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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. QUINN].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 12, 1995.

I hereby designate the Honorable JACK QUINN 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:

We pray, O gracious God, for the gift of vision—a vision that will allow us to see beyond where we stand and to glimpse the values and the goals and directions that tell us where we should be. Let us never be content with an insight that is limited to the affairs of the day or to the important actions of the hour, but seek Your word that inspires us, that lifts up higher, that heals and helps, that unites and holds true, now and evermore. 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. The gentleman from Rhode Island [Mr. KENNEDY] will lead the House in the Pledge of Allegiance.

Mr. KENNEDY of Rhode Island 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.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that it will receive ten 1-minute speeches per side this morning.

WHO IS HURTING THE POOR ON MEDICARE?

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

Mr. CHABOT. Mr. Speaker, Medicare is going bankrupt. That is not my opinion, that is a fact. We can act responsibly and search for a solution, or we act like Congress has for the last 40 years and make decisions based on politics, not on principle. I am proud that my party has chosen to act responsibly. I wish I could say the same about the other party.

Under the Republican proposal to save Medicare, per person Medicare spending will increase from $4,800 today to $6,700 in 2002. Boy, that does not sound like a cut to me. And my colleagues on the other side of the aisle have *no* plan. None. Nada. Zippo.

Mr. Speaker, if we do nothing, Medicare would not just be in financial trouble, it would not exist. So, when hearing the liberal Democrats talk about how Republican spending increases will destroy Medicare, ask yourself a question that is based on facts: Who is hurting the poor, the party acting to save Medicare—the Republicans—or the party defending the status quo and allowing Medicare to go bankrupt—the Democrats? It is kind of like asking, ''Who's buried in 'Grant's Tomb.'''

HOW WILL HERB GET BY?

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

Mr. KENNEDY of Rhode Island. Mr. Speaker, here in Congress when we debate Medicare we talk in terms of hundreds of billions of dollars.

When my constituent Herb McCullough looks at Medicare cuts he thinks in terms of hundreds of dollars.

Herb lives on $640 a month from Social Security and a union pension.

His Medicare and Medigap expenses are more than $80 a month.

Thanks to subsidized housing, rent is $164 a month.

After other expenses—food, clothing, phone—Herb will be lucky to have $87 left each month.

Recently Herb had to buy two new hearing aids. He took $500 from his pension but still has to pay $100 a month.

How would Herb get by if he had a prescription drug bill like his neighbor—$164 a month?

I urge my colleagues to think of people like Herb when voting to raise Medicare copayments to $110 a month.

THE FIGURES DON'T LIE

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

Mr. HAYWORTH. Mr. Speaker, with all due respect to the gentleman from Rhode Island [Mr. KENNEDY] and his constituent, it is precisely because we are thinking of people like Herb and people like my 91-year-old granddaddy who is happy to have Medicare, that the new majority is pleased to say we

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will be raising benefits for Medicare recipients over the years from $4,800 in 1995 to $6,700 in 2002.

I say to my colleagues, Look closely. The figures don't lie. The math is here. Believe the real math and not the new math of alleged school lunch cuts and all the other politics of fear being propagated by the guardians of the old order who always play upon the politics of envy instead of having the vision for the future this American nation needs.

WHY TAKE IT OUT ON SENIORS?

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

Ms. KAPTUR. Mr. Speaker, I rise today to remind my colleagues why we have been arguing so vehemently against Speaker GINGRICH's stacking votes on the Committee on Ways and Means. The reason is that committee is precisely where the most egregious assault on the living standards of elderly Americans is taking place. It is on that committee where legislation to cut Medicare benefits and Medicaid benefits for people in nursing homes will be drafted to provide tax breaks for the privileged few. In fact, $245 billion in breaks to the well heeled while cutting the lifeline for Medicare and Social Security recipients.

Mr. Speaker, I favor balancing the budget, but why take it out on seniors? Why not cut costs first by reining in the insurance companies? the hospitals? the pharmaceutical companies responsible for rising costs? Why does the majority party want to balance the budget on the backs of our grandmothers and grandfathers while they pander to the rich and powerful friends they hold in high places?

INFLUENCE FOR SALE

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

Mr. HEFLEY. We all know, Mr. Speaker, what it is that Bill Clinton does best. Unfortunately for the American people it is not foreign policy, it is not solving Medicare problems, and it certainly is not balancing the budget. No, it is not governing that Bill Clinton does best, so he is going to use the White House to do what he does best, to campaign. He is going to use the people's house to raise money for his campaign.

But from the President who claims to ''feel your pain'' he is not going to pay a visit to the average Americans that tour the White House on a daily basis. Instead he is selling himself to a privileged few for up to $100,000 per person.

Now our friends on the Democratic side of the aisle would be going nuts if this was a Republican President doing this. I wonder where those voices of righteous indignation are today. Unfortunately it is too bad that the President cares more about money for his reelection than earning the people's trust.

DO THE REPUBLICANS REALLY WANT TO SAVE MEDICARE?

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

Mr. BONIOR. Mr. Speaker, the Republicans say they want to save Medicare. And I wish I could believe them.

But then I recall that 10 years ago, the majority leader based his first campaign on abolishing Social Security.

Three weeks ago, he published a book that calls for Medicare to be replaced.

And 2 days ago, he told reporters that Medicare was ''a program he would have no part of in a free world.''

Not only that—last January the Speaker himself proposed abolishing Medicare and replacing it with a private system.

To top it all off, just 3 months ago, the Republicans took $87 billion out of the Medicare trust fund to pay for their tax breaks for the wealthy.

Mr. Speaker, Medicare is a trust fund, not a slush fund.

When all is said and done, seniors and their families know who is on their side.

WHEN I'M 65 I'D LIKE TO BE FREE TO CHOOSE MY HEALTH CARE DESTINY

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

Mr. ARMEY. Well, Mr. Speaker, there they go again, my colleagues on the other side of the aisle feigning moral outrage about something they think they might have imagined they read accurately reported in the paper. The outrage of the week apparently is the fact that I had the temerity to admit publicly that, if I lived in a free world, I would have a world in which I would be free to choose personally and individually that I, as an individual American citizen, would have the freedom to decide for myself whether or not I would enroll myself in a Government-provided benefits program.

Now I do not have the freedom today to decline from paying my FICA taxes to fund that program for those that are enrolled in it today, and I accept that I pay my taxes. I just made the observation yesterday that, when I am 65, I would like to be free to choose not to become, in any extent, a ward of the state. I would like to choose, if I dare make the choice for myself, to not have the Government decide any part of my health care destiny. I do not think it is unreasonable in America that we might dare to believe that we could write legislation that said to individual American citizens at an age of maturity, when they are probably, probably capable of tending to their own affairs, having done so throughout most of their life, that, ''You, Mr. and Mrs. America, are free to choose.''

Now, if that is an outrage to my colleagues on the left, so be it. It only reflects their inability to understand who we are.

THE REPUBLICAN PLAN FOR CUTTING MEDICARE

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

Mr. DOGGETT. My colleagues, I want to focus now on all of the details that the Republicans have given to us today and every other day in the course of this debate about the future of Medicare. Here it is. Here is the plan as they have described it here on the floor, a complete and total blank, and I would challenge the majority leader, the gentleman from Texas, or any other member of the Republican majority, to have the courage to come and fill in this blank page, because the media has already done it by investigating their secret task forces, and they have told the people of America that what this plan calls for is more copayments, more in higher deductibles, more in higher premiums that will come right out of the pocket of America's seniors.

The majority leader has just tried to amplify on his remarks. What else did he say on Tuesday according to the Houston Chronicle? ''I resent the fact that I'm 65 and must enroll in Medicare, but I'm not dumb enough to think I'm going to go out there and lay out a plan.''

That is why we have a blank. They do not want the American people to know what they are doing in cutting Medicare.

REPUBLICANS, UNLIKE DEMOCRATS, WILL PROTECT MEDICARE

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

Mr. HERGER. Mr. Speaker, liberal Democrats are fond of taking to the floor to whine about Medicare cuts. Why, just the other day, the minority leader himself was here talking about the ''deep, deep'' cuts in Medicare.

I have here a chart that shows what Republicans will be spending on Medicare through the year 2002. There is no cut. There is not even a ''deep, deep'' cut.

In fact, spending increases. In 1995, Medicare beneficiaries will receive $4,816. In 2002, they will receive $6,734. The spending increases. Where is the cut?

Mr. Speaker, the liberal Democrats in this Chamber have offered no real, substantive plan to protect Medicare. All they offer—in fact, all they really stand for any more—is paranoia.

This is no way to govern. This is no way to lead. The American people expect and deserve more than just fear

tactics. Republicans, unlike Democrats, will protect Medicare and preserve it for future generations.

ARE THEY GOING TO DESTROY MEDICARE IN ORDER TO SAVE IT?

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

Mr. KLINK. To the previous speaker, you know I had a friend that said he made $100 back in 1960 if he made $125 now. That is not an increase; such a thing is inflation. With Medicare there are additional people called baby boomers that are going into the system, and, if you go into my district in Pennsylvania, in fact if you go across the State of Pennsylvania, talk to Republicans, independents, and Democrats who happen to run the hospitals, they will tell you that statewide the Republican Medicare/Medicaid cuts are going to mean 40,000 health car workers are going to be unemployed.

Mr. Speaker, in my district alone over 1,000 people are going to be unemployed because of the Medicare and Medicaid cuts that the Republicans are going to make when we include inflation, when we include the fact of the increased costs and more people going into the system.

Now I am reminded when I look at the plan on Medicare and Medicaid of the comments made by the military spokesman during the Vietnam war. He said we had to destroy the village to save it. They are going to destroy health care, they are going to destroy Medicaid, in order to save it. They are going to destroy Medicare in order to save it.

I may be a casualty of this war; I may even become a POW, but one thing, my colleagues, I will not be, and that is missing in action.

INFLATION IS TAKEN INTO ACCOUNT IN THE REPUBLICAN MEDICARE PROPOSAL

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

(Mr. HOKE. Mr. Speaker, I am glad that the gentleman previously speaking brought up some of these points because it absolutely makes the point that we have been trying to make on this side of the aisle: $4,816 per year in 1995, $6,734 per year in 2002; takes into account the additions in individuals who will be in Medicare, takes into account an obvious raising, it takes into account inflation.

What is going on with inflation right now in the private sector? Inflation in the private sector with respect to health care is about 4.4 percent. In 1993 it was less than that. We have actually seen in the private sector health care costs have dramatically been reduced. Why is that? Because corporations, individuals, institutions have all said enough is enough; 13 to 14 percent compounded inflation is too much.

I say to my colleagues, we can't tolerate it, we won't tolerate it, but what is the plan on the other side of the aisle? Now we are going to continue to inflate Medicare, we are going to continue to inflate Medicaid. We are not going to try to do anything to try and solve that.

SPARE MEDICARE

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

Mrs. CLAYTON. Mr. Speaker, the majority intends to cut Medicare by $270 million. They have not yet told us what they will cut and how they will cut it, to reach that goal. And, they may not tell us until they have to tell us, just before this fiscal year ends in September. But, in a recent article in the Washington Times, we did learn what some in the majority are thinking—they want to privatize Medicare.

If Medicare is privatized, the cost to senior citizens will be out of control. The majority apparently insists upon giving to the wealthy and taking from the old. It is clear that if the majority would not push for a tax break for wealthy Americans, they would not have to push for a Medicare cut for our senior citizens. I suppose when you have the votes to win, you can giveth and you can taketh away. But, power and justice are not synonymous. Let us seek justice. Let us spare Medicare.

CUT SPENDING FIRST

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

Mr. JONES. Mr. Speaker, Republicans are continuing to cut Government bureaucracy and waste today as we finish consideration of the energy and water appropriations bill. Keeping our promise to balance the budget by the year 2002, we have cut $1.6 billion from the 1995 funding level, which is $2 billion below the President's request.

We have eliminated scores of Federal programs focusing on energy and water research which are more suited for the private sector, while at the same time preserving the basic scientific research programs that will allow our Nation to remain universally competitive.

We have not forgotten what the people sent us here to do—cut spending first—that was their mandate back in November. Through this bill and others, we make the Government smaller, less costly, more efficient, and more accountable to the American people.

DEMOCRATS CARE ABOUT MEDICARE

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

Mr. STUPAK. Mr. Speaker, as the 30th anniversary of the creation of the Medicare Program approaches, I am outraged that the Republicans are trying to force the American public to swallow devastating cuts to the Medicare Program, cuts that will completely gut the Medicare Program.

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Every Medicare beneficiary who receives part B Medicare coverage now pays a monthly premium of $46.10. But under the Republican plan, the part B premium will go to $110 per month. That is how they get more money into the Medicare system—they make you pay more.

The proposed cuts to the Medicare Program go beyond higher premiums for Medicare recipients, those whose modest household budgets and Social Security checks are already stretched to the breaking point. As a direct result of the cuts to the Medicare Program, reimbursement rates will drop, so doctors and hospitals will have to absorb a greater share of the health care costs. These costs will then be passed on to the Medicare recipients. In addition, fewer health care services will be offered to senior citizens and working families. Some doctors will not be able to accept patients, and some hospitals in rural areas will have to close their doors completely. The bottom line is these Republican cuts to Medicare will drive senior citizens and low income families into a second-class health care system.

STOP SCARE CAMPAIGN ON MEDICARE

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

Mr. RIGGS. Mr. Speaker, the Clinton Democrats on the other side of the aisle have tried their hardest to engage in a scare campaign aimed at our senior citizens. The Clinton Democrats think they are scoring political points by scaring seniors into thinking Republicans are trying to rip Medicare out from under them.

But I wonder what the Clinton Democrats tell their constituents who are 58 years old. You see, this is the age group that's going to be affected most by the Democrats' plan of maintaining the status quo. This is the age group that will have no Medicare benefits period when they turn 65. This is the age group that will suffer the most.

We cannot sit back and do nothing while Medicare continues on its downward slide toward bankruptcy. Republicans want to preserve, protect, and improve Medicare for this and future generations. I ask the Democrats to stop their petty scare campaigns. Work with us to fix Medicare.

DANGEROUS CAMPAIGN RHETORIC

(Mr. MILLER of California asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, yesterday a special congressional panel heard stories of growing threats and attacks against public officials, law enforcement officers, environmentalists, and women advocates by extremist right-wing groups and militia in this country.

This week the Nation was shocked by extremist campaign material produced by the National Republican Congressional Committee in the name of Speaker GINGRICH that suggested Democratic Members of the House are wanted criminals just for disagreeing with the Republican Contract for America.

That extremist rhetoric endangers democracy and encourages a lunatic fringe of this Nation. As a Nation we have learned that when you preach hate; you get hate, when you preach violence, you get violence.

Thirty-two years ago another wanted poster was distributed in Dallas, TX, on November 22, 1963, accusing President Kennedy of selling out America to the United Nations and being anti-Christian. This wanted poster ended in a tragedy.

We should understand that we cannot have the leading politicians of this Nation preaching hatred, preaching the suggestion that politicians who disagree are somehow criminals. Speaker GINGRICH should repudiate this poster and withdraw this campaign rhetoric from the public.

AMERICORPS PROGRAM A WASTE OF MONEY

(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, last night, NBC News did an expose on AmeriCorps that proved what a lot of us have suspected for some time—the program is way over budget and wasting taxpayers' money at a phenomenal rate.

AmeriCorps may have worthy goals, but is has lousy execution. According to a report by the General Accounting Office, the Clinton administration projected AmeriCorps to cost $6.43 per hour for each so-called volunteer. The actual cost: $15.65 per hour. Annually, the program was supposed to cost no more than $18,000 per participant. The final tab: $27,000 per participant.

Mr. Speaker, these are large sums of money. Most of the citizens in my district, who work full-time jobs to support their whole families, don't earn this kind of money. Why does it cost $27,000 to support just one AmeriCorps participant?

On Monday night, the VA-HUD Appropriations Subcommittee cut all funding for President Clinton's so-called national service program.

Well, Mr. Speaker, the answer is that it won't anymore. I applaud my colleagues on the VA-HUD Appropriations Subcommittee for stopping this new entitlement program.

CONGRESSIONAL INVESTIGATION OF DOW CORNING NEEDED

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

Mr. TRAFICANT. Mr. Speaker, I want to talk about Medicare, Medicaid, and SSI, because the taxpayers for those programs will be paying for the sins of Dow Corning—Dow Corning, that told hundreds of thousands of American women that silicone breast implants were safe.

The Harvard Nurses Study just came out and said there are no health risks. By the way, that was paid for by Dow Corning.

Mr. Speaker, is there any justice left? If there is, ask Grace Nero's family in my district. Grace passed away on Independence Day after complications from surgery from breast implants, a blood clot.

Dow Corning manipulated Federal bankruptcy laws to avoid a $4 billion settlement. Dow Corning in fact lied to the American people, and I am asking U.S. Attorney General Janet Reno to investigate possible criminal charges.

Dow Corning lied to Congress. Does Congress care anymore? Anybody just comes up here and lies to you? Do we really govern around here? To me, this is unbelievable. Congress should support an investigation of Dow Corning.

KEEP TWO ROCK COAST GUARD TRAINING FACILITY OPEN

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

Ms. WOOLSEY. Mr. Speaker, for some reason that's beyond me, the U.S. Coast Guard is considering closing its only west coast training facility—the training base at Two Rock, CA.

No doubt about it, the Coast Guard needs to get rid of some dead weight. It will be missing the boat, however, if it shuts down this important base.

Any old coastie can tell you Mr. Speaker, that it makes sense to consolidate one of the four east coast training centers at the Two Rock Base.

It makes sense because of Two Rock's expansion capacity, good climate, available housing, and, above all, the fact that taxpayers recently invested $22 million to make the base's computer and radar training facilities state-of-the-art.

Mr. Speaker, I urge my colleagues to heed this SOS, and join the entire California delegation in ensuring that the Coast Guard can fulfill its mission by having training facilities on both of our coasts by keeping Two Rock open.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will take one additional 1-minute speech from each side.

THE TRUTH ABOUT MEDICARE CUTS

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

Mr. LEWIS of Georgia. Mr. Speaker, I rise today in support of a program that gives security to our Nation's elderly and hard-working families. I rise in support of Medicare.

We beat you to death to keep someone else from killing you. The Republicans say that they are cutting Medicare to save Medicare. But it is time to be honest with the American people. These cuts will not help Medicare. These cuts pay for tax breaks for Americans earning over $200,000 a year.

And, at the same time, the average senior citizen will pay $1,000 more for health care.

We must help the Medicare Program, and I have supported efforts to do so. But we should not and must not take away the security of health care insurance for our elderly.

These cuts to Medicare are not reform. I know it, You know it, It's time the American people know it.

Don't support Medicare cuts to pay for tax breaks for the rich. That is not right. That is not fair.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 171 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1905.

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IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes, with Mr. OXLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, July 11, 1995, the bill had been read through page 24, line 18, and title III was open for amendment at any point.

Are there further amendments to title III?

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment, numbered 25.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBEY: On page 16, on line 1, insert ''(less $40,000,000)'', before ''to remain''.

Mr. MYERS of Indiana. Mr. Chairman, I ask unanimous consent for a mutual agreement to limit the debate on this amendment and all amendments thereto, like we did similarly yesterday, to 40 minutes, with the time equally divided between the gentleman from Wisconsin [Mr. OBEY] and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] will be recognized for 20 minutes, and the gentleman from Indiana [Mr. MYERS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is the third cutting amendment that I will have offered on this bill. Let me simply explain what it does. This amendment cuts $40 million in the bill for the advanced light water reactor program.

What I would simply say is ''Here we go again'' as President Reagan used to say, with another example of corporate welfare for the nuclear industry. Essentially what these funds do is to help large corporations obtain design certification from the Nuclear Regulatory Commission. This amounts to the Government funding a portion of the licensing costs of large corporations in order to comply with its own regulations.

The committee has heard volumes of testimony this year from organization after organization saying, ''Let the marketplace determine what is commercially viable; the Government should not be in the business of picking winners and losers.''

How many times have you heard that? Yet these remarks apparently have fallen on deaf ears, or, alternatively, the committee has determined these concepts do not apply to the nuclear industry.

Since 1974, the Federal Government has spent $26 billion on nuclear fission programs. This has occurred despite the fact that not one American utility has successfully ordered a nuclear powerplant in all of that time. The House budget resolution, which was passed with so much fanfare, presumes to set criteria for Government science funding, emphasizing that long-term noncommercial R&D with the potential for scientific discovery ought to be funded. What should not be funded, according to that budget resolution, are programs whose economic feasibility and commercialization should be left to the marketplace.

Over and over we have heard those same themes, yet when it comes to actually cutting the corporate welfare out of appropriation bills, this House seems to back away again, and again, and again.

Now, the nuclear industry makes a number of arguments for their program, which I am sure we will hear today. I would simply respond to those arguments as follows:

First of all, nuclear energy supplies about 20 percent of our Nation's electricity; 72 percent of utility executives said in a recent poll conducted by the International Energy Group that their company would never consider ordering a nuclear powerplant. So the industry seems to have determined that the current mix is just fine as far as they are concerned.

Second, I would ask, since when does industry want the Government involved in things like product design? I guess the answer is only when there are Federal dollars available.

The NRC is charged with determining enhanced safety margins and regulatory acceptance of these designs. Their ultimate action on these proposals will be a determinant and will demonstrate to potential customers whether the U.S. Government considers them sound, not whether or not DOE is provided dollars to support industry design efforts.

