program staff people, Dr. Ogilvie seeks to lead the church as a laboratory of experimentation with new forms of church life and innovative methods of meeting the needs of the members so that they can be contagious communicators of their faith and courageous witnesses in social issues.

Located at the center of population spread of the greater Los Angles community, the urban Hollywood church ministers to its immediate community and to members who live throughout the metropolitan and suburban areas. The vital program for members is coupled with a diversified outreach to meet the social needs of the community.

MEDIA MINISTRY

Lloyd Ogilvie's nationally syndicated radio and television ministry is called ''Let God Love You.'' The weekly television program is celebrating its seventeenth anniversary and the daily radio program is going into its tenth year. This media ministry is guided by a strong national Board of Directors of the Lloyd Ogilvie Ministries, an independent, non-profit organization. In 1982, the Directors adopted ''Ten Commitments'' for the development of the ministry and its financial accountability.

Dr. Ogilvie brings to this media ministry the same commitment to listening he expresses as pastor of his church. His messages on the ''Let God Love You'' programs are his part of an ongoing dialogue with his listeners and viewers. On very program he encourages them to write him about what's on their minds and hearts. His voluminous correspondence with people and a special yearly inventory of their deepest concerns provide the focus of his personal sharing of grace. The central purpose is to help people turn life's struggles into stepping stones by linking their problems to the promises and power of God.

Beginning sixteen years age with one television station in Los Angeles, the ''Let God Love You'' program is now seen throughout the nation on independent stations and cable networks. The media ministry is supported exclusively by viewer and listener contributions and all gifts are used only for costs of producing and airing the programs. Dr. Ogilvie receives no salary from the media ministry.

PUBLICATION MINISTRY: BOOKS AUTHORED BY LLOYD JOHN OGILVIE

A Future and A Hope; Word Books.

A Life Full of Surprises; Abingdon Press.

Ask Him Anything (Answers to Life's Deepest Questions); Word Books.

Autobiography of God, The (On the Parables); Regal Books.

Beauty of Caring, The; Harvest House.

Beauty of Friendship, The; Harvest House.

Beauty of Love, The; Harvest House.

Beauty of Sharing, The; Harvest House.

Bush Is Still Burning, The (The ''I Am'' Sayings of Jesus); Word Books.

Climbing the Rainbow—Claiming the Covenant Promises of God; Word Books.

General Editor and Author of:

—Communicators Commentary on Book of Acts; Word Books.

—Communicators Commentary on Books of Hosea, Joel, Amos, Obadiah, Jonah; Word Books.

Congratulations—God Believes in You; Word Books.

Conversation With God; Harvest House.

Cup of Wonder, The (Communion Messages); Tyndale Books.

Discovering God's Will in Your Life; Harvest House.

Drumbeat of Love (Acts); Word Books.

Enjoying God; Word Books.

Falling into Greatness (Psalms); Thomas Nelson.
Freedom of the Spirit; Harvest House.
God's Best for My Life (Daily Devotional); Harvest House.
God's Transforming Love; Regal Books.
Greatest Counselor in the World, The; Servant Publications.
Heart of God, The; Regal Books.
If God Cares, Why Do I Still Have Problems?; Word Books.
If I Should Wake Before I Die; Regal Books.
Jesus The Healer [form. Why Not?] (The Healing Ministry); Revell Co.
Let God Love You; Word Books.
Life Without Limits; Word Books.
Living Without Fear; Word Books.
Longing to Be Free; Harvest House.
Lord of the Impossible; Abingdon Press.
Lord of the Loose Ends (''He is Able'' claims of the Epistles); Word Books.
Lord of the Ups and Downs; Regal Books.
Magnificent Vision, The (Form. ''Radiance of the Inner Splendor''); Vine Books.
Making Stress Work for You; Word Books.
Silent Strength (Daily Devotional); Harvest House.
Turn Your Struggles Into Steppingstones; Word Books.
Twelve Steps to Living Without Fear (Large Print); Word Books.
Understanding the Hard Sayings of Jesus (formerly ''The Other Jesus''); Word Books.
When God First Thought of You (I, II, III John); Word Books.
You Are Loved and Forgiven; Regal Books.
You Can Live As It Was Meant To Be (I & II Thess.); Regal Books.
You Can Pray With Power; Regal Books.
You've Got Charisma; Abingdon Press.

Also, Dr. Ogilvie is the General Editor of the 32-volume Communicator's Commentary being published by Word Books, Inc. In addition, he is a contributing author in many current Christian magazines and periodicals.

SPEAKING MINISTRY

Lloyd Ogilvie's ministry as a speaker involves him in speaking engagements at conventions, conferences, renewal retreats for clergy and laity, and universities and secular gatherings.

LISTED IN

Who's Who in America.
Who's Who in the World.
Who's Who in the West.
Leaders of the English Speaking World.
Contemporary Authors.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. HATFIELD. Mr. President, I am now going to propound, on behalf of the Republican leader, two unanimous-consent agreements that have been cleared on the Democratic side.

Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture on the Kassebaum amendment No. 331, scheduled for today, be vitiated and, further, that the vote now occur on Wednesday, March 15, at 10:30 a.m.

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

Mr. HATFIELD. Mr. President, I further ask that the cloture vote scheduled for Tuesday of this week be postponed to occur on Thursday, March 16, at a time to be determined by the majority leader after consultation with the minority leader.

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

ORDER OF PROCEDURE

Mr. HATFIELD. Mr. President, I am authorized to indicate there will be no rollcall votes during today's session of the Senate.

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. DOMENICI. 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. DOMENICI. Mr. President, I ask that I may speak for 2 minutes as in morning business.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for morning business not to extend beyond 30 minutes with Senators permitted to speak therein.

Mr. DOMENICI. Mr. President, last week during the debate on the balanced budget amendment, there was more than a little debate about the use of Social Security funds in calculating our annual Federal deficit. The fact is that much of the discussion was misleading, and some of it was just not true. But in all our discussions of the issue, few explain the truth of what this Government is doing more succinctly than columnist Charles Krauthammer did in his op-ed page in the Washington Post last Friday.

Mr. President, I ask unanimous consent that that column, entitled ''Social Security 'Trust Fund' Whopper,'' be printed in the RECORD.

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

[From the Washington Post, Mar. 10, 1995]

SOCIAL SECURITY ''TRUST FUND'' WHOPPER

(By Charles Krauthammer)

Last week, Sens. Kent Conrad and Byron Dorgan management to (1) kill the balanced budget amendment, (2) deal Republicans their first big defeat since November and (3) make Democrats the heroes of Social Security. A hat trick. How did they do it? By demanding that any balanced budget amendment ''take Social Security off the table''—i.e., not count the current Social Security surplus in calculating the deficit—and thus stop ''looting'' the Social Security trust fund.

In my 17 years in Washington, this is the single most fraudulent argument I have heard. I don't mean politically fraudulent, which is routine in Washington and a judgment call anyway. I mean logically, demonstrably, mathematically fraudulent, a condition rare even in Washington and not a judgment call at all. Consider:

In 1994 Smith runs up a credit card bill of $100,000. Worried about his retirement, however, he puts his $25,000 salary into a retirement account.

Come Dec. 31, Smith has two choices: (a) He can borrow $75,000 from the bank and ''loot'' his retirement account to pay off the rest—which Conrad-Dorgan say is unconscionable. Or (b) he can borrow the full $100,000 to pay off his credit card bill and keep the $25,000 retirement account sacrosanct—which Conrad-Dorgan say is just swell and maintains a sacred trust and staves off the wolves and would have let them vote for the balanced budget amendment if only those senior-bashing Republicans had just done it their way.

But a child can see that courses (a) and (b) are identical. Either way, Smith is net $75,000 in debt. The trust money in (b) is a fiction: It consists of 25,000 additionally borrowed dollars. His retirement is exactly as insecure one way or the other. Either way, if he wants to pay himself a pension when he retires, he is going to have to borrow the money.

According to Conrad-Dorgan, however, unless he declared his debt to be $100,000 rather than $75,000, he has looted his retirement account. But it matters not a whit what Smith declares his debt to be. It is not his declaration that is looting his retirement. It is his borrowing (and overspending).

Similarly for the federal government. In fiscal 1994, President Clinton crowed that he had reduced the federal deficit to $200 billion. In fact, what Conrad calls the ''operating budget'' was about $250 billion in deficit, but the Treasury counted the year's roughly $50 billion Social Security surplus to make its books read $200 billion. According to Conrad-Dorgan logic, President Clinton ''looted'' the Social Security trust fund to the tune of $50 billion.

Did he? Of course not. If Clinton had declared the deficit to be $250 billion and not ''borrowed'' $50 billion Social Security surplus—which is nothing more than the federal government moving money from its left pocket to its right—would that have made an iota of difference to the status of our debt or of Social Security?

Whether or not you figure Social Security in calculating the federal deficit is merely an accounting device. Government cannot stash the Social Security surplus in a sock. As long as the federal deficit exceeds the Social Security surplus—that is, for the foreseeable forever—we are increasing our net debt and making it harder to pay out Social Security (and everything else government does) in the future.

Why? Because the Social Security trust fund—like Smith's retirement account—is a fiction. The Social Security system is pay-as-you-go. The benefits going to old folks today do not come out of a huge vault stuffed with dollar bills on some South Pacific island. Current retirees get paid from the payroll taxes of current workers.

With so many boomers working today, pay-as-you-go produces a cash surplus. That cash does not go into a Pacific island vault either. In a government that runs a deficit, it cannot be saved at all—any more than Smith can really ''save'' his $25,000 when he is running a $100,000 deficit. The surplus necessarily is used to help pay for current government operations.

And pay-as-you-go will be true around the year 2015, when we boomers begin to retire. The chances of our Social Security benefits

being paid out then will depend on the productivity of the economy at the time, which in turn will depend heavily on the drag on the economy exerted by the next net that we will have accumulated by then.

The best guarantee, in other words, that there will be Social Security benefits available then is to reduce the deficit now. Yet by killing the balanced budget amendment, Conrad-Dorgan destroyed the very mechanism that would force that to happen. The one real effect, therefore, that Conrad-Dorgan will have on Social Security is to jeopardize the government's capacity to keep paying it.

Having done that, Conrad-Dorgan are now posing as the saviors of Social Security from Republican looters. A neat trick. A complete fraud.

Mr. DOMENICI. Mr. President, this distinguished columnist, who has a knack for exposing attempts at political deception and making difficult things simple, points out the deceit in the arguments that we heard on the floor last week.

I encourage all who participated in the balanced budget amendment debate to read this column. I am asking that it be made part of the RECORD so everyone will have an opportunity to do that. Because, if nothing else, Mr. Krauthammer's essay brushes aside the political rhetoric and emphasizes that, no matter how you add it up, where you put the numbers, or, as he says, which pocket you put it in, an obligation of the Federal Government remains just that—an obligation of the Federal Government. And we or our children and grandchildren have to pay it.

Mr. President, it just seems to this Senator that the balanced budget amendment should have been adopted. I repeat for those who are worried about the Social Security trust fund or, more precisely, where will the money be, where will it come from to pay Social Security recipients 20, 25, 30 years from now, I submit that the best thing we could have done was to get the unified budget of the United States in balance in 7 years. Because I believe that would have more to do with what Social Security of the future needs than anything else.

Simply put, as Mr. Krauthammer later in his article alludes to, the best thing for Social Security in the future is a vibrant, growing American economy with low inflation. If we can have that for periods of 4 or 5 years at a time, with mild downturns, then I believe we will be in a position as a nation to take care of our seniors.

Frankly, Mr. President, if we cannot do that, we will not be in a position to take care of them no matter what rhetoric is offered on the floor that seemed to say, in the 7-year balanced budget that was before us, even though we would have to cut or reduce Government about $1.2 trillion, essentially those who argued against it, at least from the Social Security standpoint, were saying that is not enough; you have to do more. And frankly, we have never come close to even that. I would have thought that would have been a fantastic effort on behalf of senior Social Security citizens and on behalf of a prospering American economy.

I hope everyone will get a chance to read this very basic approach that this excellent columnist talks to us about with reference to the Social Security trust fund.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

RESPONDING TO THE PEOPLE

Mr. THOMAS. Madam President, I come to the floor during this morning business to talk about several things, to sort of reflect a little bit on the 2 months that we have been here, a little over 2 months.

First of all, of course, it is a great honor to be a part of this body and to represent the State of Wyoming in the U.S. Senate.

We have to observe that we have dealt with a limited number of items while we have been here. Many of us are filled with some kinds of mixed emotions, recognizing and respecting the deliberative nature of the Senate and, at the same time, having some frustration with the slowness of the deliberations and the lack of movement on some of the issues that we consider to be very important.

As an American, of course, I believe that we want our institutions to be thoughtful and to fully explore issues, but also in a timely way to decide and to move on. That is what deliberation is all about.

There is, I believe, an agenda in this country. Everyone can read the past election as they choose, but it seems pretty certain that a number of things were on the minds of American voters. One of them is that most people believe we have too much government, that it costs too much, that we need to have in our lives less government, less cost, and less regulation. Of course, you can talk about the details of how do you do that, but, nevertheless, it is an agenda.

These were issues that were defined in the last election and they are issues that need to be dealt with by this Congress and by this Senate. One of the measures of good government, I believe, is the responsiveness that its institutions have to the people as they vote.

We have, as a result of the election, I think, the best opportunity that has been before us for 40 years to take a look at some of the things we do. Over the last number of years, about all the opportunities available were to add to programs that we had, put more money in programs that we had. Now we have a chance and we have a Congress that is willing to think through programs again and see if, in fact, they are delivering as they were designed to deliver.

In order to make this a useful discussion, of course, there has to be a stipulation that those who are interested in looking to change are just as caring and just as concerned about people as those who are opposed to change. And I think that is a fair and honest stipulation.

The question is what we are doing in seeing if there is a better way to provide services for the needy. Is there a better way to determine who those services should go to? Is there a more efficient way of delivering those services? That I think is what the change is about.

We need to have this institution to be the kind of institution that will take a look at these things and then move forward and decide.

We really do not need a rapid response team that is opposed to change. And the controversy—many of the issues are not between Republicans and Democrats—the controversy lies between those who would like to see some things done differently and those who basically do not want change.

There is a legitimate difference of view. There is a legitimate argument between those who think more government, more spending is better for the country, and those like myself, who do not agree, who think that, indeed, we can do it with less government, turning more responsibility to people, turning more of an opportunity for families to spend their own money, stimulating the economy.

We are now, today and in the next couple of days, debating the Kassebaum amendment with respect to replacement of strikers, an issue that we went through in the House and in the Senate last year in great detail. So I rise in strong support of that amendment. I think it is the will of the Congress. We have been through that. We have been through some 60 years of experience. Frankly, it has worked pretty well and there has been very little deviation from that in terms of hiring replacements.

Someone on the floor the other day said, ''Is this the agenda of the new majority, to make it tougher for working people, to make it tougher for single mothers to have jobs?'' Of course not. That is an absurd idea.

I think the idea of the new majority is to find a balance between labor and management, to find a way in which there is an environment where business can grow and jobs can be created, where the Federal Government is not an advocate for either of the parties in these kinds of controversies. I think that is what the Kassebaum amendment is all about.

Madam President, I thank you for the time. It is difficult to know how we should proceed. But there is a great deal before the Senate. We have a great many things to decide. In fact, we

should be deciding them. That is what votes are about. Once they have been totally explored, we look forward to making a decision and not to obstruct a decision.

I look forward very much to the continuing efforts on the part of this body to respond to voters, responding to the people in this country in making decisions on major items, in the first opportunity in many years we have had to explore finding ways to do things in a better way.

I think the war on poverty is a good example. It has been going on for what—30 years? Twenty years? The fact of the matter is we are less well off now than we were then in terms of the things that the war on poverty was designed to resolve. It makes it pretty clear, if you want different results, you have to start doing things differently. you cannot expect different results by continuing to do the same thing.

So I look forward to the continued discussion. I look forward to dealing with the issues that the House has dealt with. However the majority here decides to deal with them is fine; I just suggest we come to grips with them, that we move forward, that we do not lose the momentum of an election, that we do not lose the interest and the interest of the American people in taking a look at questions like a balanced budget amendment, like line-item veto, like term limits, like accountability. All of those are issues that really deserve our best attention and final decision.

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. GRAHAM. 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. GRAHAM. Madam President, I ask unanimous consent that I may proceed as if in morning business for up to 5 minutes.

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

Mr. GRAHAM. I thank the Chair.

MAJOR LEAGUE BASEBALL IN TAMPA BAY

Mr. GRAHAM. Madam President, I rise today to commemorate the birth of one of baseball's two newest members, the Tampa Bay Devil Rays. The Tampa Bay community was awarded a franchise last Thursday and will commence play in 1998. This is a very important and welcome, celebrated event for our State and particularly for the 2 million citizens of the Tampa Bay area who have been waiting a long, long time for baseball to come in the summer.

For many years, the Tampa Bay area has been home to spring training baseball, and for many years there has been the hope and expectation that baseball would not terminate as the teams left to begin the regular season. That expectation will now be soon realized. This comes after many years of effort. The quest for a major league team began in 1977 with the formation of the Pinellas Sports Authority, an organization that has had as its goal to bring a major league franchise to the Tampa Bay area.

Since that time, there have been efforts to secure seven different franchises. In each case, there was the hope and the expectation that the franchise would be relocated to the Tampa Bay area, and then for a variety of reasons that hope was crushed.

The latest attempt occurred several years ago when an actual contract was signed for the relocation of the San Francisco Giants to Tampa Bay, and this contract was subsequently canceled by action of the other major league teams.

During the course of this activity, working with the various series of major league baseball commissioners, the city determined that it was in its interest and would advance its potential as a major league franchise by proceeding to construct a state of the art domed stadium, which has now been completed, which is utilized for other sports activities and which stands ready with modifications and final refinements to be the home to the new Tampa Bay Devil Rays professional team.

In achieving this success, there were many people who were active. I would like to particularly express my appreciation to the managing general partner of the new team, Mr. Vince Naimoli, who, over a period of setbacks and frustrations, remained constant in his commitment to bring major league baseball to Tampa Bay. There have been many officials with the Saint Petersburg city government who have been active in helping to realize this objective.

I should like to recognize Saint Petersburg City Administrator Rick Dodge, who, from the very beginning, has played a crucial role in helping to move toward the completion of the stadium and maintaining a high level of community support behind the effort to receive a major league franchise. He is illustrative of dozens of others—elected officials, city administration officials, and the citizens of Pinellas County—who have worked so hard to bring this to a successful realization.

Madam President, we are proud of the recognition of this awarded franchise to the important position which the State of Florida plays in major league professional athletics. With this award, our State will now have nine major league franchises in baseball, football, basketball, and hockey, second only to California in the number of professional major league teams playing in the State. This is appropriate to the size and rapid growth of our State and its demonstrated support for professional sports.

Madam President, I thank the major league baseball ownership for awarding this franchise to Tampa Bay. They have demonstrated wisdom in doing so because I am confident that this will quickly become one of the strongest franchises in major league baseball. There is a certain degree of optimism in accepting a major league franchise in the context of the current labor-management status, but I am confident well before 1998 we will be playing major league baseball again in America and look forward to the day when the Tampa Bay Devil Rays open their first season.

Madam President, thank you for affording me this opportunity to make these remarks on behalf of the citizens of our State and the event that we have long looked forward to celebrating.

EXTENSION OF MORNING BUSINESS

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I ask unanimous consent that morning business be extended for 10 additional minutes, and that I be recognized for that period of time.

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

Mr. HOLLINGS. I thank the distinguished Chair.

REPORTING OF THE BALANCED BUDGET AMENDMENT

Mr. HOLLINGS. Madam President, I rise today to comment on the RECORD made earlier this morning by my distinguished colleague from New Mexico, Senator DOMENICI, the chairman of our Budget Committee. Let me say at the outset that I have the highest regard for Senator DOMENICI. He is very conscientious, very hard-working, and very honest in his beliefs and his work in the Senate. So in rising I do not intend to reflect on him, but rather to reflect on Charles Krauthammer's recent article concerning Social Security that the distinguished Senator from New Mexico included in the RECORD.

So there will not be any trouble referring to it, I ask unanimous consent that the article of Charles Krauthammer entitled ''Social Security 'Trust Fund' Whopper'' of last Friday, March 10 be printed in the RECORD.

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

[From the Washington Post, Mar. 10, 1995]

SOCIAL SECURITY ''TRUST FUND'' WHOPPER

(By Charles Krauthammer)

Last week, Sens. Kent Conrad and Byron Dorgan managed to (1) kill the balanced budget amendment, (2) deal Republicans their first big defeat since November and (3) make Democrats the heroes of Social Security. A hat trick. How did they do it? By demanding that any balanced budget amendment ''take Social Security off the table''—

i.e., not count the current Social Security surplus in calculating the deficit—and thus stop ''looting'' the Social Security trust fund.

In my 17 years in Washington, this is the single most fraudulent argument I have heard. I don't mean politically fraudulent, which is routine in Washington and a judgment call anyway. I mean logically, demonstrably, mathematically fraudulent, a condition rare even in Washington and not a judgment call at all. Consider:

In 1994 Smith runs up a credit card bill of $100,000. Worried about his retirement, however, he puts his $25,000 salary into a retirement account.

Come Dec. 31, Smith has two choices: (a) He can borrow $75,000 from the bank and ''loot'' his retirement account to pay off the rest—which Conrad-Dorgan say is unconscionable. Or (b) He can borrow the full $100,000 to pay off his credit card bill and keep the $25,000 retirement account sacrosanct—which Conrad—Dorgan say is just swell and maintains a sacred trust and staves off the wolves and would have let them vote for the balanced budget amendment if only those senior-bashing Republicans had just done it their way.

But a child can see that courses (a) and (b) are identical. Either way, Smith is net $75,000 in debt. The trust money in (b) is a fiction: It consists of 25,000 additionally borrowed dollars. His retirement is exactly as insecure one way or the other. Either way, if he wants to pay himself a pension when he retires, he is going to have to borrow the money.

According to Conrad-Dorgan, however, unless he declares his debt to be $100,000 rather than $75,000, he has looted his retirement account. But it matters not a whit what Smith declares his debt to be. It is not his declaration that is looting his retirement. It is his borrowing (and overspending).

Similarly for the federal government. In fiscal 1994, President Clinton crowed that he had reduced the federal deficit to $200 billion. In fact, what Conrad calls the ''operating budget'' was about $250 billion in deficit, but the treasury counted the year's roughly $50 billion Social Security surplus to make its books read $200 billion. According to Conrad-Dorgan logic, President Clinton ''looted'' the Social Security trust fund to the tune of $50 billion.

Did he? Of course not. If Clinton had declared the deficit to be $250 billion and not ''borrowed'' $50 billion Social Security surplus—which is nothing more than the federal government moving money from its left pocket to its right—would that have made an iota of difference to the status of our debt or of Social Security?

Whether or not you figure Social Security in calculating the federal deficit is merely an accounting device. Government cannot stash the Social Security surplus in a sock. As long as the federal deficit exceeds the Social Security surplus—that is, for the foreseeable forever—we are increasing our net debt and making it harder to pay out Social Security (and everything else government does) in the future.

Why? Because the Social Security trust fund—like Smith's retirement account—is a fiction. The Social Security system is pay-as-you-go. The benefits going to old folks today do not come out of a huge vault stuffed with dollar bills on some South Pacific island. Current retirees get paid from the payroll taxes of current workers.

With so many boomers working today, pay-as-you-go produces a cash surplus. That cash does not go into a Pacific island vault either. In a government that runs a deficit, it cannot be saved at all—any more than Smith can really ''save'' his $25,000 when he is running a $100,000 deficit. The surplus necessarily is used to help pay for current government operations.

And pay-as-you-go will be true around the year 2015, when we boomers begin to retire. The chances of our Social Security benefits being paid out then will depend on the productivity of the economy at the time, which in turn will depend heavily on the drag on the economy exerted by the net debt that we will have accumulated by then.

The best guarantee, in other words, that there will be Social Security benefits available then is to reduce the deficit now. Yet by killing the balanced budget amendment, Conrad-Dorgan destroyed the very mechanism that would force that to happen. The one real effect, therefore, that Conrad-Dorgan will have on Social Security is to jeopardize the government's capacity to keep paying it.

Having done that, Conrad-Dorgan are now posing as the saviors of Social Security from Republicans looters. A neat trick. A complete fraud.

Mr. HOLLINGS. Madam President, it really disturbed me when I saw our two distinguished Senators from North Dakota, Senator DORGAN and Senator CONRAD, described as being tricky, or outright fraudulent.

It's getting difficult to serve in the Senate. You have the Speaker of the House calling some Senators ''liars.'' You have some of our colleagues parading in front of the Capitol with a poster containing the pictures of some Senators and a headline at the top saying, ''Wanted for flip-flopping.''

But if we want to get past the grandstanding and get to the truth of the matter, what we were trying to do was to keep our word by protecting Social Security. The American people should know that the real flip-floppers are those who voted in 1990 to protect Social Security but were willing to sacrifice it under the language of Section 7 in House Joint Resolution 1.

Charles Krauthammer's Social Security article is, to use his own language, the single most fraudulent article that our friend, Mr. Krauthammer, has written because he equates an individual with a $100,000 debt with the Government having a $100,000 debt. He claims that an individual borrowing $25,000 from a retirement account and borrowing the remaining $75,000 from the bank is in the same position as the Government borrowing its $25,000 from the Social Security account and the remaining $75,000 from the markets. But here's the difference. In borrowing $25,000 from his retirement, the individual is truly at zero because he has borrowed his own money. In the Government's case, the budget is not balanced because the $25,000 has been borrowed from future retirees.