I would also say, third, that we have received letters in all of our offices indicating that ''Failure to meet commitments to the specified amount, $100 million, jeopardizes DOE's ability to recoup the moneys already invested in the program.''

Well, ladies and gentlemen, I have been here for quite a while, and I cannot recall anything quite so brazen. I want to make it quite clear, despite that veiled threat, the nuclear industry is legally committed to repaying DOE. Their threat to renege, in my view, borders on the outrageous or the scandalous.

The fourth point I would simply make is that trying to convince somebody that the promotion of nuclear technology through the export of nuclear powerplants to foreign countries in Southeast Asia, that somehow promotes nonproliferation, is an argument I simply cannot swallow. Has anybody in the nuclear industry checked what is going on in North Korea lately?

So I would simply say, in conclusion, this amendment comes back to one central point: Are you for cutting corporate welfare, or do you want to exempt the nuclear industry? Are you for letting the marketplace pick winners and losers, or does the nuclear industry get a buy on the one too? Are you going to respond to the threats of the industry that they are not going to repay previous funding, despite a legal obligation, or are you going to buckle to those threats?

Last night, we met on the labor-health-education appropriation bill. That bill is being cut by $9.5 billion below last year. We are wiping out assistance to senior citizens who make less than $10,000 a year, so they do not have to choose between paying prescription drugs and keeping their houses warm in the winter. We cut back almost $700 million in student aid, not with my vote, but that is what the subcommittee did. We have seen huge reductions in job training, despite this House's vote for things like NAFTA and GATT. We are abandoning workers who desperately need help to be retrained.

So it just seems to me with all of these cuts, for us to say that we are going to continue to subsidize one of the wealthiest industries in this country with funding such as this represents a badly warped sense of priorities. I would urge adoption of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the efforts of our ranking member, Mr. OBEY, in trying to reduce spending in our country. I share that concern, and I compare my record with just about anyone here, I think, on that cutting effort.

But often as I drive down the interstate highways, 4, 6, or 8 lanes wide, or travel through urban areas with elevated highways, I think where would we be today if Dwight Eisenhower, former President, had not had the vision, the farsightedness, to prepare for today's transportation requirements and needs. And as we approach amendments like this, I wonder, where will our children and grandchildren be a few years from now if we do not today be farsighted and visionary to prepare for the energy that they are going to require if we are to continue our standard of living and be competitive in world markets for industry.

I have children and grandchildren. I think of our two grandsons here, Justin and Austin. They are just little right now. But when they start looking for a job, there may not be jobs here. They may have to go overseas somewhere else.

Yesterday afternoon we struck $20 million in a program to prepare for a reactor for the next century, a gas turbine modular helium cooled reactor, which would be very efficient and very safe in a nuclear reactor.

Now, today the only reactor we really have working and the only one we have in the future available to this committee is the light water reactor, and this is the fifth year of a 5-year program for the advanced light water reactor. To enhance that reactor, to build a reactor that would be competitive in world markets that would be as safe as could be for a light water reactor, now we want to stop the fifth year of a program that we are well down the road in the fourth year already?

The administration's request for this program for the advanced light water reactor was $49.7 million. We cut that back to $40 million. But this is industry coshared at this point. This year, when you look at the budget for the advanced light water reactor research

and safety, the U.S. Government would put in $100 million and the industry would put in $170 million.

The industry has been putting their money in, because the CEO's of large companies who are today generating electricity realize they have to be prepared for the next century, even though most of them will not be CEO's at that time. They will be retired. But they have their vision. They are putting their money up front. It would be a terrible mistake today for our government to renege on the commitment of the fifth year of a 5-year contract when we already have 4 years invested.

□ 1040

I urge a ''no'' vote on this well-intended amendment. It just does not fit with the needs of our society today.

Mr. Chairman, I yield back the balance of my time.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 191, noes 227, not voting 16, as follows:

[Roll No. 487]

AYES—191

Abercrombie	Flake	Lowey
Ackerman	Foglietta	Luther
Baesler	Ford	Maloney
Baldacci	Frank (MA)	Manton
Barcia	Franks (NJ)	Markey
Barrett (WI)	Furse	Martinez
Becerra	Ganske	Matsui
Beilenson	Gephardt	McCarthy
Berman	Gibbons	McDermott
Bilbray	Goodling	McHale
Blute	Graham	McInnis
Bonior	Gutierrez	McKinney
Borski	Hall (OH)	McNulty
Browder	Hamilton	Meehan
Brown (FL)	Hancock	Menendez
Camp	Harman	Metcalf
Cardin	Hastings (FL)	Mfume
Chabot	Hefley	Miller (CA)
Chapman	Hilleary	Minge
Christensen	Hilliard	Mink
Chrysler	Hinchey	Moran
Clay	Hoekstra	Nadler
Coburn	Holden	Neal
Collins (GA)	Horn	Neumann
Collins (IL)	Hostettler	Oberstar
Condit	Jacobs	Obey
Conyers	Jefferson	Olver
Cooley	Johnson (SD)	Orton
Costello	Johnson, E.B.	Owens
Cunningham	Johnston	Pallone
Danner	Jones	Pastor
Deal	Kanjorski	Payne (NJ)
DeFazio	Kaptur	Pelosi
Dellums	Kennedy (MA)	Peterson (FL)
Deutsch	Kennedy (RI)	Peterson (MN)
Dicks	Kildee	Petri
Dingell	Kingston	Pomeroy
Dixon	Kleczka	Portman
Doggett	Klug	Poshard
Duncan	LaFalce	Rahall
Edwards	LaHood	Ramstad
Ensign	Lantos	Rangel
Eshoo	Levin	Reed
Evans	Lewis (GA)	Richardson
Farr	Lipinski	Rivers
Fattah	LoBiondo	Rose
Fields (LA)	Lofgren	Roth
Roukema	Smith (NJ)	Vento
Roybal-Allard	Smith (WA)	Visclosky
Royce	Souder	Volkmer
Rush	Stark	Wamp
Sabo	Stenholm	Ward
Sanders	Studds	Waters
Sanford	Stump	Watt (NC)
Schroeder	Talent	Watts (OK)
Schumer	Tanner	Waxman
Sensenbrenner	Tate	Whitfield
Serrano	Thompson	Wise
Shadegg	Thurman	Woolsey
Shays	Torkildsen	Wyden
Sisisky	Torres	Wynn
Skaggs	Tucker	Yates
Slaughter	Upton	Zimmer
Smith (MI)	Velazquez	

NOES—227

Allard	Foley	Mineta
Archer	Forbes	Molinari
Armey	Fowler	Mollohan
Bachus	Franks (CT)	Montgomery
Baker (CA)	Frelinghuysen	Moorhead
Baker (LA)	Frisa	Morella
Ballenger	Funderburk	Murtha
Barr	Gallegly	Myers
Barrett (NE)	Gejdenson	Myrick
Bartlett	Gekas	Nethercutt
Barton	Geren	Ney
Bass	Gilchrest	Norwood
Bateman	Gillmor	Nussle
Bentsen	Gilman	Ortiz
Bereuter	Gonzalez	Oxley
Bevill	Goodlatte	Packard
Bilirakis	Gordon	Parker
Bliley	Goss	Paxon
Boehlert	Green	Payne (VA)
Boehner	Greenwood	Pickett
Bonilla	Gunderson	Pombo
Bono	Gutknecht	Pryce
Boucher	Hall (TX)	Quillen
Brewster	Hansen	Quinn
Brown (CA)	Hastert	Radanovich
Brownback	Hastings (WA)	Regula
Bryant (TN)	Hayes	Riggs
Bryant (TX)	Hayworth	Roberts
Bunn	Heineman	Roemer
Bunning	Herger	Rogers
Burr	Hobson	Rohrabacher
Burton	Hoke	Ros-Lehtinen
Buyer	Houghton	Salmon
Callahan	Hoyer	Sawyer
Calvert	Hunter	Saxton
Canady	Hutchinson	Scarborough
Castle	Hyde	Schaefer
Chambliss	Inglis	Schiff
Chenoweth	Istook	Scott
Clayton	Jackson-Lee	Seastrand
Clement	Johnson (CT)	Shaw
Clinger	Johnson, Sam	Shuster
Clyburn	Kasich	Skeen
Coble	Kelly	Skelton
Coleman	Kennelly	Smith (TX)
Combest	Kim	Solomon
Cox	King	Spence
Coyne	Klink	Spratt
Cramer	Knollenberg	Stearns
Crane	Kolbe	Stockman
Crapo	Largent	Stupak
Cremeans	Latham	Taylor (MS)
Cubin	LaTourette	Taylor (NC)
Davis	Laughlin	Tejeda
de la Garza	Lazio	Thomas
DeLauro	Leach	Thornberry
DeLay	Lewis (CA)	Thornton
Diaz-Balart	Lewis (KY)	Tiahrt
Dickey	Lightfoot	Torricelli
Dooley	Lincoln	Towns
Dornan	Linder	Traficant
Doyle	Livingston	Vucanovich
Dreier	Lucas	Waldholtz
Dunn	Manzullo	Walker
Durbin	Martini	Walsh
Ehlers	Mascara	Weldon (FL)
Ehrlich	McCollum	Weldon (PA)
Emerson	McCrery	Weller
English	McDade	White
Everett	McHugh	Wicker
Ewing	McIntosh	Wilson
Fawell	McKeon	Wolf
Fazio	Meek	Young (AK)
Fields (TX)	Meyers	Young (FL)
Filner	Mica	Zeliff
Flanagan	Miller (FL)	

NOT VOTING—16

Andrews	Brown (OH)	Doolittle
Bishop	Collins (MI)	Engel
Fox	Moakley	Tauzin
Frost	Porter	Williams
Hefner	Reynolds	
Longley	Stokes	

□ 1104

The Clerk announced the following pair:

On this vote:

Mr. Stokes for, with Mr. Porter against.

Messrs. CANADY of Florida, LAZIO of New York, ROHRABACHER, and EVERETT, and Mrs. MORELLA changed their vote from ''aye'' to ''no.''

Messrs. GEPHARDT, PETERSON of Florida, WATTS of Oklahoma, SHADEGG, HOLDEN, and MCHALE changed their vote from ''no'' to ''aye.''

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair announces that there was a delay, apparently, in the bell system, so a little more leeway was allowed on the time for voting.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KLUG

Mr. KLUG. Mr. Chairman, I offer an amendment, amendment No. 14.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KLUG: Page 16, line 2, insert before the period the following: : *Provided,* That, of such amount, $44,772,000 shall be available to implement the provisions of section 1211 of the Energy Policy Act of 1992 (42 U.S.C. 13316).

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. KLUG. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I ask unanimous consent that the time on this amendment and all amendments thereto be limited to 40 minutes equally divided.

The CHAIRMAN. The unanimous-consent request was that the debate be limited to 40 minutes, 20 minutes on each side on this amendment and all amendments thereto. The gentleman from Indiana [Mr. MYERS] would control the 20 minutes on this side, and the gentleman from Wisconsin [Mr. KLUG] would control the 20 minutes on the other side.

Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. KLUG. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this amendment in front of us simply does one thing today, which is to reaffirm this Congress' commitment and, frankly, the American public's commitment to renewable energy, both solar and wind power. This money does not increase the deficit. It simply forces the Committee on Appropriations and the conferees to decide where else to offset spending cuts in order to fund what we think is a very high priority for the American public.

Solar renewable energy programs were gutted from the current funding

level of $388 million to $221 million. That represents a 43-percent cut. This amendment increases solar renewable funding to $266 million which we think, frankly, better illustrates the priorities of this Congress, but still I might add at the end of the day results in a 31-percent reduction. This ensures that the United States remains a strong player in energy markets and moves toward self-sufficiency and away from foreign oil imports.

As we all know, there is obviously a finite amount of fossil fuels. I think it is a mistake to continue in many ways to fund outdated post-mature technologies when we are beginning to veer away from wind and solar, which are beginning to show some promise. Fundamentally, what this does is reaffirm this Congress' commitment in basic research in these areas and not necessarily in applied technology.

Overwhelmingly, the American public supports renewable energy programs as an investment in our future.

There was an election last fall, as we know, and which this Congress has been attempting to execute its agenda which said downside and shrink governments. I think the American public understands there are some areas where we may want to spend still more money. According to a survey conducted by Vince Bregala, a pollster for Presidents Reagan and Bush, 85 percent agreed that the Federal Government should continue to support partnerships with American business to promote sales of renewable energy and energy-efficient technologies through research and development. Seventy-five percent agreed that with the overall reduction in the Department of Energy's budget, resources should be redirected toward renewable energy and energy-efficient technologies.

I stand here today to offer this amendment with a number of my colleagues on both sides of the aisle, including the gentleman from Colorado [Mr. SCHAEFER], who I point out chairs the Subcommittee on Energy and Power of the Committee on Commerce, the Gentlewoman from Florida [Mrs. THURMAN], the gentleman from California [Mr. FAZIO], and the gentleman from Massachusetts [Mr. MARKEY].

Mr. Chairman, I would like to make it very clear to my colleagues that what this amendment fundamentally does is invest in America's future, a future clearly defined by the American public.

Mr. MYERS of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. BEVILL], former chairman of the subcommittee and longstanding Member.

Mr. BEVILL. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to this amendment, and urge the Members to support the subcommittee. Throughout this bill we have had to take cuts on programs that are very popular. We realize that there are other ways that we could go in different directions on these things, but the subcommittee has studied this, the full Committee on Appropriations has approved the bill, and actually, I just urge the Members to vote in support of the committee.

Mr. KLUG. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Chairman, I appreciate the gentleman from Wisconsin yielding time to me.

Mr. Chairman, a responsible energy policy requires that we focus our attention and research toward the infinite supply of renewable energy alternatives. As we begin to enter the 21st century, we must begin to shift our reliance away from our finite supply of fossil fuels.

The promotion of renewable energy sources is more important now than ever before. We should have learned by past oil crises that we can not continue to ignore our increasing dependence on imported oil. For the first time, we are now importing more than 50 percent of our oil. Oil accounts for a large part of our trade imbalance. The harsh reality is that the world's oil supply will one day run out. There is nothing that this Congress or our Government can do to change that.

To the extent that we foster the development and use of alternative renewable sources like solar technology, we can act responsibly to reduce our dependence on imported oil.

I am disturbed by the committee's slashing of the solar and renewable energy programs from their current funding level of $338 to $221 million, a 43-percent cut. This amendment would restore $45 million, which still leaves these programs with 31 percent less than they got last year.

I am also concerned about the budget circumstances we must work within. This amendment does not exempt renewables from cuts, it merely seeks to distribute the deficit reduction burden more fairly.

The development of renewable energy technologies stimulates job creation, stimulates the economy, and helps American businesses become more competitive.

The University of Florida's Solar Energy and Energy Conservation Laboratory and the Florida Solar Energy Center have uniquely influenced the development of solar energy. Breakthroughs at these laboratories have helped foster a solar energy industry in Florida that has created high technology jobs. Current developments at these labs continue to create opportunities for U.S. entrepreneurs and industries.

Our investments in solar technologies are just beginning to yield returns in the form of energy security and a cleaner environment. We would be taking a giant step backward if we were to retreat from the successes that solar programs have made. This amendment will ensure that the United States remains a strong player in alternative energy markets of the 21st century.

During the 1970's, the United States was the recognized world leader in solar technology. During the last 20 years, the rest of the world, recognizing the enormous potential solar energy holds, has dramatically increased its commitment to funding solar energy research.

Now, as we stand on the brink of the 21st century, we find ourselves playing catch-up with nations who used to follow us. We should be leading the pack, not playing follow the leader. This amendment will not reverse a 20-year decline in the Federal Government's commitment to our energy future, but it will prevent us from falling even further behind.

Mr. MYERS of Indiana. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. KNOLLENBERG], a very valued member of this committee and a hard-working Member.

Mr. KNOLLENBERG. Mr. Chairman, I appreciate very much the courtesy of the chairman of the subcommittee, the gentleman from Indiana [Mr. MYERS].

I do rise in opposition to this amendment, Mr. Chairman. This is a basic question of priorities. To the solar industry's credit, solar technology is no longer at a basic research and development level. It is in fact a commercial technology, ready for use as an energy source in a variety of applications. It is ready, but in many ways, the public is not.

Frankly, I am skeptical that solar energy will ever be the prominent energy source, due to the expense of manufacturing solar panels and the limits in their energy-producing capabilities. I do expect that solar energy will continue as a secondary energy provider for specific energy needs, such as isolated structures which need a limited supply of energy. I am more optimistic about the future of other energy programs, like fusion, for example, which would be a substitute for the current dependence on fossil fuels.

I want to repeat what has been said by others, Mr. Chairman. We are not cutting the entire solar and renewable energy program. Current funding allows continued research into this area at the most basic research and development level. I believe the solar energy program and any other applied technology must prove itself in the marketplace.

I believe that only when the cost to obtain and process fossil fuels becomes increasingly more expensive will the time become right for alternative energy sources, including solar energy. This way they can compete in a free market. I believe the energy debate is more appropriately resolved by the consumer in that free market.

□ 1115

Let the consumer decide. Let the market work freely. Currently, the relatively low cost of fossil fuels in the form of petroleum, natural gas, and coal keeps these energy sources at the forefront.

Mr. Chairman, I believe this is a good bill. The gentleman from Indiana [Mr. MYERS] has worked very carefully with the gentleman from Alabama [Mr. BEVILL], the ranking member, and the rest of the subcommittee, to produce a fiscally responsible bill while maintaining a productive energy and water program.

We could debate the merits of increasing funds for every Federal program ad infinitum. If my colleagues are committed to balancing the Federal budget, then they should support the bill as it is and vote in opposition to this amendment. We only seem, in Congress, to try to nourish things that just will not grow in the marketplace. Now, there is a place for this, but frankly we did not cut funding out entirely. We reduced it at a level where we restored enough money to do the job. Let us give it time to work its will.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. KNOLLENBERG. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate and I feel very strongly that we ought to let the market set the pace for the investments in this country in our energy supply. The real question is whether or not all the amendments that have just been passed that provide tremendous subsidies to the nuclear industry, which have absolutely the single highest cost of electricity that is produced in this country.

It does not seem to me to make a lot of sense that we are going to not provide any research, real primary research, for renewables, but will provide for actual applied research for the nuclear industry. It makes no sense.

Mr. KNOLLENBERG. Mr. Chairman, reclaiming my time, I think the gentleman makes a point, but this frankly is not research, what the gentleman is talking about.

All I am saying, and I think the gentleman from Massachusetts agrees with me, is that we have not cut out the idea of considering renewables. They are not being cut away.

In fact, the basic research has been done. The gentleman from Massachusetts [Mr. KENNEDY] is talking about applied research. I would say to my colleague that this is the money that this committee has found to be substantial enough to create what he needs to make his project work. Let the marketplace decide.

Mr. KLUG. Mr. Chairman, I point out to my colleagues that this is a bipartisan amendment and, hopefully, by the time we end debate, that the gentleman from California [Mr. MOORHEAD], the gentleman from California [Mr. BONO], the gentleman from Maryland [Mr. BARTLETT], and the gentleman from Michigan [Mr. EHLERS] from my side of the aisle will be here to help us out.

Mr. Chairman, I yield 4 minutes to the gentleman from Colorado [Mr. SCHAEFER], the chairman of the Subcommittee on Energy and Power, who has been a key ally in this entire fight.

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

Mr. SCHAEFER. Mr. Chairman, in 1992, the Congress passed the Energy Policy Act by a vote of 363 to 60, and it passed by a Democratic-controlled Congress and was signed into law by a Republican President.

This so-called EPACT 92 demonstrated that Congress could address pressing issues of a national energy policy in a very bipartisan way.

Now, in 1995, we stand at another historic juncture. In January, we passed the balanced budget amendment, which I sponsored, by overwhelming vote and I will continue to fight for a balanced budget amendment.

Mr. Chairman, while our country needs this balanced Federal budget, we also need uninterrupted reliable sources of energy. Such energy supplies will assure our continued economic growth in this country and our national security. Some of these sources of energy include nuclear, fossil fuels, and natural gas.

However, the country also needs to develop a robust capability in the critically important area of solar and renewable energies. And this is not only solar; it is also biomass, it is wind, it is every other type of energy that we can think of, because other type of energy that we can think of, because some day, the whole era of fossil fuels will be gone.

EPACT 92 created a 5-year plan authorizing funding to help demonstrate and commercialize new technologies such as biomass, geothermal, solar and wind energy. As we enter the third year of that 5-year plan, it would be irresponsible now to renege on our Government's commitment.

Mr. Chairman, that is why I urge my colleagues to support the Klug amendment earmarking $44.8 million of the energy and water bill for the Solar Technology Transfer Program. Even with this amendment, we are talking about a reduction of 31 percent from last year's level.

It is not widely realized that by the beginning of 1994, renewable energy technologies provided over 8 percent of the Nation's domestic energy production, more than doubling the contributions since 1973.

Renewable energy technologies combined are now producing about 7 quads of energy annually. Roughly half is produced from biomass, over 40 percent from hydroelectric, and the balance from the mix of geothermal, wind, and solar resources.

Between 1973 and 1993, renewable electric capacity, including hydropower, grew by over 70 percent, from about 58 megawatts in 1973 to 100 megawatts in 1993. Of this, the renewable technologies that emerged during the late 1970's and 1980's, solar, geothermal, and biomass, grew from 500 megawatts in 1973 to over 10,000 megawatts today; the equivalency of 17 large coal-fired powerplants.