Madam President, the Social Security surpluses were planned in 1983 with a special FICA tax to bring in funds in excess of the immediate need. We were not just trying to balance the Social Security budget. There was an affirmative intent that more moneys than were necessary would be collected so that we could build up surpluses and provide for the baby boomers that will retire early in the next century. The idea of the Greenspan Commission was that a sufficient Social Security reserve or trust be built up so that there would not be a call on general revenues. Of course, what has been happening, Madam President, is that administrations, Congresses, and columnists have all engaged in the deceptive reporting by using the Social Security surpluses to diminish the size of the deficit. This charade does not eliminate the deficit, it merely moves the deficit from the Federal Government over to the Social Security fund.

Of course, this trick does not eliminate the deficit. Already, $464 billion has been moved—by the year 2000 the Government will owe Social Security $1 trillion. As a result, the baby boomers, who are presently being taxed to pay for the Social Security of persons who have reached 72 years of age, like this particular Senator, will have to be taxed again to receive their benefits.

In addition, Mr. Krauthammer's claims that the Social Security system is a pay-as-you-go program. But as the record will show, that is not the case. In fact, Senator PATRICK MOYNIHAN and I were the ones who offered an amendment to put Social Security on a pay-as-you-go basis, but that effort was defeated.

Moreover, in 1990 the distinguished former Senator from Pennsylvania, Senator John Heinz, and I, were successful in passing legislation forbidding the use of Social Security trust funds to mask the size of the deficit. It remains on the books as section 13301 of the Budget Enforcement Act. Thus, I might point out that what Mr. Krauthammer calls a fiction and a fraud is actually a law that was signed by President George Bush on November 5, 1990.

Mr. Krauthammer knows full well the Congress would never have voted the tax increases for Social Security in 1983 if these revenues were to be used to spend on foreign aid, welfare, or the deficit. He disregards the representation by the sponsors of the balanced budget amendment that Social Security trust funds will be protected. He disregards the formal resolution by Senator DOLE, the majority leader, requiring that the Budget Committee demonstrate how the budget can be balanced without using Social Security funds. He disregards the formal statutory law that requires this, and he fails to mention that the two Senators he chastises joined with three others in a formal letter of commitment to vote for the balanced budget amendment if the protection for Social Security were included.

To quote Mr. Krauthammer, ''A neat trick. A complete fraud.'' That is the trick and that is the fraud that has ensued here within the National Government.

Madam President, I ask unanimous consent to have printed in the RECORD at this point an article entitled, ''Stop Playing Games With Social Security''

that appeared in the Columbia, SC, ''The State'' as of yesterday, March 12, 1995.

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

STOP PLAYING GAMES WITH SOCIAL SECURITY

(By Senator Fritz Hollings)

''Nobody, Republican, Democrat, conservative, liberal, moderate, is even thinking about using Social Security to balance the budget.''—Sen. Trent Lott, R-Miss., ''Face the Nation,'' Feb. 2

In the recent weeks of floor debate and television interviews, many senators repeatedly pledged not to use Social Security funds to balance the budget.

They even passed an amendment by Senate Majority Leader Bob Dole to instruct the Budget Committee to develop a budget that didn't use Social Security funds but would conform with the constitutional balanced-budget amendment.

In the meantime, while Dole was struggling to pick up one vote to pass the amendment, five Democrats vowed they were ready, willing and able to vote for Social Security. In fact, the night before the vote, the five sent Dole a letter of commitment to vote for the amendment if Social Security were protected.

On March 2, the constitutional amendment failed by one vote. And over that weekend on ''Face the Nation'' Dole again reaffirmed his intent on Social Security when he said, ''We are going to protect Social Security.''

If he remains that committed, why did he refuse to put his word on the line in black and white on March 2 and pass a constitutional amendment by at least 70 votes? Because he knew that accepting the five Democratic votes would have cost him an equal number of votes of Republicans determined to spend Social Security surpluses on the deficit.

Dole didn't want to expose his Republican troops or expose the truth. While Republican rhetoric pledged to protect Social Security, Sen. Pete Domenici, chairman of the Budget Committee, and other Republicans were telling Dole that the budget could not be balanced without using Social Security surplus funds.

All of this word-battling—of saying one thing in public and trying to work around it in private—has led Americans to believe that there is a free lunch, that all we have to do to eliminate the deficit is to cut spending. The vote on Social Security exposes this myth.

Republican senators have no real intent on eliminating the deficit; they just want to move it from the federal government to Social Security.

Currently, Section 13.301 of the Budget Enforcement Act prohibits the use of Social Security funds for the deficit. But part of the balanced-budget amendment would repeal current law.

Even with all the promises tendered to correct Social Security with future legislation, any civics student knows you can't amend the Constitution with legislation. That's why the five Democrats—me included—insisted on including Social Security protection in the wording of the constitutional amendment.

Dole's stonewalling against our five votes on the constitutional amendment reveals another harsh truth: $1.8 trillion in spending cuts is necessary to balance the budget in seven years. But many senators reveal their intent to use Social Security surpluses when they state that only $1.2 trillion is necessary.

Let's face realities: There won't be enough cuts in entitlements. A jobs program for welfare reform will cost. Savings here are questionable.

You can and should save some on health reform, but slowing the growth of health costs from 10 percent to 5 percent still means increased costs. Social Security won't be cut, and any savings by increasing the age of retirement would be allocated to the trust fund, not the deficit.

Both the GOP's ''Contract with America'' and President Clinton have called for increases in defense spending. Results: No savings.

Therefore, savings must come from spending freezes and cuts in the domestic discretionary budget.

Coupling these cuts and freezes with a closing of tax loopholes still isn't enough to meet the target of a balanced budget in seven years. That's why Domenici has determined that Social Security funds will have to be used.

But using Social Security won't eliminate the deficit. It simply would increase the amount we owe Social Security. Already we owe $470 billion to the trust fund. If we keep raiding it, the government will owe Social Security more than $1 trillion by 2002.

Harsh realities. But there's a fifth and even harsher reality. All of the spending cuts in the world aren't politically attainable now. Domenici knows it's hard to get votes for enough cuts. To his credit, he tried in 1986 with a long list of cuts by President Reagan and the Grace Commission. But he got only 14 votes in the Senate.

Rep. Gerald Solomon, a New York Republican, also tried a list of $1 trillion in cuts just a year ago in the House. He got only 73 votes of 435.

In addition, the problem of balancing the budget with spending reductions is exacerbated by the ''Contract With America's'' call for a $500 billion tax cut.

The reality today is that a combination of cuts, freezes, loophole closings and tax increases must be cobbled together to put us on a glide path to balancing the budget. Now is the time to stop the finger-pointing, the blaming of the other guy. Now is the time to stop dancing around the fire of changes in the process.

It's a pure sham to think that a constitutional balanced-budget amendment will give Congress discipline.

If you put a gun to the head of Congress, it will get more creative. The proof is in the pudding that's being cooked all over town.

Some tout abolishing departments, like Commerce and Education. But their functions would continue somewhere. Others say send everything back to the states. But that way, the states would pick up deficits instead of the federal government.

Of course we know some want to use $636 billion in Social Security funds. And there's talk of picking up $150 billion by recomputing the Consumer Price Index and another $150 billion of re-estimating the growth of Medicare and Medicaid.

There are even those who want one-time savings, like selling the electric power grid or switching to the capital budget system.

In other words, there are people throughout town who are figuring out ways to make the federal budget appear balanced with hardly any cuts. With a balanced-budget amendment, they would be able to play this game for seven years.

Time out!

The gamesmanship, the charade, must stop. If this nonsense goes on for seven years, the United States will be down the tubes.

For all the talk about eliminating the deficit, the debt snowballs. Why? Because we add $1 billion a day to the debt by borrowing to pay interest.

In January and throughout February, I offered 110 spending cuts or eliminations from domestic discretionary spending. This was worth $37 billion in the first year and put deficit reduction on the glide path toward a balanced budget by 2002.

But even if these politically impossible cuts were agreed upon, the interest cost on the debt is growing at more than $40 billion a year.

The United States is in a downward budget spiral and we are meeting ourselves coming around the corner. Like the Queen in ''Alice in Wonderful'' told Alice: ''It takes all the running you can do, to keep in the same place. If you want to get somewhere else, you must run at least twice as fast as that!''

Let's get past all the shenanigans. Let's include Social Security protection in the balanced-budget amendment. Then we could pass the amendment and get down to the hard work of balancing the budget.

Mr. HOLLINGS. Madam President, this article brings right into true focus exactly what is going on.

If, as Mr. Krauthammer says in this particular article, it was just ''a fiction'', then why not just include this exception in the language of the constitutional amendment?

The distinguished leaders of the legislation willingly accepted an exception for borrowed funds. The distinguished leaders of the balanced budget amendment willingly accepted the provision dealing judicial enforcement in order to pick up the one vote of the Senator from Georgia.

Why, Madam President, did they not accept five votes when all they had to do was put in black and white what they were publicly saying? There are five Senators who are ready, willing, and able to vote for a constitutional amendment for a balanced budget if they include a provision protecting Social Security funds.

The real flip-floppers are those who have abandoned their position taken in 1990 that Social Security funds should not be used in deficit calculations. It is very difficult to get that message out, but we will keep hammering. The distinguished majority leader says that he will continue to bring this up. I look forward to that debate and can likewise promise that this Senator will continue to push for language that excludes Social Security from deficit calculations.

I yield the floor.

EULOGY TO GLEN P. WOODARD

Mr. HEFLIN. Mr. President, Glen P. Woodard, the former vice president and director of community affairs for Winn-Dixie Food Stores, died on January 25, 1995, after an extended illness. As Winn-Dixie's community affairs director, Glen was widely known by food industry leaders and politicians for his handling of legislative and regulatory activities at both the State and national levels.

He moved to Florida at a young age, attending high school there and college at the University of Florida. He served in the U.S. Air Force 306 Bomb Group during World War II. Prior to joining

Winn-Dixie in 1957, he was executive secretary of the Florida Petroleum Industries for 11 years. In 1981, he was named Groceryman of the Year by the Retail Grocers Association of Florida.

At his funeral on January 28, Robert O. Aders, former president of the Food Marketing Institute, gave a warm and moving eulogy to his good friend, Glen Woodard. It captures Glen's sharp wit, down-home personality, and wonderful good-natured philosophy. I ask unanimous consent that a copy of this excellent tribute be printed in the RECORD.

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

EULOGY TO GLEN WOODARD

(By Robert O. Aders)

Glen, it is an honor to be invited to eulogize you. It is not the first time that I or others have praised you in public but it is the first time you won't have the last word. I speak on behalf of myself and Tabitha and your other close friends in the industry that you have served so well for so many years—on behalf of your many associates in FMI and other groups in Washington and the State capitols with whom you have worked to improve food system and the supermarket industry—to improve the quality of government—and to improve the relationships between industry and government—in order to better serve the public. We have enjoyed considerable success in all these things and you have truly left your mark. You have made a difference. And today we celebrate your life.

We all lead our lives on many levels—our home, our church, our country, daily work, recreation. So did Glen Woodard. I would like to say a few words on behalf of those who knew him mostly in his Washington life, that part of his Winn-Dixie career where some of us in this room were his extended family. Glen was born in Washington, D.C.—says so in the Jacksonville newspaper so it must be true. But Glen always denied that. He didn't want to be a Washington insider. Instead Glen told a Supermarket News reporter who asked where he was born:

''Born in North Georgia in 1917, RFD 1, Clermont. Go out from Gainesville, turn left at Quillens store, going toward the Wahoo Church, and then past there up toward Dahlonega. We lived there till the Grand Jury met—then moved to Florida.''

My friendship with Glen goes back a long way. We both joined the supermarket industry 38 years ago. In 1957 Glen joined Winn-Dixie and I joined Kroger—he as a lobbyist, I as a lawyer.

These were the good old days of smaller government but it was growing and soon Kroger decided to form a government relations department. I was chosen to do it. We were going to lobby and all I knew about that was what you had to go through when you check into a hotel. Then I got lucky. The American Retail Federation was holding a regional conference in Springfield, Illinois, and the already-famous Glen Woodard was the featured speaker on ''lobbying.'' Glen spoke on the nitty-gritty of working with government—the day-to-day task of dealing with small problems so they don't get big—the same way we all deal with our family and business problems. He spoke on the day-to-day things that government does, wittingly or unwittingly, that impose a great burden on business. While business is focusing on the big issues we tend to ignore the minor day-to-day interferences that cost us money and slow us down. The title of his speech was repeated at just the right time throughout his presentation, in that patented stentorian voice. It was ''While you are watching out for the eagles you are being pecked to death by the ducks.'' And that was my introduction to the famous Glen Woodard vocabulary and the beginning of a long professional relationship as well as a personal friendship.

To Glen, a Congressman or a Senator was always addressed as ''my spiritual advisor.'' Glen Woodard's world was not populated by lawyers, accountants and ordinary citizens but by ''skin 'em and cheat 'ems,'' ''shiny britches,'' and ''snuff dippers.'' These people don't merely get excited they have ''rollin' of the eyes'' and ''jerkin' of the navel.'' Colorful he was. But Glen needed that lighthearted perspective to survive, for Glen was in the middle of what is now called ''that mess in Washington'' from Presidents Eisenhower to Clinton. Working his contacts, talking to representatives and senators, walking his beat—those endless marble corridors of power—doing as he put it ''the work of the Lord.'' And, indeed, his work affected the law of the land.

And, indeed, that work was made a lot more fun for all of us by Glen's marvelous sense of humor and his wonderful delivery. I remember a meeting a few years ago with a top official in the Treasury Department. We had been stymied for years trying to change a ridiculous IRS regulation because of the stubbornness of one particular bureaucrat. One day Glen broke the logjam as follows: ''Jerry, I had occasion to pay you a high compliment when I was with the Chairman of the Ways and Means Committee last week. I said you were just great with numbers. In fact, you're the biggest 2-timin'. 4-flushin', SOB I've ever known.'' He got the point and the rule was changed.

With all his blunt talk and tough wit, he was a kind and generous man. In fact, my wife described him when she first met him as courtly and gallant. That was at a luncheon at the Grand Old Opry years ago. My mother was also present and Glen was with his beloved Miss Ann. My mother was so charmed that for the rest of her life she always asked me ''How is that wonderful gentleman from Winn-Dixie that you introduced me to in Nashville.'' Of course, Tab got to know the total Glen over the ensuing years at the many private dinners the three of us enjoyed when Glen was in Washington and had a free evening.

Those of us who worked at the Food Marketing Institute during Glen Woodard's career knew the many facets of this fine man. Always with us when we needed him, he was a brother to me and he was Uncle Glen to the young people on the staff.

Those young people he mentored over the years—young people now mature—carry the principles and values that he lived and taught. Here are some of them:

Integrity—stick to your principles.

Strength and toughness—take a position and stand on it.

Work ethic—It may not be fun at first. If you work hard enough you'll enjoy it.

Responsibility—Take it. Most people duck it.

Generosity—Take the blame; share the credit.

Reliability—Say what you'll do and then do it.

Fairness—It isn't winning if you cheat.

And finally, Grace under pressure.

On behalf of those young people, Glen, I say you brought a great deal of nobility to our day-to-day lives and you made us feel worthwhile.

A few years ago we tricked Glen into coming to a testimonial dinner on his behalf. He thought it was for someone else. The dinner menu was designed especially to Glen's taste. He always said he was sick of overcooked beef, rubber chicken and livers wrapped in burnt bacon. So we had a Glen Woodard menu prepared at one of the fanciest private clubs in Washington—The F Street Club. Their kitchen staff will never forget it. We had country ham, redeye gravy and biscuits with collard greens. We had cat fish, hush puppies and cole slaw. All the condiments were served in their original containers—ketchup in the bottle, mustard in the jar, and alongside each table in a silver ice bucket we had Glen's cheap rose' wine in a screw-top bottle.

The FMI staff had prepared a special plaque for this man who already had a wall covered with plaques, but this was different and it expressed how the staff felt about him. It went this way: ''FMI to Glen P. Woodard, the Best There Is.''

For nearly 30 years you have served your company and our industry in the area of public affairs with unparalleled skill and devotion. Currently chairman of the FMI Government Relations Committee, recent Chairman of the FMI Fall Conference, untiring laborer in the vineyards of government on behalf of the American food system, you have accomplished mightily for our industry.

We salute your dedication, your knowledge, your wit and your style. And we treasure your friendship. You are, indeed, The Best There Is. And we love you. Washington, D.C., October 22, 1985.

And that still goes Glen, old buddy.

IS CONGRESS IRRESPONSIBLE? THE VOTERS HAVE SAID YES!

Mr. HELMS. Mr. President, the impression will not go away: The enormous Federal debt greatly resembles the well-known energizer bunny we see, and see, and see on television. The Federal debt keeps going and going and going—always at the expense, of course, of the American taxpayer.

A lot of politicians talk a good game—when they are back home—about bringing Federal deficits and the Federal debt under control. But so many of these same politicians regularly voted in support of bloated spending bills during the 103d Congress—which may have been one factor in the new configuration of U.S. Senators for the 104th Congress.

There is a rather distressing fact as the 104th Congress moves along: As of Friday, March 10, 1995, the Federal debt stood—down to the penny—at exactly $4,847,327,170.23 or $18,400.54 per person.

Mr. President, my hope is that the 104th Congress can bring under control the outrageous spending that created this outrageous debt. If the party now controlling both Houses of Congress, as a result of the November elections last year, does not do a better job of getting a handle on this enormous debt, the American people are not likely to overlook it in 1996.

DR. RICHARD C. HALVERSON

Mr. HATCH. Mr. President, last Friday marked the official last day of duty for our Senate Chaplain, the Reverend Richard C. Halverson. I want to take just a moment to pay tribute to his service to the Senate as an institution and a word of thanks for his ministry to Senators as individuals.

Dr. Halverson came to us in 1981 after an already distinguished pastorate at Bethesda's Fourth Presbyterian Church. There, as here, he tried to build a strong community—a community that supported each other and strengthened each other's faith.

Dr. Halverson was not a spiritual leader as much as he was a spiritual coalition builder. He knew that the needs of Senators were so unique that any chaplain had to do more than pray for us once a day. He knew that cultivating faith and goodwill required more than the skills of a single professional clergyman. That Reverend Halverson led us to appreciate and seek out the spiritual strengths in each other was perhaps his greatest achievement as chaplain.

To those who view the Senate on C–SPAN or even from the inside vantage point of the press galleries, the office of Senate Chaplain may appear to be superfluous. But, Dr. Halverson's gentle outreach to all Senators—of both parties and of all religious denominations—made the chaplaincy a living example of exactly the kind of men and women we all strive to be: kind, forgiving, honorable, and joyful. I believe that most Americans support the idea that these qualities ought to exist somewhere in the hustle and bustle of what goes on under this great Capitol dome.

I, for one, will miss hearing his cheerful ''God bless you'' when passing him in the corridors. There is not a one of us here who would not admit to feeling better upon hearing that; sometimes it changed the perspective of the entire day.

His ministry here has been well-served and now his retirement is well-deserved. I wish to join all Senators in wishing Dr. Halverson a rewarding and happy retirement.

TIME FOR COMMON COURTESY: WELCOME TAIWAN'S PRESIDENT TO OUR SHORES

Mr. HELMS. Mr. President, I am happy to participate in calling the Senate's attention to a travesty in the modern conduct of U.S. foreign relations. The question all Americans should confront is, how and when did the United States reach the point in United States-Taiwanese relations that United States foreign policy could possibly forbid a visit to the United States by the highest-ranking, democratically elected citizen of Taiwan?

Though I seldom disagree with Ronald Reagan—I did strongly disagree on a few occasions and one of those was when President Reagan's advisors made a bad decision—one which so jeopardized our relations with Taiwan by cuddling up to the brutal dictators in Beijing.

Since that time, the United States has been forced to hide behind a diplomatic screen to demonstrate our commitment and loyalty to the Taiwanese people.

Mr. President, at the time President Reagan's advisers cast their lot with the Red Chinese Government, Congress was promised that the United States would nonetheless continue to ''preserve and promote extensive, close and friendly * * * relations'' with the people on Taiwan. But one administration after another failed to live up to that promise.

How in the world could any one consider it close and friendly to require the President of Taiwan to sit in his plane on a runway in Honolulu while it was refueled? I find it hard to imagine that United States relations with Red China would have come to a standstill because a weekend visit to the United States by Taiwan's President Lee was allowed.

The President's China policy is in poor shape at this point—even members of Mr. Clinton's team recognize that. So, how can anyone really pretend that allowing President Lee to travel to his alma mater—or to vacation in North Carolina—would send our already precarious relations with Red China plummeting over the edge?

Last time I checked the mainland Chinese were obviously and understandably enjoying their relations with the United States a great deal. We would be enjoying them, too, if only American taxpayers could be benefiting to the tune of $30 billion every year as a result of United States trading with Red China.

Time and again, the U.S. Congress has urged the administration to grant President Lee a visa. We have even amended United States immigration law so that it now specifically mentions the President of Taiwan. Congress has passed resolution after resolution encouraging the President to allow President Lee into the United States for a visit. All to no avail.

Now's the time, Mr. President, We encourage you to allow President Lee to visit the United States when he so chooses. Bear in mind that some of us in Congress will never cease our support for one of America's greatest allies, the oldest democracy in the Asian region—the Republic of China on Taiwan.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Will the Senator from Massachusetts withhold so that we can go back to the pending business?

Mr. KENNEDY. I thank the Chair.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 889, which the clerk will report.

The assistant legislative 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 resumed consideration of the bill.

Pending:

Bumpers amendment No. 330, to restrict the obligation or expenditure of funds on the NASA/Russian Cooperative MIR program.

Kassebaum amendment No. 331 (to committee amendment beginning on page 1, line 3), to limit funding of an Executive order that would prohibit Federal contractors from hiring permanent replacements for striking workers.

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

Mr. KENNEDY. Madam President, during the course of our discussion last week about the action of the President of the United States in issuing the Executive order on the permanent replacement of striking workers, there were a number of issues that were raised. One was the question of whether the President had the authority and the power to issue the Executive order; a second was whether there was a sound public policy rationale to do so. I would like to take a few moments of the Senate's time this afternoon to address those issues specifically, and then to make some additional general comments.

Madam President, I understand that earlier in the course of the Senate session there may have been a statement by the majority leader as to how we were going to proceed on the Kassebaum amendment. We initially had the cloture vote called for at 5:30 this afternoon but now that vote will occur on Wednesday at a time to be worked out by the leaders. I believe that I am correct. That is my understanding as how we are going to proceed. I was inquiring of staff whether that had actually been announced in the Senate for the benefit of the membership. Could I make that inquiry?

The PRESIDING OFFICER. Consent was obtained to postpone the vote on the Kassebaum amendment to Wednesday, March 15 at 10:30 a.m..

Mr. KENNEDY. I thank the Chair.

Madam President, when we debated the issue of permanent striker replacement last year and again on the floor last week, our opponents argued that the use of permanent replacements is too infrequent to justify a legislative response. But the tens of thousands of workers around the country who have lost their jobs for exercising their legal right to strike bear witness to the need for action. Study after study has shown that the permanent replacement of strikers has exploded, and that the use—or threat of use—of permanent replacement is now a routine practice in collective bargaining negotiations. I

took a few moments when we were meeting last Friday with charts to demonstrate the rather dramatic increase in the utilization of permanent strike replacements in recent years.

In a survey of employer bargaining objectives conducted by the Bureau of National Affairs earlier this year, an incredible 82 percent of the employers surveyed said that if their employees went on strike, they would attempt to replace them, or would consider doing so. And of those employers, more than one in four said the replacements would be permanent.

The historical evidence also leaves no doubt that this has become a serious problem, and that it is getting worse. Let me just review for a moment the results of a study by Teresa Anderson-Little of the economics department at Notre Dame University.

By searching through electronic data bases, published legal articles, and National Labor Relations Board case reports, Ms. Anderson-Little was able to identify 632 strikes involving the use of permanent replacements which occurred between 1935 and 1991—the largest data base of any of the studies that have been conducted to date. Her research confirms that the use of permanent replacements was extremely rare in the first 40 years following passage of the National Labor Relations Act, and that the increase has been dramatic in recent years.

From 1935 through 1973, there were on average only six strikes per year in which employers hired permanent replacements. But beginning in 1974 and continuing through 1980, the average number of strikes per year involving permanent replacements nearly triples. And from 1981—the year President Reagan permanently replaced the striking PATCO workers—through 1991, the average rose to 24 strikes per year—4 times the average prior to the mid-1970's.

Our opponents like to claim that the ability of employers to permanently replace workers helps to promote more cooperative labor-management relations, and prevent disruptions to the economy caused by strikes. But Ms. Anderson-Little's study also confirmed that the use of permanent replacements significantly prolongs strikes and prevents disputes from being settled.

While the average duration of all strikes in the United States has historically ranged from 2½ to 4 weeks, strikes involving permanent replacements have consistently lasted an average of 7 times long as strikes where permanent replacements were not hired.

Since the Bureau of Labor Statistics stopped keeping comprehensive data on strike duration in the 1980's, Ms. Anderson-Little's findings involved strikes only through the end of the 1970's. However, studies involving more limited samplings of strikes during the 1980's and 1990's affirm the impact of striker replacements on strike duration.

Using a GAO-compiled data base of strikes that occurred in 1985 and 1989, Professors Cynthia Gramm and Jonathan Schnell of the University of Alabama found that the mean duration of a permanent replacement strike was three times as long as the mean duration of strikes where permanent replacements were not used.

A survey of strikes involving members of the Steelworkers Union from 1990 to the present found that where temporary replacements were used, the average duration of an economic strike was 121.9 days, but when the employer hired permanent replacements, average strike duration lengthened to 284.1 days.

Why is that strikes involving permanent replacements last so long? The answer is that once permanent replacements are hired, the union and the employer are immediately placed at opposite extremes on the issue of reinstatement of strikers, which becomes the sole topic of bargaining. Since it is an irreconcilable issue, the strike continues until either the union or the employer concedes.

The union finds it impossible to give in, since accepting the employer's position means by definition that the employees have been replaced and can't have their old jobs back. The employer, for its part, has little incentive to capitulate once it has hired and made commitments to new, permanent workers.

Studies like the Gramm-Schnell study have consistently found that employers now hire permanent replacements in 20 percent of all strikes, and threaten to hire replacements in another 15 percent of strikes.

The notion that we can sit back and let this practice continue because workers are permanently replaced in only 1 out of 5 strikes is both heartless and absurd. Every single worker who is permanently replaced is one too many.

Lest no one doubt that there are real, flesh-and-blood workers behind these statistics. When we debated this issue last year, we were presented with a list of individual names of more than 19,000 strikers who were permanently replaced in strikes that occurred in the eighties and early nineties. Those are names from just a limited sample of strikes that occurred during that period. And since last year, the numbers have kept growing.

In my own State of Massachusetts, at least 450 workers have been permanently replaced just since 1988, including workers at ADT Security Systems, Brockway Smith, Kraft S.S. Pierce, and Olson Manufacturing.

To these workers and their families, this is not some minor issue that is undeserving of congressional attention—this is about their jobs, their livelihood, their families' future.

Lori Pavao, a former nurses' aid at a nursing home in Fall River who was permanently replaced when she and other nurses' aides and members of the dietary and housekeeping staff went on strike on 1989, recently described her feelings about what happened to her:

> I worked there for 8½ years. A lot of patients were like family to me. I felt lost for awhile. I didn't want to start all over somewhere else.
>
> You always hear about people going out on strike and people going back. I just never dreamed that it would be over that way. I thought I was going to retire from the place.

Although opponents of the President's Executive order make much of that fact that permanently replaced strikers do have the right to be placed on a preferential hire list to be considered for future openings if the permanent replacements leave, the fact is that very few workers actually do over return to work with their previous employer.

And many never recover, financially or emotionally, from the devastating experience of being thrown out of their jobs for exercising what is supposed to be a legally protected right.

Banning the permanent replacement of striking workers has overwhelming support not just from labor, but also form religious groups, civil rights groups and women's groups. They understand that this issue is not about some abstract power struggle between big business and big labor. This is about real people who are being deprived of the only leverage they have to counteract the enormous power that employers have to dictate terms and conditions on the job.

This is about workers like the women at Diamond Walnut, who gave decades of their lives to that company, who agreed to 30 percent paycuts in their meager wages to help their company survive when it was in trouble, and who then were thrown out on the street when the company was back making record profits because of their sacrifice.

This is about the workers at Burns Packaging in Kentucky—45 percent black and 40 percent female—who were making $4.70 an hour when they decided to form a Union. What they asked for was a 5 percent increase, to just $4.95 an hour, and a grievance and arbitration procedure for resolving complaints about unfair treatment. But when they struck after 6 months of fruitless negotiations at the bargaining table, they were immediately permanently replaced.

(Mr. GRAMS assumed the chair.)

Mr. KENNEDY. The President's Executive order will not change the law regarding permanent replacements. But by banning the practice of permanent replacements on Federal contracts, it will help to prevent the terrible injustice to working people that is caused by the current system.

In the end, what is at stake here is the standard of living for working men and women. The country has experienced a 20-year decline in real wages.

Hourly compensation has fallen compared to other major industrial nations.

Since the early 1980's, we stand virtually and ominously alone in the industrial world as a Nation where the disparity in income between the rich and the poor grew wider. That is not a healthy trend for any country, and certainly not for ours, which is based on the principle of fair opportunity for all.

The facts are disturbing. The ratio in earnings between the top 10 percent of wage earners and the bottom 10 percent is wider in the United States than in any other industrial country. The bottom third of American workers earn less in terms of purchasing power than their counterparts in other countries.

American workers are actually working harder than workers in other industrial nations. The U.S. workers now labor 200 hours more a year than workers in Europe. While vacation and leisure time have increased over the past 20 years for Europeans, they have declined for most Americans.

Yet, according to the Congressional Budget Office, between 1977 and 1989, the after-tax income of the top 1 percent of families rose by more than 100 percent, while that of the bottom 20 percent fell nearly 10 percent.

Here we are seeing an extraordinary phenomenon, which is really unique in terms of the whole American experience in this centry. For decades, all of us moved along together, as we increased productivity and output, and as we adopted new technology and new skills, as we saw corporate profits increase, the standard of living for working families also increased, so that each generation was better off than the past generation. That is generally what most Americans experienced, it is no longer true for the current generation.

We are seeing that working families are working longer and harder, and with less to show for it in terms of their real incomes. The only factor that has really enabled families to maintain a stable income over the last 15 years is the enormous infusion of second family earners—workers' wives, for the most part—into the labor market. It is only by having their spouses come into the work force and augmenting and supplementing the family's income that working families have been able to offset the effects of declining real wages.

Now what we are seeing, even with all these women who are wives and mothers in the work force, is that families have effectively stagnated and real purchasing power, is in decline.

That is what is happening. And there is no further adjustment that working families can really make to deal with that problem. Most families already have everyone in the family is able to work out there working. So they can't put another family member to work to make up for the fact that in real terms, their wages are declining.

Too many of those other members of the family who are trying to go out and find work to help supplement the family's income jobs are finding that the only jobs available are minimum wage jobs, and that is another issue which we must address. The real purchasing power and the minimum wage continue to decline. So the ability of those other members of the family to contribute to the income of the family is reduced. This whole issue presents to the Senate and the House of Representatives the question of whether we are going to truly honor and reward work in our society.

Are we going to say to people that are prepared to work 40 hours a week, 52 weeks a year, that you will earn a living wage and have a future? Or are we going to say that you can be treated like wornout and antiquated machinery and put on the junk heap while we hire other younger people that will work for a good deal less in terms of their benefits, because younger people are healthier and they do not have the health-care costs and needs that older workers do.

The phenomenon we are seeing, Mr. President, is that while the after-tax income of the top 1 percent of the families rose more than 100 percent, that of the bottom 20 percent fell nearly 10 percent. Who are those 20 percent who are seeing their real earnings decline? They are the workers who are out there every single day, playing by the rules, doing their bit and participating. And they are the workers who, if they have the nerve to try to gain another 5, 10, 15 cents an hour in wages, are being permanently replaced by their employers. They are the ones who are taking it on the neck.

The President of the United States says that if those companies are going to go ahead and dismiss those workers and hire permanent replacements for them, we are not going to give them an additional leg up by entering into contracts with them that allow them to make profits with taxpayers dollars; we are just not going to do that.

And now we have an amendment on the defense appropriations bill which seeks to block the President from implementing that policy, an amendment which is effectively a legislative initiative on an appropriations bill, which is not appropriate, and which is tying up the Senate and preventing us from doing our basic work in terms of dealing with defense appropriations. Our Republican colleagues have insisted on offering and pressing this amendment. So we are here responding to their arguments.

Mr. President, another phenomenon that is happening out there in the real world for workers is that health care for the American workers is becoming increasingly expensive.

Union workers who went without pay increases in order to obtain good health care have seen their health benefits cut back. They have been asked to pay greater percentages of health costs. Since 1980, the share of workers under 65 with employer-paid health care has dropped from 63 to 56 percent. The percent of workers covered by employer-provided pension plans is also rapidly decreasing.

What we are seeing is that the coverage of workers by employers for their health care costs is on a downward slide. And those pensions that were out there to give workers some degree of additional security so they would be able to live their golden years in peace and dignity are also being cut back. But by God, if you complain about those cutbacks that are taking place every single day across America, off you go—you're permanently replaced, put on the junk heap. And that is what is happening.

We have a President who is saying, to the extent that he has the authority and the power, he is going to say ''no'' to the use of permanent strike replacements on Federal contracts. That makes a good deal of sense.

This President's action on permanent replacements offers us a chance to take a stand against all of these disturbing trends: ending the practice of permanently replacing workers on Federal contracts will not solve all of the problems of working Americans, but it can help turn the tide, and by affirming this country's commitment to collective bargaining, we are reaffirming our commitment to a fair balance between labor and management.

We will be standing up for the original historic intent of the labor laws, which have done so much for the country in the past half century. The President's Executive order closes the loophole that undermines good relations between business and labor, and I urge the Senate to support it and reject the amendment.

Mr. President, many of our Republican colleagues have said that they are troubled by the President's action in signing the Executive order. They complain that it takes away the rights of Congress.

But this is not what they are really concerned about. Not one of them, not even the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Texas [Mr. GRAMM], nor the Senator from Vermont [Mr. JEFFORDS], not a single Republican Senator stood up to complain 3 years ago when President Bush signed an Executive order on project labor agreements that changed the national labor law and prohibited Federal contractors from doing something the National Labor Relations Act allowed them to do.

On October 23, 1992, President Bush signed Executive Order No. 12818, which prohibited contractors on federally funded construction projects from entering into otherwise lawful prehire labor agreements. The Executive order prohibited contractors from requiring their subcontractors be bound by their labor agreement, even though section 8(e) of the National Labor Relations Act explicitly permits such agreement. President Bush, unlike President Clinton, overrode an explicit congressional

statement about national labor policy passed by both Houses of Congress and signed into law by the President.

Did any Republican complain? No, not a one. Why not? Could it be they have no real concern about the President overriding congressional labor policy as long as the President's actions are anti-union and are designed to thwart collective bargaining and diminish the power of working Americans? Isn't their only real problem with President Clinton's Executive order a partisan political problem—that they will support an activist Republican President but lash out at a Democrat? Certainly, there is no consistency of principle amongst our Republican friends who are attacking the President now.

Every Republican who voted for S. 55 is opposing the Executive order now. They are putting partisanship above principle.

President Clinton's Executive order does not conflict with an explicit congressional statement of labor policy. There is nothing in the National Labor Relations Act that specifically authorizes the use of permanent replacements for strikers. Yet there is a provision in section 8 of the National Labor Relations Act that makes project labor agreements legal. So why are the Republicans who were not concerned when President Bush issued his Executive order on project labor agreements now so concerned about President Clinton's order on permanent striker replacements?

The Republicans are deeply troubled by this order. We heard a great deal about that. We are deeply troubled by the action of President Clinton. We are deeply troubled by the implication of this Executive order. We are deeply troubled by what this is going to mean in terms of labor relations. We are deeply troubled that somehow we are interfering in the balance between workers and management. We are all deeply troubled.

Well, none of them was deeply troubled at the time when a Republican President issued an Executive order which was in conflict with the National Labor Relations Act. No, none of them were deeply troubled at that time. A Senator who truly finds President Clinton's action troubling would have been far more troubled by President Bush's much more direct challenge to congressional authority.

No, the problem is not the President's authority. Congress gave the President clear authority to control the practices of Federal contractors in the Federal Property Administrative Services Act, 40 U.S.C 471. As the Justice Department's legal analysis points out, that authority is broad-ranging.

As that legal analysis states:

> We have no doubt, for example, that section 486(a) grants the President authority to issue a directive that prohibits executive agencies from entering into a contract with contractors who use a particular machine that the President has deemed less reliable than others that are available. Contractors that use the less reliable machines are less likely to deliver quality goods or produce their goods in a timely manner.
>
> We see no distinction between this hypothetical order in which the President prohibits procuring from contractors that use machines that he deems unreliable and one that the President actually issued which would bar procurement from contractors that use labor relations techniques that the President deemed to be generally unreliable, especially when the Secretary of Labor or the contracting agency's head each confirm the validity of generalization in each specific case.

Mr. President, this issue is related as well to the debate that we have had in the past, and I am sure will have again in the course of this Congress, about the Davis-Bacon law which was initiated by Republicans and has been the law of the land for more than 60 years. Attempts will be made to repeal it.

The Republicans say, ''Look, instead of requiring federal contractors to pay prevailing wages, we can actually save the Federal Government some money by letting those wages slide down, slide down, slide down, so that the contracting can be done at less cost to the taxpayer.''

Well, that argument has a sort of superficial logic to it, but as former Secretary of Labor John Dunlop has commented—and Professor Dunlop is not a Democrat but a Republican, and one of the foremost labor economists in the country—as former Secretary Dunlop has argued, it is a very shortsighted way of viewing what is really going to be in the public's interest, in the taxpayers' interest, over the long run.

You cannot assume, Professor Dunlop points out, that overall project costs are going to be lower just because the dollars you are paying in wages to the workers are lower. What you have to look at is the overall issue of productivity and quality and the ability to deliver a good product on time. That ought to be obvious to all of us. And John Dunlop's basic posture and position is that it is delusional to believe that just by finding people that are going to work for a lesser cost than the prevailing wage, that somehow you are going to be able to save millions or hundreds of millions of dollars, some even estimate it as high as billions of dollars, in terms of taxpayers' funds. What is going to happen is you are going to get inferior products not delivered on time and of poor quality. And someone is going to have to make that up, and it is going to be the taxpayer who is going to pay a good deal more.

We are talking about the same concept, Mr. President, here in terms of the President's Executive order on the use of permanent replacements by Federal contractors. All we are saying is that, with regard to the President's Executive order, he does not want to use the contracting authority of the Federal Government to enter into contracts with contractors that are going to have permanent striker replacements.

Why? Because those permanent replacements are unlikely to have the skills, the background, the experience, the techniques, the knowledge and the know-how to deliver good products on time which they would be charged to do. And rather than taking that chance, in terms of protecting the taxpayers' interest in it, he is not going to participate in that.

I think that is sound common sense and is a sound action in terms of protecting the financial interests of the United States. And it is a sound social policy in terms of trying to give some respect to those individuals who are working hard, playing by the rules, who believe that under the National Labor Relations Act it is still the law that you cannot fire someone who strikes and that therefore it makes no sense to say that a striker can be permanently replaced.

It makes absolutely no common sense to say that you cannot fire strikers but you can permanently replace them. And the workers of this country are fortunate to have a President who understands that the use of permanent replacments is at odds with what the basic principles of the National Labor Relations Act and with the system of collective bargaining that has served this country well over many decades.

So, Mr. President, I hope we will not hear any more manufactured outrage about the President's Executive order. The President has followed precedents established by President Bush. He is fully within the authority granted him by Congress to control the Federal procurement process. The real issue for his critics is his support for working Americans and labor organizations, and not the process he has used to accomplish it.

Now, Mr. President, over the course of the debate in these past days, we have heard various arguments that preventing employers from permanently replacing strikers would encourage strikes and upset the balance in labor-management relations by somehow ensuring that unions would always win a strike situation, the President's Executive order. I thought it would be worthwhile just to take a few moments to review these arguments and also to respond to them so that the Senate record would reflect my view of the answers to these questions.

One of the first questions is, would a ban on permanent replacements inevitably lead to more strikes? No, Mr. President, I do not believe that it would. Even without the threat of permanent replacement, a strike has always been a serious matter for workers and their families. Workers do not lightly choose to forgo their wages, walk the picket lines for days, weeks, or months; deplete or exhaust their life savings and become dependent upon

the charity of others. Workers are especially reluctant to take on these sacrifices because it is never certain that a strike will accomplish their goal.

Apart from the economic disincentives, a strike imposes a great emotional strain on families, friendships, and on the fabric of local community life. A strike is a last resort that no one undertakes lightly. It is wrong to suggest that workers will walk out on their jobs simply because they cannot be permanently replaced.

Workers do not enter into strikes out of any desire or expectation that they will cause permanent hardship to the employer. Workers expect to return after the strike. They have every interest in the long-term prosperity of their employer.

If anything, the use of permanent replacements is what produces longer, more bitter strikes, by transforming the dispute from a dispute about wages and benefits into a battle over the future of every striker's job. These are the hardest disputes to settle, and last the longest time.

Many strikes today occur precisely because the employer has the possibility of permanently replacing the work force. The employer has little incentive to engage in meaningful bargaining with the union when the alternative is either that the union surrenders to the employer's demands, or there is a strike that enables the employer to replace the work force, break the union, and escape the necessity of bargaining altogether.

Maybe strikes would be avoided if the employers did not have the temptation of permanently replacing their work force. That, Mr. President, really says it. If the employer understands that he has the option to replace all the workers, he has very little interest in trying to resolve the dispute. But if the employer has an interest in trying to resolve the dispute then it is logical to assume that the disruption would be held to a minimal amount of time.

You cannot read or hear the real-life stories of individuals that have been permanently replaced without being struck by the fact that invariably those workers talk about how they wanted to continue working for their employer—how they had every hope and intention of remaining with that employer as long as they were able to work. That is a common expression, a common view, a common opinion that runs through the stories of the vast majority of those workers.

Next, would prohibiting the permanent replacement of strikers guarantee that unions will win every strike? This is a concern raised by those who argue that somehow we are changing the rules in such a way as to upset the whole balance between the workers and the employers and guarantee that one side rather than the other would always win.

The fact is that employers win many strikes in which no permanent replacements are hired or threatened to be hired. A prohibition on permanent replacements would certainly not ensure that the union always prevailed in an economic strike.

Employers have many ways to maintain production and revenues during a strike. They can hire temporary replacements. They can use nonstriking employees, managers, and supervisors to do the work; they can hire subcontractors to do the work; and they can rely on stockpiled inventory. All of those techniques have been used in the past with considerable success by employers. Through these and other means, employers avoid the hiring of permanent replacements in the majority of strikes today. Prohibition on the use of permanent replacements leaves in place many significant limitations of what workers may do during a strike. Unions would remain unable to engage in secondary boycotts and would continue to be subject to stringent picket line restrictions.

Will a ban on permanent replacements unfairly deprive employers of a legitimate self-help option? No, because the hiring of permanent replacements should not be viewed as a legitimate form of employer self-help.

The National Labor Relations Act calls for controlled conflict between labor and management. There are principles of fairness that limit each side's right to engaging in self-help activity. Thus, unions are not permitted to engage in secondary boycotts or picket line violence during a strike, even though each of these activities makes it easier for unions to win a strike. Similarly, the hiring of permanent replacements must be viewed as so fundamentally unjust it undermines the basic concept of controlled labor-management conflict.

The fact of the matter is that it is not the law of the jungle out there. There are effective restraints in the law already on the tactics which can be used by parties to a labor dispute, and those restraints are respected. But the use of permanent replacements alters and changes this in a very significant way.

Cardinal O'Connor, the Archbishop of the Diocese of New York, testified eloquently on this moral dimension of the permanent replacement issue. He said:

> It is useless to speak glowingly in either legal or moral terms about the right to bargain and to strike as a last resort, or even the right to unionize, if either party—management or labor —bargains in bad faith, or in the case of management, with the foreknowledge of being able to permanently replace workers who strike on the primary basis of the strike itself. In my judgment, this can make a charade of collective bargaining and a mockery of the right to strike.

It could not be said any clearer than Cardinal O'Connor said it in that comment. So compelling, so sensible, so simple in its logic and rationale.

What is the practice of our foreign competitors with respect to the lawfulness of hiring permanent replacements? Often we hear the argument that if we prohibit employers from permanently replacing strikers we are going to be disadvantaged in our ability to compete effectively in trade around the world.

It is interesting to me to hear this argument invoked so frequently, when the fact is that every other industrial country provides much more generous benefits to its workers than we do. Our opponents say we cannot have comprehensive health insurance for all Americans because it is going to make it difficult for us to compete internationally, but all of the other industrial countries of the world have it. They said we could not have family and medical leave because we would not be able to compete effectively. But workers in other countries have family and medical leave. In fact, virtually all of them have paid family and medical family leave, except for the United States.

Our opponents says we cannot have an effective day care program because we will not be able to compete, when every other industrial country of the world has a comprehensive child care system as a matter of national policy. Whatever political parties are in power in the democratic industrial nations, none of the political leaders, none of the political parties is for emasculating programs that reach out to the most vulnerable in society. Contrast that to what is happening now in the Contract With America where the Republicans are cutting out school lunch programs, cutting back on day care programs, cutting back on the WIC Program, cutting back on student aid programs and teacher support programs, cutting back on housing programs for the homeless.

I do not know how many saw that enormously moving story by one of the networks over the weekend called ''The Feminization of Homelessness,'' about the growing number of women and children in our society affected by homelessness and the explosion of in those numbers that is taking place all across this country.

Maybe we do not have the existing programs right, and certainly we do not in all circumstances. But we ought to try to find ways of improving, strengthening, and making them more effective—making them work rather than effectively abandoning them.

No, we cannot say the benefits we provide to working families are disadvantaging us internationally in our ability to compete. The fact of the matter is, the United States lags behind the rest of the world, including our major competitors, when it comes to the basic democratic rights of workers. Our No. 1 trading partner, Canada, does not even authorize permanent replacements for strikers, even though Canada adopted the NLRA as a model for its labor laws. Canadian law has regularly rejected the Mackay rule as inconsistent with free collective bargaining. United States firms operating in Canada are as profitable without the Mackay rule—which is the rule that

permits the permanent replacement of strikers—as American firms operating under the Mackay rule in the United States.

Other major economic competitors—Japan, France, Germany—categorically prohibit the dismissal of striking workers. Employers in these nations recognize the importance of investing in human resources and have no desire to rid themselves of the skilled and loyal work forces that they have assembled. The employers here who use permanent replacements are harming themselves and their country.

Most of the industrial democracies with which we compete—just about every one of them—has a very extensive, continuing training program to upgrade the skills of all of their workers. That is true in France, Germany, and all of the Western European countries.

Ask them how they do it? Are they not concerned that if they train, invest and use some of their profits to train and upgrade their work force that those workers may leave and go to another place? They say, ''Well, the other companies are doing the same thing.'' And that is why we have seen in the United States, with the exception of some of the top companies, really less than 10 percent of companies who have real training programs. And most of that training does not go to the workers on the front line, but to the supervisors and the managers. We do not have a consistent ongoing upgrading and training system for American workers.

Other major economic competitors, as I mentioned, categorically prohibit the dismissal of striking workers. Even in the nations of Eastern Europe, which we applaud for their emerging democratic unionism, workers who strike do not lose their jobs.

What happened to the machinists at Eastern Air Lines did not happen to the shipyard workers at Gdansk and what happened to the coal miners at Massie Coal Co. did not happen to the coal miners in Eastern Europe. If we are prepared to extol the virtues of the trade union abroad, we should be willing to restore a level playing field for collective bargaining at home.

Mr. President, I see some of our other colleagues on the floor who want to speak. At this time, I yield the floor.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I would like to express my appreciation to the Senator from Massachusetts for being understanding of the necessary absence of the Senator from Utah. He very much wanted to be a part of the debate and the vote and his absence is one of the reasons that the cloture vote has been postponed until Wednesday. I also appreciate the understanding of the Democratic leader.

There has been a desire from all of you to move ahead. The defense supplemental legislation is an important measure, but it seems to me that we are having a good debate.

Mr. President, I would like to explain what this debate is about. This debate is not about the Contract With America. It is not about all of the other issues that have been raised, including school lunches and child care. Those are important issues to be debated at another time. The issue before us at this particular moment is an Executive order that President Clinton has issued that says large contractors doing business with the Federal Government should be prohibited from hiring permanent replacement workers.

There are people with strong views on both sides of the striker replacement issue. I feel that we have debated this issue thoroughly during the past Congress and again in this Congress, and we will be debating it further, I am sure, in years ahead.

What troubles me is that the President, through this Executive order, is able to change major labor law. The Senator from Massachusetts mentioned in his opening comments today that Presidents in the past—President Bush and President Reagan—issued Executive orders and nothing was said. Let me just, once again, go through those three Executive orders and why I believe they are very different from the Executive order that we are debating today, and the amendment which would say that no moneys could be used to implement that Executive order.

President Reagan issued an Executive order that replaced striking air traffic controllers with permanent replacement workers because the air traffic controllers had been striking illegally. There was never any question about hiring permanent replacement workers at that time. During the years following that Executive order there were several measures debated on the Senate floor about rehiring those striking air traffic controllers which did not pass.

President Bush issued one Executive order which required the posting in the workplace of all of the rights of employees. This was, by law, something that should have been done and was not in any way changing the law of the land.

The second Executive order issued by President Bush concerned prehire contracts, and that I think is a bit unclear. One of the major differences between that Executive order and this one is the fact that the prehire contract had never been debated in this Chamber. On the other hand the use of permanent striker replacement workers has been an issue debated in both the House and Senate at great length.

While one may question whether President Bush by Executive order could put into place the rule that prehire contracts could not be entered into, it had never been debated by Congress. If we were to have changed it, then Congress, logically, should have been the place to make a change. But the prehire contracts Executive order was never challenged by either the Congress or the Supreme Court.

So I think the difference is very clear. This Executive order is being challenged in Congress and is going to be challenged in the courts. It is by its very nature a troubling effort by the executive branch to, by executive fiat, change what has been the law of the land, and a major part of labor law, for some 60 years. This Executive order is troubling because, on the one hand, labor's right to strike has been upheld, but on the other hand management's right to hire permanent replacement workers, just as much a part of existing labor law, is being attacked.

I would like to quote a paragraph from the lead Washington Post editorial this morning. It says:

> The law is contradictory. The National Labor Relations Act says strikers can't be fired; the Supreme Court has nonetheless ruled that they can be permanently replaced. The contradiction may be healthy. By leaving labor and management both at risk, the law gives each an incentive to agree. For most of modern labor history, management in fact has made little use of the replacement power and labor hasn't much protested it.

Perhaps this is where we are today, trying to ponder this contradiction. We can ask ourselves if, in revisiting the National Labor Relations Act we need to address it in some different ways to meet the changing labor markets. The current balance has worked well. On the other hand, I am sympathetic to those who say management should not immediately hire permanent replacement workers because, if that is the case, the employees have lost some leverage which they would have with the right to strike.