Clearly, renewable energy is becoming an increasingly important component of our national energy policy. I do not believe we should short-circuit this industry's growth by choking its funding.

Some people may ask, well, maybe this is because the National Renewable Energy Laboratory, or NREL, is located in my district, and, yes, it is. I have been out there and I know the work they are doing and it is very important and I think there is much progress being made in this particular area.

Mr. Chairman, I would like to enter into the RECORD two news articles on behalf of this district. The first one details NREL's receipt of the U.S. Small Business Administration's Dwight D. Eisenhower Award for Excellence, while the other describes NREL's winning of the 1995 Federal Design Achievement Award from the National Endowment for the Arts.

I believe this material will help the Members get a better picture of NREL and I submit these articles as part of the RECORD, Mr. Chairman.

Mr. Chairman, I include the following for the RECORD:

NATIONAL RENEWABLE ENERGY LABORATORY: WE EMPOWER AMERICA WITH NEW ENERGY CHOICES

NREL is dedicated to putting clean, renewable energy to work for you.

Our research transforms wind and sunlight into abundant electricity for your home. We're finding ways to turn fast-growing plants into liquid transportation fuels and valuable chemicals. Better buildings, industrial processes, and recycling methods will help you save energy and reduce our nation's dependence on foreign oil.

But making sure that new energy technologies are both practical and affordable is an awesome challenge. At our 300-acre campus in Golden, Colorado, more than 480 scientists conduct research in fields ranging from bio-chemistry to solid-state physics. Many of our specialized laboratories are available for cost-shared research with U.S. companies as they develop new products and services at competitive prices.

We also work with electric utilities, regulatory bodies and state energy offices to make sure that new technologies reach their full potential as quickly as possible.

A national laboratory of the U.S. Department of Energy, NREL's diverse research programs include:

Analytic studies—Studying the economic aspects, environmental effects, and policy issues related to energy use.

Biofuels—Finding better ways to turn trees, grasses and agricultural waste into cleaner-burning transportation fuels.

Buildings—Developing new materials and systems to reduce energy use in homes and offices.

Fuel use—Studying the use of alternative fuels in fleets of cars, vans and trucks.

Industrial processes—Finding ways to reduce waste and improve the efficiency of industrial processes.

Photovoltaics—Developing efficient solar cells and modules for converting sunlight to electricity.

Resource Assessment—Studying and measuring renewable resources such as sunlight and wind.

Solar thermal electricity—Developing economical systems for transforming the sun's heat to electricity.

Solar thermal industries—Exploring ways to use solar heat for manufacturing and other industrial processes.

Superconductivity—Pursuing practical, low-cost materials to conduct electricity without loss.

Waste management—Finding ways to recover landfill gas, recycle tires and plastic, and generate power using garbage destined for landfills.

RENEWABLE

Americans have made great strides in conserving energy since the oil embargoes of the 1970s. But our need for energy—especially electricity and transportation fuel—continues to grow by about 3% each year. Renewable resources can help meet this growing need without pollution or dependence on foreign oil.

There's no shortage of renewable resources. For example, the sunlight falling on the United States in just one day contains more than twice the energy Americans consume in an entire year. Strong, steady winds in North Dakota alone could supply about 35% of our nation's electricity needs. Fast-growing plants, geothermal energy and ocean energy are three other renewable resources awaiting the right technologies for harvesting.

We've made a good start. About 8% of our nation's energy now comes from renewable resources, primarily falling water (hydropower). Continued research by NREL and its industry partners could help increase the contribution of renewables to 30% by the year 2030.

CLEAN

Imagine a world powered by clean energy technologies.

Rows of sleek solar panels gleam in the sun, using semiconductor materials to directly convert light into electricity. Wind turbines spin out power for large cities without the millions of tons of air pollutants emitted by an oil- or coal-fired power plant every year. Solar thermal systems capture the sun's abundant renewable energy to heat water or drive industrial processes.

These are only a few renewable energy technologies at work today. Many more are on the horizon. For example, NREL is exploring ways to use sunlight to clean up contaminated soil and groundwater. We're also developing methods for recycling plastic and making better use of garbage now dumped in landfills.

Our research preserves America's environmental heritage. It can also lead to a more sustainable energy future.

SECURE

Founded in 1977 in response to oil embargoes, NREL is diversifying U.S. energy options in many ways.

One of those ways is finding alternatives to gasoline, much of which is now made from imported petroleum. NREL is working with U.S. companies to squeeze more ethanol from corn kernels and the woody parts of other plans. We also collect data on the performance of alternatively fueled vehicles and share the results with automobile manufacturers.

In addition to fuels research, NREL is strengthening America's energy security with more efficient buildings. Our guidelines for passive solar homes are used by builders and architects throughout the nation to slash typical home energy costs by as much as 90%. We're also developing ways to rate the energy efficiency of buildings.

Renewable energy and energy efficiency not only lessen U.S. dependence on foreign oil—they strengthen the economy as well.

COMPETITIVE

About half of NREL's federal funding returns to the private sector through subcontracts and cost-shared research agreements.

Thanks to this support, U.S. companies now compete in international markets for wind turbines and blades. American-made solar panels are supplying electricity to thousands of Brazilians. And a leading U.S. ceramics producer may soon replace imported ceramic powders with ones made locally.

Wind energy is already cost-competitive in areas with good wind resources, and solar panels are finding hundreds of remote uses throughout the nation. Ultra-efficient appliances, more reliable electronic components, and better adhesives are just a few other products coming your way as the result of NREL's research.

The renewable energy technologies now being developed at NREL can fill every kind of energy need. They're a smart choice for America.

NREL RECEIVES NATIONAL SBA AWARD

GOLDEN, Colo., April 20/PRNewsire/—The Dwight D. Eisenhower Award for Excellence, the national award given annually by the U.S. Small Business Administration (SBA), will be presented to the Department of Energy's National Renewable Energy Laboratory (NREL) on May 4 during Small Business Week activities in Washington, D.C.

The Eisenhower award annually recognizes large federal prime contractors that excel in their support of small business. In 1994, NREL awarded more than $85.5 million in purchases and subcontracts to small companies—about 77 percent of its total procurements. Of this amount, 25 percent went to businesses owned by women or minorities.

NREL Director Dr. Charles F. Gay said the award is especially significant because the laboratory also was named 1994 Corporation of the Year by Minority Enterprises Inc. ''This award is a credit to the many outstanding NREL employees who are committed to the success of small businesses,'' Gay said.

The SBA award recognizes success in guiding entrepreneurs of diverse backgrounds through the complexities of government procurement.

''We are very active in our outreach and mentoring of small, minority and women-owned firms,'' said Ed Green, NREL's manager of procurement and small-business liaison. ''Linking with small businesses is only half the job. The other part is supporting these firms during contract performance to assure mutual success.''

In addition to economic support, NREL has spawned 27 spin-off companies. Laboratory facilities and expertise are available to small businesses, and NREL hosts seminars to help those businesses market their products and services.

To be eligible for the Eisenhower award, a federal prime contractor first must win an SBA Award of Distinction. NREL was one of two organizations in the six states of SBA's Region VIII to receive this award in 1993.

The SBA's Office of Government Contracting selected finalists in three categories this year: research and development, service and construction. NREL won the Eisenhower award in the research and development category.

NREL WINS U.S. DESIGN AWARD

[From Jefferson County Transcript, June 16, 1995]

One of the federal government's most energy-efficient buildings was honored with a 1995 Federal Design Achievement Award from the National Endowment for the Arts. Golden Mayor Marv Kay was on hand for the ceremony that honored regional winners.

The Solar Energy Research Facility, part of the U.S. Department of Energy's National Renewable Energy Laboratory in Denver West Office Park, is one of 77 federal projects honored nationwide for superior architectural design. SERF and the other winners are now in contention for the nation's highest honor—the Presidential Design Award for Excellence, which will be awarded at the White House this fall.

SERF is a state-of-the-art laboratory facility used for advanced photovoltaic solar cell research.

SERF's unique design incorporates energy efficiency features that reduce energy consumption by 30% to 40%. This reduces annual heating, cooling and lighting costs by almost $200,000. Energy-saving features include the use of daylight to illuminate office areas and corridors.

Mr. MYERS of Indiana. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. ROHRABACHER], the chairman of the Subcommittee on Energy and Environment of the Committee on Science.

Mr. ROHRABACHER. Mr. Chairman, first of all I want to express my admiration for the gentleman from Wisconsin [Mr. KLUG]. Many of the things that he does, I am totally supportive of. In this case I cannot be supportive. He is suggesting in this amendment that we earmark $44.8 million for the innovative and renewable technologies transfer program.

We have heard a lot of rhetoric today about the importance of developing solar energy. This has nothing to do with the development of solar energy. Zero. In fact, this will hurt the development of solar energy. What we are doing here is we are talking about a transfer program. We are talking about promotion. We are talking about marketing. We are talking about commercialization. We are not talking about research and development. In fact, we are spending $44 million, if this amendment succeeds, by taking it away from research and development. Some of that money may well come from research and development of solar energy.

Being the chairman of the subcommittee dealing with this issue, I know how much money we have had to cut from the budgets of energy and environmental research in this country. The fact is we did everything we could to protect the fundamental research and what we had to do is cut programs that dealt with promotion and marketing and commercialization of which this is the perfect example.

We need to focus the Federal Government effort on research and development, fundamental research and development that cannot be done by the private sector. Fundamental research in solar was protected. In fact, because it is not coming from anywhere, it is just suggested it is going to be a general cut throughout our budget in this area, this could well come from solar energy research and development money. Certainly it is going to come from somewhere. It might come from fundamental research and development in other

type of energies that we need to do research and development on.

Mr. Chairman, what in essence we are doing is taking money away from a budget of research and development that has already been strained to the braking point. We are taking money away from a budget that has already been strained to the breaking point and we are putting it into marketing and commercialization for specific interests that are involved with pushing these products overseas. I think this is green pork. What we are suggesting here by this amendment is green pork, taking the Federal Government away from its essential role on energy research and development and putting it into promotion.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield.

Mr. ROHRABACHER. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just like to point out to the gentleman that his own committee is in conflict with the statement that the gentleman just made.

Looking at what has been authorized here, which this money will go toward, it is the Solar Thermal Program to determine the economic viability of dish/Stirling, power tower, and trough systems, it is the concentrated solar energy to break down toxic organic wastes, the development of technologically advanced, higher efficiency wind turbines, the integrated biomass feedstock production. These are all specific programs that were identified by the committee that will be put back in the budget.

Mr. ROHRABACHER. Reclaiming my time, we specifically deauthorized the use of funds for solar technology transfer. What we tried to focus in on at the committee and subcommittee level was direct and solid research and development because that cannot be done by anybody else but the Federal Government.

This indeed is taking the money, I say to the gentleman from Massachusetts [Mr. KENNEDY], $44 million basically from across-the-board cuts to channel it into a program that is aimed at marketing and commercialization.

Mr. KENNEDY of Massachusetts. If the gentleman will yield further, the fact is that what we are talking about is what is in the authorization. What we are talking about is whether or not these industries need this kind of basic research in order to be successful.

Mr. ROHRABACHER. But we are not financing basic research. It is promotion. I thank the gentleman.

Mr. KLUG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if I might point out one of the reasons we have had such strong bipartisan support on this amendment is we are talking about renewables across the board, including wind. So this amendment cannot be seen as simply a debate about solar technology. That is one reason that the gentleman from California [Mr. MOORHEAD] and the gentleman from California [Mr. BONO], both of whom had a great deal of success in California with wind power, so clearly understand.

Second, if I may make the point to my colleagues that if we are trying to figure out where we are going to get the money to pay for this, might I suggest we apply some of the $20 million we eliminated yesterday from the nuclear program that 3 to 1 this House agreed was absolutely out of date.

Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me the time. I very much compliment him on the making of this amendment.

Mr. Chairman, this is really to a very large extent the critical debate that we are going to have out here on the floor. Renewable energy now provides 10 percent of the energy in our country. But it is still in its nascent stage. Whether it be solar voltaic, which has dropped dramatically from upward of 26 cents a kilowatt hour down to 8 or 9 cents a kilowatt hour just over the past decade; wind, which has dropped from 30 cents a kilowatt hour down to 4 or 5 cents a kilowatt hour in the last 10 years, we are seeing dramatic changes in the way in which electricity and energy are generated in this country.

Unfortunately the bill as it is presently constructed still tilts dramatically toward the older technologies. There is $236 million in this budget for fission technology. This is a 40-year-old technology that is already out in the marketplace with one of the wealthiest industries in the United States, the electric utility industry, perfectly capable of doing all additional research on that technology.

In addition, there is $230 million in here for fusion technology. Money is here for coal research. Money is here for all kinds of research on the older technologies.

□ 1130

Now, I really would not mind if the committee cut out all the money for solar and all money for wind if they cut out all the money for fusion and fission. I really would not care. Then it would be a fair fight out in the marketplace. I would feel a lot better about it.

But if you are going to continue the subsidies for the mature industries, it is wrong to have a 43-percent cut for the nascent competitors of solar and wind and geothermal and conservation. That is what disturbs me most about this whole debate. It has either got to be one way or the other, an amendment to cut out all subsidies or an amendment to keep comparable subsidies for all the competing energy technologies.

There is a good reason for it. We are so overly dependent upon imported oil. Sixty percent of the oil is imported. If we are going to break our dependence on that, we have to have these domestic, indigenous sources of energy developed. Those are going to be the renewables. We need ways in which we are going to lower the cost of energy. Only by having competing technologies do we reduce the overall likelihood we are going to see increases in the traditional fossil fuel or nuclear power generated electricity.

We need to reduce the smog in order to reduce the global warming phenomenon, in order to reduce the acid rain problem. These are benign technologies that reduce our need to have more intrusive environmental laws which pass here on the floor of Congress.

So for all of those reasons, the Klug amendment takes us in the right direction.

The history, however, out here on the floor of the House is if it does not glow, it gets no dough. The nuclear budget continues to be enhanced.

The reason we need this is like the fax machine or telephone, while they may have a nascent discovery and application, it takes 20 and 30 years to finally get them to the marketplace. That is what we have found, and that is why I support the Klug amendment.

PARLIAMENTARY INQUIRY

Mr. KLUG. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KLUG. Mr. Chairman, who has the right to close the debate please?

The CHAIRMAN. The gentleman from Indiana [Mr. MYERS].

Mr. KLUG. Second, Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Indiana [Mr. MYERS] has 11 minutes remaining; the gentleman from Wisconsin [Mr. KLUG] has 7 minutes remaining.

Mr. KLUG. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from New York [Mr. BOEHLERT].

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

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of this very sensible amendment.

It is sensible because it does not assume that we will be forever able to draw on our current sources of energy. It is sensible because it would ensure that the Department of Energy has a balanced research portfolio that does not short-change important potential sources of energy. It is sensible because it backs programs in which business and government work together to achieve national goals that would be ignored without these programs. It is sensible because it funds programs that have had bipartisan support. It is sensible because it recognizes that every DOE program must share in budget cuts. And it is sensible because it accomplishes all this without increasing the bottom line of this bill.

Our Nation should not be ignoring renewable energy in the vain hope that fossil fuels will solve our problems forever. This amendment restores needed

funding for renewable energy research—funding for well managed programs that would still be cut by almost one-third if this amendment is passed.

Vote for this amendment and vote for a sensible approach to ensure that this Nation can meet its future energy needs.

Mr. KLUG. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from California [Mr. FAZIO], who has been a strong champion of renewables and a cosponsor of this amendment.

Mr. FAZIO of California. I thank the gentleman from Wisconsin for yielding me this time.

I yield to no Member in my respect for the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS]. I have served with them on this subcommittee for 16 years.

During that time, I have been a great advocate of renewable energy, but this bill is $2 billion less than the President's budget. It is $1.5 billion less than last year spent in this area of spending, and I understand, as the gentleman from Massachusetts [Mr. MARKEY] has indicated, that we are all going to have to absorb reductions. There is no question that all forms of energy research and development will have to take their fair share.

But I stand here today for the first time in opposition to my chairman and ranking member on this matter, because I believe we have taken an inordinately deep cut in renewable spending. A 43-percent cut simply is out of whack with all of the other proposals that have been made to reduce spending. We have simply asked too much of an area that is on the upturn. It is a growing area for exports, an important area of small business in this country.

These are proven performers, technological trend setters. We are not where we were 20 years ago where this is merely an ideological issue. Today renewable energy is part of the energy grid. Utilities across this country are adopting these as low cost alternatives.

We have an opportunity in this amendment offered by the gentleman from Wisconsin [Mr. KLUG] to begin to restore some balance to our energy policy.

Now, I have really stood in opposition to all of the cuts in the nuclear fission program, because I truly believe we need a balanced energy policy. We have forgotten the lines at the gas stations. Maybe I have been here too long, folks, but I think many of us have forgotten in our desire to find areas to cut that there is a potential for an energy crisis again. It is out there ahead of us. We are almost at 60 percent reliance on imported fuel from the Middle East and other parts of the world.

This Congress has got to keep in mind that we are headed in the wrong direction, and this amendment makes a modest step back toward the right direction.

I ask for its support.

Mr. KLUG. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I think we have heard a lot of talk about how we are not supposed to pick winners and losers in the Congress of the United States.

This is a blatant attempt to pick a winner, and the winner is the nuclear industry. We are cutting 31 percent of the renewable energy budget in this bill.

This attempt by the gentleman from Wisconsin [Mr. KLUG] and others is to attempt to put a few dollars back into a budget that has already gutted renewable energy supplies of this country. Why do we not recognize that it is the nuclear industry who has singlehandedly raised the cost of electricity for the ordinary citizen of this country and we still have not taken into account how we are going to get rid of the nuclear waste?

This is an energy supply that is clean. It is an energy supply that is renewable. It will enable us to gain some independence from the foreign creditors that are breathing down our necks. Let us say to OPECers, let us say to the rest of the world that wants to continue our dependence on foreign oil that we are sick and tired of it, that we are going to develop our own independent energy sources, and if we need government assistance to develop those new sources, we are going to put the money in and break the dependence on the big nuclear industry and our foreign traders.

Mr. MYERS of Indiana. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER], who has a new idea now, a new thought.

Mr. ROHRABACHER. Mr. Chairman, I just would like to point out again we are hearing over and over again that this is in some way juxtaposing some new type of energy research with solar energy research. This debate has nothing to do with the research and development policies on solar energy or any other kind of energy except for the fact that it will take money from research and development programs across the board in energy, some of which are renewable, I might add, and take that research and development money and take and put it into a transfer program, a program that is totally designed for promotion, marketing, and commercialization.

I think our Members should also be aware that the prime beneficiary of the $44 million that is being taken out of energy research and development and put into this promotion marketing commercialization effort, the prime beneficiary is not an American company but a German company, a German company, called Siemens Co., which is the leader, yes, in this type of technology, but we will be providing them funds to help them with the promotion of solar energy.

Now, this is not, again, this gentleman, by the way, took great pains during the authorization process to see that solar energy research and development was protected.

I happen to believe that is a very probable and potential source, a good source, of energy in the future if it is developed. We, in fact, by the way, let me also add that we also made sure that there were major cuts in fusion and nuclear energy programs.

I have become the target of nuclear energy people across the country who are as mad as hell that I have cut, that DANA ROHRABACHER has cut their budget for research and development in the nuclear area.

The fact is we have tried to maintain a balanced research and development program.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. The fact of the matter is there is a 43 percent cut in this bill by solar and renewable energies and a 13 percent in nuclear.

Mr. ROHRABACHER. Not in research and development, only in promotion, which is what this bill deals with.

Mr. KLUG. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise in strong support of the Klug amendment to restore funding for renewable energy programs in the Department of Energy.

Like my constituents in Connecticut, I believe that no Federal program should be spared from reductions. But fiscal responsibility doesn't mean cutting everything without regard to its value; it means making priorities for our scarce dollars.

Energy-efficient technology opens markets abroad and creates jobs at home, and it must be one of our highest priorities.

As a manufacturer of wind energy equipment in my State puts it, ''Renewable energy is an investment into the economic and environmental future of the country.''

I urge a ''yes'' vote on the Klug amendment.

Mr. KLUG. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding me this time, and I commend him for his efforts to shift the priorities in this bill in the right direction.

This is not about an increase. It is about choices. It is about energy independence, about sustainable economic growth.

Yes, the solar and renewable accounts do, to a great degree, go to applied research and even to technology transfer. Yes, private industry may not find it profitable enough, quick enough, to go it alone. But that is just another way of saying that the marketplace does not work perfectly. It does not account well for the external

costs of the current dominance of fossil fuel sources, and it does not account well for the external benefits in terms of energy independence, jobs, balance of payments, and the avoidance of environmental costs.

This is exactly the kind of situation, therefore, in which some modest government program of R&D assistance, to bridge the gap in a marketplace that is too preoccupied with an immediate payoff, is entirely appropriate.

I commend the gentleman for his amendment, and urge my colleagues' support.

Mr. KLUG. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me make several points in closing, if I could.

First of all, let me reiterate to my colleague what the gentleman from Colorado [Mr. SCHAEFER] said, that fundamentally we made a decision in this Congress just 3 years ago that we would make an important transition from an era of fossil fuel to an era that included Federal funding for new emerging renewable technologies. That was just 3 years ago.