On the other hand, if the employees take advantage of a company such as Diamond Walnut, which has been debated here before, and strike right at the beginning of the season in which all of the crop must be harvested, is it not a calculated strike to force management to its knees? Is there not some means to balance these competing interests without causing a problem?

I am absolutely certain, Mr. President, that the President has made a serious mistake by issuing the Executive order and changing so fundamentally labor law that has on the whole worked well. Initiating an Executive order that will countermand legislative language is a slippery slope that can then work to any President's advantage. I think it calls into question the separation of powers between the executive and legislative branches.

While it is the right of the President to issue an Executive order, when it overturns the law of the land, I think we have to approach it carefully. The Senator from Massachusetts said that there are those who argue it would lead to more strikes. I am not sure that it necessarily would. But I think what it would do would certainly lead to far

greater uncertainty in the marketplace. I think it would lead to far greater uncertainty in relations between management and labor. I think prohibiting permanent replacements would pose enormous difficulties on both sides and certainly increase the potential for longer strikes, because what would be the incentive for those on strike to go back to work?

It seems to me that we simply must uphold a balanced approach, and neither side should be able to unbalance the relationship. Yes, we have to be just as cautious of management in taking that opportunity as we would with labor. But the mechanism is already in place for collective bargaining to work—which is the heart of the matter—and for both sides to be able to bargain in good faith. I believe this is what we in the legislative branch owe both labor and management when they go to the bargaining table. It is up to them, both labor and management, to accomplish that.

I really believe that regardless of the merits of this issue and where people stand on either side, we should think carefully about the issue before us and the implication that by Executive order a major principle of labor law can be turned on its head. This, it seems to me, is what each and every one of my colleagues should consider as we approach a cloture vote on Wednesday.

I think that the merits of permanently replacing striking workers could be debated at another time. We debated it last year. We will be debating it again. But it is the Executive order that we have to deal with at this particular time.

Mr. President, I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I appreciate the explanation of the Senator from Kansas about the issuing of the Executive order and the authority for issuing the Executive order of President Bush on the prehire issue. But I do take issue with it.

The Senator states that the difference between that Executive order and the Executive order on striker replacements issued by President Clinton is that the issue of striker replacements has been debated by the Congress but the issue of prehire agreements has not. The fact is that Congress did specifically consider and debate the issue of whether prehire agreements should be lawful at the time that section 8(f) and section 8(e) were added to the National Labor Relations Act in 1959. This issue was debated at some length in the Senate as well as in the House of Representatives, and Congress affirmatively determined that prehire agreements and project labor agreements should be legal in the construction industry. President Bush acted contrary to that decision by Congress when he issued the Executive order in 1992 prohibiting any contracting with employers who entered into prehire agreements and project labor agreements.

So the Members of Congress understood in 1959 what they were approving, what the public policy implications were, and they accepted the particular provisions permitting prehire agreements and project labor agreements—sections 8(e) and 8(f), which I put into the RECORD last year. And then, in spite of that, without any debate and any kind of discussion, we have an Executive order by President Bush to effectively undermine that. And this was after the Supreme Court had unanimously affirmed, in a 9-to-0 decision in the Boston Harbor case, that such agreements were perfectly lawful and authorized by Congress in the public sector as well as in the private sector.

That is very different from what we are talking about in terms of striker replacement. We have in the National Labor Relations Act recognition that you cannot be fired for striking, and yet we have dictum—a footnote, effectively—in the Mackay case, which was never really made use of, picked up really in the period of the 1980's after the PATCO strike and used to inaugurate the widespread replacement of striking workers with permanent replacements.

We are talking about the history of the development of this whole program. That is really what has happened. Then we had a debate on this. There is no question we had the debate on it. It passed with the support of Republicans and Democrats alike over in the House of Representatives. It was a majority of the Members of the U.S. Senate who voted to eliminate the permanent replacements. But we had a filibuster and we were prohibited from acting.

I understand that is the way the rules go. So the Senator is quite correct in saying we had a debate but we did not get final action on it. That is true. But the overwhelming majority of the House of Representatives, and in a bipartisan way, wanted to repeal permanent striker replacements. The majority of Republicans and Democrats wanted to repeal striker replacements.

The Executive order is not banning the use of permanent striker replacements. All it is saying is we as the Federal Government are not going to do additional business with you to make you more profitable if you are going to go ahead and hire permanent striker replacements, as far as Federal contracting goes.

The reasons for that are, as I mentioned earlier, when you circumvent the quality, the training, the skills of workers who, for example, might be the GE workers up in Lynn, MA, who make the F–15 engines, the F–16 engines, the F–18 engines, the attack fighter engines—really among the best-skilled workers in the world, and who constantly are improving and strengthening their skills—those are men and women who have worked there 10, 15, 20, 25, 30, 35 years in that plant. They are top of the line. To say, look, if they have a dispute up there and you are going to replace one of those workers working on those engines with some permanent striker replacement who does not have that kind of experience that the Federal Government expects—in terms of our defense expenditures and contracting I think the President is well advised to assure that every dollar that is going to be expended is going to be expended wisely, that the item will be of good quality.

The President's Executive order does not change or alter the right to hire permanent striker replacements. Those companies can still go out and still have the authority and the power to have them. All we are saying is we are not going to give them an additional benefit, like we gave to the Diamond Walnut Co., which was getting increased productivity and profitability and refused to bargain with its workers who were making barely above the minimum wage. That is what we are talking about.

Who are we talking about making a dollar? We are talking about $6-an-hour or $7-an-hour Americans, who were prepared to work for $6 or $7 an hour. I wish we could get as worked up about the people we are really affecting as we are about this Executive order. These are people working for $6 or $7 an hour and we are somehow trying to diminish them to favor companies who want to pay them $5 an hour or throw them out, and give those companies the Federal contracts, like the agricultural contract which Diamond Walnut got which helped them to sell the products overseas. They made millions, tens of millions of dollars on that contract.

You have both sound public policy reasons for this, in terms of making sure we are going to have good quality and a good product for our Federal investment, and I think you have a sound social policy with regard to preventing exploitation of the workers.

The people we are talking about are barely above the minimum wage. We have been on this now Thursday, Friday, and today. We have not been talking about consultants making $25, $30, $35 an hour who are really ripping off the system. All the examples we have been using are people making $6, $7, $7.50 an hour. They are striking for another nickel, another dime, and bango—they are replaced. Those are the people we are talking about.

Why are we spending the time here trying to shortchange this kind of worker in our society? Why are we spending all day Thursday, all day Friday, today, and the time of the Senate, to do so? I think we have better things to do with our time.

I might take just a few moments of the Senate's time to include a more detailed history of the President's authority for issuing this Executive order.

Mr. President, the Justice Department's Office of Legal Counsel has served both Republican Presidents and

Democratic Presidents as the chief guardian of the constitutional separation of powers. It is recognized by Members on both sides of the aisle as the authoritative voice on the scope of a President's powers.

On Friday, the Office of Legal Counsel made public a memorandum expressing its opinion that President Clinton was acting well within his executive authority when he issued this Executive order. I have entered the Office of Legal Counsel's memorandum into the RECORD. And I understand that the Justice Department has provided copies of the memorandum to each Senator's office.

This memorandum is important not simply because it offers the thoroughly researched and persuasive opinion of the leading institutional expert on the scope of the President's powers that this Executive order is an appropriate exercise of Presidential authority. It is important because several Members of this body have stated—without citing a single case or statute, without making a single legal argument, and without explaining their views—that they think this Executive order is unconstitutional.

The Constitution deserves more than that. The President deserves more than that. And the working families whose lives will be improved by this Executive order deserve more than that.

I have reviewed the Office of Legal Counsel's memorandum supporting this Executive order. I find it persuasive. For those who have not yet had the opportunity to review this important document, permit me to briefly lay out the analysis set forth in the memorandum that must lead any reasoned observer to conclude that this Executive order is both constitutional and appropriate to the President's authority.

The leading case on the comparative powers of the executive branch and the legislative branch is Youngstown Sheet & Tube Co. versus Sawyer, also known as the steel seizure case.

This case is something that everyone in this body who is a lawyer remembers studying from law school. It still stands as an enormously important, defining case in terms of executive authority.

In late 1951, the Nation's steel production was threatened by a labor dispute. President Truman sought to resolve the dispute by seizing most of the Nation's steel mills. He justified his action by claiming that steel was an indispensable component of the materials necessary to prosecute the Korean war. In his view, any steel strike threatened the national defense.

The Supreme Court's decision in the steel seizure case began with the premise that—

> The President's power, if any, to issue an order must stem either from an act of Congress or from the Constitution itself.

Justice Jackson's concurrence explained further that there are three zones of Presidential authority:

First, the President's authority is strongest when he acts with an express or implied authorization from Congress.

Second, the President's authority is less clear when he acts in the absence of a congressional grant or denial of authority.

Finally, the President's authority is at its lowest ebb when he takes measures incompatible with the express or implied will of Congress.

In the steel seizure case, the Supreme Court concluded that the President did not have the inherent authority under the Constitution to seize steel mills to resolve labor disputes, even in his role as Commander in Chief. Further, Congress, when it enacted the Taft-Hartley Act, expressly rejected seizure of corporate facilities as a remedy for labor disputes. Accordingly, without constitutional authorization and acting directly contrary to Congress' will, President Truman's authority was at its lowest ebb. The seizure of the steel mills, the Supreme Court concluded, was unconstitutional.

Unlike President Truman, President Clinton did not have to rely on inherent constitutional authority to issue this Executive order which prohibits Federal contractors from permanently replacing lawful strikers. As the Office of Legal Counsel's memorandum makes clear, President Clinton has the authority to issue this Executive order because Congress gave him the authority.

That is point 2 under the steel strike case.

What was the second paragraph in Justice Jackson's opinion? Did the Congress give authority which was utilized by the President to issue an Executive order? Clearly, that is so in this case.

The Federal Property and Administrative Services Act was enacted ''to provide for the Government an economical and efficient system for procurement and supply.'' This act specifically and expressly grants the President the authority to manage the Federal procurement system to guarantee efficiency and economy. Permit me to quote directly from section 486(a) of the procurement law:

> The President may prescribe such policies and directives, not inconsistent with the provisions of this act, as he shall deem necessary to effectuate the provisions of said act.

In sum, it is not simply the President's right—it is his responsibility—to do whatever is necessary to promote economical and efficient procurement.

Every court to consider the question has concluded that section 486(a)—the section I have just read—grants the President a broad scope of authority. The U.S. Court of Appeals for the District of Columbia, interpreting section 486(a), emphasized that:

> ''Economy'' and ''efficiency'' are not narrow terms: They encompass those factors like price, quality, suitability, and availability of goods or services that are involved in all acquisition decisions.

President Clinton understood these boundaries when he issued this Executive order. The preamble to the Executive order makes abundantly clear that the state of a Federal contractor's labor-management relations directly affects the cost, quality, and timely availability of the goods and services paid for by the taxpayers. Specifically, the Executive order finds that ''Strikes involving permanent replacement workers are longer in duration than other strikes.''

That is in the Executive order, and last Friday I took a short period of time on the Senate floor to review what has been happening with regard to strikes since 1935, what happened in the MacKay case, and how the annual number of strikes has increased, and increased dramatically in terms of both the numbers and also the length of those strikes.

The Executive order continues:

> In addition, the use of permanent replacements can change a limited dispute into a broader, more contentious struggle, thereby exacerbating the problems that initially led to the strike.
>
> By permanently replacing its workers, an employer loses the accumulated knowledge, experience, skill, and expertise of its incumbent employees. These circumstances then adversely affect the businesses and entities, such as the Federal Government, which rely on that employer to provide high quality and reliable goods or services.

That is the end of the quote of the Executive order.

The Office of Legal Counsel is plainly correct when it stated in its memorandum:

> We believe that these findings state the necessary reasonable relation between the procedures instituted by the order and achievement of the goal of economy and efficiency.

Mr. President, compare the detailed findings in this Executive order with Executive Order No. 12800, issued by President Bush to require Federal contractors to post a notice that workers are not required to join unions. The only finding in that Executive order is a conclusory statement that President Bush's order would ''promote harmonious relations in the workplace for purposes of ensuring the economical and efficient administration and completion of Government contracts.''

That is all there is, Mr. President. And I cannot recall any Republican Senator taking to the floor after the Executive order was issued to complain that President Bush had usurped Congress' authority, had attempted an end run around Congress.

Some of the corporate lobbyists and lawyers that have complained about President Clinton's Executive order might attempt to argue that Congress has spoken on the question of permanent replacements. In the words of the steel seizure case, they are attempting to show that President Clinton's Executive order is an act directly contrary to Congress' express or implied will.

The fact is that the House of Representatives overwhelmingly passed legislation that would have prohibited all employers—not just Federal contractors—from using permanent replacement workers. This body never got the chance to vote on the striker replacement legislation. A majority of Senators were ready to enact a bill that prohibited all employers from using permanent replacements. But a handful of Senators from the other side of the aisle filibustered that legislation. They never permitted it to come to a vote. Mr. President, that happened not once, but twice. If Congress has expressed any view on this subject, it has expressed overwhelming support for the President's ban on the use of permanent replacements.

Mr. President, this Executive order is a lawful and necessary exercise of the authority delegated to the President by Congress to effectuate the purposes of our Government's procurement laws. It is consistent with past Presidential practice and legal precedent. This Executive order is an appropriate exercise of the President's Executive authority.

Mr. President, we have over these last few days spelled out in careful detail the legal justification and rationale for the issuing of the Executive order. We have analyzed the impact of the Executive order and reviewed what has been happening in terms of labor-management relations over the period of the last 10 or 15 years. We have drawn conclusions based upon those strikes and what is happening in the real world in terms of labor-management relations, about how the public's interest would be served by this action.

I believe it is sound and wise public policy. I hope that the Senate will uphold it.

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

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

The bill clerk proceeded to call the roll.

Mr. CONRAD. 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. CONRAD. Mr. President, I ask to be able to proceed as in morning business.

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

The Senator from North Dakota [Mr. CONRAD] is recognized.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 542 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. CONRAD. I thank the Chair.

I yield the floor and suggest the absence of a quorum.

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

The bill clerk proceeded to call the roll.

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

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

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT

The Senate continued with the consideration of the bill.

Mr. DASCHLE. Mr. President, I want to commend the distinguished Senator from Massachusetts for his eloquent and passionate leadership on this issue. Let me also commend many of my other colleagues: the Senator from Iowa, the Senator from Minnesota, the Senator from Illinois, and a number of others who have participated over the last several days in this debate.

No one should misunderstand what this debate is all about. Obviously, if Senators have heard any of the speeches made by the colleagues whom I have just mentioned, there can be no misunderstanding. Quite simply, it is about fairness. That is the issue.

It is fairness for American working families, in a very important set of circumstances: the workplace. It is fairness in reaffirming their right to strike, fairness in restoring a fundamental balance between workers and management, and fairness in halting the practice of requiring striking workers to pay taxes for salaries of workers who replace them.

That is really what this issue is all about. The President understands that. He understands he is on solid ground in issuing the Executive order as he did a couple of weeks ago. The order is quite simple. It says to do business for more than $100,000 with the Federal Government, you cannot hire replacement workers in the case of a strike. That is all it says. A person simply cannot do what the law of the last 60 years has said could not be done.

This President is doing exactly what President Bush did in 1992. President Bush required unionized contractors to notify employees of their right to refuse to pay union dues. He was not challenged by Republicans when he issued that particular Executive order. President Clinton is doing also what President Carter did in 1978, when he issued an Executive order that directly affected the lives and livelihood of thousands of working families by limiting what Federal contractors could agree to in collective bargaining.

In fact, this President is doing exactly what President Roosevelt, President Truman, Presidents Nixon, Johnson, Carter, and Bush have all done in the past. In this case, he has shown Presidential leadership in protecting the rights and the spirit of the law for all working families.

The President is well within his rights, in my view, for at least three good reasons. First, as I indicated, there is ample precedent in virtually every past administration for the past 60 years. Second, he is supported by the American people. More than 60 percent of the American people, according to recent polls, have shown that they oppose the use of permanent replacement workers in the event of a lawful strike.

The American people understand the question of fairness. They appreciate the need for worker-management balance. The American people support actions and laws to guarantee that balance, which is really what the Executive order was designed to do.

And third, this action taken by the President is consistent with the National Labor Relations Act itself, signed into law, as I said, by President Roosevelt about 60 years ago. In fact, this year, we will celebrate the 60th anniversary of the National Labor Relations Act, an act that fundamentally appreciates the balance in the workplace, that understands the need for the right to strike, that underscores the importance of providing opportunities for workers and management to work out their differences.

That was the law that recognized the need for American workers to form organizations to bring the balance back into the workplace. It has been a balance that, frankly, has worked well for 45 years, a balance that has brought about better wages, a balance that has brought about better working conditions, better retirement security, better productivity.

But it is a balance that was destroyed by the actions taken by President Reagan during the PATCO strike of 1981, when the President of the United States hired permanent replacement workers. His action sent a green light to every business in the country. Virtually all of the work of 45 years under the National Labor Relations Act was lost with that action, and for 15 years now, Democrats in Congress, and others, have attempted to pass the Workplace Fairness Act to restore the balance that we had for those 45 years, an act which very simply puts into law what we believe was there all along: a prohibition of the hiring of permanent replacement workers during a strike; a restoration of the balance that we had in labor-management relations up until 1981.

It is important to note that a majority of Congress has supported the Workplace Fairness Act. There have been more than 50 votes for it on those occasions when the legislation was brought before this body, and were it not for a minority that kept it from being passed, it would, in fact, be law.

So whether it is law or whether it is an Executive order, this clarification is long overdue and extremely important to all working families. The right to organize, the right to bargain collectively is essential to American workers. As history has shown, the right to strike is the right to be taken seriously. The right to strike is the only leverage workers have when bargaining with management.

As economically painful as it may be for workers and their families, resorting to a strike is sometimes the only way to resolve a labor dispute. But when employers are free to replace striking workers, that leverage disappears and the imbalance destroys any hope of meaningful conflict resolution.

We have seen it in the precipitous drop in the number of strikes over the past 20 years. There are nearly half the strikes in the early 1990's that there were in the 1970's, and the number of union members has also declined.

The attack on this Executive order is part of a well-orchestrated effort to dramatically reduce the Federal role in workers' security. This effort ranges from calls for the elimination of the Federal minimum wage law, to proposals to repeal the Davis-Bacon Act, to efforts to minimize the regulation of workplace safety. These efforts are orchestrated to continue the rollback of the progress we have made for decades under the auspices of the National Labor Relations Act and other important labor legislation. As the rollback continues, while unions are threatened, the American worker and working families have seen their incomes and the level of job benefits plummet. In constant dollars, wages have now declined by more than 10 percent in 10 years. Wages have actually gone down by more than a dollar an hour since the 1970's. Moreover, far fewer workers have health insurance benefits or retirement benefits than they did back then.

Without the right to strike, workers continually lose the right to negotiate. Without the right to negotiate, they lose the right to benefits, benefits on which they and their families depend.

By taking this action, the President is simply saying, ''If you're going to bid for Federal tax dollars on a Federal contract, all we ask is that you live up to the intent of the National Labor Relations Act. If there is a strike, we want you, the company, to resolve it in a responsible way. We want you to renounce the practice of hiring permanent replacements.''

Working families are counting on us to support the President. This is a very important vote for them and for the future of labor law in this country. A vote against cloture is a vote for working Americans at their time of greatest need. It should also be a clear sign of our desire to reverse the long downward slope of economic security for all working families. There is much which must be done, including the passage of meaningful health reform during this Congress. Hopefully, we can do that and many other things to restore the kind of security and confidence that working families must have if they are to look to the future with any more optimism than they can right now.

But this is the place to begin, on this vote, on this important issue, to send the kind of clear message: that we understand the importance of balance, that we understand the importance of fostering meaningful negotiations between workers and their employers, that we understand the right to strike, that we understand the importance of a law that has now been on the books for 60 years, and that we restore the kind of equality in the workplace that workers now say is even more important than it was back in 1935.

So, Mr. President, I hope that we can defeat this cloture motion and send the kind of message that I know Republicans and Democrats want to be able to send to working families. And that is: we appreciate your plight, we appreciate your need for security, we appreciate your need for more confidence in the future than you have right now.

I hope that all Senators will understand that message and support us in our effort to defeat cloture on Wednesday morning.

With that, I yield the floor, and 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. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

The Senator from Arkansas is recognized.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 545 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

RETURNING TO STATES RESPONSIBILITY FOR COMPLEX ISSUES

Mr. GRAHAM. Mr. President, I first would like to commend our friend and colleague, the Senator from Arkansas, for another outstanding statement on a cause that he has led for many years, and I hope, I say to the Senator from Arkansas, that we are close to the time when your long walk will reach its destination. I agree with the comments that you have made today as to the fairness and the rationale of moving forward as the Supreme Court has now allowed us to do to sanction States to impose this sales tax on mail order businesses.

But, Mr. President, I suggest that there is another reason why this is an imperative at this point in time. We are soon to consider a series of proposals that will have the effect of devolving back to the States, returning to the States significant responsibility for some of the most complex domestic programs that we have in our Nation, programs, in some cases, in which the States have had current involvement, such as the Medicaid Program, some programs in which the Federal Government has in the past played a priority role, such as welfare, and others that are mixed.

If we are prepared to say that the States are able to provide the administrative machinery to carry out these complex domestic programs, I find it hard to say that the States should not be entrusted with the authority to make a judgment as to whether it is in the interest of their citizens to tax products that come in by mail order in a parity means with products that are purchased within the State itself, and that is essentially what the issue is with the legislation proposed by the Senator from Arkansas. We are not imposing the tax, we are authorizing the 50 individual States to make a judgment as to whether they believe it is in the interest of their citizens for those States to impose the tax.

I am also concerned, Mr. President, about what we are about to do to States, and I come out of a background as a very strong believer in the State Government sensitivity to their people, to their capability to operate programs effectively and efficiently and to their innovative capabilities. But the States also are not alchemists, they do not have the ability to take stones and rub them and convert them into golden coins.

We are going to be sending substantial responsibilities back to the States with substantially less dollars than we had felt it was necessary to operate those if they were still under Federal obligation. As an example, in my State of Florida, the calculations are that if we send back Medicaid, the program that provides financing for indigent Americans, to the States, that over the next 5 years, the State of Florida will receive approximately $3.5 billion less than the individual recipients of those funds would have received had we stayed with the current Federal program—$3.5 billion less.

The State of Florida this year, from both Federal and State sources, will spend approximately $5 billion on Medicaid. So we are talking about very substantial percentage reductions in funds available.

Why is it going to cost the State of Florida so much? In part it is because the formula that has been suggested is one that essentially says we take the status quo, we freeze it for 5 years and allow essentially a cost-of-living adjustment. In my State, we are a growth State which is adding a substantial population every year. For the last 15 years, we have grown at a rate in excess of 300,000 persons a year. Many of those 300,000 are in the high-target populations for Medicaid. In my State, about half of Medicaid expenditures goes for the elderly, primarily for long-term care.

So if we are going to say for the next 5 years we are going to freeze the program at a cost-of-living factor and not take into account growth in population, not take into account growth in those populations that are heaviest users of these programs, we are going

to be imposing very serious financial obligations on the States.

I think that as we enter into this debate on turning responsibility back to the States, we have an obligation to also ask the question, what are we going to do to assure that the States have the fiscal capacity to accept those responsibilities that we are imposing?

I believe the Senator from Arkansas has certainly pointed to what ought to be at the head of the line as we begin to ask that question of fiscal responsibility. Here is the program for which there is no rationale as to why the Federal Government should deny the States the authority to impose this tax. There is every reason in terms of tax fairness that they should, in fact, treat mail order sales in parity with sales from the local Main Street store, and the States are going to need the revenue this will provide.

In my State of Florida, the estimate is that in 1974 had the sales tax been applied on mail order sales to the same extent it was on Main Street sales it would have produced $168.9 million. That will not close all the gap that our States are going to be faced with as they are asked to take on these new responsibilities, but it will be a worthy beginning.

So, Mr. President, I believe for all of the reasons that the Senator from Arkansas has cited with such force and eloquence, as well as the time in history in which we find ourselves, in which we are about to ask the States to do more, that we should also have a concern about how our brethren in the Federal system are going to have the capacity to accept those responsibilities.

We say that it is not our purpose to have a dramatic fraying of the safety net. The safety net in my State for hundreds of thousands of older Americans who are in need of long-term care and who have spent all of their life savings as their health condition deteriorated, I do not think we as a nation want to turn those people out of the kind of institutions that they need in order for their well-being.

We are asking the States now to pick up a much larger share of the cost of providing for those Americans. This is a beginning of a demonstration of the Federal Government's commitment to see that there are adequate resources available at the State level to meet the additional responsibilities that we are proposing to impose.

So, in closing, I want to thank my friend from Arkansas for his leadership in this effort. I hope his leadership will be rewarded by successful passage of this legislation and passage in 1995. Thank you, Mr. President.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, let me, first of all, thank my very distinguished colleague from Florida, a former Governor, as was I, who fully understands the problem the States are going to have with unfunded mandates, but also for his very perceptive comments about the legislation.

Now, Mr. President, let me make just a couple of observations. I see the Senator from Michigan awaits recognition, so I will not be long. But the Senator from Florida has just told you about some of the budget constraints on them because of the Medicaid Program, but there are a whole host of others.

This bill has the potential for $169 million a year for the State of Florida. That is not beanbag either. And I promise you the Governor of Florida favors this legislation. I promise you the Governor of virtually every State in this Nation favors this legislation. As I said, every mayor, every county executive favors it. But the point that must not be lost sight of is we are not imposing anything. We are simply saying to the States, if you choose to do this, it is your prerogative. If you do not, that is also your prerogative. But we are also saying that if you do not have a sales tax in your State, you cannot charge it.