And the choice now is as I think a number of my colleagues on the other side, the gentleman from Massachusetts [Mr. MARKEY], the gentleman from Massachusetts [Mr. KENNEDY], the gentleman from California [Mr. FAZIO] have pointed out, here we find a situation where this bill continues to fund substantial amounts of money for coal research which we have been doing for 60 years, nuclear research which we have been doing for 40 years, and while it is true those programs are cut, they are not cut as dramatically as the renewable program under the markup we now find ourselves in from the committee.

Finally, again, if I could say this one more time, this is not a vote about solar. This is a vote about renewables. That includes wind. It includes other technologies as well as solar technology.

And finally, to primarily my Republican colleagues, let me assure them this does not add to the deficit. This is simply shifting money around and trying to reestablish a priority in this Congress that the American public overwhelmingly supports and this Congress overwhelmingly supported just 3 years ago.

Mr. MYERS of Indiana. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, this subcommittee has long been a supporter of the renewables, including solar, wind, geothermal, everything. We have long been a supporter.

But no item, no appropriation in this budget has increased as much as solar has. Solar alone, not all the other renewables, just solar, since 1991, in the last 5 years, this committee has increased the appropriations for solar research, including what we even cut out here this year, by 93 percent. Name any other item we have in our bill other than waste management and environmental cleanup that we have increased that much. None have we increased as much as we have solar.

This committee this year heard a lot about corporate welfare and how often we heard it yesterday about the reactor, ''Oh, this is corporate welfare. We are helping some utility some place or General Electric or Westinghouse build a reactor,'' for our country, hopefully, someday or someplace overseas that we might be able to sell one. Call that corporate welfare.

So our committee this year got to examining just where are the solar dollars going. The gentleman from California [Mr. ROHRABACHER] hit it right on the head. We found that much of the solar research really was not going into research. It is not going into solar panels. It is not going into wind research for better windmills, even though we have a lot of windmills in California, farms of them out there. Some have been closed down; we even built several around the country we have had to close down because of the environment.

So this committee examined these very closely this year and realized we were not getting the bang for the taxpayers' buck in solar. We still support solar, but we have to draw the line.

It has been said here this morning that we are cutting research. We are not cutting research. What we took out of this bill is not as the gentlewoman from Connecticut said, making jobs for the United States. Making jobs for Germany is one example because what we took out, what we reduced this year, primarily we eliminate the solar international marketing program, solar international marketing program, solar technology transfer. We're paying some company this year to put up solar panels on the roof, technology transfer, or energy storage systems. We have been long trying to build a solar battery. We have been working on that for quite some time; not much success; maybe some day we will have it. We have not closed the door on it, but we just found this year that we had to make some choices. We found that 50 percent of the budget request is for cost-sharing arrangements with industry, 50 percent. We did not cut it 50 percent; we left some of it in, but we cut those big programs. The limited resources we have we decided should not be used in corporate welfare, but be directed toward basic science and research programs.

So, if you adopt this amendment, of $44 million, almost $45 million, it will reduce funding for all the other research that is being done around over the country, other research for renewables which are so vitally needed. What we are cutting out, what is unnecessary, is paying companies to try to use solar. This is all we are doing.

We are cutting out corporate welfare.

Mr. Chairman, I ask for a ''no'' vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MYERS of Indiana. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 208, not voting 12, as follows:

[Roll No. 488]

AYES—214

Abercrombie
Ackerman
Allard
Baesler
Baldacci
Barcia
Barrett (WI)
Bartlett
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bilirakis
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant (TX)
Camp
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Flanagan
Foglietta
Ford
Frank (MA)
Franks (CT)
Furse
Gejdenson
Gephardt
Geren
Gillmor
Gilman
Goodling
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hancock
Harman
Hastings (FL)
Hefley
Hilliard
Hinchey
Hoekstra
Horn
Houghton
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kleczka
Klug
LaFalce
Lantos
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
Lowey
Luther
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Moorhead
Moran
Morella
Nadler
Neal
Neumann
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Portman
Poshard
Rahall
Ramstad
Rangel
Reed
Richardson
Rivers
Roberts
Roemer
Roth
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schaefer
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shays
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Stenholm
Studds
Taylor (MS)
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Upton
Velazquez
Vento
Volkmer
Vucanovich
Waldholtz
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Williams
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—208

Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barton
Bass
Bateman
Bevill
Bilbray
Bliley
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Canady

Castle	Hastings (WA)	Packard
Chabot	Hayes	Parker
Chambliss	Hayworth	Paxon
Chapman	Heineman	Pickett
Chenoweth	Herger	Porter
Christensen	Hilleary	Pryce
Chrysler	Hobson	Quillen
Clinger	Hoke	Quinn
Coble	Holden	Radanovich
Coburn	Hostettler	Regula
Collins (GA)	Hoyer	Riggs
Combest	Hunter	Rogers
Cooley	Hutchinson	Rohrabacher
Cox	Hyde	Ros-Lehtinen
Coyne	Inglis	Rose
Cramer	Istook	Roukema
Crane	Johnson, Sam	Royce
Crapo	Jones	Salmon
Cremeans	Kanjorski	Sanford
Cubin	Kasich	Saxton
Cunningham	King	Scarborough
Danner	Kingston	Schiff
Davis	Klink	Seastrand
DeLay	Knollenberg	Shadegg
Diaz-Balart	Kolbe	Shaw
Dickey	LaHood	Shuster
Doolittle	Largent	Sisisky
Dornan	Latham	Skeen
Doyle	LaTourette	Skelton
Dreier	Laughlin	Smith (MI)
Duncan	Lazio	Smith (TX)
Ehlers	Lewis (CA)	Smith (WA)
Ehrlich	Lewis (KY)	Solomon
Emerson	Lightfoot	Souder
English	Linder	Spence
Everett	Livingston	Stearns
Ewing	LoBiondo	Stump
Fawell	Lofgren	Stupak
Fields (LA)	Lucas	Talent
Fields (TX)	Manzullo	Tanner
Foley	Martini	Tate
Forbes	Mascara	Taylor (NC)
Fowler	McCollum	Thornberry
Franks (NJ)	McCrery	Tiahrt
Frelinghuysen	McDade	Traficant
Frisa	McHugh	Visclosky
Funderburk	McInnis	Walker
Gallegly	McIntosh	Walsh
Ganske	McKeon	Wamp
Gekas	Mica	Weldon (FL)
Gibbons	Miller (FL)	Weller
Gilchrest	Molinari	White
Gonzalez	Mollohan	Whitfield
Goodlatte	Montgomery	Wicker
Goss	Murtha	Wilson
Graham	Myers	Wolf
Greenwood	Myrick	Young (AK)
Gutknecht	Nethercutt	Young (FL)
Hall (TX)	Ney	Zeliff
Hansen	Norwood	
Hastert	Oxley	

NOT VOTING—12

Andrews	Frost	Reynolds
Brown (OH)	Hefner	Stockman
Collins (MI)	Longley	Stokes
Fox	Moakley	Tauzin

☐ 1210

Messrs. CHRISTENSEN, COYNE, EWING, LIVINGSTON, HOLDEN, SOUDER, KINGSTON, HILLEARY, EHRLICH, SCHIFF, and PORTER, and Mrs. ROUKEMA changed their vote from ''aye'' to ''no.''

Ms. BROWN of Florida, Mrs. MEEK of Florida, Mrs. CLAYTON, and Messrs. THOMPSON, POMBO, RAHALL, SCHUMER, FATTAH, POMEROY, GENE GREEN of Texas, YATES, and KIM changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment, numbered 38.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS: Page 18, strike lines 8 through 20.

Mr. MYERS of Indiana. Mr. Chairman, would the gentleman agree to some limitation on time?

Mr. SANDERS. Mr. Chairman, I would say to the gentleman that I am going to be withdrawing the amendment.

The CHAIRMAN. The gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes.

Mr. SANDERS. Mr. Chairman, I will be withdrawing this amendment, which would reduce by $3.2 billion in fiscal year 1996 funding for the nuclear weapons activities of the U.S. Department of Energy. Instead, I will be offering an amendment to the fiscal year 1996 defense appropriations bill, which in fact will take a bigger bite out of wasteful Federal spending for unneeded unclear weaponry.

Mr. Chairman, it seems to me that it is absurd for this country to keep producing and deploying huge amounts of nuclear weaponry, and ignore the fact that the cold war is over. This mindless spending costs the American taxpayer over $30 billion a year.

Mr. Chairman, it seems to me that this country has many, many problems. We have people sleeping out on the street; we have children who are hungry; we have elderly people who cannot afford their prescription drugs; we have millions of middle-class families who cannot afford to send their kids to college; we have 30 million people who cannot afford health insurance. We have many problems, but one problem we do not have is a lack of nuclear weaponry.

It may be of esoteric interest to some scientists as to how many times over we can destroy humanity, whether it is 100 times over or 50 times over, through the use of nuclear weapons. That may be of interest to some people, but it really is not one of the pressing problems that this country has right now.

The cold war is over. We should not be spending $30 billion a year on nuclear weaponry, $300 billion a year over a 10-year period.

☐ 1215

Mr. Chairman, we have some 20,000 nuclear warheads in our Nation's arsenal. That seems to me to be enough.

Mr. Chairman, I am withdrawing this amendment today but will be bringing it back in a more appropriate fashion through the Department of Defense appropriation. I believe very strongly that we must get our priorities right. We do not need more money on nuclear weaponry when we are cutting program after program that tens of millions of middle-income and working-class Americans depend upon. I look forward to the support of my colleagues when this amendment resurfaces in the Department of Defense appropriation.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

AMENDMENT OFFERED BY MR. WARD

Mr. WARD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WARD: On Page 16, line 1, insert ''(less $1,000,000)'' before ''to remain''.

Mr. MYERS of Indiana. Mr. Chairman, I ask unanimous consent that the time on this amendment and any amendments thereto be limited to 10 minutes equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

Mr. STARK. Mr. Chairman, reserving the right to object, will the gentleman be willing to amend that to 12 minutes?

Mr. MYERS of Indiana. Yes, Mr. Chairman.

The CHAIRMAN. The unanimous-consent request is for 12 minutes, 6 minutes on each side, time to be controlled by the gentleman from Indiana [Mr. MYERS] and the gentleman from Kentucky [Mr. WARD].

Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The gentleman from Kentucky [Mr. WARD] will be recognized for 6 minutes and the gentleman from Indiana [Mr. MYERS] will be recognized for 6 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Chairman, I yield myself such time as I may consume.

My amendment seeks to strike a special earmark in this bill for sonoluminescence. Sonoluminescence is the act of bombarding water with sound waves which excites air bubbles to flash light. This is a legitimate course of study. There is no question of that. But neither the Energy Department nor any of the energy labs in this country have requested money for this program. This is a special earmark.

I would hasten to point out, though, that the gentleman from California who has earmarked this money in the budget does not have this in his district. This is not something that the gentleman from California has done for someone in his district. The gentleman and I have talked about this. I want to hasten to make sure that there is no question in any Member's mind that this is a piece of pork in his district. This is not.

What it is is a reasonable disagreement about how we should be spending our science research dollars. I feel that we should not earmark $1 million when the Department of Energy has not asked for the money, when the lab that is doing the work has not asked for the money, when, in fact, a former director of that lab has been quoted, and this is from Science Magazine, December of last year, the last 6 months, the former director of this lab was quoted as saying that it was highly improbable that

researchers can achieve the desired results from this money.

There was no evidence presented at any hearing with respect to this million dollars. There was report language added, but in the subcommittee on which I serve there was never a discussion, a public hearing back and forth on this issue.

What I feel we need to do today, my colleagues, is to strike $1 million to show that we are not going to micromanage America's science programs by spending this earmarked $1 million.

Mr. Chairman, I reserve the balance of my time.

Mr. MYERS of Indiana. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I appreciate this opportunity to talk about fundamental basic research, which is supposed to be the purpose of my subcommittee and the purpose of the Committee on Science. There are some things that cannot get done in the private sector and that is what we try to do in Government. The fact is that this is a program that has nothing to do with my district. In fact, it has nothing to do, I do not know anyone as an individual, there is no friend of mine on this project. It is something that came to my attention from other scientists who suggested it was a good idea, and it was something that was an example of how huge programs that we have, in fusion and all these other mega programs that we spend billions of dollars on, crowd out the small research programs that have a high potential but never get the money because they do not have lobbyists, they do not have any of the big guys behind them.

This program is aimed at achieving a modest amount of fusion energy from a very modest, a $2 million investment over 2 years, research program. It is the first year of the program, so we are asking for $1 million this year and, after 2 years, we will know whether or not this potential research program is viable. But this is exactly the kind of program the Federal Government should be doing.

It is pure research. It is not one of these mega bureaucracies where the money goes into administration. In fact, if the Ward amendment is successful and this money is then cut out from going to this program, the money will likely be channeled directly into one of these mega programs. It might be paying for the office of public relations for one of those programs instead of research and development.

This is scientific research, earmarked by the way. There is nothing wrong with an earmark in the sense that this is, if it is peer reviewed, and this is a peer-reviewed, competitive program, we are not asking for this money to be given to just any company or any laboratory. And the fact that it is an earmark does not make it wrong. We had the debate in the subcommittee. In fact, this is very similar to the earmarking that is for coal research, which I know the gentleman from Kentucky [Mr. WARD] is very in favor of.

So I would ask my colleagues to support this fundamental research program that deserves it. We have the support of many scientists: Dr. Seth Putterman of UCLA, Dr. Kenneth Suslick of the University of Illinois, and Dr. William Moss at Lawrence Livermore. These are men that are preeminent in their field. They think it is a worthwhile program. I think that these are just the type of things the Federal Government should do. I ask my colleagues to oppose this amendment.

Mr. WARD. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. STARK].

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

Mr. STARK. Mr. Chairman, I would like to engage my distinguished colleague from California, the chairman of the Subcommittee on Energy and Environment.

This is a wonderful project. The gentleman knows it will go to Livermore, CA, and shooting light on these bubbles will cause a lot of wonderful things. Do you know what else they make in Livermore, CA?

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. STARK. I yield to the gentleman from California.

Mr. ROHRABACHER. Lawrence Livermore happens to be the laboratory that develops a lot of types of energy.

Mr. STARK. It is right in the center, reclaiming my time, Mr. Chairman, of the finest champagne country in the world. What this will do is irradiate that champagne that comes from California, much to the disadvantage of New York, where they do not make such very good champagne.

I understand that the gentleman, and Texas has a problem with it, too. The gentleman from Wisconsin supports this amendment because the bubbles in beer will be irradiated and that will put the gentleman from Missouri at a disadvantage. So that I want to say that if you want to waste $1 million trying to make California champagne better, which you cannot do, then we welcome this money. But if you really think that there is a place for $1 million and fewer bubbles or better beer, we could spend that money elsewhere.

Mr. ROHRABACHER. Mr. Chairman, if the gentleman will continue to yield, I take it that this is tongue in cheek? I just would like my colleagues to know that.

Mr. STARK. This is bubbles in a bottle, shining a little light on the bubbles for California champagne is certainly worth $1 million of the taxpayers' money.

Mr. ROHRABACHER. If it produces energy for the American people.

Mr. STARK. Enough energy to blow those corks right out on New Year's Eve.

Mr. WARD. Mr. Chairman, I yield myself the balance of my time. I appreciate the remarks of the gentleman from California [Mr. STARK]. Of course, I would mention to him this is the first time I have risen to offer an amendment on the floor, and he should not scare me that way.

Two quick points, in response to the gentleman from California [Mr. ROHRABACHER]. The million dollars will go back to the treasury. It is being taken completely out of the budget of the Energy Department.

Second, if the Department of Energy feels that this research is important and they have in the past expended money on this research, in fact since 1934, there has been research going on in this field, they will have the opportunity and certainly have the wherewithal to make these kinds of expenditures.

Remember, this is the Department of Energy energy lab. I think that answers those points.

As I said, this is my first time standing to offer an amendment.

I will close by saying that we need to show that we can give $1 million back to the treasury when it has been earmarked in a legislative committee without a hearing, without a public discussion, on the subcommittee on which I serve. We need to show that we are not going to micromanage every million dollars spent by the Department of Energy, and we need to do it today. Please support the Ward amendment.

Mr. MYERS of Indiana. Mr. Chairman, the committee appreciates the cooperation by the gentleman from Kentucky as a beginner. In Kentucky we do not call them ''beginners,'' we call them ''maidens.''

Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Mr. Chairman, I had not intended to speak nor did I know until the gentleman from California [Mr. ROHRABACHER] just informed me that this project was indeed to be done at one of the laboratories, whether it is Livermore or one of the defense laboratories. I have never heard so much smoke and mirrors, let alone bubbles on this debate.

First of all, this was in the bill. The bill had a hearing. The gentleman from Kentucky [Mr. WARD] was there. But he did not bring this amendment up, nor did he discuss this project. So do not say this is some secret earmark that some scientist dreamed up to pork it up. And he was very kind in his remarks to exclude pork in this. But there is no reason to go after a basic science program, $1 million, yet, when it has had a hearing and it went through the process and nobody said ''bubble'' during that hearing.

So now we use the word ''earmark.'' Well, this is an earmark. If this is such

a tremendous earmark, why are not the lobbyists here saying, we have to have this; this is for fossil fuel? Or we have to have this; this is for wind?

This is basic research and we ought to be doing more of it and not less. This is also to improve and give us an alternative to the various fusion programs that everybody is taking pot shots at here on the floor.

Mr. WARD. Mr. Chairman, will the gentleman yield?

Mr. BAKER of California. I yield to the gentleman from Kentucky.

□ 1230

Mr. WARD. Mr. Chairman, I would say to the gentleman, on the point of this coming before the committee, it was as part of 60 pages of report language that I did not see prior to the time we sat down to discuss the bill.

Mr. BAKER of California. I will excuse the gentleman, then, but I think it is frivolous to bring it up on the floor, to say that out of the 60 pages, this is the one project that the gentleman would like to eliminate.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. BAKER of California. I am happy to yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I would ask the gentleman, is this the same type of basic research as why the fly lands on the ceiling and not on the wall?

Mr. BAKER of California. This is the same kind of skepticism that says we cannot balance our budget. We can. This is good basic science. I urge a ''no'' vote on the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Kentucky [Mr. WARD].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 276, noes 141, not voting 17, as follows:

[Roll No. 489]

AYES—276

Abercrombie	Browder	Conyers
Ackerman	Brown (CA)	Costello
Allard	Brown (FL)	Coyne
Archer	Bryant (TX)	Cramer
Baesler	Callahan	Cremeans
Baker (LA)	Camp	Cunningham
Baldacci	Canady	Danner
Barcia	Cardin	de la Garza
Barrett (WI)	Chabot	DeFazio
Barton	Chapman	DeLauro
Bass	Christensen	Dellums
Becerra	Chrysler	Deutsch
Beilenson	Clay	Dickey
Bentsen	Clayton	Dicks
Berman	Clement	Dingell
Bevill	Clyburn	Dixon
Bishop	Coleman	Doggett
Blute	Collins (GA)	Dooley
Bonior	Collins (IL)	Doyle
Borski	Collins (MI)	Duncan
Brewster	Condit	Dunn
Durbin	Klink	Reed
Edwards	LaFalce	Regula
Ehrlich	LaHood	Richardson
Engel	Lantos	Riggs
English	Largent	Rivers
Ensign	Latham	Roemer
Eshoo	LaTourette	Ros-Lehtinen
Evans	Leach	Rose
Farr	Levin	Roukema
Fattah	Lewis (GA)	Roybal-Allard
Fazio	Lincoln	Royce
Fields (LA)	Lipinski	Rush
Fields (TX)	LoBiondo	Sabo
Filner	Lowey	Salmon
Flake	Luther	Sanders
Flanagan	Maloney	Sanford
Foglietta	Manton	Sawyer
Foley	Manzullo	Saxton
Ford	Markey	Schroeder
Fowler	Martinez	Schumer
Frank (MA)	Martini	Scott
Franks (NJ)	Mascara	Sensenbrenner
Furse	Matsui	Serrano
Ganske	McCarthy	Shaw
Gejdenson	McCrery	Shays
Gephardt	McDermott	Sisisky
Geren	McHale	Skaggs
Gibbons	McInnis	Skelton
Gilchrest	McIntosh	Slaughter
Gonzalez	McKinney	Smith (WA)
Goodlatte	McNulty	Spratt
Goodling	Meehan	Stark
Gordon	Meek	Stearns
Goss	Menendez	Stenholm
Green	Metcalf	Stokes
Gunderson	Meyers	Studds
Gutierrez	Mfume	Stupak
Hall (OH)	Miller (CA)	Tanner
Hall (TX)	Miller (FL)	Tate
Hamilton	Mineta	Taylor (MS)
Hancock	Minge	Tejeda
Harman	Mink	Thompson
Hastings (FL)	Montgomery	Thornton
Hefley	Moran	Thurman
Hilliard	Murtha	Torkildsen
Hinchey	Myrick	Torres
Hobson	Nadler	Torricelli
Hoekstra	Neal	Towns
Holden	Neumann	Traficant
Horn	Oberstar	Tucker
Hoyer	Obey	Upton
Hutchinson	Olver	Velazquez
Hyde	Orton	Vento
Inglis	Owens	Visclosky
Jackson-Lee	Pallone	Volkmer
Jacobs	Parker	Waldholtz
Jefferson	Pastor	Ward
Johnson (CT)	Payne (NJ)	Waters
Johnson (SD)	Payne (VA)	Watt (NC)
Johnson, E. B.	Pelosi	Waxman
Johnston	Peterson (FL)	White
Jones	Peterson (MN)	Whitfield
Kanjorski	Petri	Wilson
Kaptur	Pickett	Wise
Kasich	Pomeroy	Wolf
Kennedy (MA)	Porter	Woolsey
Kennedy (RI)	Portman	Wyden
Kennelly	Poshard	Wynn
Kildee	Rahall	Yates
Kingston	Ramstad	Young (FL)
Kleczka	Rangel	Zimmer

NOES—141

Armey	Chambliss	Funderburk
Bachus	Chenoweth	Gallegly
Baker (CA)	Clinger	Gekas
Ballenger	Coble	Gillmor
Barr	Combest	Gilman
Barrett (NE)	Cooley	Graham
Bartlett	Cox	Greenwood
Bateman	Crane	Gutknecht
Bereuter	Crapo	Hansen
Bilbray	Cubin	Hastert
Bilirakis	Davis	Hastings (WA)
Bliley	Deal	Hayworth
Boehlert	DeLay	Heineman
Boehner	Diaz-Balart	Herger
Bonilla	Doolittle	Hilleary
Bono	Dornan	Hoke
Boucher	Dreier	Hostettler
Brownback	Ehlers	Houghton
Bryant (TN)	Emerson	Hunter
Bunn	Everett	Johnson, Sam
Bunning	Ewing	Kelly
Burr	Fawell	Kim
Burton	Forbes	King
Buyer	Franks (CT)	Klug
Calvert	Frelinghuysen	Knollenberg
Castle	Frisa	Kolbe
Laughlin	Oxley	Solomon
Lazio	Packard	Souder
Lewis (CA)	Paxon	Spence
Lewis (KY)	Pombo	Stump
Lightfoot	Pryce	Talent
Linder	Quillen	Taylor (NC)
Livingston	Quinn	Thomas
Lofgren	Radanovich	Thornberry
Lucas	Roberts	Tiahrt
McCollum	Rogers	Vucanovich
McDade	Roth	Walker
McHugh	Scarborough	Walsh
Mica	Schaefer	Wamp
Molinari	Schiff	Watts (OK)
Mollohan	Seastrand	Weldon (FL)
Morella	Shadegg	Weldon (PA)
Myers	Shuster	Weller
Nethercutt	Skeen	Wicker
Ney	Smith (MI)	Williams
Norwood	Smith (NJ)	Young (AK)
Nussle	Smith (TX)	Zeliff

NOT VOTING—17

Andrews	Hefner	Ortiz
Brown (OH)	Istook	Reynolds
Coburn	Longley	Rohrabacher
Fox	McKeon	Stockman
Frost	Moakley	Tauzin
Hayes	Moorhead	

□ 1250

The Clerk announced the following pair:

On this vote:

Mr. Frost for, with Mr. McKeon against.

Messrs. MICA, KIM, and WALSH changed their vote from ''aye'' to ''no.''

Messrs. ALLARD, MCDERMOTT, HOBSON, PORTER, CHRISTENSEN, HALL of Texas, CHRYSLER, CONDIT, COLLINS of Georgia, and JONES changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. SHAW. Mr. Chairman, I move to strike that last word. I would like to take this opportunity to engage in a brief colloquy with the gentleman from Indiana [Mr. MYERS], the chairman of the subcommittee, to clarify the intent of the subcommittee to appropriate $150,000 to fund the Corps of Engineers' study for a 9.1-mile section of the Atlantic Intracoastal Waterway in Palm Beach County, FL.

I am very pleased that the subcommittee made the decision to fund this study, but due to the unique circumstances regarding this project, I believe it is necessary to clarify the congressional intent on how the Corps should proceed with this study.

Mr. MYERS. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. The gentleman has accurately portrayed this. We put it in the report accompanying H.R. 1905 and it directs the Corps of Engineers to do a reconnaissance study as to the waterway.

Mr. SHAW. That is correct. However, the traditional definition of a reconnaissance study is not adequate to describe the focus that is needed by the Corps to study this portion of the Intracoastal Waterway.

Mr. MYERS of Indiana. If the gentleman will yield further, no question about it. This thing has been studied to death. And there are a lot of projects like this. And the authorization goes

back to 1945. So we will be pushing, helping the gentleman clear this up.

Mr. SHAW. The chairman is absolutely correct. It was on March 2, 1945, that the Congress authorized the channel depth in this area of the Intracoastal Waterway to be 12 feet deep; however, over the years it was only dredged to 10 feet.

Mr. MYERS of Indiana. It is my understanding that because the project has already been authorized by the Corps, all that is necessary is a narrowly refocused reevaluation study to determine the economic viability at this time, and the $150,000 appropriation can be used for this purpose.

Mr. SHAW. Mr. Chairman, I thank the chairman very much for allowing me to discuss this project with him to clarify that it is the congressional intent that this $150,000 appropriation be used for a reevaluation study.

AMENDMENT OFFERED BY MR. VOLKMER

Mr. VOLKMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. VOLKMER: Page 16, Line 1 insert ''(less $8,000,000)'' before ''to remain''.

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

Mr. VOLKMER. Mr. Chairman, this amendment would strike $8 million from the legislation, from the appropriation, in order to remove the funds for the conceptual design and for the spallation source conceptual design at the Oak Ridge National Laboratory proposed there for Oak Ridge.

After the cancellation of the advanced neutron source, which we canceled out, the Department proposed ANS-lite, the spallation source, to provide work at Oak Ridge for the scientists whom DOE had promised the ANS.

It appears to me, when we look at this program, even though there may be some worthwhile end results if the project is carried out, at this time when we have the budgetary restraints that we have, I think we need to review these types of projects before they actually get started and say, now, is this really where we want to put our money and how much is it going to eventually cost and where are we going to get the money from to fully fund it, all the way down the road to carry out this project?

I am sure that nobody wants to sit here and start a project and then 2 years from now or 3 years from now when you have gone down that road and spent so much money, find out, hey, it is going to cost too much. That is exactly what ANS is all about, the advanced neutron source. That is what we did.

Should we do it again? I say no. I would say that we should not do it again. I really do not believe that we should use taxpayers' money to keep Federal employees, even though they may be real good scientists, some of them our best scientists, and other ancillary employees that assist them and work there, that we should be spending money to come up with scientific projects because their project which they thought they would be working on got canceled.

I believe that just like when we have base closings, just like when we cut back on USDA employees, everyplace else, that those Federal employees have to suffer like everybody else is going to have to suffer under these budgetary times.

The second thing I would like to point out is that it is projected that even though we may be just starting out with a design stage, $8 million for design, that it is projected that the total cost of this by the time you get through with construction and everything is going to be around $1 billion. It is $1 billion out of this budget, out of this appropriation. That has to come from somewhere, folks. Is it going to come from other research projects? Is it going to come from renewable resources? We just had a vote on that. That committee has already cut back. They did not like that amendment. Does it mean further cuts in those projects, in those type of programs, in that type of research? It is going to mean cuts somewhere in order to have a research program that is questionable as to whether we actually have to do it.

The other thing that really concerned me about this, it is supposedly because the ANS project was being done at Oak Ridge, that Oak Ridge is going to end up with this, too, even though there is no question about it that Los Alamos is a lot better equipped to do this if you are going to do it.

Why did the DOE not decide to let the various laboratories bid on it just like they do other projects? Why did they not say, let's open it up, let's have a bid on it, and let the various laboratories decide which one would do it. Oh, no.

The reason is, and I will go back to it, the reason is, it is a jobs program. It is a $1 billion jobs program from Oak Ridge, TN. They do not want their scientists to be unemployed.

I have a whole bunch of people out there, folks, that are not working. I have a whole bunch of them. If they are going to do this for scientists who make $100, $150,000, $200,000, $75,000——

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. Mr. Chairman, if we are going to do this in order to keep these scientists on the payroll rather than telling them that, ''Sorry, we're not going to do this, we're not going to expend this money to keep you on the payroll,'' we are going to keep them on the payroll, why do we not say, ''We're going to help the other poor people with school lunches, we're not going to cut back on Medicare for our senior citizens''?

No, no. No, no. It appears that right now they would much rather pay high-priced scientists to keep them on the payroll than it would be for other people in this country. I do not think that that is a very good idea. I never have.

□ 1300

I have said the same thing when it comes to military procurement; if we do not need a certain airplane or we do not need submarines or aircraft carriers anymore, I do not think we should keep shipyards in business. I do not think we should keep aircraft manufacturers in business just to keep people on the payroll.

But that is what this project does is keep people on the payroll down at Oak Ridge rather than say to them, ''No, you are going to have to go find a job elsewhere.''

Mr. WAMP. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand the proper intent of our colleague and friend from Missouri to save money and try to help us with this patriotic challenge to balance the Federal budget.

I tell you, we are at a critical time right now with this issue on this floor of the U.S. House of Representatives as we move forward to not make dramatic mistakes in this country. We have got to separate good sense from nonsense, and I will tell you right now, to say that scientific investment in basic research that will not be accomplished by the private sector, we know that anyone that knows, and I am not a scientist but I understand, and I know a lot of real good scientists, and I do represent Oak Ridge, TN, and I am proud some of the finest scientists in the world Nobel Prize winners, like Dr. Cliff Shull, in neutron science, are in Oak Ridge, TN.

I take great disagreement with the gentleman from Missouri in what he called a jobs program. This is about research in the areas of pharmaceuticals electronic materials, metallurgy, ceramics, chemistry, biology, superconductivity, condensed matter, physics, and let me walk you though briefly where we have been on this issue.

The advanced neutron sources was a major project. It was what President Reagan would call throwing the ball deep on staying ahead of the rest of the world with respect to research and technology. It was too expensive, sir. Maybe $3 billion, if it would have been built, a lot of money. It was also a nuclear-based, reactor-based project.

We had a nonproliferation problem that we were going to have to address with the reactor-based neutron project. This new project is an accelerator-based project, not a nuclear reactor-based project.

So you do not have the waste problem to deal with, and you have far less expense.

But here is the critical issue: We in the new Republican majority are trying to make statements about basic research versus applied technology, separating the role of the private sector from the critical need for the Federal Government of the United States of America to continue making basic investments so that we stay competitive globally, so we can, sir, save lives, and I mean that.

When you are talking neutron science, you are talking about potential cures for severe medical problems, major breakthroughs.

So, here, are we going to be just absolute libertarians that the Federal Government should even barely exist or not exist at all, or are we going to say in a very conservative budget balancing, stand firm in your conviction, so that the Federal Government has a legitimate role in certain key areas, and that is basic research? And this is at the most basic level, sir, a very good investment, and this is not particularly where this facility is going to be built. We have not selected where the neutron source is going to be built.

This is where the design is going to take place, and this is $8 million. Last year's budget for the ANS was $20 million. We are retreating from that because this is a time of belt tightening and budget restraint. We are doing that.

But we have got to continue the design in this direction so that we are prepared if this Congress makes the decision next year and the year after and the year after to go forward with the construction of this project to say this is where it should go.

I would respectfully disagree, strongly, that Los Alamos is the place for this project because we have been working on this project in Oak Ridge since the inception of neutron science.

Our national competitiveness is at stake. This project warrants our support. It is a small amount of money, and if we in this fever, and I am glad that the fever pitch is here, to balance the budget and cut spending, but this is where I will guarantee you this Congress is going too far if we just say let us just discontinue funding in all of our basic research efforts in science and technology in this country. We will live to regret this if we go forward with killing this initial design money.

The scientists and the technological community agree, including the leaders of the University of Missouri, where our sponsor of this bill hails, support this project.

I clearly believe we need to defeat the Volkmer amendment and stand up for the basic research that this Federal Government can do well.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this has been a very discouraging day in the House. I have watched peer review science being just put aside by this House in almost a mindless cannibalism of basic science programs. That is a very, very disturbing kind of thing.

If this country is going to move in important ways into the next century, the thing we need is new discovery and new knowledge. This Congress, on this floor today, is putting aside our commitment to the new discovery and that new knowledge, and we are doing so in almost a gleeful way. It is almost fun; you know. ''Here is a project that I do not understand the title of, so it cannot be worth anything. Let us just throw it away.'' And that is exactly what is happening out here today.

It is very discouraging because if this country is going to lead in the global economy, we had better be able to produce the new products of the future.

The gentleman from Missouri a few minutes ago talked about jobs. Where in the world does he think jobs are going to come from if we do not develop the new knowledge and new discoveries that make it possible to create those jobs? I mean maybe he thinks we can be a nation of hamburger flippers and so on that has no economic base to compete in the global economy. Maybe he thinks that is where we are going to find those jobs.

But this amendment, this amendment suggests we are going to go even further down the pike than we have gone before in terms of wiping out the commitment this Government and this Nation should have to basic science.

Now, I am the first to admit this is money we have spent in the name of science over the past years that has not been very good investment, and we ought to take care of that and we ought to make certain we prioritize science.

What we have said, as we prioritize, is that basic science ought to be our goal. This amendment goes after a core basic science program.

Let me tell you what the payoff could be in terms of jobs: Neutrons are an indispensable tool for research in nearly all areas of physics, chemistry, biology, health and materials. Much of the research using neutrons is important to fulfilling the scientific and technological missions of the Department of Energy and will have large technological and economic payoffs, particularly in fields like polymer technology, hydrogen-containing materials, high-temperature superconductors, and the structural studies of catalytic and biological materials. I cannot think of a thing more important in terms of this Nation in terms of developing products of the future and communication skills than to have high-temperature superconductors.

This is the underlying research we are talking about here to doing high-temperature superconductivity, and the gentleman wants to wipe it out, do away with it. I cannot imagine why that makes sense.

The fruits of neutron research will impact the development of new products such as high-tech plastics that are lighter and stronger, that are lighter and stronger than steel. It will allow us to build new generations of silicon chips for electronics. It means better computer disks and video tapes. It means better pharmaceuticals. It means high-performance magnets for motors, and transformers. Those are the things that are going to produce the jobs in the next century. In the knowledge economy of the next century, those are all the items where we are going to be the job generators of the future.

And we want to kill it on the floor today? We have killed off several other basic research programs that are going to take away from the future, and the gentleman from Missouri stands up and wants to kill off another one. It makes absolutely no sense. It is discouraging and disappointing.

If you really do believe that science has something to do with this Nation's ability to do the economy of the future, then, by golly, do not vote for this amendment, and stop voting for some of the rest of them that are out here that are mindless cannibalism of basic research.

It is time we stand up for the future, and this amendment is a regression into the past.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was just struck in listening to the gentleman who just spoke about his moral outrage at the cut of basic science.

Now, I share his concern that basic science can be a producer of jobs in the future, but to come on this floor and express the moral outrage that he expressed in this Congress' cutting basic science, I wish I could have heard him express the moral outrage when we cut in this House, based upon the Republican rescissions package, money for women and infants and childrens programs, money that goes to help pregnant women deliver healthy babies, and you are talking about making an investment in this country's future.

I will tell you where the Democrats make their investment. The Democrats make their investment in people, because we know in this country we are not going to be a strong country if we produce babies that are sick babies, who do not have the nutrition they need, but the Republicans did not express that moral outrage when it came to cutting the WIC program. The Republicans did not express the moral outrage when it came to cutting the Meals on Wheels Program or cutting the programs that help our senior citizens.

And this morning when we were in the well of the House speaking on the 1 minutes, I kept hearing how the Democrats refused to reform health care; the Republicans are stuck with cutting $280 billion from Medicare over the next 7 years, and when I spoke, I

spoke about Herb McCollock in my district who is going to be spending on average 100——

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. No, I will not yield.

On average——

Mr. WALKER. Will the gentleman not yield?

Mr. VOLKMER. The gentleman from Rhode Island has the floor. I would appreciate it if the gentleman would——

The CHAIRMAN. The gentleman from Rhode Island controls the time.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I would like to carry on.

Like I said before in my presentation, there is no question about it, ANS was ended because ANS was going to cost too dang much money. We already had spent millions of dollars on it; throw it away, throw it away.

But we had people on the payroll down there. We have got to keep them working. But we do not worry about, like the gentleman from Rhode Island says, we do not worry about young women that are out here going to have babies; because they are poor, tough, you are not going to get any help. We do not worry about the senior citizens in my district who are going to have to pay over $100 a month on Medicare part B in a few years under their program. We do not worry about them, because they are only getting $300 or $400 a month Social Security. You are going to take it and do that.

And you say, ''No, we need basic research.'' Yes, we need basic research. But, like I said, we have got to establish priorities.

Theirs is they want the scientists. They want them to have the money. I, like the gentleman from Rhode Island, I want to take care of the people that are here today that are suffering, and under your programs, they are going to suffer a heck of a lot more.

I do not see that as a very good priority. To me that is the question here today: Whether you want to keep scientists who make over $100,000 a year on the payroll or if you want to say ''no'' to them, and we are going to help other people out here, we are going to help that young mother that is going to have that baby so that she has a healthy baby, so that she does not have to have an operation or something in order to have that baby, so that she does not have to worry about it, so that she can get just plain old milk and help, you know, for the baby.

Why are my senior citizens, you know, the gentleman, the chairman, you come from a State that has a little cold weather. I have cold weather. But LIPEAP is gone. LIHEAP is gone, lower-income energy assistance. I did not hear the gentleman from Pennsylvania yelling about that. I have got senior citizens out home this winter, come this winter they are going to have a heck of a time. They are going to have to make a decision whether they want to eat or heat their house.

Yes, folks, they are going to have to make that decision. And yet you say let us pay today, let us pay $100,000, $150,000 to these scientists to keep them on the payroll. But you will not give me 1 penny, not 1 penny to help my low-income people pay heating bills this winter.

Well, folks, to me that also is a lot of what we are talking about here today. You can talk all you want about basic research. I am saying it is priorities.

I want to thank the gentleman from Rhode Island. He hit the nail on the head. We are interested in people.

□ 1315

Mr. THOMAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman from California [Mr. THOMAS] for yielding because I think we have just gotten the perfect explanation of the difference between the Democrats and the Republicans, the difference between the minority and majority, and thank goodness the American people, in their wisdom, have helped us have a majority that is in the right direction.

The difference is, and the two gentlemen, one from Rhode Island and one from Missouri, have just described it:

The Republicans are for knowledge. We are for science and knowledge. The Democrats are for welfare. The Republicans want to put money into trying to get new knowledge for the future so that we can produce the jobs of the future. The Democrats want to increase and expand the number of welfare checks we pay in the future. The Democrats believe that the way in which you advance into the future is to grow welfare programs bigger, and bigger, and bigger so that more and more people are not working, but are simply getting a check from Government, while what we want to do is grow the science of the country so that everybody can work in the future and we will have no need for welfare checks.

That is a big difference. We have having it defined on the floor.

The gentleman from Missouri [Mr. VOLKMER] has just perfectly described his amendment. His amendment is in favor of cutting back on the development of new discovery and new knowledge in favor of welfare checks. He wants to make certain that we have enough money to continue to pay welfare checks even if it comes out of the hide of the science programs needed to produce the jobs in the future. The gentleman says right now we want to focus on spending the money on the people here right now. We have already accumulated massive debt for the people in future generations, and what we are now saying is we want to continue to spend the money for all of that, continue to pile on the debt and hand them the bill in the future, and also hand them no new knowledge, no new discoveries, and, therefore no new jobs.

It is the perfect description of the difference between the two parties, the party of welfare and the party of knowledge.

Now I got to tell my colleague, ''If you think the next century is going to be the century where we are going to develop the welfare economy, the Democrats are your party, and they just defined themselves. If you believe the next century is going to be the knowledge economy, that we are going to have the information economy, then you've heard them describe the situation. You ought to vote against this amendment and then vote for expanding new opportunities for knowledge and discovery.''

This is the perfect prescription. I am glad we have had this debate. The gentleman from Rhode Island and the gentleman from Missouri have described it perfectly:

The Democrats, the party of welfare; the Republicans, the party of knowledge.

Mr. THOMAS. Mr. Chairman, I tell the gentleman from Pennsylvania another way of putting it is the old saying, ''You can either give a man a fish and feed him for a day, or teach him how to fish, and he can feed himself for the rest of his life.'' That is the question of opportunities. Pure science will provide us with those jobs of tomorrow or teaching people how to fish. Clearly this amendment is to give them a fish to feed them for a day. We ought to defeat it and teach them how to fish so that the opportunity for jobs tomorrow will be there.

Mr. OBEY. Mr. Chairman, I move to strike requisite number of words.

Mr. Chairman, we have not heard pure science. We have heard pure bunkum. Let me simply tell my colleagues what the real differences are between the parties as I see them.

Let me stipulate I think both political parties have had a fine tradition in this country. But I think there are some very distinct differences between our party today and theirs, and they do not have to do with who wants to write welfare checks.

I sat last night in the Subcommittee on Labor, Health and Human Services, and Education, and I saw that committee take a number of specific steps which cut the guts out of efforts to help middle-class working families, not welfare recipients, but people who work and sweat every day to make enough money to keep a decent living standard, take care of their grandparents, take care of their parents and worry about sending their kids to school at the same time. And I saw that subcommittee last night cut $2 billion dollars out of, not welfare programs, but education programs to provide help to local school districts. The

next biggest whack came at the expense of low-income elderly, disabled and poor kids, a billion and a half dollars cut from programs such as Healthy Start and Head Start. Head Start has been demonstrated to produce less welfare dependency, fewer pregnancies, and less high school dropout tendencies than kids that have not gone to Head Start programs.

The next biggest cut came in programs to train people to get them off welfare.