There are five States in this country that have no sales tax. This bill would not apply to them. They would not be able to charge this because they do not have a tax that they tax their own citizens with, and therefore they could not tax citizens of other States.

How many times have you heard in this body that the reason for the big revolution on November 8 was people are tired of being told what to do. They want somebody to listen to them. They want to have some discretion over their own lives and what they want to do.

Now, here is a classic case of doing precisely that. We are saying to the States we are going to enable you to help yourself if you choose. But that is your discretion, not ours. So how can anybody quarrel with that? If you vote for this and you do not personally approve of it, go tell your Governor I voted for it to give you the discretion. But if you do not want to do it, that is OK with me.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Michigan.

Mr. ABRAHAM. Thank you, Mr. President.

TAX CUTS IN MICHIGAN

Mr. ABRAHAM. Mr. President, I rise today to congratulate John Engler, Governor of my State of Michigan, for signing into law last week his 12th, 13th, 14th, and 15th tax cuts since taking office.

Governor Engler has increased the personal exemption in our State to at least $2,400, saving Michigan taxpayers $69 million on their income taxes in fiscal year 1995. The exemption also will be indexed for inflation starting in 1998.

He has created a new refundable income tax credit for college tuition that will help individuals and families struggling to get an education.

He has reduced the single business tax by removing unemployment and workers' compensation funds and Social Security payments from the tax base.

He has begun phasing out Michigan's intangibles tax, raising the filing threshold and providing for its total repeal, effective January 1, 1998.

Mr. President, 70 percent of these tax cuts will benefit individuals, with 30 percent benefiting the State's job creators. Taken together with the other 11 tax cuts he already has implemented, these cuts will save Michigan taxpayers $1.2 billion this year alone.

We here in Congress would do well to look at Governor Engler's performance in setting out our program of fiscal reform from the Nation. When he took over as Governor in 1991, John Engler inherited a $1.8 billion deficit. That means that in 1991 Michigan was running a deficit that equaled 10 percent of its total State spending—almost as large a deficit in proportion to total spending as the one run here in Washington.

Governor Engler had a tough choice to make. He could maintain Michigan's current spending levels and increase taxes, or cut spending and hold the line on taxes. But he decided to choose neither course of action, instead boldly cutting both spending and taxes.

And the results have been remarkable. Through aggressive use of his line-item veto he brought about an 11-percent cut in real, after-inflation spending. In addition, he made Michigan our Nation's top State in creating manufacturing jobs, more than 40,000 in the last year alone, second in the Nation in personal income growth, and a leader in lowering unemployment rates. All this while increasing State funding to educate Michigan's children.

Mr. President, Michigan can serve as an example to the Nation of how aggressive budget and tax cutting can go together to spur economic growth and better the lives of our citizens.

We too can get our spending under control, without cutting essential programs; we need only the courage to put in place and utilized the tools Governor Engler and the Michigan State Legislature used to bring their State back from the brink of economic disaster.

Michigan's constitution required a balanced budget; it also provides the Governor with a line-item veto. Both of these tools were essential to Governor Engler's efforts to bring spending under control.

We have the power to do for America what Governor Engler and his partners in the State legislature have done for Michigan, if we are willing to enact a line-item veto and add a balanced budget amendment to our Constitution. These tools will help us order our priorities and discipline our spending.

Most important, we must recognize that by taxing the American people

less we can help our economy and our budget more. This week the House Ways and Means Committee will report a tax reduction bill that creates a $500-per-child tax credit for families and cuts the capital gains tax in half. In all likelihood, the House will approve these important tax reductions.

Some of our colleagues here in the Senate have suggested that we abandon tax cuts—and focus exclusively on reducing the budget deficit. Having lost the vote on the balanced budget amendment, I can understand their desire to put spending cuts first in order to produce a balanced budget plan.

But as Governor Engler has demonstrated, cutting spending and taxes is the best way to reduce the deficit and encourage economic growth. We must have confidence that the American people, if allowed to keep their own money and spend it as they choose, will fuel the engine that runs our economy, producing more jobs, greater prosperity, and a balanced budget.

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

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

The bill clerk proceeded to call the roll.

Mr. ABRAHAM. 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

(During the session of the Senate, the following morning business was transacted.)

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–497. A communication from the Chairman of the U.S. Merit Systems Protection Board, transmitting, pursuant to law, the annual report of the Board for fiscal year 1994; to the Committee on Governmental Affairs.

EC–498. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report relative to the escheated estate fund; to the Committee on Governmental Affairs.

EC–499. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report relative to the District's Emergency Assistance Services; to the Committee on Governmental Affairs.

EC–500. A communication from the Chief Financial Officer of the Export-Import, transmitting, pursuant to law, the annual management report for 1994; to the Committee on Governmental Affairs.

EC–501. A communication from the Officer of the Nuclear Waste Negotiator, transmitting, pursuant to law, a report relative to the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC–502. A communication from the Chairman of the Board of the National Credit Union Administration, transmitting, pursuant to law, a report relative to schedules of compensation; to the Committee on Governmental Affairs.

EC–503. A communication from the Chairman of the Commission on Intergovernmental Relations, transmitting, pursuant to law, a report relative to unfunded mandates; to the Committee on Governmental Affairs.

EC–504. A communication from the Acting Inspector General of the National Aeronautics and Space Administration, transmitting, pursuant to law, a report entitled ''Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions;'' to the Committee on Governmental Affairs.

EC–505. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC–506. A communication from the Chair of the Administrative Conference of the United States, transmitting, pursuant to law, a report relative to the Inspector General Act Amendments; to the Committee on Governmental Affairs.

EC–507. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the semiannual report of the Inspector General and the Director's Report on Audit Resolution and Management for the period April 1, 1994 through September 30, 1994; to the Committee on Governmental Affairs.

EC–508. A communication from the Director of the Office of Management and Budget, transmitting, a draft of proposed legislation to revise and streamline the acquisition laws of the Federal Government, and for other purposes; to the Committee on Governmental Affairs.

EC–509. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the assignment or detail of General Accounting Office employees; to the Committee on Governmental Affairs.

EC–511. A communication from the Comptroller General of the United States, transmitting, pursuant to law, an overview report of the high risk areas of the General Accounting Office; to the Committee on Governmental Affairs.

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. CONRAD:

S. 542. A bill to amend the Solid Waste Disposal Act to allow States to regulate the disposal of municipal solid waste generated outside of the State, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HATFIELD:

S. 543. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BRYAN (for himself and Mr. REID):

S. 544. A bill to establish a Presidential commission on nuclear waste, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BUMPERS (for himself and Mr. GRAHAM):

S. 545. A bill to authorize collection of certain State and local taxes with respect to the sale, delivery, and use of tangible personal property; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CONRAD:

S. 542. A bill to amend the Solid Waste Disposal Act to allow States to regulate the disposal of municipal solid waste generated outside of the State, and for other purposes; to the Committee on Environment and Public Works.

INTERSTATE SHIPMENTS OF MUNICIPAL SOLID WASTE

Mr. CONRAD. Mr. President, today I am introducing legislation that would give States and local governments the power to regulate and, if they choose, reject interstate shipments of municipal solid waste.

This is a problem Congress has grappled with now for years and it only grows more and more serious. An estimated 18 million tons of municipal solid waste travels across State lines each year. Landfills are filling up around the country and communities are searching for new places to send their trash.

Where are they searching? Mr. President, they are searching in rural areas like my home State of North Dakota and, no doubt, they are looking in the State of the distinguished occupant of the chair, the State of Idaho.

Mr. President, rural States like ours, where pollution has not spoiled the land, where small communities may be willing to take large amounts of money from a waste company in exchange for landfill space, are the places they are looking. Whether they want this imported waste or not, States are almost powerless to stop the flow of garbage across their borders.

Mr. President, I can remember very well being involved in a debate on this matter a number of years ago, and the trash merchants had their lobbyists lining the Halls. I have never seen so many people off the Chamber of the Senate. The trash merchants want to ship this stuff someplace, and they are looking for States that are willing to take it.

Mr. President, States ought to have an ability to say ''no.'' Waste is already coming to my State of North Dakota. We take industrial waste from General Motors plants from all around the country. We take municipal solid waste incinerator ash from Minnesota. A waste company continues its efforts to open a superdump in my State that would take garbage from Minneapolis-St. Paul. This one landfill, Mr. President, would receive almost twice as much garbage as is produced in my entire State. This situation is not unique. It is happening all over the country.

States should be able to do something about it. They should be able to

regulate how much solid waste comes into the State so they can implement effective waste disposal policy. The Federal Government requires the States to manage and oversee solid waste disposal programs. States are required to issue permits, monitor existing sites, and enforce landfill regulation. Why, then, should States not also be able to regulate how much waste comes in from out of State? It only makes sense that they have this power.

Mr. President, imported waste not only takes up precious landfill space, but it also puts a strain on services of the importing State without properly compensating that State. Waste trucks from out of State wear down the roads of the importing State, but the exporting community pays nothing. Similarly, States must spend money to run their solid waste program, but they get no additional payments for accepting out-of-State wastes. In other words, exporting communities are passing their waste problems, and the costs associated with them, on to importing States. This is not fair, and it should be changed.

The bill I am introducing today takes strong steps to address the problems of interstate waste. First, it gives States the authority to regulate interstate waste. If a State wants to reject new solid waste shipments, my bill would allow that.

Second, it requires that affected local governments formally approve of any waste import. This gives the communities the ability to veto proposed shipments of out-of-State wastes. Why should not those communities that are affected by waste shipments have the ability to say no?

Third, it provides the opportunity for the area surrounding the host community to be involved in the decision to accept out-of-State wastes. A decision on siting a solid waste landfill, especially one that will take large amounts of imported waste, must be a collective one, and a small community alone should not be able to make a decision that will affect a much larger surrounding area.

Finally, my bill requires that waste companies publicly release all of the relevant information about their proposed landfill before a community makes a decision on it. This information should include estimated environmental impacts and mitigation, economic impacts, planned expansion, financial disclosure, and records of past violations by the owner and operator of the disposal site. Waste companies hold up the promise of jobs and economic incentives, but they do not want to reveal the potential risks involved in their plan. In many cases, they may not even reveal their overall plans until it is too late to stop them. One practice I have seen involves having a local developer purchase the site and get a permit to dispose of modest amounts of solid waste. A big waste company then buys out the local party and aggressively expands the site's permit. The local community does not have a chance. This is not fair and cannot be allowed to continue. Communities must be able to make informed choices.

Mr. President, how often have we seen it, where one of these trash merchants comes into a State and they spend lots of money up front, talking about the opportunities, talking about the jobs, talking about the good things, but failing to reveal the real plan, failing to tell how big the operation is really going to be? They fail to tell of past violations. We have seen companies go into States that are bad operators, that have a bad record, that have a bad reputation, but they do not reveal that. They do not talk about that before the community has a chance to vote.

Mr. President, many of us believe that a local community ought to have a choice and it ought to be an informed choice. They ought to know the record, they ought to know the plan before they make a final decision.

We have been working on the interstate waste problem in the Senate for many years now. During the years we have been debating this issue, the problem has not gone away. It has simply gotten bigger. The trash is still moving, and States and communities are almost powerless to stop it. It is time to enact interstate waste legislation into law.

Congress came very close to passing an interstate waste bill in 1994. I hope we can build on the work that has been done and take quick action in 1995.

I look forward to working with Chairman CHAFEE, Senator BAUCUS, Senator COATS, and others to move this matter forward.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 542

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

SECTION 1. AUTHORITY TO REGULATE OUT-OF-STATE WASTE.

(a) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following new section:

"SEC. 4011. AUTHORIZATION FOR STATES TO REGULATE MUNICIPAL SOLID WASTE GENERATED IN ANOTHER STATE.

"(a) DEFINITIONS.—In this section:

"(1) AFFECTED LOCAL GOVERNMENT.—The term 'affected local government' means the elected officials of a political subdivision of a State in which a facility for the treatment, incineration, or disposal of municipal solid waste is located (as designated by the State pursuant to subsection (d)).

"(2) AFFECTED LOCAL SOLID WASTE PLANNING UNIT.—The term 'affected local solid waste planning unit' means a planning unit, established pursuant to State law, that has—

"(A) jurisdiction over the geographic area in which a facility for the treatment, incineration, or disposal of municipal waste is located; and

"(B) authority relating to solid waste management planning.

"(3) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste'—

"(A) means refuse, and any nonhazardous residue generated from the combustion of the refuse, generated by—

"(i) the general public;

"(ii) a residential, commercial, or industrial source (or any combination of the sources); or

"(iii) a municipal solid waste incinerator facility; and

"(B) includes refuse that consists of paper, wood, yard waste, plastic, leather, rubber, or other combustible or noncombustible material such as metal or glass (or any combination of the materials); but

"(C) does not include—

"(i) hazardous waste identified under section 3001;

"(ii) waste resulting from an action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604, 9606);

"(iii) material collected for the purpose of recycling or reclamation;

"(iv) waste generated in the provision of service in interstate, intrastate, foreign, or overseas air transportation;

"(v) industrial waste (including debris from construction or demolition) that is not identical to municipal solid waste in composition and physical and chemical characteristics; or

"(vi) medical waste that is segregated from municipal solid waste.

"(b) AUTHORITY TO REGULATE.—

"(1) IN GENERAL.—Each State is authorized to enact and enforce a State law that regulates the treatment, incineration, and disposal of municipal solid waste generated in another State.

"(2) AUTHORITIES.—A State law described in paragraph (1) may include provisions for—

"(A) the imposition of a ban or limit on the importation of municipal solid waste generated outside of the State; and

"(B) the collection of differential fees or other charges for the treatment, incineration, or disposal of municipal solid waste generated in another State.

"(c) LOCAL GOVERNMENT APPROVAL.—

"(1) IN GENERAL.—Except as provided in paragraph (2) or as otherwise provided under State law, the owner or operator of a landfill, incinerator, or other waste disposal facility in a State may not accept for treatment, incineration, or disposal any municipal solid waste generated outside of the State unless the owner or operator has obtained a written authorization to accept the waste from—

"(A) the affected local government; and

"(B) any affected local solid waste planning unit established under State law.

"(2) EXCEPTIONS.—

"(A) IN GENERAL.—Paragraph (1) shall not apply with respect to an owner or operator of a landfill, incinerator, or other waste disposal facility that—

"(i) otherwise complies with all applicable laws of the State in which the facility is located relating to the treatment, incineration, or disposal of municipal solid waste; and

"(ii) prior to the date of enactment of this section, accepted for treatment, incineration, or disposal municipal solid waste generated outside of the State.

"(B) EXISTING AUTHORIZATIONS.—An owner or operator of a facility described in paragraph (1) that, prior to the date of enactment of this section, obtained a written authorization from—

"(i) the appropriate official of a political subdivision of the State (as determined by the State); and

''(ii) any affected local solid waste planning unit established pursuant to the law of the State,

to carry out the treatment, incineration, or disposal of municipal solid waste generated outside of the State shall, during the period of authorization, be considered to be in compliance with the requirements of paragraph (1).

''(C) FACILITIES UNDER CONSTRUCTION.—If, prior to the date of enactment of this section, an appropriate political subdivision of a State (as determined by the State) and any affected local solid waste planning unit established under the law of the State issued a written authorization for a facility that is under construction, or is to be constructed, to accept for treatment, incineration, or disposal municipal solid waste generated outside the State, the owner or operator of the facility, when construction is completed, shall be considered to be in compliance with paragraph (1) during the period of authorization.

''(3) EXPANSION OF FACILITIES.—An owner or operator that expands a landfill, incinerator, or other waste disposal facility shall be required to obtain the authorizations required under paragraph (1) prior to accepting for treatment, incineration, or disposal municipal solid waste that is generated outside the State.

''(4) PRIOR DISCLOSURE.—Prior to formal action with respect to an authorization to receive municipal solid waste or incinerator ash generated outside the State, the affected local government and the affected local solid waste planning unit shall—

''(A) require from the owner or operator of the facility seeking the authorization and make readily available to the Governor, adjoining Indian tribes, and other interested persons for inspection and copying—

''(i) a brief description of the planned facility, including a description of the facility size, ultimate waste capacity, and anticipated monthly and yearly waste quantity to be handled;

''(ii) a map of the facility site that discloses—

''(I) the location of the facility in relation to the local road system and topographical and hydrological features; and

''(II) any buffer zones and facility units that are to be acquired by the owner or operator of the facility;

''(iii) a description of the then current environmental characteristics of the site, including information regarding—

''(I) ground water resources; and

''(II) alterations that may be necessitated by or occur as a result of the facility;

''(iv) a description of—

''(I) appropriate environmental controls to be used at the site, including run-on or runoff management, air pollution control devices, source separation procedures, methane monitoring and control, landfill covers, liners, leachate collection systems, and monitoring and testing programs; and

''(II) any waste residuals generated by the facility, including leachate or ash, and the planned management of the residuals;

''(v) a description of the site access controls to be employed and roadway improvements to be made by the owner or operator and an estimate of the timing and extent of increased local truck traffic;

''(vi) a list of all required Federal, State, and local permits required to operate the landfill and receive waste generated outside of the State;

''(vii) estimates of the personnel requirements of the facility, including information regarding the probable skill and education levels required for jobs at the facility that distinguishes between employment statistics for pre-operational levels and those for post-operational levels;

''(viii)(I) information with respect to any violations of regulations by the owner or operator, or subsidiaries;

''(II) the disposition of enforcement proceedings taken with respect to the violations; and

''(III) corrective action and rehabilitation measures taken as a result of the proceedings;

''(ix) information required by State law to be provided with respect to gifts, contributions, and contracts by the owner or operator to any elected or appointed public official, agency, institution, business, or charity located within the affected local area to be served by the facility;

''(x) information required by State law to be provided by the owner or operator with respect to compliance by the owner or operator with the State solid waste management plan in effect pursuant to section 4007;

''(xi) information with respect to the source and amount of capital required to construct and operate the facility in accordance with the information provided under clauses (i) through (vii); and

''(xii) information with respect to the source and amount of insurance, collateral, or bond secured by the applicant to meet all Federal and State requirements;

''(B) provide opportunity for public comment, including at least 1 public hearing; and

''(C) not less than 30 days prior to formal action—

''(i) publish notice of the action in a newspaper of general circulation; and

''(ii) notify the Governor, adjoining local governments, and adjoining Indian tribes.

''(d) DESIGNATION OF AFFECTED LOCAL GOVERNMENT.—Not later than 90 days after the date of enactment of this section, the Governor of each State shall, for the purpose of this section, designate the type of political subdivision of the State that shall serve as the affected local government with respect to authorizing a facility to accept for treatment, incineration, or disposal of municipal solid waste generated outside of the State. If the Governor of a State fails to make a designation by the date specified in this subsection, the affected local government shall be the public body with primary jurisdiction over the land or use of the land on which the facility is located.''.

(b) TABLE OF CONTENTS.—The table of contents for subtitle D of the Solid Waste Disposal Act is amended by adding after the item relating to section 4010 the following new item:

''Sec. 4011. Authorization for States to regulate municipal solid waste generated in another State.''.

By Mr. HATFIELD:

S. 543. A bill to extend the deadline under the Federal Power Act applicable to the construction of a hydroelectric project in Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

EUGENE WATER & ELECTRIC BOARD FERC LICENSE EXTENSION

Mr. HATFIELD. Mr. President, today I am introducing legislation to allow the Federal Energy Regulatory Commission to grant the Eugene Water & Electric District, in Lane County, OR, an extension of its hydro project construction completion deadline.

The subject of this license is a 21 megawatt hydroelectric project at the Blue River Dam, an existing Corps of Engineers flood control project. The Federal Energy Regulatory Commission granted the license for the project in November 1989. The deadline for completion is October 31, 1995. Construction has begun and EWEB has invested $4.5 million to date.

The Eugene Water & Electric Board, also known as EWEB, has asked for an extension to the construction completion deadline because its ability to complete construction has been, and will continue for some time to be, impeded by the ongoing fish mitigation efforts of the Corps of Engineers. These efforts are focused on minimizing temperature variations in the McKenzie River caused by both the Blue River and Cougar Dams. The corps' work will entail drawing down reservoirs to very low levels.

I support this temperature control work being done by the corps. However, until the corps completes these fish mitigation improvements on Blue River Dam, the hydroelectric project currently licensed and being pursued by EWEB will be untenable. The corps is expected to first construct temperature control improvements at nearby Cougar Dam. This project is not expected to be completed until 2001. At that time, the corps will begin work on similar improvements at Blue River Dam, which it expects to finish by 2005.

The legislation I am introduction today is designed to accommodate both the beneficial fish mitigation efforts being pursued by the corps and the ongoing hydroelectric project being pursued by EWEB. My legislation directs FERC, at the request of EWEB, to extend the time for completion of construction to the later of October 31, 2002, or a date 1 year after the corps completes construction of temperature control structures on the Blue River Dam. The legislation also requires EWEB to file a construction completion progress report with FERC each year until construction is completed.

I look forward to working with members of the Senate Energy and Natural Resources Committee to ensure that this proposal receives prompt and thorough attention.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

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

S. 543

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

SECTION 1. EXTENSION OF DEADLINE FOR BLUE RIVER PROJECT.

(a) EXTENSION.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 3109, the Commission shall, at the request of the licensee for the project, extend the time for completion of the construction of the project to the later of—

(1) October 31, 2002; or

(2) the date that is 1 year after the date on which the Army Corps of Engineers completes construction of water temperature control structures at the Blue River Dam.

(b) REPORTS.—The licensee for the project described in subsection (a) shall file with the Federal Energy Regulatory Commission, on October 31 of each year until construction of the project is completed, a report on progress toward completion of the project and of water temperature control structures at the Blue River Dam.

EUGENE WATER & ELECTRIC BOARD,
Eugene, OR, February 20, 1995.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, DC.

DEAR SENATOR HATFIELD: The Eugene Water & Electric Board requests your help in seeking Congressional action which will allow us to extend, by eleven years, the construction completion deadline required by FERC on our Blue River hydroelectric project. The Blue River Dam is one of two facilities on the McKenzie River for which you have introduced legislation to facilitate and clarify financing for temperature control work by the Corps of Engineers. Due to the Corps' construction schedule and recent changes in BPA financing we are unable to meet the construction deadline of October, 1995 as required in our FERC license. For us to complete this project we will need additional time to coordinate our construction schedule with that of the Corps.

This is not a standard extension request and it is unlike other legislation to extend construction deadlines for hydroelectric projects. Timing problems, financial and environmental considerations necessitate a longer extension than those which have been granted to other licensees. Also, unlike other licensees, EWEB has already started construction on the project and seeks only an extension of the completion deadline.

THE PROPOSED PROJECT

For over a decade EWEB has been pursuing development of a hydroelectric project at the existing Corps of Engineer's flood control dam at Blue River. The project would generate 21 Mw, enough to provide power for 2000 homes annually. Our license for the project was granted in November, 1989. The deadline for completion is October 31, 1995. Construction began with the fabrication of the turbine and other associated equipment. Our investment to date is $4.5 million and the license has a duration of 50 years. The attached Briefing Document of January 26th describes the project in detail.

FEDERAL ACTIONS BEYOND OUR CONTROL

The existing Corps flood control dams at Cougar and Blue River Reservoir will be modified to alter temperature variations (caused by the dams) which severely threaten salmon fry. This will be accomplished by installing multi-level release port towers. Construction is scheduled first a Cougar Reservoir as this is the larger project and it has a greater impact on fish mortality. After completion of the Cougar project in 2001 the Corps will begin work on Blue River with a scheduled completion date of 2005. Each year, over this four year construction period, the Corps will have to draw down the reservoir to very low levels. Generation from EWEB's power plant would be substantially reduced as would the revenue and operational benefits during the early years of the project's operation. Also, EWEB's design for the hydroelectric facility may have to be modified based on the Corps design and operating plan.

Our Blue River project was also accepted as a billing credit project by BPA. Billing credits is a financial benefit awarded by BPA in response to the Northwest Regional Power Act to help utilities overcome the negative short-term economics associated with developing new resources during the early life of the project. Due to market changes and BPA's growing financial problems negotiations on our billing credit's contract was cancelled.

The timing and sequence of the Corps projects along with the loss of billing credits will make the project untenable.

ENVIRONMENTAL BENEFITS

A settlement agreement, approved by FERC and incorporated into the license, was reached between EWEB, the Oregon Department of Fish and Wildlife, the National Marine Fisheries Service and the U.S. Fish & Wildlife Service. The original fish mitigation plans for Blue River called for a fish screen and bypass facility. The agencies determined that only a fish barrier was needed at Blue River and the McKenzie River could be better served by investing screen and bypass costs into improving salmon habitat. As a result, EWEB will contribute $2,200,000 to a trust fund for fish enhancement rather than building a screen and bypass facility. (Settlement Agreement attached).

In addition, the project itself will benefit fish simply through its construction. Currently, water released from the reservoir passes through an outlet tunnel many feet below the reservoir's surface. This results in rapid water depressurization causing a fish mortality rate of 60%. We would pressurize the tunnel by installing outlet gates downstream. The transition from pressurized to depressurized water will be slowed enough to reduce fish mortality by more than half resulting in an overall survival rate exceeding 70%.

CONSULTATION WITH FERC

Before approaching your office with this extension request we spoke with Fred Springer, Director, Office of Hydropower Licensing and Mark Robinson, Director, Division of Project Compliance and Administration at FERC. They were clear that although the Commission has the authority to extend completion dates, an extension of an 11 year duration is unusual. Extensions are usually granted when the applicant can show diligence or continuous progress toward project completion. We would be unable to make that showing, especially while the Corps work is underway. Additionally, 11 years is a lengthy extension compared to other extension requests which have been granted by either legislative or administrative means. In terms of financial factors, extensions may be granted when the licensee needs more time to secure a power sales contract or another means of financing. FERC acknowledges the revenue losses we would incur by completing a project we could only operate part time is a serious concern. However, this too is an uncommon situation which falls outside the generally accepted rationale for granting construction extensions. According to FERC staff, these circumstances are so unusual, that the Commission would be hard pressed to give us a favorable ruling. FERC would need a legislative directive to grant us the extension we request.