We hear people in this place talk out of both sides of their mouth and do a duplicitous routine, pretending they are really going to go after welfare. But then, when it comes right down to it, what happened last night is that they gutted virtually every program to help take people off welfare and get them into training programs and working programs. Example: displaced worker program.

Mr. Chairman, I ask my colleagues, how many of you voted for NAFTA? or GATT? I did not because that was an elitist rip-off of working American and working people, but what did they do? What did they do? They wind up, they wind up saying that for displaced workers—and these are not welfare cases—these are people who worked for 20 and 30 years, and now being put out of jobs and are asking after they paid taxes for a long, long time to finally get some of that money back in order to help retrain them for a decent job. And what did your party do last night in Labor-H? They cut the guts out of programs like that. Then what you have done, you have also attacked the NLRB. You made it easier for corporations to violate wage and hour restrictions. You made it easier for them to set up bogus pension systems. You made it easier for them to treat workers like cattle.

Mr. Chairman, I say to my colleagues, you bet you there is a difference between the parties. What is happening in this country is we are ceasing to be a country with a large and growing middle class. Fewer and fewer people are getting tickets into that middle class, and a whole lot more people who used to live like middle-class workers are now thinking of themselves as being lower-class workers, poor workers. And what is happening is, you are taking actions which seriously damage the ability of this society to stay tied together regardless of income because of your attack on working people, your attack on the poor. And yet you stand here, and you have done it on a number of votes today and yesterday, you have defended corporate welfare, all if it's for the nuclear industry. If it is for Westinghouse, if it is for GE, oh, my God, shovel the money out the door. We can't spend it fast enough.

It just seems to me there is a big difference between the parties. We all have our faults, and frankly we deserved to lose the last election because we were lousy salesmen, we fought among ourselves, and we got diverted on some issues we should not have been diverted on, and the public taught us a lesson. Frankly I think it was good for our party that they did, but my colleagues are misreading that election if they think that election produced a battle cry from the American people to cut working people, cut education, cut health care, cut Medicare, but oh, by all means, keep corporate welfare.

Baloney.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Chairman, I would like to point out to the gentleman from Pennsylvania who spoke earlier that this money does not go to welfare if this amendment carries. The money stays unspent. It does not increase the deficit; it reduces the deficit. So, if the gentleman is really interested in balancing the budget, he would vote for this amendment.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. OBEY] has expired.

(On request of Mr. VOLKMER and by unanimous consent, Mr. OBEY was allowed to proceed for 2 additional minutes.)

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Missouri.

Mr. VOLKMER. Got to remember we have got to borrow the money to spend this $8 million to keep these scientists on the payroll. That is what we are going to have to do.

Now it is not only corporate welfare who benefits. We heard the gentleman from Pennsylvania talk about all the things that will naturally flow from this basic research.

Impossible. It is a possibility; it is not a necessary. It is not that it will happen. It is a problematical out there. In the meantime we are spending all this money, and we are making the cuts.

I would just like to point out, and the gentleman mentioned I did not know this, that in the retraining programs under NAFTA, Mr. Chairman, they have cut that money? I just had a plant close in my district in the last month. In a small town the largest employer is going to Mexico; they are going to Mexico. Now, if they have gone ahead and proposed to cut those funds, I do not know what those people are going to do. That was our last hope, the only hope. There is no other plant out there. This is a farming community. We do not have another plant for them to go to work at.

Mr. OBEY. Reclaiming my time, Mr. Chairman, I would like to point out just one other thing.

The Federal Reserve, not exactly a left-wing pinko, Democratic institution. They have just completed their second study of wealth in this country; and what that showed is that in the 1980's we saw the richest one-half of 1 percent of American families increase their share of national wealth from 24 to 31 percent of the total national wealth. They increased their wealth by $2 trillion, more than twice as much as the national debt went up during that same period. And yet they want to give them more. They want to cut back on programs for working people to give tax cuts to people who make $200,000 a year, and then they want to defend themselves as defenders of the middle class?

What a joke.

Mr. VOLKMER. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Missouri.

Mr. VOLKMER. They also want to repeal the EITC, the earned income tax credit.

Mr. OBEY. Which raises taxes for lower-income people.

I say to my colleagues, you're real friends of the working folks; aren't you?

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, somehow we strayed away from the intent of this particular amendment, and the program that the gentleman's committee put in here got away to why we are in such straits we are today. I guess I am not quite the oldest person here, but pretty close to it. This House has spent 40 years spending itself into prosperity that the gentleman talked about.

Now we ask for a small investment here in our future, that we might be competitive in the world. I can recall 40 years ago as a teenager working for an industry. That industry is not here any more, and I say to the gentleman, Mr. OBEY, I didn't vote for GATT, I didn't vote for NAFTA. I don't know where that puts me; in no man's land I guess. But I am still concerned about the future. I am concerned, and this committee is concerned, about children, healthy children, women, and infant children, in another appropriation bill providing for them. But, if we do not have jobs in this country, if we are exporting all the jobs, importing all the products that we now import that we once produced in this country because we do not have the technology today to be competitive in the world, how are we going to pay the taxes to do these things you are talking about?

So I remember years ago we were in business, a family business. My dad wanted to cut everything out. No investment; he did not want to take any chances. Yet the money coming in the front door, but do not invest anything and get more people coming in the front door. I remember my dad was a great businessmen, better than I will ever be, but I tried to talk my dad into making some investment, and we finally did, and we did double the business.

So this is where we are today as a nation. Do we want to say we are going to save $8 million here, a drop in the bucket? I know it is a lot of money, but

a drop in the bucket when we are thinking about being competitive in the world. This is what we are trying to do here, provide this resource that we can provide the tools that industry can be more competitive in the world, and this is all we are asking for.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Indiana.

Mr. ROEMER. I would just say, and I feel fascinated, as my colleagues know, in listening to the debate, and, apart from the debate on the merits, on the scientific merits, and the research and so forth in this particular argument, I would encourage my colleagues on the floor and listening in their offices that, if we are going to have good technology jobs, many of which are at Oak Ridge, if we are going to have good scientific jobs in the future, we have got to support Head Start programs. We cannot cut those Head Start programs. That will be coming to the floor in about 2 weeks, as the gentleman from Indiana knows, but we certainly cannot be cutting title I funds. We certainly cannot be taking 60,000 young kids off of Head Start rolls. These kids are the future for the Oak Ridge Laboratories, and for national laboratories, and for our scientific base and for these good jobs that are going to lead this country forward in the 21st century.

So, I would say, if we are going to be consistent here, if we are going to invest in young people, and science, and basic research, I would say that when this Education, Labor, HHS bill comes up, I would hope that we would join together in a bipartisan way to support the educational endeavors in this country.

Mr. MYERS of Indiana. The gentleman from Indiana [Mr. ROEMER] is entitled to his opinion here. I am afraid he is putting the cart out in front of the horse here.

Mr. ROEMER. Mr. Chairman, would the gentleman yield one more time?

Mr. MYERS of Indiana. I yield to the gentleman from Indiana.

□ 1330

Mr. ROEMER. I do not think the horse is in front of the cart or the cart is in front of the horse at all. I think the two are directly interconnected. If you cannot invest in your people and education——

Mr. MYERS of Indiana. Where are these young people going to work? In Japan, Germany, Latin America, someplace, in GATT? Where are they going to work if we do not create the technology in this country? That comes first or you are not going to have jobs. They are not going to pay the taxes to do the things we want to do for the children. We want to do it, but you have to have the investments first.

Mr. ROEMER. If you cannot have the young people with the knowledge, skills and talent to work with this high technology, then you are going to have a problem.

Mr. MYERS of Indiana. Let us discuss that in a bill coming up in a couple weeks. We are talking about $8 million.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the gentleman from Pennsylvania.

Mr. WALKER. The fact is that would be one of the reasons why this Nation has a good education program, and we should continue to have a good education program, because we do pursue new knowledge and new discoveries. The fact is that the way in which we pay for most education is paid for at the state and local level through moneys gleaned from profitable businesses and from homeowners and all those people who profit from having real jobs.

Now, the fact is that when we go after the underlying new discoveries that will produce the jobs of the future, we are undermining our ability to continue to do all the good things that these gentlemen have talked about.

Mr. MYERS of Indiana. We spent 40 years doing it their way.

Mr. WALKER. Average middle-class Americans, the working man that we all want to support, deserve to have jobs not only now, but in the future. That is what this issue is all about here, is whether or not we are going to create those jobs for the new discoveries.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. VOLKMER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. VOLKMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 148, noes 275, not voting 11, as follows:

[Roll No. 490]

AYES—148

Ackerman	Doyle	Kaptur
Allard	Durbin	Kennedy (MA)
Baesler	Edwards	Kennedy (RI)
Baldacci	Engel	Kildee
Barcia	Ensign	Kleczka
Barrett (WI)	Eshoo	Klink
Becerra	Evans	LaFalce
Beilenson	Farr	Lantos
Bentsen	Fattah	Levin
Bonior	Fazio	Lewis (GA)
Borski	Fields (LA)	Lincoln
Brown (CA)	Flake	Lipinski
Chabot	Foglietta	Lowey
Chapman	Ford	Luther
Clay	Frank (MA)	Maloney
Clayton	Furse	Manton
Coleman	Gephardt	Manzullo
Collins (IL)	Geren	Markey
Collins (MI)	Green	Martinez
Condit	Hall (OH)	Mascara
Conyers	Harman	McCarthy
Costello	Hastings (FL)	McDermott
Coyne	Hinchey	McHale
Danner	Holden	McInnis
DeFazio	Hostettler	McKinney
DeLauro	Jackson-Lee	McNulty
Dellums	Jacobs	Meehan
Deutsch	Jefferson	Menendez
Dicks	Johnson (SD)	Mfume
Dingell	Johnston	Miller (CA)
Doggett	Kanjorski	Minge
Neal	Roybal-Allard	Thompson
Neumann	Rush	Thornton
Oberstar	Sabo	Thurman
Obey	Sanders	Torres
Olver	Schroeder	Towns
Orton	Schumer	Tucker
Owens	Sensenbrenner	Velazquez
Pastor	Serrano	Vento
Payne (NJ)	Shays	Visclosky
Peterson (FL)	Skaggs	Volkmer
Peterson (MN)	Skelton	Waters
Petri	Slaughter	Watt (NC)
Pomeroy	Stark	Waxman
Poshard	Stenholm	Woolsey
Rahall	Stokes	Wyden
Rangel	Studds	Yates
Reed	Stupak	Zimmer
Rivers	Taylor (MS)	
Roth	Tejeda	

NOES—275

Abercrombie	English	Lewis (KY)
Archer	Everett	Lightfoot
Armey	Ewing	Linder
Bachus	Fawell	Livingston
Baker (CA)	Fields (TX)	LoBiondo
Baker (LA)	Filner	Lofgren
Ballenger	Flanagan	Lucas
Barr	Foley	Martini
Barrett (NE)	Forbes	Matsui
Bartlett	Fowler	McCollum
Barton	Franks (CT)	McCrery
Bass	Franks (NJ)	McDade
Bateman	Frelinghuysen	McHugh
Bereuter	Frisa	McIntosh
Berman	Frost	McKeon
Bevill	Funderburk	Meek
Bilbray	Gallegly	Metcalf
Bilirakis	Ganske	Meyers
Bishop	Gejdenson	Mica
Bliley	Gekas	Miller (FL)
Blute	Gibbons	Mineta
Boehlert	Gilchrest	Mink
Boehner	Gillmor	Molinari
Bonilla	Gilman	Mollohan
Bono	Gonzalez	Montgomery
Boucher	Goodlatte	Moorhead
Brewster	Goodling	Moran
Browder	Gordon	Morella
Brown (FL)	Goss	Murtha
Brownback	Graham	Myers
Bryant (TN)	Greenwood	Myrick
Bryant (TX)	Gunderson	Nadler
Bunn	Gutknecht	Nethercutt
Bunning	Hall (TX)	Ney
Burr	Hamilton	Norwood
Burton	Hancock	Nussle
Buyer	Hansen	Oxley
Callahan	Hastert	Packard
Calvert	Hastings (WA)	Pallone
Camp	Hayes	Parker
Canady	Hayworth	Paxon
Cardin	Hefley	Payne (VA)
Castle	Heineman	Pelosi
Chambliss	Herger	Pickett
Chenoweth	Hilleary	Pombo
Christensen	Hilliard	Porter
Chrysler	Hobson	Portman
Clement	Hoekstra	Pryce
Clinger	Hoke	Quillen
Clyburn	Horn	Quinn
Coble	Houghton	Radanovich
Coburn	Hoyer	Ramstad
Collins (GA)	Hunter	Regula
Combest	Hutchinson	Richardson
Cooley	Hyde	Riggs
Cox	Inglis	Roberts
Cramer	Istook	Roemer
Crane	Johnson (CT)	Rogers
Crapo	Johnson, E. B.	Rohrabacher
Cremeans	Johnson, Sam	Ros-Lehtinen
Cubin	Jones	Rose
Cunningham	Kasich	Roukema
Davis	Kelly	Royce
de la Garza	Kennelly	Salmon
Deal	Kim	Sanford
DeLay	King	Sawyer
Diaz-Balart	Kingston	Saxton
Dickey	Klug	Scarborough
Dixon	Knollenberg	Schaefer
Dooley	Kolbe	Schiff
Doolittle	LaHood	Scott
Dornan	Largent	Seastrand
Dreier	Latham	Shadegg
Duncan	LaTourette	Shaw
Dunn	Laughlin	Shuster
Ehlers	Lazio	Sisisky
Ehrlich	Leach	Skeen
Emerson	Lewis (CA)	Smith (MI)

Smith (NJ)	Thornberry	Weldon (PA)
Smith (TX)	Tiahrt	Weller
Smith (WA)	Torkildsen	White
Solomon	Torricelli	Whitfield
Souder	Traficant	Wicker
Spence	Upton	Williams
Stearns	Vucanovich	Wilson
Stockman	Waldholtz	Wise
Stump	Walker	Wolf
Talent	Walsh	Wynn
Tanner	Wamp	Young (AK)
Tate	Ward	Young (FL)
Taylor (NC)	Watts (OK)	Zeliff
Thomas	Weldon (FL)	

NOT VOTING—11

Andrews	Hefner	Reynolds
Brown (OH)	Longley	Spratt
Fox	Moakley	Tauzin
Gutierrez	Ortiz	

□ 1352

Messrs. NEY, UPTON, SMITH of Michigan, COBURN, CUNNINGHAM, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from ''aye'' to ''no.''

Mr. RUSH changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV

INDEPENDENT AGENCIES

APPALACHIAN REGIONAL COMMISSION

For expenses necessary to carry out the programs authorized by the Appalachian Regional Development Act of 1965, as amended, notwithstanding section 405 of said Act, and for necessary expenses for the Federal Co-Chairman and the alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the Commission, including services as authorized by section 3109 of title 5, United States Code, and hire of passenger motor vehicles, to remain available until expended, $142,000,000.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the Defense Nuclear Facilities Safety Board in carrying out activities authorized by the Atomic Energy Act of 1954, as amended by Public Law 100–456, section 1441, $17,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, as amended, and the Atomic Energy Act of 1954, as amended, including the employment of aliens; services authorized by section 3109 of title 5, United States Code; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms, official representation expenses (not to exceed $20,000); reimbursements to the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft, $468,300,000, to remain available until expended, of which $11,000,000 shall be derived from the Nuclear Waste Fund: *Provided,* That from this appropriation, transfer of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further,* That moneys received by the Commission for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, including criminal history checks under section 149 of the Atomic Energy Act of 1954, as amended, may be retained and used for salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections estimated at $457,300,000 in fiscal year 1996 shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1996 from licensing fees, inspection services and other services and collections, excluding those moneys received for the cooperative nuclear safety research program, services rendered to foreign governments and international organizations, and the material and information access authorization programs, so as to result in a final fiscal year 1996 appropriation estimated at not more than $11,000,000.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, including services authorized by section 3109 of title 5, United States Code, $5,000,000, to remain available until expended; and in addition, an amount not to exceed 5 percent of this sum may be transferred from Salaries and Expenses, Nuclear Regulatory Commission: *Provided,* That notice of such transfers shall be given to the Committees on Appropriations of the House and Senate: *Provided further,* That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred by be merged with the appropriation to which transferred: *Provided further,* That revenues from licensing fees, inspection services, and other services and collections shall be retained and used for necessary salaries and expenses in this account, notwithstanding 31 U.S.C. 3302, and shall remain available until expended: *Provided further,* That the sum herein appropriated shall be reduced by the amount of revenues received during fiscal year 1996 from licensing fees, inspection services, and other services and collections, so as to result in a final fiscal year 1996 appropriation estimated at not more than $0.

NUCLEAR WASTE TECHNICAL REVIEW BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Nuclear Waste Technical Review Board, as authorized by Public Law 100–203, section 5051, $2,531,000, to be transferred from the Nuclear Waste Fund and to remain available until expended.

TENNESSEE VALLEY AUTHORITY

TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. ch. 12A), including purchase, hire, maintenance, and operation of aircraft, and purchase and hire of passenger motor vehicles, $103,339,000, to remain available until expended.

The CHAIRMAN. Are there amendments to title IV?

AMENDMENT OFFERED BY MR. KLUG

Mr. KLUG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KLUG: Page 25, line 6, strike ''$142,000,000'' and insert ''$0''.

Mr. KLUG. Mr. Chairman, this amendment that we have before us now, my colleagues, is an amendment offered by myself, the gentleman from Florida [Mr. GOSS], and also the gentleman from Utah [Mr. ORTON].

I would like to congratulate the chairman of the committee, the gentleman from Indiana [Mr. MYERS], and the hard work the committee did on making some very significant cuts already in the Appalachian Regional Commission. Established in 1965, the Appalachian Regional Commission provides additional money to 13 States, which, as you might take from the title, run along the Appalachian mountain range, stretching from New York on the north, through Pennsylvania, Ohio, Maryland, West Virginia, Virginia, Kentucky, Tennessee, North Carolina, South Carolina, and Georgia, Alabama, and Mississippi. Now, keep that list in mind, if you would, Mr. Chairman, because I suspect most of the speakers we will hear from on the other side of this issue, as luck would have it, happen to fall from the 13 States which are directly affected by this money.

Since 1965, we have spent more than $7 billion in the Appalachian region, trying to bolster economic growth in these 13 States. And I think to ask ourselves, Mr. Chairman, what have we gotten for that $7 billion of investment and why it is 30 years later we are still trying to fund the exact same programs?

What the Appalachian Regional Commission does is essentially allow 13 States in this country to double dip into infrastructure money, money to do economic development, and money also to do highway and water construction and projects like that.

I do not begrudge my colleagues for this additional help because clearly in 1965, when we first established ARC, there was a clear economic need that these States and many of these specific regions were disadvantaged compared to the rest of the country. But here we are again, 30 years later still spending millions of dollars trying to jumpstart the economy of 13 States.

I have to ask my colleagues from the Southeast, what is it that makes a community in Alabama or a community in Tennessee or a community from West Virginia or Virginia or New York that is poor different from a community in Wisconsin, or New Mexico, Oregon, or Idaho, or Utah, or whatever the case might be?

I think this was a well-intentioned program established in 1965. Frankly, it has long outlived its usefulness. While it was established in 1965, it did not take very long for President Nixon to put ARC on the radar screen, but the Nixon administration could not beat it. The Reagan administration tried as well, Mr. Chairman, back in the 1980's and found themselves equally unsuccessful. And I think this is the great challenge for this Congress.

As I was saying, there was an election last fall that I think challenged this Congress to a new mandate. The mandate was to make tough decisions about spending and to begin eliminating programs that could no longer be justified. The gentleman from Tennessee [Mr. QUILLEN] and I, Members of the Tennessee delegation, I think, will have a similar argument a short time on the Tennessee Valley Authority established back in the 1930's. And here we are with the Appalachian Commission established in 1965 to fund development money for these projects.

Now, listen to this, which, I think, is going to be interesting. There is little evidence that ARC has contributed to the long-term economic health of Appalachian. During the 1980's, there was strong economic growth in the Appalachian region. ARC's budget was cut by over 40 percent during the same period. And unbelievably, unemployment rates fell by 38 percent.

So there is clearly no correlation in ARC money with what is going on in those areas. It has to do with economic development and the growth of the country as a whole.

Now, let me point out some of the very important projects that we have managed to fund over the years with the Appalachian Regional Commission, beginning just back in February, when to develop the economic region of the country they paid—they did not pay; taxpayers paid—$750,000 to help the Carolina Panthers build a new football facility. We had a little team up in Green Bay called the Green Bay Packers. I have to tell you, there is not one Federal dollar involved in Lambeau Field. The Packers have been around since 1920. Why is it that the Federal Government is building football stadiums?

Along the way, we have also helped build the Alabama Music Hall of Fame, a program to attract German travelers to West Virginia, build an access road to a Pennsylvania ski resort, helped do a limestone cave display in Georgia. Let us go back to the athletic theme for a minute.

□ 1400

There was $1.2 million for the National Track and Field Hall of Fame and, of course, the NASCAR Hall of Fame, a study on the migration of the elderly, a grant to train workers for a BMW plant, and on and on the list goes.

So here we are, Mr. Chairman, $750,000 for a football stadium, billions of dollars for a region and hundreds of millions of dollars here in 1995. I would suggest to my colleagues in this House, although many of my colleagues from much of the Southeast may fundamentally disagree, the gentleman from Florida [Mr. GOSS], the gentleman from Kentucky [Mr. WARD], and I say it is time to put an end to the Appalachian Regional Commission.