Consistent with the Regional Act, EWEB has aggressively pursued conservation and renewable resources. As you consider helping us with the Blue River project we ask you to note that we have three others, all renewable resource projects, with existing agreements or contracts with BPA. EWEB recently learned that all three projects are at risk of being abandoned by BPA due to continuing budget constraints. We have made substantial investments in two of them. Regional funding from BPA for conservation will also likely end requiring EWEB to sustain local conservation investments alone. Additionally, we are facing yet to be determined rate impacts from BPA's reinvention. The combination of all these actions at BPA and the Corps shifts significant obligations to EWEB and its ratepayers. The increased financial obligation for conservation and renewable resource development makes it economically imprudent to proceed with the Blue River Project under the current schedule even though it may be one of the few resource options remaining at this time.

We thank you for your serious consideration of our request.

RANDY L. BERGGREN.

By Mr. BUMPERS (for himself and Mr. GRAHAM):

S. 545. A bill to authorize collection of certain State and local taxes with respect to the sale, delivery, and use of tangible personal property; to the Committee on Finance.

CONSUMER AND MAIN STREET PROTECTION ACT

Mr. BUMPERS. Mr. President, I come today to introduce a bill dealing with the mail-order catalog business. This issue has become almost an obsession with me over the past 2 years, and one of the reasons for that obsession is that, before I became Governor of Arkansas, I was a hardware, furniture, and appliance dealer, practicing law in a small town, raising cattle, doing anything to put bread on the table. And the biggest competitor I had was the Sears, Roebuck catalog. Sears, Roebuck was tough competition for me because they were big, had a much bigger variety of goods, and were reasonably cheap by comparative standards.

But while Sears, Roebuck was tough competition, it was also fair competition. They bore the same burdens of doing business that I did. One of those burdens was collecting sales taxes. Because Sears, Roebuck had stores in every State in the Nation, they had to collect sales taxes on everything they sold through their catalog operation, just like I had to collect sales taxes on everything I sold in my hardware store. The reason Sears, Roebuck had to collect those taxes was that, under the law, if you have a physical presence in any State, you must collect sales tax on goods shipped into that State, even if the goods are sold through a catalog.

Over the past few years, however, an entirely new situation has been developing in the competition between Main Street retailers and catalog operations. And that situation is not one of fair competition. What has been developing is that the catalog operations often limit their physical operations to one State, or a few States, and refuse to collect the taxes that are due on goods shipped into other States. This is increasingly significant because catalog sales are $100 billion a year. Fingerhut, one of the biggest mail-order houses in America, has annual sales in excess of $1 billion a year. They sent out 476 million catalogs in 1993 alone. Mr. President, bear in mind that Fingerhut is only one of several very large mail order operations. Lands' End, L.L.

Bean, some of the big ones, have similar sales figures. In all, there are around 7,500 mail-order houses in this country, and they are growing like mad.

I daresay that on an average day, I get somewhere between 4 and 10 catalogs in my mail chute every night. If you live in my home State of Arkansas and order something from L.L. Bean or Lands' End, the company collects no sales tax. That does not mean there is no sales tax in my State, because there is. But do you know who has the responsibility for remitting the tax to the State revenue department, Mr. President? The consumer. If you buy a $10,000 fur coat from a mail-order house, you are personally responsible for remitting the $500 tax on that purchase to the State revenue department. And it is not just mail-order houses that play this game. Sometimes, if you buy it in New York City, they will say, ''You have a southern accent; are you not from New York?'' ''No, I am not; I am from Arkansas.'' ''Would you like for us to mail this to your home and save you $500?'' Of course, the consumer is going to say, ''Yes, I would like that.'' The company will then mail it to your home and not charge you one red cent of sales tax. But what the unsuspecting consumer does not know is that he or she does owe tax on that purchase, and that he or she is personally responsible for paying it to the State.

My State imposes its sales tax on all goods, regardless of whether they are purchased in State or out of State. The 44 other States which have sales taxes also apply those taxes to both in-State and out-of-State purchases. Technically, the tax on out-of-State goods is called a use tax, while the tax on in-State goods is called a sales tax. But for all intents and purposes, the use tax is identical to the sales tax. But because out-of-State companies usually refuse to collect the applicable use tax, the consumer does not even know there is a tax when purchasing merchandise via mail order.

The Presiding Officer is from the great State of Idaho. Idaho has a sales tax, and Idaho applies that sales tax to goods shipped into the State, just like it does to goods sold by Idaho department stores. So if Idaho's sales tax is 4 or 5 percent, the person who buys a $10,000 fur coat via mail order would be liable for $400 or $500 in sales taxes.

Some people say, ''There is already a tax on mail-order sales. It is the use tax. What are you trying to do?''

What I am trying to do is make sure that mail-order companies do not blind-side their customers. Consumers buy from mail-order companies thinking their sales are tax free, and then they learn otherwise after the fact. Last year in Florida, 19,000 people got notices in the mail that goods they bought from direct marketers were not tax free, as the company had lead them to believe. The furniture they bought in North Carolina or the merchandise they bought from Lands' End or L.L. Bean, they owed a tax on it. Admittedly, not every mail-order customer gets caught. Sometimes the State finds out about the purchase, and sometimes they do not. But when they do, the consumer has to pay.

This is not a new tax. Of course, it is not. Think about it for a second. Why would any State have a tax structure that required Main Street merchants to collect sales tax and allowed out-of-State companies to ship the same merchandise into the State and collect nothing? No State would ever do that, and no State does it.

Oh, how everybody's heart bleeds around here for the poor, small town, Main Street businessman. But when it comes to catalog operations, we give them a huge advantage, 5 to 8 percent or more, and nobody wants to stand up for the Main Street businessman.

Recently the argument was made by one of the Senators from Maine that Maine does not have the problem I am describing because they have something that says on the State income tax return in Maine, ''List all your catalog purchases from last year.''

Now, who knows what all they bought from catalogs last year? There are a lot of people who order something every other day from a mail-order house, and of course they do not take the time to keep a record of every purchase. People just do not keep up with it.

Do you know what Maine collected last year on that? You guessed it. Not much. Only around $1 million of the total $13 million they should have collected on out-of-State mail order purchases. But Maine is fat and happy because L.L. Bean is located there and L.L. Bean does around $1 billion a year in sales and they pay sales tax on every dime of merchandise sold to customers living in the State of Maine. It is those other 49 States that do not get anything.

The direct marketing industry says, ''Oh, this is such a burden, Senator. You have got a city tax, you have got a county tax, you have got a State tax. Do you expect me to keep up with all of that?''

No, I do not. And this legislation would allow mail-order companies the option of collecting a single blended rate for each State where they do business. Then the mail-order companies would simply send a quarterly payment to the State revenue department and let them distribute it to the local jurisdictions that have a sales tax.

Do you want to hear a true anecdote? One of the finest Republican Senators to come to the U.S. Senate since I have been here is Senator BOB BENNETT from the great State of Utah. Senator BENNETT founded a mail-order company years ago. In a Small Business Committee hearing last year on this legislation, he said, ''The people in the company with me sat around the table with me and we debated this issue. Shall we or shall we not collect sales tax on our sales made to other States?'' He said the decision was almost unanimous, ''Yes, let's be good citizens and let's collect a sales tax.''

Anybody who wants to make the argument about what a terrible burden this is on these mail-order houses, talk to BOB BENNETT. He says, ''We punch a computer button at the end of the month, and that is it. It is no problem whatever to collect this sales tax. We do it and we do millions in business a year.'' So much for the burden. Another argument they make is, ''But, Senator, we do not require fire protection, law enforcement, all those things that your sales taxes go for.''

That is true. But I will tell you what burden you do impose on other States. You contribute almost 4 million tons of waste to the landfills of this country annually. Talk to any mayor: ''Mayor, what is the biggest problem you have?'' ''Trying to find enough landfill to take care of our garbage.'' And here is a contributor of around 4 million tons a year that mayors have to find some method of disposing of. And the mail-order houses do not contribute one penny, except companies like BOB BENNETT's.

''Well, we don't want to have to do this every month.'' Fine. My bill says you only have to remit every 3 months.

Now, if that ''ain't'' a deal. I wish I had had that kind of opportunity when I was in business. If I did not pay my sales tax by the 20th of each succeeding month, I did not get a 2-percent discount.

Mr. President, I have gone even further than that. In order to take care of some of these smaller mail-order houses, we have exempted in this bill, in the interest of being for small, fledgling businesses—and, I must say, $3 million a year is not exactly my idea of small—we say, ''If you do less than $3 million a year of business, you do not have to mess with this bill.'' Of the 7,500 catalog companies in the United States, not very many of them do more than $3 million of business a year. Only 825 of the 7,500 mail-order houses in this country that would be covered by this bill.

Mr. President, there is another element of unfairness besides the competitive advantage that these mail-order houses get. Some of them do advertising that is very offensive to me and I think it would be to any Senator.

Here are a couple of charts. I do not know the name of this company. But here is what their ad says. ''Nobody beats our deal.'' ''No sales tax added outside of North Carolina.''

Now, technically, that is correct. They do not add any sales tax. The poor consumer who buys that yacht, or whatever, is subject to a tax, but he is misled by this ad into believing that he will never have to pay any sales tax.

Here it is, ''No sales tax added.'' Now, it is true they do not add it, but if a State you live in happens to catch you buying that, they can assess a sales tax against you.

I have some letters that I will put in the RECORD in a moment, Mr. President, from people from all over the country who have gotten the sad news that they thought they were buying $10,000 worth of furniture tax free. And the clerk that sold them assured them, ''We will ship this from North Carolina to Florida, and you will not have to pay sales tax on it.''

But think about this. Wallcovering, Inc.—I blocked out the address of this company—here is their advertising: ''Discount wallcovering, the phone way.'' Now, all these mail order houses have their 1–800 number listed on every page of their catalog. ''The phone way, save 33 to 66 percent.''

And what do you think? No sales tax outside of Pennsylvania. That is not the worst of it. A lot of them have advertised ''No sales tax.'' They do not say, ''No sales tax added,'' as they do here. They just say ''No sales tax.'' A person getting ready to order wall covering, I promise, would assume that there is no sales tax.

But that is not the worst of this firm. Listen to this: ''Stop in your neighborhood, write down the pattern number, and then call us.'' Use that poor stiff down on Main Street. Go into his store and shop. Get the model number, get the cover number, whatever, and then call our 800 number and save the sales tax.

I have never introduced a piece of legislation in this body, Mr. President, that I thought was more meritorious than this. When I offered this amendment on the unfunded mandates bill these mail order houses started sending telegrams to every single person they had ever sold 10 cents worth to and said ''Write your Senator. Tell them you don't want any more taxes. Tell them Senator BUMPERS' proposal will cost them an arm and a leg.'' And a lot of people bought into that business about it being a new tax, and scared to death they will get a 30-second spot running against them the next time they run, being a taxer and a spender.

Ask the little shopkeeper in your hometown on Main Street what he thinks about it. Ask your Governor or your mayor how he or she feels about it.

We had a music dealer in North Little Rock testify. This music dealer said, ''People come into our shop all the time, get model numbers off our musical instruments so they can order from a mail order house. They get it from a mail order house, it does not work, and then they bring it in here for repair, and they think we ought to repair it free because we sell that same product.''

Now, Mr. President, if the Presiding Officer will pardon this odious comparison, it is just like mining law reform. It may not happen this year, may not even happen next year, but this is going to happen.

Do Senators know who collects taxes in every single State? The Boy Scouts. When ordering Scout uniforms out of their catalog, order it from Florida, they collect the tax and send it to the State of Florida. If the Boy Scouts can do it, surely the Lands' End and L.L. Bean and all the others can do it.

I am not going to bore Members with a bunch of catalogs. I keep a couple hundred in the office just for amusement. I am not going to bore Members with them, but that argument about how complex it is, it would take a Philadelphia lawyer to decipher the instructions on some of these mail order houses. Some of them do business in 25 States. If you live in this State, this State and this State, add 5 percent for sales tax; if you live in this State, add 4 percent sales tax, plus sales tax on the shipping charges; if you live in this State, allow 3 days for delivery; if you live in this State allow 2 days for delivery. And they talk about this being complicated.

Mr. President, the reason I say this is an idea whose time has come, and it will pass ultimately, is because this business is growing a lot faster than the retail business in your hometown.

So I always want to say to these people who say this is too burdensome, it is a new tax. All of those arguments we will hear when we debate this, they are the most specious arguments I have ever heard. I want to say to those people, what if everybody in the country decides to start ordering from mail order houses? Who will educate our children? Who will provide for fire protection and law enforcement and the landfills? If they continue to grow as fast as they are growing right now, compared to Main Street merchants, that is where we are headed.

The Senator from Maine—do not misunderstand me—I am not quarreling with the Senator from Maine. They have L.L. Bean in their State doing almost $1 million a year. I understand we all protect our own local interests, but you want to say to a lot of those people, ''You are getting your sales tax from the biggest mail order house in the country, but nobody else is.''

Is it fair for people to get this sudden notice when they thought they bought merchandise with no sales tax? Is it fair for them to suddenly get a notice from the State Revenue Department because their next door neighbor squealed on them for buying that oriental rug out of New York? It is patently unfair to the purchaser to suddenly find out that he owes a big tax bill that he was told by the mail order house that he would not have to pay.

So far as the burden is concerned, I want Senators to listen to this. These are not my words. These are Fingerhut's words, last quarter of 1993, Fingerhut in their annual report to their stockholders:

> To the extent that any States are successful in requiring use tax collection the cost of the company's business, doing business, could be increased although it does not believe any increase would be material.

Lands' End, probably the first quarterly report of 1994,

> Although collecting use taxes would likely influence the buying decisions of some customers, the company believes there would be no material adverse affects on financial results.

They are two of the biggest ones in the United States saying, ''We do not think the imposition of the collection of these sales taxes will affect our profits.''

Finally, why are we doing this now? Because until 1992, we could not. In 1967 the Supreme Court said in the famous case of Bellas Hess, a big mail order catalog house, the Supreme Court said the States may not impose a tax on mail order catalog houses because it would constitute an undue burden on commerce, interstate commerce, as prohibited by the Constitution, and would also be a violation of the due process clause of the 14th amendment. That was in 1967. Nobody can do anything because the Supreme Court said they could not.

In 1992 in the case of Quill versus North Dakota, the Supreme Court reversed half of that and said, ''We no longer believe that the imposition of a tax by the States on mail order houses is a violation of due process.'' Since the determination as to what burdens interstate commerce can be determined by Congress, it is now up to Congress to pass a law, if they choose, that allows the States to impose this tax on this roughly 825 mail order houses.

So in 1992, the Supreme Court said, ''Congress, it's up to you. If you want to help the States and the States want to impose this sales tax collection burden on the mail order houses, like they do on that poor Main Street merchant, Congress is going to have to pass a law enabling them to do it.''

So it has only been since that 1992 Supreme Court decision that we have had the authority to allow the States to do this.

Mr. President, if we cannot pass this, I hope I do not hear anymore whining, groaning, moaning, and gnashing of teeth about unfunded mandates on the States when you refuse to help the States collect a legitimate tax to deal with unfunded mandates and a whole host of other problems.

And if this bill does not pass, I hope I do not hear any moaning about the poor small business people in this country, how we ought to do something for the small business people. Everybody is always willing to do something for small business people as long as it does not affect big business people.

Mr. President, I ask unanimous consent that a letter from Ray Jones, owner of Long Beach Yacht Sales, Long Beach, CA; a letter from Mamie R. Willis, Portland, TN, the sad recipient of a pretty good sized order only to find out that she owed the sales tax; White Furniture Co. in my own home State from Debbie White, who talks about how competitively unfair it is for her to have to charge sales tax on furniture sold all over town and people ordering furniture from mail order

houses and paying no sales tax; and finally a letter from an ordinary citizen, John Dix, who bought a house full of furniture in North Carolina, almost $10,000 worth, and suddenly was slapped with a tax bill of $700 that he and his wife never dreamed even existed. If you want to stop all of that, fine.

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

LONG BEACH YACHT SALES,
Long Beach, CA, January 18, 1994.

Attention: Mr. Stan Fendley, Tax Council
Hon. SENATOR BUMPERS,
Chairman, Committee on Small Business,
Russell Senate Office Building, Washington, DC.

Thank you, in advance, for your sponsorship of legislation regarding the collection of interstate sales tax. This week we lost a $240,000 deal as a result of a sales tax issue. They buyer bought a boat in Oregon to avoid our local and state sales tax. The vessel will be kept out of state for the required period of time and will be subsequently brought into California after the waiting period has elapsed. Based on our local tax rate of 8.25% the resulting tax would have been $19,800.

Not only did we (and the State) lose this deal, but we also lost the time and expenses involved in upselling the customer to a more expensive boat (from $140,000 to $240,000), sea trialing the boat and providing extensive consultation regarding the product. The customer thanked us but basically said for $19,800 he would have to make an economic choice to buy elsewhere. We did not have the margin to discount the product further to even attempt to compete.

In todays economic environment it is tough enough to succeed but without some form of a fair interstate sales tax collection program we, as a responsible and law abiding dealership, can not compete fairly against some of our out of state competitors that are not required to collect sales tax or tax at a significantly lower rate.

Again, thank you for sponsoring this important piece of legislation. Hopefully this will create a fair arena in which we can compete. As always, please feel free to contact me with any questions or comments that you may have.

Sincerely,

RAY JONES,
Owner.

Portland, TN, September 8, 1994.

Senator DALE BUMPERS,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR BUMPERS: When I moved from Nashville to a small town a number of years ago, I discovered the convenience of mail-order buying. I buy several hundred dollars worth of merchandise per year. I am 75 years old and can no longer drive to the city to shop. I know there are probably thousands in my situation.

Several months ago I heard on our local news that people purchasing goods from mail order catalogs must pay State sales and use tax on these items. That was news to me. I, and I know many others, have always thought that merchandise purchased outside our state was not subject to sales tax unless such a vendor had a store within our state.

Since I have always tried to be a law-abiding citizen, I added up from my records all purchases made in recent years, figured the sales tax, and mailed a check to the State Department of Revenue. But what about those many people who still do not know they are liable for these taxes? This situation makes it unfair to those who are paying.

I once ordered many Christmas gifts from catalogs. Now I am inclined to send money to my out-of-town relatives, avoiding the hassle of tax-record keeping.

I believe it is the duty of mail order companies to collect sales taxes due, just as other stores and grocers do. Modern-day computers certainly make it easy for them.

I understand you are working on legislation to correct this situation. I hope you will succeed.

Sincerely yours,

MAMIE R. WILLIS.

WHITE FURNITURE CO.,
January 19, 1994.

Senator DALE BUMPERS,
Dirksen Building, Washington, DC.

DEAR SENATOR BUMPERS: I want to make you aware of an unfair tax situation that has been occurring for years in the furniture business. For quite some time we tried to ignore this, but when you see or hear the results every day of the week you have to finally stop and take notice.

My family has a small retail furniture business in Arkansas. We have paid taxes in the same small town for years. Now we have customers who are being educated by advertisers to shop their local retail stores for model numbers and prices—then call North Carolina and order and avoid paying our state sales taxes.

I have personally lost individual sales in my area for fifteen to twenty thousand dollars. We have found that the larger sales are the ones that people do out of state because of the high percentage of tax.

I'm not crying about the prices; I would just like to have a level playing field. We service our clients with free delivery; we furnish the showrooms where they can touch and feel the merchandise; we finance the merchandise locally, and we employ Arkansas people to sell and deliver the furniture.

Last year NBC did a travel segment and, on over 200 stations across our country, showed people how to take their vacations in North Carolina, shop while they are there and save enough in sales tax to pay for their vacation. Then CBS did a week long special on ''Good Morning America,'' devoting one day to furniture, one to cars, and another to clothes, etc.

I don't know about the other 49 states, but I do know that our state could use the revenue from those lost sales taxes for our schools, roads, and local government.

I will be proud to support you in any effort you can make to help our state collect these unpaid taxes.

Thank you.

DEBBIE WHITE.

Hilton Head, SC, September 12, 1994.

Hon. DALE BUMPERS,
Chairman, Committee on Small Business,
U.S. Senate, Washington, DC.

DEAR SENATOR BUMPERS: While on a trip to North Carolina a few years ago, my wife and I visited a furniture store to look for items for our winter home in Hilton Head, South Carolina. As you are no doubt aware, North Carolina is the furniture center of America. People come from all over America to buy furniture in North Carolina, drawn by word of mouth and various means of advertising.

As we shopped at one store in High Point, my wife and I found a number of furniture pieces that we were interested in buying. While considering the purchase, we were told by the sales staff that if this furniture were delivered to our home in South Carolina, no sales tax would be collected. This represented a savings of several hundred dollars, and became one factor in our decision to make the purchase. Subsequently, we concluded the purchase agreement, and the furniture was delivered to our home in South Carolina a short time later.

Approximately four years after making that purchase, we were surprised to receive a letter from the South Carolina Department of Revenue informing us that the furniture we had purchased in North Carolina was subject to South Carolina's use tax. (South Carolina had learned about the purchase when North Carolina audited the furniture company and shared the audit information with South Carolina.) In addition to the 5 percent tax, we owed interest and penalties because we had failed to pay the tax promptly. On our furniture of some $10,000, the total we owed for tax, interest and penalties was approximately $700.

As you can imagine, we were shocked and upset at this news. We had no idea that we owed tax on this purchase. Like most consumers, we were accustomed to having sales taxes collected at the time of purchase, and it seemed odd to expect the customer to know when, where and how much tax to pay. And because the furniture salesman had told us that no tax would be ''collected,'' we assumed that no tax existed.

I am not complaining about the tax itself. I certainly do not enjoy paying taxes, but had we known about this tax at the time of purchase, it wouldn't have been so bad. In that case, we could have considered the tax as part of the cost of the transaction and then made an informed decision about whether to make the purchase or not. Indeed, it's quite possible that we would still have bought the furniture. But we were blindsided. We were led to believe that there was no tax, then told four years later that there was a tax. That simply is not fair.

The worst part of this situation is that we were expected to pay interest and penalties. As I told the South Carolina Department of Revenue, I felt that this was particularly unreasonable since we didn't even know we owed the tax—and they didn't know we owed the taxes for four years. In the end, I won half the battle: they agreed to waive the penalties, but we still had to pay the interest.

I understand that the State of South Carolina cannot control what North Carolina merchants tell their customers. But the United States Congress can and should do so. I urge you to pass legislation immediately correcting this situation so that other consumers do not have the same bad experience we had.

In my opinion, you should require merchants who ship goods to other states to inform those customers that taxes may apply. The disclosure should be in writing, and the customer's signature should be required. Any merchant who fails to give the disclosure should have to pay 50 percent of any penalties or interest that occur. I believe this would discourage companies from failing to share important information with the consumer.

Thank you for the opportunity to share my thoughts with you on this issue. I hope that you will move quickly to ensure that other consumers aren't misled the way my wife and I were.

Sincerely,

JOHN DIX.

NOTICE OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been

scheduled before the Committee on Energy and Natural Resources.

The hearing will take place Wednesday, March 22, 1995, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review the findings of a report prepared for the Committee on the cleanup of the Hanford Nuclear Reservation.

Those wishing to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call David Garman at (202) 224–7933 or Judy Brown at (202) 224–7556.

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS MANAGEMENT

Mr. CRAIG, Mr. President, I would like to announce for the information of the public that a hearing has been scheduled before the Subcommittee on Forests and Public Lands Management to receive testimony on S. 506, the Mining Law Reform Act of 1995.

The hearing will take place Thursday, March 30, 1995, at 9:30 am in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written testimony statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Michael Flannigan at (202) 224–6170.

SUBCOMMITTEE ON FOREST AND PUBLIC LANDS MANAGEMENT

Mr. CRAIG, Mr. President, I would like to announce for the information of the public that a hearing has been scheduled before the Subcommittee on Forests and Public Lands Management to receive testimony for a general oversight on the Forest Service land management planning process.

The hearing will take place Wednesday, April 5, 1995, at 9:30 am in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written testimony statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mark Rey at (202) 224–2878.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. ABRAHAM. I ask unanimous consent that the Finance Committee be permitted to meet on Monday, March 13, 1995, beginning at 9:30 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing on the Consumer Product Index.

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

ADDITIONAL STATEMENTS

THE SENATOR

• Mr. SIMON. Mr. President, one of the members of the Presbyterian clergy with whom I have had the chance to work on historical projects and other things is the Reverend Robert Tabscott.

He sent me some observations he made 21 years ago about our former colleague, Senator Bill Fulbright. Bill Fulbright was a remarkable public servant.

I had the chance to work with him on exchange programs and other matters in the area of foreign policy.

To get a little more perspective on the impact of Senator Fulbright on people, it is good to read what Robert Tabscott wrote almost 21 years ago.

I ask that the tribute be printed in the RECORD.

The tribute follows:

[November 1974]

THE SENATOR

(By Robert Tabscott)

Reaching back in my memories I was first appreciative of William Fulbright in the early fall of 1961 when he eulogized the fallen Dag Hammerskijold. Six years later in Mississippi I read his book, ''The Arrogance of Power.'' It was a watershed for me: a provocative word in a hard and sterile time. The book challenged the American dream of opulence and power and called for a rediscovery of the values of Jefferson and the American revolution. But more, it was a fervent appeal for a new tolerance among us for people of differing philosophies and cultures. The book shook my patriotic myths and aroused a circumspection for which I shall always be grateful.