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, now we know why the gentleman from Wisconsin [Mr. KLUG] is so opposed to the Appalachian Regional Commission. Is it the Carolina Panthers, in opposition to the Green Bay Packers, which motivates this gentleman to try to strike the entire Appalachian Regional Commission effort to end poverty in the most poverty stricken part of the country? Now we know the truth.

The real truth is the Appalachian Regional Commission works to end poverty in the most poverty stricken part of our Nation. Let me point out to the body that the poverty in Appalachia is intractable. Income in these areas is still 17 percent below the national average. The region's poverty rate is 16 percent higher than the national average. In areas like mine, the poverty rate is over 25 percent. Even with ARC funding, Appalachian counties receive 14 percent less in total Federal dollars than the rest of the counties of the State of the gentleman from Wisconsin [Mr. KLUG], even with Appalachian Regional Commission funding.

Many areas of the country have enjoyed the benefits of economic growth and expansion over many decades, but not Appalachia. Yes, on the edges there have been improvements over the years, and we are proud of that. That proves ARC works. However, there are still core counties in Appalachia that simply cannot make it without the work of the Appalachian Regional Commission. The ARC works the way I think the majority in this body would like for other programs to work. It is sort of like a block grant or Federal revenue sharing; local grassroots people involved in their problems getting their local officials involved first, then their Governor, then the Appalachian Regional Commission. All of the Governors support the ARC, Republican and Democrat, because it is the model for the future, a grassroots program with local, State, and Federal governmental involvement.

Mr. Chairman, the ARC funding in this bill has been cut in half. The chairman, the gentleman from Indiana [Mr. MYERS], and ranking member, the gentleman from Alabama [Mr. BEVILL], have done a superb job of reforming this agency. They cut the funding in half. Already ARC has been reformed.

No. 2, Mr. Chairman, the budget that passed this body contains $40 million more than this bill does. This bill is under the House-passed budget resolution, $40 million under it. It is one-half the current level, so already we have reformed, and we have cut and made it more efficient.

Mr. Chairman, please do not snuff out the life of this agency that is making so much of a difference in the lives of poor people, in a part of the country that has been ravaged by nature, by the loss of jobs in the coal and textile business, and others. Give us a chance. This organization works to help poor people help themselves from poverty. It works. Poverty rates have been halved in the region. Incomes have increased. High school graduates have doubled during this period of time.

The dollars are targeted to the most severely distressed counties, putting the money where it is really needed, in drinking water lines, sewer treatment for families without indoor plumbing, even in this day and age, and in health care clinics and hospitals in places that had none before, in job skills training for workers displaced from coal mines and textile shops, since closed.

Mr. Chairman, this appropriation bill continues the ARC, but as I have said before, it reforms it. It directs that the remaining moneys be focused on basic infrastructure and health needs. The gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the Committee on Public Works and Transportation, and the gentleman from Maryland [Mr. GILCHREST], chairman of the subcommittee, will later tell you that they have passed through the subcommittee a new authorization bill for the ARC. It will be authorized and modified and reformed.

The facts speak for themselves. ARC works. It is a model of a conservative nature, in my judgment, that marries the best of the voluntarism in the country with local, State, and governmental help, in order to help us to walk up the stepladder on our own. That is what we most desperately want.

I hope Members will oppose the Klug amendment. Help us keep the ARC alive. We have cut it in half. It is being authorized. It is underneath the budget resolution that has passed both bodies of the Congress now, House and Senate. Please give us a chance to help ourselves. Oppose Klug.

Mr. BROWDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. My friend, the gentleman from Wisconsin [Mr. KLUG], has raised some good questions, as he has on other amendments. However, I think the gentleman from Indiana [Mr. MYERS] and the gentleman from Alabama [Mr. BEVILL] have dealt with these questions, and they have crafted a very good package for us to continue this program. The gentleman from Kentucky just stated some very strong arguments in favor of the ARC.

The ARC's mission is to equip Appalachian citizens with entrepreneurial skills and enterprise development resources they need to create self-sustaining local economies where people take control over their own economic

destiny and contribute as taxpayers to the national economy.

Mr. Chairman, I know a lot of people from the rest of the country may have questions about this program, so I would like to enter into a colloquy with my colleague, the gentleman from Alabama [Mr. CRAMER], who shares our interest in this program in Alabama.

I would ask the gentleman, Mr. Chairman, would the gentleman agree with me that ARC is a proven example of an effective Federal, State, and local partnership that has had a dramatic effect in improving the lives of Appalachian citizens?

Mr. CRAMER. Mr. Chairman, will the gentleman yield?

Mr. BROWDER. I yield to the gentleman from Alabama.

Mr. CRAMER. My colleague from Alabama is correct, Mr. Chairman. ARC, as was stated by our colleague from Kentucky, has helped in slashing the region's poverty rate in half. We have cut the infant mortality rate by two-thirds. We have reduced unemployment rates as well. However, despite these successes, this region still has very much economic needs and unmet needs. We have 399 counties that are classified as severely distressed under ARC and 115 of those counties are still severely distressed. We have come a long way, but we have not come the way that we need to go. That is why this amendment is not justified at this time.

As was pointed out by my colleague, the gentleman from Kentucky, is the gentleman from Alabama aware that this Committee on Appropriations has already cut ARC funding by 50 percent from fiscal year 1995 funding level?

Mr. BROWDER. I am aware of that cut, Mr. Chairman. That is why I cannot support a further cut that would place a heavier burden on some of the most distressed communities in the country.

Mr. CRAMER. If the gentleman will continue to yield, Mr. Chairman, this is not the time that Congress should consider further reductions. The Committee on Public Works and Transportation, finally referred to as the Committee on Transportation and Infrastructure, is completing oversight hearings over ARC. We are in the middle of that oversight review.

This will be a 5-year reauthorization bill that would reform and in fact streamline ARC. This bill eliminates some of the Commission's activities and better targets its resources to the areas of greatest need. One important aspect of ARC is that it is a bipartisan program. At least it has bipartisan support.

Our Governor there in Alabama, Fob James, has stated that ARC is unique in that it is a shared partnership of Federal, State, and local governments. As such, he says ARC provides flexibility to address the needs of the people, and allows Governors and local governments to set priorities, so it is one of the few programs that is responsive to local and State needs. We only request that this program be retained and other programs in fact modeled after it.

Mr. BROWDER. Governor James' statement is right on point, and ARC is responsive to local and State needs and should be retained, Mr. Chairman. I thank the gentleman from Alabama [Mr. CRAMER] for his time in support of ARC. I am sure that my friend, the gentleman from Wisconsin, after hearing this colloquy, wants to withdraw this amendment and let us move on with this very deserving program. I thank the gentleman from Alabama.

Mr. CRAMER. I thank my colleague from Alabama for his interest and support for a program that has as its mission to help communities create self-sustaining economies.

Mr. WICKER. Mr. Chairman, will the gentleman yield?

Mr. BROWDER. I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Chairman, I think it might also be interesting to point out, in addition to what the gentleman from Alabama just said, that a lot of other solid conservative Governors who are in favor of cutting wasteful spending have given wholehearted support to the Appalachian Regional Commission. Governor George Pataki of New York, Governor George Allen of Virginia, Governor Don Sundquist of Tennessee, Kirk Fordice of Mississippi, have all given the ARC their ringing public endorsements, because they realize that ARC is an example of a proven program which works, and works well. I thank the gentleman for yielding.

Mr. BROWDER. I appreciate the comments from my friend, the gentleman from Mississippi. I think that demonstrates widespread support for this program.

Mr. SHUSTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to this amendment. We have not been a bit bashful in the Committee on Transportation and Infrastructure to move to kill agencies, to move to substantially downsize and to streamline. We are killing the ICC, we are substantially downsizing and streamlining the Federal Maritime Commission, we are in the process of imposing tough reforms on Amtrak in order to see if it can be saved.

GSA, we have stopped the construction of courthouses. We are saving hundreds of millions of dollars through actions on our committee. Indeed, when we looked at the Appalachian Regional Commission, as I said, we have asked ourselves with all of the programs under our jurisdictions, ''What can we do here to change this program?''

I really came to two conclusions. The first conclusion was that this kind of a program is in many respects a model program. This is the kind of a program we should be urging the Federal Government and the States and the localities to adopt as a model. Why? Because the decisions are not being made by a bunch of bureaucrats here in Washington, but are being made by local officials and State officials in cooperation with the Appalachian Regional Commission, which, indeed, as Members may know, is controlled in large measure by the 13 Appalachian Governors.

I would remind particularly my Republican friends that 8 of those 13 Governors are Republican Governors, and all of them, all 13, have communicated to us their vigorous support of this program, because it is a program that works.

My good friend, the gentleman from Wisconsin, has talked about the boondoggles. He is right, there have been some boondoggles. There is a need for reform. That is precisely what we have done in our committee. We have changed. We have tightened up. We have said that ''if you are a severely distressed county, then you qualify for help, but if you are not a distressed county, you do not get any help.''

We have not only tightened the requirements, we have cut by $100 million a year, $500 million over the life of the next 5 years, a reduction of spending, so we have stepped up to the plate. We have reformed an already outstanding program. We have reduced spending by $500 million.

My good friend, the gentleman from Wisconsin, says there is no evidence that the program works. The National Science Foundation studied it and released a report where they compared distressed counties in ARC with distressed counties that are not in ARC. What was their conclusion, not my conclusion, their conclusion? That there was a 48-percent faster economic growth rate in the severely distressed counties in the Appalachian region compared to the ones that are not in the Appalachian region. If anything, this suggests that we should be looking at this as a model program if we want to help severely distressed counties across America.

Indeed, there has been substantial progress, and that is why many of the counties in the ARC region no longer qualify under our tightened requirements. That is why only the distressed counties will be the ones which will be supported, and indeed, of the 399 counties in the Appalachian Regional Commission, virtually all of them were distressed counties 20 years ago. Today 115 of them are distressed counties.

There has been very, very substantial improvement. However, the fact remains that many of these counties are severely distressed, and as has been pointed out, the counties in the Appalachian Regional Commission, even with this ARC support, receive 14 percent less Federal funding than other counties like the counties from Wisconsin, of my good friend who has offered this amendment. Therefore, there is still a need. This is a model program. We should be vigorously supporting this program.

Mr. Chairman, I would like to close by quoting a letter from the 13 Appalachian Governors who strongly support this; indeed, a letter from Tom Ridge, Governor of Pennsylvania, a former Member of this House, who says, ''The governing structure of the Appalachian Regional Commission serves as a significant model for how the national and State governments can work together in the administration of Federal funding programs.''

In summary, there is a need for ARC; the program works. There has been abuse; we have reformed it. The ARC authorization bill provides those reforms. We have cut $500 million in spending over the next 5 years. We are doing what the people sent us here to do. That is to streamline, to reform, to reduce spending, but also to continue supporting the building of needed infrastructure for America, particularly in the pockets of poverty for America.

For all of those reasons I would urge my colleagues to join us in a bipartisan effort to defeat this amendment and support this very worthy program.

□ 1415

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. SHUSTER] has expired.

(On request of Mr. KLUG, and by unanimous consent, Mr. SHUSTER was allowed to proceed for 2 additional minutes.)

Mr. SHUSTER. I yield to the gentleman from Wisconsin.

Mr. KLUG. I just want to understand, tell me what it is in 1995 that makes a distressed county in Pennsylvania or West Virginia or Alabama eligible for funds when the same distressed application does not apply to the other 37 States?

Mr. SHUSTER. I thank the gentleman for this question. It is an excellent question. The reason why this should be supported is because we are not talking about an isolated county but we are talking about a region of America that has been severely disadvantaged. Indeed if my friend from Wisconsin wants to come to our committee and say that there needs to be a Great Lakes Commission, or whatever you would like to call it, to accomplish the same kind of thing that we are doing for the Appalachian Regional Commission, I welcome you to do that. I will support this kind of an effort.

No matter where we find these pockets of poverty in America, we should be doing the kinds of things that we are successfully doing in the Appalachian region. I would be very happy to support him in extending this kind of a program to other pockets of poverty across America. It is a great idea, and I welcome the gentleman to come to our committee.

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Maryland.

Mr. GILCHREST. I would like to make a comment, not only is it pockets of poverty in a particular region but a program like the Appalachian Regional Commission is way ahead of its time. We know it has been in effect for a few decades now. This is the kind of program that we want to use Federal dollars because it is Federal-State combination dollars. It leverages money. For every dollar we put down there, the Federal Government is going to get back $5 in taxes. But it is a model program.

We talk about block-granting programs, how can the Federal Government help these local communities in a much more efficient manner. The Appalachian Regional Commission is that model program.

Mr. KLUG. I ask the gentleman from Maryland [Mr. GILCHREST], are these counties not already eligible for public works money and for economic development money? What I do not understand is how these 13 States are somehow different from the rest of the world.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, several years ago when I chaired the Economic Development Subcommittee in partnership with my good friend, the gentleman from Pennsylvania [Mr. CLINGER], we held hearings here in Washington and throughout Appalachia and elsewhere around the country in distressed areas. One of the witnesses, the mayor of Sneedville, KY, said to the committee, ''Before the Appalachian Regional Commission came along, we were so far down, we had to look up to see bottom.''

What characterized Appalachia for the nearly 100 years before 1965 was 80 acres and a mule. It was isolation.

You have heard about the hills and the mountains of Appalachia. People being isolated. It would take 30 miles for one community to visit another, to go around through the hollows. And why there were generations of intestinal illness from people drinking their own sewage because of the hard pan that would not allow the sewage to filter through, and they needed advanced sewage treatment systems and they could not afford them.

You have head about the domination of King Coal throughout the Appalachian region, and the whole purpose of ARC was to break that domination, to break the isolation, to build roads, to provide communication, to provide access to markets, to give people an opportunity, to build clinics, to provide health, to build the educational/vocational training centers and the health clinics, to give them an opportunity to get out from looking up to see bottom.

At the time the Appalachian Commission was created, the people throughout the 13-State region averaged 45 percent of the average national income. Forty-five percent. After 20 years of ARC, they were up to 82 percent of national income.

The previous speaker talked about growth in Appalachia during the 1980's. That was because of the investments made during the 1960's and the 1970's. That was because there were wise investments made, job opportunities created, industrial parks developed, vocational training centers developed, and skills and jobs came to Appalachia.

At Tennessee, we heard from Tilda Kemplin, director of a day care center, a day training center for children of poor families, who talked about how they had elevated the level of education of these children who had little children who had little opportunity.

In concluding her statement, she said, ''Gentleman, when you go back to Washington, please try to look over the top of the dollar and don't see George Washington but see a child. See a child whose life has been rebuilt and reborn.''

That is what Appalachia is all about. Sure, you can go around and you can pick up any number of projects and say, oh, that was a waste, building a stadium, building this and building that. But that is your judgment. That is a Washington judgment. Those projects were decided by people who live in the area, who have suffered with poverty, who have lost jobs, who made a decision based on a plan of economic development on what suits them best, what can help them grow. That was a local decision. You are going to say, ''We are going to substitute our judgment for yours''? No. That is wrong.

We have made changes in the way the Appalachia Regional Commission functions. During the time when I was chairman and the gentleman from Pennsylvania [Mr. CLINGER] was the ranking Republican, we brought that bill to the floor. We have reformed the way the Federal Economic Development Administration operates, changed the eligibility standards to terminate those counties that were grandfathered in to require new ways of determining eligibility, and those bills have passed this House on a basis of 4-to-1 votes during the Reagan administration, the Bush administration, on a bipartisan basis, because people realized that this is a commission that works, this is a program that helps people, this is a program that gets to the real needs, helps create real jobs and lift people out of poverty.

It was in West Virginia that we went to, I think it was Martinsburg, WV, where we held a hearing, and the mayor of the city took us to his little store and in back of the cash register on the wall hung a sign that said, ''God Never Put Nobody in a Place Too Small To Grow.'' God never put nobody in Appalachia to be condemned to a life of poverty.

Mr. Chairman, we are a country. We worked together to build America. Let's work to build Appalachia.

Mr. BUNNING of Kentucky. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Klug amendment to eliminate funding for the Appalachian Regional Commission.

It is an amendment whose time has not come.

The energy and water appropriations bill that we are considering today already reduces Federal spending on ARC by $142 million for fiscal year 1996.

That is a real cut of 50 percent.

Sometimes in Congress we confuse the issue of cuts in spending by talking about cuts that are not actually cuts. They are just reductions in estimated future spending increases that really are not cuts at all. They are only imaginary.

That is not the case with ARC in this bill. H.R. 1905 reduces ARC spending from $282 million for fiscal year 1995 to $142 million for fiscal year 1996.

The Klug amendment proposes to go further and completely eliminate ARC. Plain and simple, this is just a bad idea.

For the poverty-stricken areas in Kentucky and the other parts of Appalachia that ARC helps, a 50-percent cut is a very, very tough hit. To wipe out ARC completely would be nothing short of disastrous.

Even now when we are finally making the tough reductions in spending necessary to balance the budget, there are scores of other Federal programs that are not getting cut by 50 percent of anything near this figure.

But we are asking ARC beneficiaries, some of the poorest and neediest people in America, to take a 50-percent hit. They are already doing their fair share and more in helping Congress to get the Nation's fiscal house in order.

Trying to up the ante to a 100-percent cut like the Klug amendment proposes literally adds insult and further hurt to an already aching injury.

The Appalachian Regional Commission is one of those rare Government programs that get results. Because of ARC, infant mortality rates in Appalachia are down 67 percent. ARC spending on education has helped double high school graduation rates.

ARC has helped put in roads to link lonely, isolated areas. It has built water treatment plants for communities that could not treat their sewage.

I know personally that in Kentucky ARC has made a real difference in the essential quality of life in the most impoverished areas in my home State.

Everyone knows that Federal agencies have to tighten their belts if we are going to balance the Federal budget. And under this bill ARC has tightened its belt plenty.

But if the Klug amendment passes, we would be tightening the belt so much that we would end up strangling the victim.

The Klug amendment asks us to take from the poorest of the poor. It is that simple. ARC is an agency that helps some of our neediest communities, and to kill it now would be a sad setback.

We are already cutting ARC funding by 50 percent. Half of the loaf is gone. It would be a sad day if we were to adopt the Klug amendment and take the other half away.

Mr. Chairman, I do not think that there are many Members of the House who have a stronger record than I do on cutting Government spending. But the Klug amendment is one proposal that goes too far.

It does not slice off the fat of Government spending. It does not just cut into bone. It rips the heart and soul out of the program. It is a wholesale amputation.

I strongly urge a ''no'' vote on the Klug amendment.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I represent a place a long way from Appalachia, and I do not serve on this committee, but I wanted to rise today in support of the Appalachian Regional Commission and in support of my colleagues who understand how well it works. Both Republicans and Democrats will defend the results of the good work of this Commission.

I also rise because I want to talk about a couple of matters of the atmospherics in this House and in America which occasion amendments like this.

One of the atmospherics, it seems to me, that is beginning to seep into this Chamber is, if it is more than a couple of decades old, it is bad and it does not work anymore. Despite the fact that the data and the facts and the statistics and the evidence may show otherwise, too many people, sometimes a majority tragically in this Chamber, just go by the criteria that ''if it's more than two decades old, we've got to get rid of it, it doesn't work.'' I think that is wrong on the face of it. Let's not govern that way.

When I was first elected 17 years ago and I went to a Kiwanis or Rotary meeting, they were having a retirement lunch for a woman who had been directing that county's welfare office for I think close to 30 years.

□ 1430

She was one of the first welfare department employees in America, and I will never forget, she said this in her little remarks, this wonderful elderly woman, she said, ''When I first went to work in this job 40-some years ago,'' she said, ''I asked how long will this job last,'' and she said, ''My boss at that time said, 'Well, until the Depression goes away.'' And she looked out at those Rotarians, and she smiled, and she said, ''You see, for thousands of people in this country, the Depression has never gone away.''

Well, that is what the Appalachian Regional Commission is about. For a lot of folks in Appalachia, the problems have not gone away. They are new to them. They are new to poverty, and this program will help lift them out as it helped their predecessors come out.

Just because it is old does not mean it does not work.

There is another atmospheric that occasions amendments like this. Let me close by mentioning that. There have been in my lifetime two great political slogans. One came in the 1960's and the other one in the 1970's. The one in the 1960's was when a young President stood out here on the East Front and said, ''Ask not what your country can do for you, ask what you can do for your country.'' The other great political slogan of my lifetime came in the 1970's when another President looked at America through that window, that eye of the television camera, and during a Presidential debate said, ''I will tell you what the question is, my fellow Americans: Are you better off than you were 4 years ago?''

Now, those are two very different Americas. I will take Jack Kennedy's. Support the Appalachian Regional Commission.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I reluctantly rise in opposition to my good friend from Wisconsin, but I would like to make a couple of quick points.

We all know that for every dollar that the U.S. Government spends, we do not often get that money back, but if we look at a program like the Appalachian Regional Commission, and when we spend a dollar on this particular program, very often we get at least $5 back into the Federal Treasury as a result of the infrastructure created that attracts new jobs. So I think as a program, it is powerfully positive for a region that is deserving and needs it.

The other comment is, what is the difference between the Appalachian region and some other areas of the country? My district is not in the Appalachian region. We do not have any mountains. We are not isolated. So we get no money from ARC in the first district of Maryland.