So when it became possible to interview the Senator on one of my recent visits to Washington, I was beside myself. Meeting him in the privacy of his large comfortable office, it was hard to imagine him as an international figure. He was surrounded by half-packed cartons of books (a prelude to his departure from the Senate), a cumbersome stack of magazines and papers, several botties of mineral water and at least a week's supply of health foods and vitamins. Entering the office, I stood motionless. ''Sit down,'' he said in a sonorous voice. I was extremely nervous and he waited for me to gain my composure. ''You will have to excuse me,'' I said, ''but this is quite an occasion for me.'' Graciously, he coaxed me on. ''Well I am glad I could give you this time.'' I described my work and the Rockefeller grant and asked if I could take notes. He smiled and said, ''I don't know if I will say anything important, but you may.'' And so I did.

J. William Fulbright was born in Missouri sixty-nine years ago. But he grew up in Arkansas, enjoying the benefits of a well-known and prosperous family. He won honors at the University in Fayetteville and was awarded a coveted Rhodes scholarship. His three years at Oxford were indelible. He read Tennyson, Lord Byron, Dryden, inspected Norman Churches, sought out Canterberry and Stradford and buried himself in English history and political thought. In 1928 he settled for a time in Vienna. From there he ventured with a friend to Salonika, Athens, and the Balkans. But his mind probed even further into Chinese history, Russian literature, and Creek philosophy.

At 34 he became the president of the University of Arkansas. Two years later during a political controversy he was asked to resign by the governor. He refused and was promptly fired. It was 1942. That spring, young Fulbright decided to run for Congress. Contrary to almost everyone's expectations, he was elected. By 1945 he had become the junior senator from Arkansas and had launched a career that would span thirty years and bring him international prominence.

We probably know William Fulbright best as chairman of the Senate's Foreign Relations Committee and for his untiring efforts to achieve détente with Russia and a better understanding of world Communism. For that he has been labeled a liberal and Communist sympathizer.

His greatest and most difficult years were between 1950 and 1973. At times he stood alone as he did against the maniacal red crusade of Joseph McCarthy, or as a persistent critic of two Administrations' Vietnam policies. On other occasions he has been painfully silent as he was during the Little Rock crisis and throughout most of the Civil Rights movement. The Senator is far from the hero his supporters have wanted him to be. But what is significant is that he has remained a man of conscience and integrity who has not sought to cover his inconsistencies but has acknowledged the painful struggle of public service and the burden of political compromise.

Two events illustrate that tension. On August 6, 1964, President Johnson requested Fulbright to introduce the famous Tonkin Resolution which gave the chief executive authority, ''* * * to take all necessary measures to repel any armed attack against forces of the United States and to prevent further aggression.'' That action put us into a land war in Asia. Only two Senators, Morse of Oregon and Gruening of Alaska, voted against the resolution. But by February, 1965, Fulbright had become disillusioned. He was alarmed, ''* * * by the tyranny of Puritan virtues, of the dogmatic ideology of false patriotism and a resurgence of manifest destiny in American life.'' The Senator would later confess that the Tonkin Resolution was one of the most regrettable mistakes of his public life.

In 1957, 19 senators and 77 representatives from the eleven states of the old Confederacy, drafted a manifesto attacking the Supreme Court's historic decision on segregation. ''The court,'' they said, ''had substituted naked power for established law.'' The signers pledged themselves ''* * * to resist integration through all lawful means and by any lawful means.'' J. William Fulbright signed the Manifesto.

But there were reasons, he contended. It was an election year and there was great pressure in the south. He could leave his southern colleagues and go his own way or stay with them and be assured of remaining in the Senate. Better to compromise and to fight again. He was convinced that he could not survive if he stood alone. He chose to remain silent. Many were shocked and disappointed because of his actions.

But when you consider the events of the last decade there were few men and women in public life who stood apart to face the crisis of Little Rock, Vietnam, Selma, Kent State or Attica. At a time when the South needed the wisdom of its statesmen, not one major figure dared to challenge the old myths. It was left to a heroic company of black men and women and an unlikely army of students, teachers, ministers, editors, lawyers, judges, and businessmen to stir the nation's conscience and to open a way for politicians to follow.

William Fulbright is a scholar, a man of reason and reflection. Some consider him a child of the Enlightenment. Intellectually he is much like Adlai Stevenson or Woodrow Wilson. He speaks of Jefferson and DeTocqueville, but I would venture he is more Hamiltonian in his philosophy. If he were to put this in theological terms, he would probably say that God's special gift to man is his capacity for reason.

A biographer has described him as ''* * * a complex human being, at times, witty, erudite, earthy, sardonic, melancholy, shrewd, innocent to the point of nievete, and candid—but never indifferent.'' Someone else said, ''Fifty years from now when they talk of Senators, they will remember Fulbright.''

Great men and women are not perfected; they endure. They survive the best and worst that is in them to become. In the end, they stand apart because they are real, but in so doing, they are always just beyond our grasp. Most politicians like their constituents, lack the intellectual penetration to form independent judgments and therefore accept the prevailing opinions of their society. But there are always a few who, assessing the circumstances, speak their minds and call us to growth and maturity.

At the end of his book, ''The Arrogance of Power,'' William Fulbright, wrote: ''For my own part I prefer the America of Lincoln and Adlai Stevenson. I prefer to have my country the friend rather than the enemy of demands for social justice; I prefer to have the Communists treated as human beings, with all the human capacity for good and bad, for wisdom and folly, rather than embodiments of an evil abstraction; and I prefer to see my country in the role of a sympathetic friend to humanity than its stern and painful school-master.''

When you consider the recent revelations of our government's involvement in the overthrow of the government in Chili, Fulbright's words are apocalyptic. He stands apart.

When I left the Senator's office, the long shadows of an October afternoon had filled most of the street. Already the leaves had begun to fall and a tinge of cold passed through the air. A season was passing. I walked on through the park toward the Capitol, warmed and grateful for what I seen and heard. I realized that I had been with a remarkable man whose wisdom, if remembered, could make a difference in our world.●

BUDGET SCOREKEEPING REPORT

● Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effect of congressional action on the budget through March 10, 1995. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 218), show that current level spending is below the budget resolution by $2.3 billion in budget authority and $0.4 billion in outlays. Current level is $0.8 billion over the revenue floor in 1995 and below by $8.2 billion over the 5 years 1995–99. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $238.7 billion, $2.3 billion below the maximum deficit amount for 1995 of $241.0 billion.

Since my last report, dated February 27, 1995, there has been no action that affects the current level of budget authority, outlays, or revenues.

The report follows:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, DC, March 13, 1995.

Hon. PETE DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1995 shows the effects of Congressional action on the 1995 budget and is current through March 10, 1995. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218). This report is submitted under section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements of Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since our last report, dated February 27, 1995, there has been no action that affects the current level of budget authority, outlays, or revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1995, 104TH CONGRESS, 1ST SESSION AS OF CLOSE OF BUSINESS MAR. 10, 1995

[In billions of dollars]

	Budget resolution (H. Con. Res. 218)[1]	Current level[2]	Current level over/ under resolution
ON-BUDGET			
Budget authority	1,238.7	1,236.5	−2.3
Outlays	1,217.6	1,217.2	−0.4
Revenues:			
1995	977.7	978.5	0.8
1995–99[3]	5,415.2	5,407.0	−8.2
Maximum deficit amount	241.0	238.7	−2.3
Debt subject to limit	4,965.1	4,755.7	−209.4
OFF-BUDGET			
Social Security Outlays:			
1995	287.6	287.5	−0.1
1995–99	1,562.6	1,562.6	*0
Social Security Revenues:			
1995	360.5	360.3	−0.2
1995–99	1,998.4	1,998.2	−0.2

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit—Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full—year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions

[3] Includes effects, beginning in fiscal year 1996, of the International Antitrust Enforcement Act of 1994 (P.L. 103–438).

*Less than $50 million.

Note: Detail may not add due to rounding.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS, MAR. 10, 1995

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions			
Revenues	(*)	(*)	978,466
Permanents and other spending legislation	750,307	706,236	(*)
Appropriation legislation	738,096	757,783	(*)
Offsetting receipts	(250,027)	(250,027)	(*)
Total previously enacted	1,238,376	1,213,992	978,466
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(1,887)	3,189	(*)
Total current level[1]	1,236,489	1,217,181	978,466
Total budget resolution	1,238,744	1,217,605	977,700
Amount remaining:			
Under budget resolution	2,255	424	(*)
Over budget resolution	(*)	(*)	766

[1] In accordance with the Budget Enforcement Act, the total does not include $1,394 million in budget authority and $6,466 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

*Less than $500,000.

Notes: Numbers in parentheses are negative. Detail may not add due to rounding.●

BETTYLU SALTZMAN RECEIVES THE DEBORAH AWARD

● Mr. SIMON. Mr. President, for a number of years, my Chicago office was run by someone for whom I have come to have great respect, Bettylu Saltzman.

Recently, she was honored by the American Jewish Congress, along with Elaine Wishner, for her leadership.

That happened 6 or 8 weeks ago. Just recently, I had the opportunity to read her acceptance remarks.

Her eloquent remarks urge people to be sensitive and understanding, to reach out to all human beings, while being proud and sensitive of our individual traditions.

While the remarks are addressed to a Jewish audience, those of us who are Christians can learn from reading her remarks also.

I should add, Bettylu Saltzman, in these remarks, follows a great tradition. Her father, Philip Klutznick, served as one of our Ambassadors to the United Nations and served as Secretary of Commerce under Jimmy Carter. But more important than the offices he held was the way he held them. He called for reaching out when it was unpopular, as Bettylu mentions in her remarks.

I am proud to have a citizen like Bettylu Saltzman in the State of Illinois.

At this point, I ask that her remarks be printed in the RECORD.

The remarks follow:

It's a great honor to be here tonight. And while I remember Golda Meir's famous admonition—''Don't be humble; you're not that great''—it's hard to avoid, when sharing an honor with Elaine Wishner and joining the ranks of the other outstanding women who have been recognized in the past seven years.

I don't know if I belong among them, but I'm proud to stand with them, as they are truly people who have made a difference—giving of themselves to make the world a better place for all of us.

Through their examples, they have advanced the cause of justice which is an essential part of Jewish values and Jewish tradition.

Since its inception, the American Jewish Congress has personified that tradition. And for the past ten years, the Commission for Women's Equality has provided valuable and enlightened leadership.

I'm delighted to lend my name to that important effort.

But this evening also is gratifying because it marks a kind of milestone in my own evolution.

Though I come from a family with a deep commitment to Judaism and Israel, it is only in recent years that I have really come to terms with what that means to me.

I am the only girl among five children and I believe that is the reason I was largely deprived of the religious and cultural education that might have given me an earlier and richer appreciation for Jewish history and tradition.

Like many contemporary Jews, I struggled with the relevance of religion in my life, when religion seemed remote and ritualistic. And, as a much younger woman, I tried to find my place in Jewish life, in a community in which such participation was strictly dictated by a few, so-called ''mainstream'' organizations, in which men dominated and alternative points of view were not particularly well received.

My own metamorphosis began with the realization of the underlying lessons and values that form the foundation of Judaism—values that are as relevant and important today as they were thousands of years ago.

We Jews believe that it is our responsibility to repair the world—Tikkun Olam, and a commitment to justice is a recurrent theme in our history. The entire prophetic tradition commands us to show compassion and seek justice. We do this not just for our fellow Jews, but for all human beings.

Listen carefully to this quote from Leviticus inscribed on the Liberty Bell—''Proclaim liberty throughout all the land unto all the inhabitants thereof''.

That is why I'm proud to serve with Susan Manilow on the board of Mount Sinai Hospital, where Ruth Rothstein labored so long and hard to see to it that Chicagoans of all races, religions and creeds are provided with excellent health care. It is why I served on the board of the Crossroads Fund and continue to serve on the board of the Jewish Council on Urban Affairs.

Recently I was introduced to someone who recognized me as a trustee of Mount Sinai Hospital—a position of which I am justifiably proud. So, I was quite disturbed when this person admonished me that I should spend more time worrying about Jews, instead of poor people in the inner city.

Ethics, morality and the commandment to help others, are central to our tradition and our way of life. Through such activities, I have found my place in the Jewish community and in the process I have come to understand my Jewishness in a much deeper sense.

I share this thought because of the current debate on Jewish continuity, and my belief that if we are to encourage the perpetuation of Jewish awareness, we must discourage the kind of thinking that would dismiss a Mount Sinai Hospital or Jewish Council on Urban Affairs as an invalid way of expressing one's commitment to Jewish values.

The same is true of attitudes toward how one can best express support for Israel, and whether there is room for different approaches and views.

Over a decade ago, my father Philip Klutznick, courageously spoke of the need to bridge the chasm between Arab and Jew. He said we cannot afford, nor should we want, Israel to live in a perpetual state of war, and suggested that Israel's survival demanded an end to the conflict.

Though he devoted much of his life to the Jewish community and support of Israel, he was censured by some members of the community, who accused him of treachery and betrayal.

Today, once again, there was an horrendous terrorist attack at a bus stop north of Tel Aviv. Many lives were lost and many more Israeli citizens were maimed. But does it behoove us to give in to the enemies of peace, who perpetrate these atrocities in the Middle East or any place else in the world? I hope not.

I do not believe that due to the heroic actions of Israeli and Arab leaders, my father's dream of peace is several steps closer today.

I am vice president of the New Israel Fund, an organization dedicated to promoting social justice and democracy within Israel. I support the work of the Fund because it is consistent with my belief that maintaining a civil and just society takes vigilance and hard work, beginning at the grassroots, and because continued political, economic and moral support for Israel from America and the world community depends upon its survival as a healthy and robust democracy.

This endeavor is the way I have chosen to act on my commitment to Israel, though in the past, the New Israel Fund was not an organization that was always warmly welcomed into the Jewish community.

But my hope, as we carry on this debate about Jewish continuity, is that we think more expansively, understanding that there are many ways to demonstrate our devotion, each as valid as the next.

If one chooses to invest time and resources in an organization like the New Israel Fund, that is a triumph for the community, because it means one more person committed to justice, equality and the principles of Judaism.

In times when we are concerned about Jews in America drifting away, we simply cannot afford to disqualify and discourage those who are reaching out to find their place in the community.

And I hope I don't offend, when I include in that category the young couples, Jew and non-Jew, who ask a rabbi to join them in marriage. By seeking rabbinic involvement they are making an important choice. By refusing them, we simply insure the likelihood that one more couple will be lost, and one more family isolated from our traditions.

My point is that we cannot address the issue of Jewish continuity without broadening our horizons and opening our arms. Rigidity will not lead to greater Jewish identification—inclusiveness will.

As the years go by, I grow more and more appreciative of the meaning and value of Judaism, the sense of rootedness and belonging, and the opportunity to participate in Jewish life in ways in which I feel most comfortable.

That's a wonderful gift, which I want my children and future generations to share.

But for that to happen they must embrace our traditions and as a community we must enhance the attractiveness of a variety of paths leading to meaningful Jewish experiences; not devalue or marginalize choices that diverge from the middle of the road.

Tonight, you have honored me for the manner in which I have chosen to connect with those traditions, and in doing so, you have sent an important message that there are many meaningful ways to fulfill our obligations as Jews.

For that, as much as for this wonderful award, I thank you very much.●

ORDERS FOR TUESDAY, MARCH 14, 1995

Mr. ABRAHAM. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11:30 a.m. on Tuesday, March 14, 1995, that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, there then be a period for the transaction of routine morning business not to extend beyond the hour of 12:30 p.m., with Senators permitted to speak for up for 5 minutes each, with the following exceptions: Senator MURKOWSKI for 30 minutes, Senator EXON for 15 minutes, and Senator FEINGOLD for 15 minutes.

I further ask consent that at the hour of 12:30 p.m., the Senate stand in recess until 2:15 p.m. on Tuesday in order for the weekly party caucuses to meet.

I further ask unanimous consent that, following the recess, the Senate resume consideration of the supplemental appropriations bill, and at that point Senator BYRD be recognized to speak.

I further ask unanimous consent that immediately following the conclusion of Senator BYRD's statement, the Senate turn to the consideration of the conference report to accompany S. 1, the unfunded mandates bill, and there be 3 hours for debate, to be equally divided in the usual form.

I further ask unanimous consent that at the conclusion or yielding back of time on the conference report, the Senate proceed to vote on the conference report, without any intervening action or debate. If a rollcall vote is ordered on the conference report, I ask that the vote occur immediately following the scheduled cloture vote on Wednesday, notwithstanding rule XXII.

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

PROGRAM

Mr. ABRAHAM. For the information of all Senators, the Senate will debate the Kassebaum amendment and the unfunded mandates conference report during tomorrow's session of the Senate; however, no votes will occur. The first vote will be at 10:30 a.m. on Wednesday on the cloture motion on the Kassebaum amendment dealing with striker replacement.

For the information of all Senators, the official picture of the U.S. Senate in session will be taken by the National Geographic Society on Tuesday, April 4, 1995, at 2:15 p.m. All Senators are now on notice to be on the floor at 2:15 p.m. on April 4 for the picture.

RECESS UNTIL 11:30 A.M. TOMORROW

Mr. ABRAHAM. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 5:14 p.m., recessed until Tuesday, March 14, 1995, at 11:30 a.m.

EXTENSIONS OF REMARKS

HUMAN RIGHTS VIOLATIONS IN INDIA; THE CASE OF S.S. MANN

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1995

Mr. BURTON of Indiana. Mr. Speaker, I rise today to discuss the serious human rights problems in India—especially in Punjab and Kashmir. I would like to focus today on the case of Sikh leader Simranjit Singh Mann—a former Member of Parliament. He has been held in an Indian prison for over 2 months now for the simple act of making a speech.

Mr. Mann was arrested after making a speech December 26 in Punjab, Khalistan, in front of a crowd of 50,000 Sikhs. At that time, he called for a peaceful, democratic, nonviolent movement to liberate Khalistan. Major Sikh political groups called for an independent Khalistan in October 1987. In his speech, Mr. Mann asked those attending to raise their hands if they agreed with him that a peaceful movement for a free and independent Khalistan is necessary. Every hand was raised.

Mr. Mann is being held without trial or formal charges under India's brutal Terrorist and Disruptive Activities Act. This oppressive law has been universally condemned by human rights groups around the world. It allows the Government to detain virtually anyone in prison for nearly 2 years without filing charges or going to court. Sikhs and Moslems detained under this law are routinely tortured and often murdered. How can a country which proclaims itself the world's largest democracy behave in such a manner?

On January 12, I, along with 25 of my colleagues wrote to the Prime Minister of India, P.V. Narasimha Rao, to demand Mr. Mann's release. The letter was signed by prominent members of both parties, Republicans and Democrats. While we disagree on many things, we all agree that everyone around the world is entitled to certain basic human rights—freedom from torture and other violent abuses, dignity, and self-determination.

India's response to our letter was extremely disappointing. Instead of doing the right thing and releasing Mr. Mann, the Government of India dug up old charges against him from 1985—charges long ago discredited—and added them to the charges against Mr. Mann.

India's harassment of Sikh leaders, and its revival of old trumped-up charges against Mr. Mann demonstrate India's fear of the potency of the movement for an independent Khaslistan. The fact that only 4 percent of Sikhs in Punjab participated in State elections organized by the Government in New Delhi in 1992 is a further indication of the Indian Government's weakness in that region. What India must understand is that, if a people are determined to be free, it cannot hold them at the point of a gun forever. India has over a half-a-million armed forces in Punjab to force its will on the Sikh people. It cannot sustain this heavy military presence forever. The army rules in Punjab with a ruthlessness and brutality that we in this country have a hard time understanding. However, every murder, act of torture, or rape committed by India's Army or paralegal forces will only increase the animosity between these two peoples.

Mr. Mann is the most visible spokesman for the freedom of Khalistan in Punjab. The Government's intimidation of Mr. Mann and other peaceful advocates must not be met with silence by the world's leaders. As long as India continues to practice this kind of repression, the other governments of the world must speak out and protest. A country which practices systematic repression should not receive aid from free countries like ours. The United States must not support tyranny.

The release of S.S. Mann would be a good first step by the Indian Government to demonstrate its commitment to democratic principles. I call for Mr. Mann's immediate release, and I call upon the First Lady, who will be traveling to India at the end of the month, to raise the issue of human rights with the Prime Minister.

Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point an article from the January 19 issue of the Indian Express of Chandigarh about our letter to the Prime Minister calling for Mr. Mann's release.

[From the Indian Express Chandigarh, Jan. 19, 1995]

TWENTY-SIX CONGRESSMEN PROTEST TO RAO OVER MANN'S ARREST

WASHINGTON.—Influential members of the new Republican-controlled Congress have fired their first anti-India salvo on urgings from the pro-Khalistan lobby.

Hardly two weeks in the session, the Congress has seen a bipartisan group of 6 lawmakers write to the Prime Minister, Mr. P.V. Narasimha Rao, protesting the detention of Sikh leader Simranjit Singh Mann.

The group has also called for the repeal of the Terrorist and Disruptive Activities (prevention) Act (TADA). The letter was written on the urging of the Council of Khalistan, the leading pro-Khalistani lobby in the US headed by Dr. Gurmit Singh Aulakh.

Influence: Although it was initiated by the usual coterie of India-bashers led by New Delhi's most acerbic critic on Capitol Hill, the Republican, Mr. Dan Burton, the difference this time around is that many of them now hold leadership positions and wield considerable influence.

Mr. Burton himself is now a senior member of the House International Relations Committee. Other Republicans who had signed the letter are Mr. Gerald Solomon, the chairman of the Rules Committee, Mr. Phil Crane, the head of the Trade Sub-committee of the powerful Ways and Means Committee and Mr. Tom Bliley, chairman of the Commerce Committee.

Thus, while Mr. Solomon could allow anti-India legislation and resolutions to the floor of the House for debate, Mr. Bliley and Mr. Crane could put a damper on the burgeoning Indo-US commerce and trade relations by calling for punitive action against India on trade matters and keep pushing for laws such as Super 301 and Special 301.

Mann's Arrest: In their letter to Mr. Rao, the legislators said that ''we find it very troubling that a leader of Mr. Mann's stature can be arrested for exercising his freedom of speech.''

The legislators said that they had been informed by Dr. Aulakh, that Mr. Mann, a former Member of Parliament and senior leader of the Shiromani Akali Dal party, was arrested on January 5 for ''having advocated independence for Khalistan by peaceful means.''

They noted that Mr. Mann had urged a rally of 50,000 people to show their support for ''a peaceful movement toward an independent state by raising their hands, and that the entire crowd did so.''

The legislators wrote that they were concerned that this was not the first time Mr. Mann had been arrested under TADA, and noted that he spent five years in prison during the 1980s ''without trial and without formal charges being filed against him in a court of law.''

The lawmakers noted that according to press reports, ''he was subject to physical and psychological torture during that period—including electric shock and having his beard pulled out in tufts.''

Misuse of TADA: In January 1994, Mr. Mann was again arrested under TADA, and over 50 charges filed against him ''were later dropped and he was released,'' they said. The legislators wrote to Mr. Rao that ''it appears that the Indian government is using [the] TADA to harass and intimidate Mr. Mann.''

The legislators also called on the Prime Minister ''to recommend to your Parliament that (the) TADA be reformed to bring it into compliance with generally accepted human rights.

POLICE TRAINING FOR GEORGIA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1995

Mr. HAMILTON. Mr. Speaker, it has come to my attention that the United States is considering providing police training to Georgia. While we would all like to help Chairman Shevardnadze in his fight to stabilize his torn country, I have fundamental reservations about the wisdom of providing police training to Georgia at this time.

Those reservations are spelled out in a letter I sent recently to the Department of State. I ask that my letter, and the Department's response, be included in the CONGRESSIONAL RECORD.

COMMITTEE ON INTERNATIONAL RELATIONS,
Washington, DC, February 28, 1995.

Hon. WARREN CHRISTOPHER,
Secretary of State, Department of State, Washington, DC.

DEAR MR. SECRETARY. I write to oppose U.S. assistance or training at this time for police forces in the Government of Georgia.

I support carefully crafted police training programs overseas. In particular, I support the Administration's efforts to fight organized crime in Eastern Europe and the N.I.S.

through targeted assistance to police forces in those regions. These efforts, however, carry a degree of risk. In the case of Georgia, that risk is too high to merit the use of scarce U.S. Government resources.

We all want to be supportive of Chairman Shevardnadze in his efforts to bring peace and prosperity to his troubled country. The United States has provided more the $250 million in food aid to Georgia since Fiscal Year 1992, which I believe demonstrates U.S. support. But the risks of establishing a police training program in Georgia outweigh any possible benefits.

Providing police training to foreign countries requires us to ask tough questions about who will benefit. Do we have reasonable assurances that those being trained are not corrupt, are committed to the rule of law, and will not engage in abusive practices?

In the case of Georgia, I do not believe we can answer ''yes'' to those questions. Widespread media reports, and the State Department's own reporting, indicate massive and pervasive corruption in the Government of Georgia, especially in the police forces. Much of the substantial U.S. aid already sent is reported to have been diverted—by some estimates, as much as half. Organized crime reportedly controls important sectors of the government.

Under these circumstances, it seems to me that the possibilities for abuse in a police training program are unacceptably high. The United States could too easily become associated with unlawful elements of the Georgian Government, and support for police training generally could be weakened as a result. I believe that Chairman Shevardnaze must take more forceful steps to attack criminal elements within his government before the United States put its credibility, and scarce resources, on the line with a police training program of Georgia.

I understand that an interagency team will visit Georgia in the near future to assess the need for a police training program. I believe that when you assess the risks as opposed to any possible benefits, you will agree with me that such a program at this time simply cannot be supported.

Thank you for your attention to this matter.

With best regards,

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

U.S. DEPARTMENT OF STATE,
Washington, DC, March 7, 1995.

Hon. LEE H. HAMILTON,
House of Representatives.

DEAR MR. HAMILTON: Thank you for your letter of February 28 to Secretary Christopher regarding possible U.S. criminal justice assistance for the Republic of Georgia.

The Administration shares your concern that U.S. assistance and training for law enforcement personnel in the NIS not be abused by criminal or repressive elements. Recognizing the potential for misuse, our practice has been to ground our NIS programs firmly in the rule of law and respect for human rights.

Our interagency assessment team scheduled to visit Tbilisi later this month will examine precisely the issues raised in your letter. They will gather information regarding (a) Georgia's capacity to employ properly U.S. criminal justice assistance and (b) which programs might best promote democratization, human rights and the rule of law in Georgia.

In the vacuum created by the collapse of the Soviet Union, crime and corruption have gained a worrisome beachhead in the NIS. It is a problem by no means limited to Russia. Chairman Shevardnadze, senior officials of his government and Ambassador Brown in Tbilisi repeatedly have identified crime as the most important impediment to economic and political reform in Georgia.

The danger that NIS crime poses for the nascent democracies as well as the broader international community requires a thorough consideration of the most appropriate U.S. assistance. The Georgians have asked for our help. That interagency assessment team visiting Tbilisi this month constitutes a modest response, consistent with our limited resources. We would be happy to brief you on our findings when our team returns from Tbilisi.

I hope we have been responsive to your concerns. Please feel free to call me on this or any other issue.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary,
Legislative Affairs.

REMEMBERING TIM SULLIVAN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1995

Mr. PALLONE. Mr. Speaker, thousands of people in Monmouth, Ocean, and Middlesex Counties, NJ, were helped over the years by a dedicated public servant whose name most never knew. This public servant worked tirelessly and without personal gain or recognition assisting veterans, Social Security beneficiaries, students, and others on critical personal problems. He helped mayors and councilmen fix bridges, dredge waterways, and restore downtown areas so that men and women could work and the Jersey shore could prosper.

Timothy F. Sullivan, this public servant in the truest sense, died Saturday of a heart attack. For 17 years, from 1965 to 1982, he was administrative assistant to Representative James J. Howard, former chairman of the House Public Works and Transportation Committee.

When Jim Howard, my distinguished and accomplished predecessor, won an uphill battle for Congress in 1964, he had the good judgment to ask Tim, his good friend, fellow teacher, and campaign adviser, to come to Washington as his chief aide.

Because Democrats were rarely elected in that old Third Congressional District on any level, Jim Howard's prospects for reelection were less than bright. But Jim and Marlene Howard had been eager to take the risk and their enthusiasm was catching.

Tim and his wife, Marilyn, pulled up stakes with six young children. Tim quit his job and came to Washington to begin his long career as a trusted adviser and manager, taking the heat over the years when necessary but not claiming the credit when it was his due. He kept Jim Howard's office on an even keel through tough elections and crises in the district like life-threatening coastal hurricanes and proposals to shut down Fort Monmouth and put thousands out of work.

Through it all, he helped Jim Howard develop a reputation for excellent constituent service. Tim had a right to be proud in the early eighties when the New York Times cited a poll taken of New Jersey staffers and Members of Congress in which Jim Howard's office operation was voted the best in the New Jersey congressional delegation.

TRIBUTE TO THE MIAMI TIMES NEWSPAPER

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 13, 1995

Mrs. MEEK of Florida. Mr. Speaker, the week of March 12 is Black Newspaper Week. In recognition of the important role that black newspapers have played in bringing about a fair and just society, I rise to pay special tribute to the Miami Times newspaper, one of the largest, most innovative, and important weekly newspapers in America.

After very careful and deliberative consideration Henry E. Sigismund Reeves decided that the black community could not depend on either their friends or enemies to express their ideas and aspirations. So on September 1, 1923, Henry E.S. Reeves founded the Miami Times as a voice for Miami's black community.

In its 73 years of existence the Miami Times has taken strong stances on issues such as segregation, economic opportunity, equal justice, and the positive promotion of black life. Through its efforts, the paper helped to integrate Miami's public beaches, golf courses, and played a critical role in winning concessions for Miami blacks in the successful black tourism boycott of Miami.

The Miami Times has played an important role not only as a protest journal but also as an instrument for revealing the human dimension of the black personality. White men of the day scoffed at the idea of love and family ties among blacks. By featuring blacks as parents, brides, mothers, and fathers, the paper exposed the one-dimensional treatment of blacks in the mainstream press.

Long before Ebony and Jet magazines came on the scene, the Miami Times stressed facets of black life which were ignored in white media. Black achievement, as expressed in the careers of Phyllis Wheatley, Toussaint L'Ouverture, Richard Allen, and our own Athalie ''Mama'' Range, Hon. Joe Lang Kershaw, and Gwen Sawyer Cherry.

The Miami Times also emphasized racial pride and other values of the black community. It chronicled the dreams, aspirations, and achievements of our community.

The Miami Times has also served as a catalyst for change between people outside of the black community. In 1987, the Miami Times became one of the first black newspapers in America to exchange editorials, letters, and articles with a Jewish newspaper, the Miami Jewish Tribune, in an effort to foster better understanding and cooperation between the two communities. At that time then, Miami Times publisher Garth Reeves believed that such a partnership between a black and a Jewish newspaper would help to close what was seen as a growing chasm between the two communities.

A few years later, the Miami Times began exchanging opinion pieces with one of America's great Spanish-language weeklies Diario Las Americas, in an effort to forge better links between blacks and Latinos.

Since 1923, four generations of Reeves have managed the Miami Times. Founder

Henry E.S. Reeves was followed by his only son Garth Reeves, Sr., who was followed by his only son, the late Garth Reeves, Jr., who was succeeded by his sister Rachel Reeves. And, Mr. Speaker, I understand that the next generation of the Reeves family is being trained for leadership and management of the paper; young Garth Basil.

My dear colleagues, we talk a lot about creating jobs and development in all kinds of communities. This family business has been doing it for more that 70 years. I am proud to salute the Miami Times.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 14, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 15

9:00 a.m.
Environment and Public Works
Superfund, Waste Control, and Risk Assessment Subcommittee
Business meeting, to mark up S. 534, to provide flow control authority and authority for States to limit the interstate transportation of municipal solid waste.
SD–406

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Smithsonian Institution.
SD–116

Armed Services
Airland Forces Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on Army force modernization.
SR–222

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Finance
Business meeting, to mark up H.R. 831, to permanently extend the 25% deduction for the health insurance costs of self- employed individuals.
SD–215

Labor and Human Resources
To continue hearings to examine health care reform issues in a changing marketplace.
SD–430

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for farm and foreign agriculture services of the Department of Agriculture.
SD–138

Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Justice.
S–146, Capitol

11:00 a.m.
Commission on Security and Cooperation in Europe
Briefing on the International Foundation Election System.
2200 Rayburn Building

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bonneville Power Administration.
SD–192

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

Commission on Security and Cooperation in Europe
To hold hearings to examine free trade unions with regard to the New Independent States of the former Soviet Union.
2105 Rayburn Building

2:30 p.m.
Indian Affairs
To hold hearings on S. 349, to authorize funds for the Navajo-Hopi Relocation Housing Program.
SR–485

3:00 p.m.
Commerce, Science, and Transportation
Oceans and Fisheries Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the United States Coast Guard, Department of Transportation.
SR–253

MARCH 16

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on taxpayers' stake in Federal farm policy.
SR–332

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Emergency Management Agency (FEMA).
SD–138

Rules and Administration
To hold hearings to examine Architect of the Capitol funding authority for new projects.
SR–301

10:00 a.m.
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Bureau of Investigation and Drug Enforcement Agency, both of the Department of Justice.
S–146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Highway Administration, Department of Transportation.
SD–192

2:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Education.
SD–192

Armed Services
Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1996 for the Department of Defense and the future years defense program, focusing on manpower, personnel, and compensation programs.
SR–222

Foreign Relations
East Asian and Pacific Affairs Subcommittee
Closed briefing to discuss recent developments on the implementation of the Agreed Framework with North Korea.
S–407, Capitol

MARCH 17

9:30 a.m.
Environment and Public Works
To hold hearings on the Department of the Interior and the Department of Defense consultations concerning conservation of endangered species at Ft. Bragg, North Carolina.
SD–406

10:00 a.m.
Judiciary
To hold hearings on proposed legislation to reform the Federal regulatory process.
SD–226

MARCH 20

2:00 p.m.
Foreign Relations
Business meeting, to consider S. Con. Res. 6, to express the sense of the Senate concerning compliance by the Government of Mexico regarding certain loans, S. 384, to require a report on U.S. support for Mexico during its debt crisis, S. Con. Res. 3, relating to Taiwan and the United States, S. Con. Res. 4, expressing the sense of Congress with respect to the North-South Korea Agreed Framework, S. Con. Res. 9, expressing the sense of the Congress regarding a private visit by President Lee Teng-hui of the Republic of China on Taiwan to the U.S., Treaty Doc. 103–25, with respect to restrictions on the use of certain conventional weapons, and pending nominations.
SD–419

Indian Affairs
To hold oversight hearings on the impact in Indian country of proposed recissions of fiscal year 1995 Indian program funds and of proposals to consolidate or block grant Federal programs funds to the several states.
SR–485

MARCH 21

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on the nomination of Daniel Robert Glickman, of Kansas, to be Secretary of Agriculture.
SD–G50

Special on Aging
To hold hearings to examine the scope of health care fraud.
SD–628

10:00 a.m.
Energy and Natural Resources
Energy Production and Regulation Subcommittee
To hold hearings on S. 92, to provide for the reconstitution of outstanding repayment obligations of the Administrator of the Bonneville Power Administration for the appropriated capital investments in the Federal Columbia River Power System.
SD–366
Governmental Affairs
Business meeting, to mark up proposed legislation to reform the Federal regulatory process.
SD–342
Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act, focusing on Title III.
SD–430

MARCH 22

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Fish and Wildlife Service, Department of the Interior.
SD–192
Energy and Natural Resources
To hold oversight hearings to review a report prepared for the committee on the clean-up of Hanford Nuclear Reservation.
SD–366
10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Natural Resources Conservation Service, Department of Agriculture.
SD–138
2:30 p.m.
Indian Affairs
To hold hearings on S. 441, to authorize funds for certain programs under the Indian Child Protection and Family Violence Prevention Act.
SR–485

MARCH 23

9:30 a.m.
Labor and Human Resources
Education, Arts and Humanities Subcommittee
To hold oversight hearings on direct lending practices.
SD–430
10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Railroad Administration, Department of Transportation, and the National Passenger Railroad Corporation (Amtrak).
SD–192
2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Alcohol, Tobacco and Firearms and the United States Customs Service, Department of the Treasury.
SD–192
3:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Institutes of Health, Department of Health and Human Services.
SD–138

MARCH 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Housing and Urban Development.
SD–138

MARCH 27

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Executive Office of the President, and the General Services Administration.
SD–138

MARCH 28

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Land Management, Department of the Interior.
SD–116
Governmental Affairs
Oversight of Government Management and the District of Columbia Subcommittee
To hold oversight hearings to examine initiatives to reduce the cost of Pentagon travel processing.
SD–342
10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for foreign assistance programs, focusing on Africa humanitarian and refugee issues.
SD–192

MARCH 29

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366
Special on Aging
To hold hearings to examine ways that individuals and families can better plan and pay for their long-term-care needs.
SD–628
10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food Safety and Inspection Service, Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, all of the Department of Agriculture.
SD–138
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Judiciary, Administrative Office of the Courts, and the Judicial Conference.
S–146, Capitol
10:30 a.m.
Indian Affairs
Business meeting, to consider pending calendar business.
SR–485

MARCH 30

9:30 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 506, to reform Federal mining laws.
SD–366
Rules and Administration
To hold hearings to examine the future of the Smithsonian Institution.
SR–301
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to review the legislative recommendations of AMVETS, American Ex-Prisoners of War, Vietnam Veterans of America, Blinded Veterans Association, and the Military Order of the Purple Heart.
345 Cannon Building
10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Aviation Administration, Department of Transportation.
SD–192

MARCH 31

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on agricultural credit.
SR–332
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Veterans Affairs, the Court of Veteran's Appeals, and Veterans Affairs Service Organizations.
SD–138

APRIL 3

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Internal Revenue Service, Department of the Treasury, and the Office of Personnel Management.
SD–138

APRIL 4

9:30 a.m.
Agriculture, Nutrition, and Forestry
To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on market effects of Federal farm policy.
SR–332

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Park Service, Department of the Interior.
SD–138

APRIL 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the National Aeronautics and Space Administration.
SD–192
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the U.S. Forest Service land management planning process.
SD–366
Rules and Administration
To resume hearings to examine the future of the Smithsonian Institution.
SR–301

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Agricultural Research Service, Cooperative State Research, Education, and Extension Service, Economic Research Service, and the National Agricultural Statistics Service, all of the Department of Agriculture.
SD–138
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Immigration and Naturalization Service, and the Bureau of Prisons, both of the Department of Justice.
S–146, Capitol

2:30 p.m.
Indian Affairs
To hold oversight hearings on welfare reform in Indian Country.
SR–485

APRIL 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Emergency Management Agency.
SD–138

2:00 p.m.
Appropriations
Treasury, Postal Service, General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Treasury and the Office of Management and Budget.
SD–116

APRIL 26

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for energy conservation.
SD–116

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Food and Consumer Service, Department of Agriculture.
SD–138
Appropriations
Commerce, Justice, State, and Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Legal Services Corporation.
S–146, Capitol

11:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for fossil energy, clean coal technology, Strategic Petroleum Reserve, and the Naval Petroleum Reserve.
SD–116

APRIL 27

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Federal Transit Administration, Department of Transportation.
SD–192

MAY 2

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Forest Service of the Department of Agriculture.
SD–138

MAY 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Environmental Protection Agency, the Council on Environmental Quality, and the Agency for Toxic Substances and Disease Registry.
SD–192

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Agriculture.
SD–138

MAY 4

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Coast Guard, Department of Transportation.
SD–192

MAY 5

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for Environmental Protection Agency science programs.
SD–138

MAY 11

10:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Bureau of Indian Affairs, Department of the Interior.
SD–116

1:00 p.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Indian Health Service, Department of Health and Human Services.
SD–116

MAY 17

9:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Interior.
SD–192

CANCELLATIONS

MARCH 16

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

POSTPONEMENTS

MARCH 14

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense.
SD–138

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3823–S3852

Measures Introduced: Four bills were introduced, as follows: S. 542–545. **Page S3842**

Emergency Supplemental Appropriations/Defense: Senate continued consideration of 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, with certain excepted committee amendments, and the following amendments proposed thereto: **Pages S3831–40**

Pending:

Bumpers Amendment No. 330, to restrict the obligation or expenditure of funds on the NASA/Russian Cooperative MIR program. **Page S3831**

Kassebaum Amendment No. 331 (to committee amendment beginning on page 1, line 3), to limit funding of an Executive order that would prohibit Federal contractors from hiring permanent replacements for striking workers. **Page S3831**

A unanimous-consent agreement was reached providing that the first cloture vote on the Kassebaum Amendment No. 331, listed above, scheduled to occur at 5:30 p.m. today, be vitiated and rescheduled to occur on Wednesday, March 15, at 10:30 a.m. **Page S3825**

A further unanimous-consent agreement was reached providing that the second cloture vote on Kassebaum Amendment No. 331, listed above, scheduled to occur on Tuesday, March 14, be rescheduled to occur (if necessary) on Thursday, March 16, at a time to be determined. **Page S3825**

Senate will continue consideration of the bill on Tuesday, March 14, 1995.

Unfunded Mandates/Conference Report—Agreement: A unanimous-consent time agreement was reached providing for the consideration of the conference report on S. 1, to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, on Tuesday, March 14, 1995. **Page S3851**

Communications: **Page S3842**

Statements on Introduced Bills: **Pages S3842–48**

Notices of Hearings: **Pages S3848–49**

Authority for Committees: **Page S3849**

Additional Statements: **Pages S3849–51**

Recess: Senate convened at 12:30 p.m., and recessed at 5:14 p.m., until 11:30 a.m., on Tuesday, March 14, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S3851.)

Committee Meetings

(Committees not listed did not meet)

CONSUMER PRICE INDEX

Committee on Finance: Committee held hearings to examine the use of the Consumer Price Index as an indicator of inflation and changes in the cost of living, receiving testimony from Alan Greenspan, Chairman, Board of Governors of the Federal Reserve System; Katharine G. Abraham, Commissioner, Bureau of Labor Statistics, Department of Labor; June E. O'Neill, Director, Congressional Budget Office; and Robert J. Gordon, Northwestern University, Evanston, Illinois.

Hearings were recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: Seven public bills, H.R. 1214–1220, were introduced. **Pages H3072–73**

Reports Filed: One report was filed as follows: Conference report on S. 1, to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations (H. Rept. 104–76). **Pages H3053–65, H3072**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Jones to act as Speaker pro tempore for today. **Page H3051**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H3073–86.

Quorum Calls—Votes: No quorum calls or votes developed during the proceedings of the House today.

Adjournment: Met at 2 p.m. and adjourned at 3:16 p.m.

Committee Meetings

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior and Related Agencies held a hearing on Indian Programs. Testimony was heard from public witnesses.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation, and Related Agencies held a hearing on GAO: Coast Guard and Aviation Programs. Testimony was heard from Kenneth Mead, Director, Transportation Issues, Resources, Community, and Economic Development Division, GAO.

OVERSIGHT

Committee on Government Reform and Oversight: Subcommittee on Human Resources and Intergovernmental Relations held an oversight hearing on Opportunities for Cost Savings for the Department of Education. Testimony was heard from Richard W. Riley, Secretary of Education.

The Subcommittee also held an oversight hearing on Opportunities for Cost Savings for the Department of Veterans Affairs. Testimony was heard from Jesse Brown, Secretary of Veterans Affairs.

COMMITTEE MEETINGS FOR TUESDAY, MARCH 14, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry, to resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on wetlands and farm policy, 9:30 a.m., SR–332.

Committee on Appropriations, Subcommittee on Defense, to hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, 9:30 a.m., SD–106.

Subcommittee on Energy and Water Development, to hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Energy Office of Energy Research, 9:30 a.m., SD–192.

Subcommittee on Foreign Operations, to hold hearings on proposed budget estimates for fiscal year 1996 for foreign assistance programs, focusing on trade, democracy, and narcotics matters, 10 a.m., SD–116.

Committee on Armed Services, Subcommittee on Acquisition and Technology, to hold hearings on the technology base programs in the Department of Defense, 2:30 p.m., SR–222.

Committee on Banking, Housing, and Urban Affairs, Housing Opportunity and Community Development and HUD Oversight and Structure, to hold joint hearings to examine proposals to reorganize the Department of Housing and Urban Development, 10 a.m., SD–538.

Committee on Environment and Public Works, Drinking Water, Fisheries, and Wildlife, to resume hearings on S. 503, to impose a moratorium on the listing of species as endangered or threatened and the designation of critical habitat, 10 a.m., SD–406.

Committee on Finance, to resume hearings to examine welfare reform proposals, focusing on teen parents receiving welfare, 9:30 a.m., SD–215.

Committee on Foreign Relations, to hold hearings on the nominations of Jacquelyn L. Williams-Bridgers, of Maryland, to be Inspector General; Philip C. Wilcox, Jr., of Maryland, for the rank of Ambassador during his tenure of service as Coordinator for Counter Terrorism; and Ray L. Caldwell, of Virginia, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary for Burdensharing, all of the Department of State, 10 a.m., SD–419.

Committee on Governmental Affairs, to hold hearings to examine nuclear non-proliferation issues, 10 a.m., SD–342.

Committee on the Judiciary, to hold hearings to examine proposals to reduce illegal immigration and to control financial costs to taxpayers, 9 a.m., SD–226.

Subcommittee on Administrative Oversight and the Courts, business meeting, to consider pending calendar business, 2 p.m., SD–138.

Committee on Labor and Human Resources, to hold hearings to examine health care reform issues in a changing marketplace, 10 a.m., SD–430.

NOTICE

For a listing of Senate Committee Meetings scheduled ahead see pages E584–86 in today's RECORD.

House

Committee on Appropriations, Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, on Consolidated Farm Service Agency, 1 p.m., 2362A Rayburn.

Subcommittee on Commerce, Justice, and State and the Judiciary, and Related Agencies, on International Information, Cultural and Exchange Activities, 10 a.m., and on International Broadcasting Activities, 2 p.m., H–144 Capitol.

Subcommittee on Energy and Water Development, on Solar and Renewables, 10 a.m., and on Nuclear Fission, Uranium Supply and Enrichment Activities, 2 p.m., 2362B Rayburn.

Subcommittee on Interior and Related Agencies, on Secretary of Energy, 10 a.m., and 1:30 p.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Director, NIH, 10 a.m., and on National Institute of Allergy and Infectious Diseases and the National Institute of Environmental Health Sciences, 2 p.m., 2358 Rayburn.

Subcommittee on National Security, on National Guard/Reserve Forces, 4:30 p.m., H–140 Capitol.

Subcommittee on Transportation, and Related Agencies, on FAA, 10 a.m., 2358 Rayburn.

Subcommittee on Treasury, Postal Service, and General Government, on White House Office, 10 a.m., and on Executive Residence and National Security Council, 2 p.m., B–307 Rayburn.

Subcommittee on Veterans' Affairs and Housing and Urban Development, and Independent Agencies, on NSF, 10 a.m. and 1:30 p.m., H–143 Capitol.

Committee on Commerce, Subcommittee on Health and the Environment, hearing on Medicare Extenders in the Administration's Fiscal Year 1996 Budget, 3 p.m., 2322 Rayburn.

Committee on Government Reform and Oversight, Subcommittee on Government Management, Information and Technology, hearing on the Federal Role in Privatization, 2 p.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on International Economic Policy and Trade, hearing on Global Information Infrastructure: The Next Steps, U.S. Industry Perspective, 2 p.m., 2172 Rayburn.

Committee on National Security, Subcommittee on Military Installations and Facilities, hearing on fiscal year 1996 national defense authorization request, 10 a.m. and 2 p.m., 2212 Rayburn.

Subcommittee on Military Personnel, to continue hearings on fiscal year 1996 national defense authorization request, 2 p.m., 2118 Rayburn.

Committee on Rules, to consider the following: H.R. 1158, making emergency supplemental appropriations for additional disaster assistance and making rescissions for the fiscal year ending September 30, 1995; and H.R. 1159, making supplemental appropriations and rescissions for the fiscal year ending September 30, 1995, 10:30 a.m., H–313 Capitol.

Committee on Small Business, hearing to review the SBA Microloan Program, 3 p.m., 2359 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Surface Transportation, hearing on the reauthorization of the Natural Gas and Hazardous Liquid Pipeline Safety Acts, 1 p.m., 2167 Rayburn.

Committee on Ways and Means, to mark up Contract With America Tax Relief Act of 1995, 10 a.m., 1100 Longworth.

Permanent Select Committee on Intelligence, executive, hearing on Support to Military Operations, 2 p.m., H–405 Capitol.

Next Meeting of the SENATE

11:30 a.m., Tuesday, March 14

Senate Chamber

Program for Tuesday: After recognition of three Senators for speeches and the transaction of any morning business (not to extend beyond 12:30 p.m.), Senate will continue consideration of H.R. 889, Emergency Supplemental Appropriations/Defense, following which Senate will consider the conference report on S. 1, Unfunded Mandates.

(Senate will recess from 12:30 p.m. until 2:15 p.m., for respective party conferences.)

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Tuesday, March 14

House Chamber

Program for Tuesday: Consideration of the following eight Suspensions:

1. H.R. 402, the Alaska Native Claims Settlement Act Amendments;
2. H.R. 421, the Cook Inlet Region Purchase of Common Stock Act;
3. H.R. 415, the Sea of Okhosk Fisheries Enforcement Act of 1995;
4. H.R. 531, the Great Western Scenic Trail Designation Act;
5. H.R. 694, the Minor Boundary Adjustments and Miscellaneous Park Amendments Act;
6. H.R. 562, the Walnut Canyon National Monument Modification Act of 1995;
7. H.R. 536, the Delaware Water Gap Recreation Area Vehicle Operation Fees Act; and
8. H.R. 517, the Chacoan Outliners Protection Act of 1995.

Extensions of Remarks, as inserted in this issue

HOUSE

Congressional Record The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed at one time. ¶The Congressional Record is available as an online database through *GPO Access*, a service of the U.S. Government Printing Office. The online database is updated each day the Congressional Record is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d Session (January 1994) forward. It is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. The annual subscription fee for a single workstation is $375. Six month subscriptions are available for $200 and one month of access can be purchased for $35. Discounts are available for multiple-workstation subscriptions. To subscribe, Internet users should telnet swais.access.gpo.gov and login as newuser (all lower case); no password is required. Dial in users should use communications software and modem to call (202) 512–1661 and login as swais (all lower case); no password is required; at the second login prompt, login as newuser (all lower case); no password is required. Follow the instructions on the screen to register for a subscription for the Congressional Record Online via *GPO Access*. For assistance, contact the *GPO Access* User Support Team by sending Internet e-mail to help@eids05.eids.gpo.gov, or a fax to (202) 512–1262, or by calling (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays. ¶The Congressional Record paper and 24x microfiche will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $112.50 for six months, $225 per year, or purchased for $1.50 per issue, payable in advance; microfiche edition, $118 per year, or purchased for $1.50 per issue payable in advance. The semimonthly Congressional Record Index may be purchased for the same per issue prices. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington, D.C. 20402. ¶Following each session of Congress, the daily Congressional Record is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the Congressional Record.