If you go to places like my good friend from Kentucky has described, and other regions of Appalachia, places like Turkey Fork, Stinking Creek, or Hell for Certain, these places are so mountainous the rivers and creeks and streams barely have room to meander through them.

What did we do with the interstate highway plan when we created that in the 1950's? We did not go through the Appalachian region, because it was too mountainous. We have decided to do that for a couple of decades with the ARC, and the highway program that can bring jobs to that community is 75 percent complete. Let us hold onto this for just a few more years.

The poverty rate is down. Infant mortality rate is down. This is a good program. It is the type of program that we want the Federal Government to be involved in.

If you are fiscally conservative and you are sensitive to the needs of people, you will vote for the ARC.

Mr. CLINGER. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Chairman, I thank the gentleman for yielding.

The gentleman from Wisconsin mentioned some egregious examples of things that may have been funded by the Appalachian Regional Commission, and nobody is here to defend those projects.

I think the chairman of the Committee on Transportation Infrastructure has indicated we have undertaken numerous reforms that are going to tighten criteria for the Appalachian Regional Commission. What the gentleman from Wisconsin did not mention, however, are the many, many accomplishments the ARC has created and the job opportunities created by ARC.

Projects which have been funded by the ARC over the last 10 years are projected to create 108,000 new jobs and to help retain 80,000 more jobs. I think these are the kinds of statistics, the kinds of criteria we need to look at.

As the gentleman from Maryland has said, the highway system which really is the lifeblood of any area, if you do not have transportation in and out of your area, you are never going to be able to grow or have any kind of economic growth. We have got that system nearly completed.

The poverty rate, as has been mentioned, has been cut in half, from 31 percent to 15 percent. Infant mortality rate has slowed dramatically. We have created water and sewer systems. These are not boondoggles. These are not goldplated projects. These are the lifeblood of the community to be able to have decent water and sewer systems.

Health care, a network of more than 400 Appalachian Regional Commission-funded primary care clinics and hospitals now serve over 4 million Appalachians a year. Again, these are facilities that did not even exist in the most depressed, most hard-bitten area of our entire country.

We have had jobs skills training, small-business assistance; there have been a myriad of programs that really have made a difference that have not been boondoggles.

The gentleman from Wisconsin said you have done it all, but the fact is the job still remains to be done.

I think what needs to be emphasized here is Appalachia is not receiving any kind of special dispensation or any kind of extra help. As a matter of fact, they are disadvantaged below the rest of the country now. They actually receive less in terms of Federal funding than any other region of the country, even with the Appalachian Regional Commission help.

But as has been indicated, there is work left to be done. The highway program is not yet complete. Per capita income is still 17 percent below the national average. The poverty rate is 16 percent higher. These are disturbing statistics.

Appalachia has made a dramatic difference, but the work needs to be continued and completed.

I thank the gentleman very much for yielding and urge a ''no'' vote on the amendment offered by the gentleman from Wisconsin.

Mr. GILCHREST. I thank the gentleman for his statement.

One quick comment to the gentleman from Wisconsin: When we had the hearings on the Appalachian Regional Commission, I asked for a plan; what are we going to need to stop funding this type of program for Appalachia to come up with the rest of the country, and they have gotten to work on finding a way so that within the next 4 or 5 years this particular program will not be needed. It is a different region. The funds are necessary to complete the task. There is a plan to do that.

I urge my colleagues to vote against the amendment.

Mr. KLUG. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from Wisconsin.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. GILCHREST] has expired.

(At the request of Mr. KLUG and by unanimous consent, Mr. GILCHREST was allowed to proceed for 1 additional minute.)

Mr. KLUG. If the gentleman will continue to yield, I say to the gentleman from Maryland [Mr. GILCHREST], you took some time off before you joined me here in Congress in 1990 to work out West. Is that right? Where did you work?

Mr. GILCHREST. I worked within a designated wilderness area in the Bitterroot Mountains of northern Idaho.

Mr. KLUG. So there are mountains in Idaho as there are mountains in Washington, and Montana, Wyoming, Colorado, Utah? These may not be quite as colorful.

Mr. GILCHREST. Reclaiming my time——

Mr. KLUG. What is the difference?

Mr. GILCHREST. Reclaiming my time, let me make a distinction. Do you want to know the distinction between the Bitterroot Mountains of Idaho and the Appalachian region, the Blue Ridge Mountains and this region, the difference is the Bitterroot Mountains, and I will make a distinction with Idaho, it is a national forest, a designated area where there are very few people. There are mostly elk, bear, and so on. In the Appalachian region, in an area that has been so eloquently described by a number of Members here, is a different area because of its geography, but it is also different because you have people there.

Are you going to ask people in the area where the 25 percent of the highway has not been completed so we cannot bring jobs there, they are all going to have to move, or are we going to leverage a few dollars to create jobs for these folks?

Mr. ORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a cosponsor of this bipartisan amendment, I am pleased to join my colleagues, the gentleman from Wisconsin [Mr. KLUG] and the gentleman from Florida [Mr. GOSS], in offering this amendment to eliminate funding for the Appalachian Regional Commission.

Let us be clear about what this amendment is all about. If we cannot eliminate programs like the Appalachian Regional Commission, we are sending a clear message to the American public that we are not serious about eliminating duplicative Federal programs, and we will be sending a message that we are not serious about ending old-fashioned pork-barrel programs that benefit narrow geographical interests.

That is why both the National Taxpayers' Union and Citizens Against Government Waste have endorsed this amendment.

Earlier this year the Committee on the Budget, which I sit on, passed a resolution that proposed the termination of the Appalachian Regional Commission in the next fiscal year. To quote from the committee report, it says,

> There is little evidence that the ARC can be credited with improvements in the economic health of Appalachia. The programs supported by the ARC are duplicative activities funded by other Federal agencies such as the Department of Transportation's Federal Highway Program and the Department of Housing and Community Development block grant program.

Thus, like many other deficit hawks in the House, I was shocked and amazed to see the appropriations bill come out of the committee with continued funding for ARC at levels of $142 million next year.

How can we face the taxpayers of this country and tell them that we should delay our rate of deficit reduction in order to fund this duplicative, parochial program? How can we face our senior citizens and tell them that we are making cuts of almost $300 billion in Medicare over the next 7 years so that we can accommodate programs like this that benefit only a few selective geographical areas?

Finally, I would like to conclude by quoting the final sentence of the House budget resolution committee report, which argued for termination of the Appalachian Regional Commission,

> The ARC provides resources to poor rural communities in areas that are no worse off than many other areas outside the Appalachian region and, therefore, no more deserving of special Federal attention.

Like many other Members, several of these poorer communities are in my district. They are no less deserving of assistance just because they are not located in Appalachia, and I will give you a specific example: San Juan County, UT, is in the top 10-percent poorest counties in the United States, the top 10-percent highest unemployment rate in the United States, the top 10-percent youngest counties in the United States. This county is not eligible for any funding from the Appalachian Regional Commission to help fund their schools or their economic development projects or their highway systems.

The real question here now, and I admire my friends, the gentleman from Minnesota [Mr. OBERSTAR] and the chairman of the Transportation Committee, and they have eloquently described what benefit this Commission has provided to the poor in those communities. This is not a question of whether the ARC has provided a benefit. This is not even a question as to whether or not the Federal Government can and should be involved in providing economic assistance to poor communities, and there are many in this body who believe that the Federal Government has absolutely no role whatsoever in doing that.

But even if they assume it does have a role in doing that, why is the role limited to a regional area? Why do we not have such a program that says, ''Let us identify the 25 or 30 poorest counties in the Nation and provide assistance to those counties even though they are not in Appalachia?''

Now, the chairman of the subcommittee said to the gentleman from Wisconsin [Mr. KLUG], ''If you wish to create the Great Lakes Regional Commission, come on in, I would support you.'' How about the Mountain States Regional Commission? How about a regional commission in the Northwest, where they have been hit terribly by logging declines? How about the central farming States that have been hit terribly?

Now, for those of you in this body who believe that the Federal Government ought to be expanding and creating more commissions to pump more Federal dollars into local communities, then you will vote against this amendment. If you believe that even though we ought to be helping poorer communities we ought to help them on the basis of need and not geographic location, you will vote for this amendment. If you believe the Federal Government has no role in providing that assistance, you will vote for this amendment.

The CHAIRMAN. The time of the gentleman from Utah [Mr. ORTON] has expired.

(On request of Mr. RAHALL, and by unanimous consent, Mr. ORTON was allowed to proceed for 2 additional minutes.)

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. ORTON. I yield to the gentleman from West Virginia.

Mr. RAHALL. Mr. Chairman, the gentleman makes an excellent point for the ARC by the example he uses that the ARC has been helpful to regional and local economies in the Appalachian region.

The EDA is now trying to take that same example and, by the reforms we are helping the EDA to make, take the successes of the ARC and spread it across the country and help regions such as the gentleman points out in Utah. But let us not zero out the ARC. It has been so successful by involving local communities at the grassroots level, taking their input and bringing it up; a bottoms-up effort. That is exactly what we ought to be spreading to the EDA as the gentleman points out.

Mr. ORTON. The gentleman really raises the crux of this whole debate. If, in fact, this body believes that we should go out and expand the concept, create more regional commissions, fund it with Federal dollars, and put the money into those regional commissions for these kinds of programs, then, in fact, they should vote against the Klug amendment. But in so doing, you have to make a choice. That means we are going to be spending not $147 million. We are going to be spending billions of dollars in putting money out into all of those other regional commissions and communities, and if we are going to do that, you have to pay for it or you are going to borrow the money from the future by increasing the deficit, and so if you are going to pay for it, you either have to pay for it by cutting other programs or you have to pay for it by raising taxes.

I do not believe this body is willing to do either of those. I do not want to increase the debt. So I would urge adoption of the Klug amendment.

□ 1445

Mr. RAHALL. Well, the gentleman does not take into account that the ARC has created jobs over the years of its existence. Creation of jobs means revenue generated——

Mr. ORTON. But that argument is an argument that any money the Federal Government spends creates jobs and increases the economy. That argument——

The CHAIRMAN. The time of the gentleman from Utah [Mr. ORTON] has expired.

(On request of Mr. ROGERS and by unanimous consent, Mr. ORTON was allowed to proceed for 1 additional minute.)

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. ORTON. I yield to the gentleman from Kentucky.

Mr. ROGERS. Does the gentleman's State benefit from a thing called the Central Utah Project?

Mr. ORTON. It is questionable whether the State benefits from it, but the State does receive money to build it, yes.

Mr. ROGERS. As a matter of fact, there have been over a billion dollars spent on the Central Utah Project——

Mr. ORTON. Over the past 35 years.

Mr. ROGERS. We increased the funding for that project in this bill by how much, Mr. Chairman?

Mr. MYERS of Indiana. Four million dollars.

Mr. ROGERS. Four million dollars——

Mr. ORTON. That is a water project very similar to the TVA, a dozen other water projects throughout the Nation. It is——

Mr. ROGERS. Does the gentleman want us to zero out the project——

Mr. ORTON. Different from the ARC.

Mr. ROGERS. Does the gentleman want us to zero out that project?

Mr. ORTON. It is different from the ARC. The ARC is direct money going to communities to pay for highways, for the kinds of——

Mr. ROGERS. It is OK in central Utah, but not in Appalachia.

Mr. ORTON. The gentleman is talking about apples and oranges. He is talking about the construction of water projects which have gone out through the entire United States, or he is talking about specific funding going to local communities simply because they are located in a particular regional area.

The CHAIRMAN. The time of the gentleman from Utah [Mr. ORTON] has expired.

(On request of Mr. KLUG and by unanimous consent, Mr. ORTON was allocated to proceed for 1 additional minute.)

Mr. KLUG. Mr. Chairman, will the gentleman yield?

Mr. ORTON. I yield to gentleman from Wisconsin.

Mr. KLUG. I think the gentleman from Utah [Mr. ORTON] makes a good point, though I mean everybody in this Chamber's State receives some money, but the question is whether this series of 13 States gets additional money on top of the normal economic development money.

I say to the gentleman, ''Mr. ORTON, for example you have mountains in Utah, and I still don't understand Mr. GILCHREST's argument that your mountains are different than West Virginia's mountains because they have more or less people in them. I mean you have ski resorts in Utah. I mean were you eligible to receive Federal funds to help build ski resorts in Utah or Colorado?''

Mr. ORTON. We did not get any money to build a road to a ski resort in Utah as they did in Pennsylvania.

Mr. KLUG. I will tell the gentleman another story. It is interesting the gentleman from Minnesota [Mr. OBERSTAR] was over here talking about northern Minnesota and contrasting Appalachia. There is a Hockey Hall of Fame in northern Minnesota, not built with any Federal dollars. There is a Bowling Hall of Fame in Milwaukee, not built with any Federal dollars. But there is an Alabama Music Hall of Fame and the NASCAR Hall of Fame built with Federal ARC dollars, and that is what we are talking about is double- and triple-dipping for——

PARLIAMENTARY INQUIRIES

Mr. MYERS of Indiana. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MYERS of Indiana. Mr. Chairman, the Chair has been extending the time beyond the 5 minutes, and we have gone 55 minutes now. I hate to do this, but I am going to object if the Chair extends any Member's time beyond the 5-minute allocation.

Mr. KLUG. Would the gentleman and my colleagues on the other side be willing to agree to a time-limit period at this time?

Mr. MYERS of Indiana. I say to the gentleman, if he is willing at this time.

Mr. ROGERS. Mr. Chairman, if the gentleman would yield, I think we are making pretty good progress. I suppose we can go along with the procedure for a little while longer and see how we are in a few minutes.

Mr. KLUG. If the gentleman objects to a time limit, I understand.

Mr. MINETA. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. MINETA. Mr. Chairman, I rise in opposition to the amendment offered by the gentlemen from Wisconsin, Florida, and Utah.

The Energy and Water development appropriations bill provides $142 million for the programs of the Appalachian Regional Commission [ARC]. This appropriation cuts the ARC's current year funding in half. It is $41 million less than the President's request; it is $40 million less than the authorization which our Subcommittee on Public Buildings and Economic Development unanimously passed 2 weeks ago; and it is $41 million less than the fiscal year 1996 assumption included in the just-passed budget conference agreement.

If we use as a baseline a hard freeze at fiscal year 1995 funding levels for the ARC, this appropriation will save $980 million over 7 years. As ranking member of the Transportation and Infrastructure Committee, I can tell you that the ARC has contributed more than its fair share to deficit reduction.

This amendment seeks to cut what little is left and eliminate all funding for the Appalachian Regional Commission.

Thirty years ago, Appalachia was considered a region apart because its development lagged so far behind the rest of the Nation. With the help of the ARC, the region has made great strides. Yet, one generation cannot overcome a century of neglect.

Although the ARC has helped the region make significant progress, many problems persist. These problems are particularly acute in central Appalachia, where the poverty rate is 27 percent, rural per capita income is only two-thirds of the national average, and unemployment rates are almost double the Nation's average.

The amendment which is before us would kill any effort to turn this around. It would halt development of the Appalachian Development Highway System with only three-fourths of the 3,000 mile system complete and it would cut off the ARC's funding for economic development; cutting Appalachian communities' investments in education, small businesses, and health care.

Mr. Chairman, almost 30 years ago, Congress made a commitment to Appalachia and its people. We promised to help it overcome its isolation, to enhance its quality of life, and to restore pride to this critical area of our Nation. That commitment is not yet fulfilled, and this amendment would make the situation worse.

I urge Members to oppose the amendment.

Mr. WICKER. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. WICKER. Mr. Chairman, I rise today in sharp opposition to the amendment offered by the gentleman from Wisconsin [Mr. KLUG]. I hope that my fellow Members of the freshman class are paying close attention. Several weeks ago I had occasion to hear an address by the Speaker of the House. In those remarks the Speaker talked about the need for dramatic decentralization of government where, and I quote, ''local folks are solving local problems with local strategies.'' Now, Mr. Chairman, I know of only one Federal program which is qualified to serve as a model for this approach, and that is the Appalachian Regional Commission. Mr. Chairman, dollar for dollar the ARC is one of the best bargains we get in Congress each year.

Now, as the gentleman from Kentucky and the gentleman from Pennsylvania related, the ARC is a model for local, State, and Federal cooperation. Under this model, local officials suggest options and refer them to their Governor. The Governor then prioritizes a list and sends it to the national office, which works in conjunction with the Governors to select applications for approval. Most of these projects are then administered locally by local planning and development districts located in the community selected.

The Federal dollars used under ARC serve to leverage many more times that amount in State and local matches. In many cases the ratio of local and State funds to Federal dollars is as much as five to one, as the gentleman from Maryland pointed out. This is a bottom-up program, not a Washington solution for local problems.

It is important for us to understand where the money goes. There is $142 million in this bill for ARC. Of that amount 58 percent will go to the ARC highway program.

The highway portion of ARC was authorized by Congress in 1965. It is nearing 75-percent completion. By act of Congress these highways have been brought under the national highway system. These roads are every bit as legitimate as the highways in other sections of the country that have been paved with Federal dollars under the interstate system. And I can tell my colleagues from personal experience that, when ARC money assists in building four-lane highways, it means greater business growth, increased access, expanded markets, and more taxpayers for the entire United States of America.

I should also point out, Mr. Chairman, that ARC is not the kind of bloated Federal bureaucracy that we hear about a lot. This little agency has only about 50 employees nationwide. Most of the overhead is paid for by the States.

In addition, it cannot be stressed too much that ARC has been cut in half in this bill. It was funded at $282 million in fiscal year 1995. Under this bill, it is reduced by 50 percent, and, Mr. Chairman, that is real budget progress and real budget savings. Actually the energy and water appropriation bill recommendation of $142 million is less than the amount adopted by this House in the budget resolution conference report last month.

I am firmly committed to cutting the budget and cutting programs which do not work, but ARC does work, it is a program that has proven itself. It is not a Federal handout where we take money out of somebody's pocket and write somebody else a check. It develops infrastructure to create private jobs in the private sector. It is working for economic development, and, Mr. Chairman, I urge my colleagues to vote against the Klug amendment and support the ARC program.

Mr. WISE. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. WISE. Mr. Chairman, I am going to depart from my prepared remarks and deal with a lot of the issues that have been raised. The one gentleman asked why, why is a mountain different in Utah or wherever, Wisconsin, from a mountain in West Virginia, or Kentucky, or wherever. We are talking about a region. We are not talking about a mountain someplace. We are talking about a region and a common tradition, unfortunately often a common tradition of poverty, not because people were inept, not because people did not try, but because of a whole lot of cultural, historical, and industrial factors. Nobody questioned, for instance, coming out of central West Virginia, nobody questioned why it was that we had such low-energy costs for so many years. That coal had a price to it. It had a human price to it. It has a price in roads that were never built, and schools that were never funded, and children that never got educated that that coal came out cheaply and it built this country. That is one of the reasons we are in the situation we are in. Nobody ever talked about absentee ownership, the fact that from so many other parts of the country there was absentee ownership of central Appalachia, and so that is one reason.

I want to—someone asked the chairman of the Committee on Transportation and Infrastructure why would one county be different from another, and he properly replied because we are

talking about a regional approach, not a county approach, not a city-by-city approach, but a regional approach. I think it is worthwhile to note, my colleagues of the House, that Appalachia in fiscal year 1994 had 8.2 percent of the U.S. population, 8.2 percent, and received, even with the ARC going to 13 of the States, Appalachia received 7.5 percent of total Federal expenditures. We are 14 percent per capita below the rest of the country in Federal expenditures, and that is with the ARC, and this would now drop even more because this will cut the Appalachian Regional Commission from roughly $280 to $140 million, which incidentally in terms of the Federal deficit this year we are talking about two one hundred thousandths; that is, 0.002, two one hundred thousandths of the Federal deficit.

There have been questions about why is one county different from another. Let me make a point. Madison, WI, Dane County, median family income, $41,529; unemployment, 3.1 percent. Owsley County, KY, which came before our subcommittee, $12,200 in median family income; unemployment, 8.4 percent; poverty rate, 52 percent. We are dealing with a special set of circumstances.

The gentleman from Mississippi pointed out the value of the Appalachian regional system of highways. Studies conclusively show that in ARC counties with a four-lane ARC highway, job creation has been three times as high in as in counties that do not have that.

□ 1500

Incidentally, this is money that is coming back to the Federal Treasury. Just recently in my district was announced an ARC grant that would create a water system to an industrial area. I calculated that based upon the average income of the jobs that will be created there, the Federal Government, the Federal taxpayer, will receive their money back in about 1½ years, of what went into the ARC, and for that they got several hundred tax paying, job holding citizens, and all of us are better as a result.

Every region has its own approach. Indeed, interestingly enough, the Economic Development Administration and others may be moving more and more towards the ARC model. I think that is important too. We are talking about grassroots up. Thirteen Governors make up this board. You apply from the local level to the statehouse, then to Washington. But the 13 Governors agree, the majority of which are members of the Republican Party this year. They all support this, as well as all the Democrat Governors. Why? Because they know it is a proven job creator.

We are talking $142 million for 13 State regions that clearly have the benefits that have been proven with the ARC.

Incidentally, the job is not done. You do not pull this one back and think you have solved something. You may have made the situation worse, particularly with the highway system that is three-quarters of the way complete. But if you do not complete it, many portions of it will never achieve the promise that they had before.

So I would urge my colleagus to reject this amendment. Appalachia has made great strides, but we still have a ways to go. This is a relatively small amount of money, that has been cut in half from what it was last year, but is so important to a 13 State region.

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. WISE. I yield to the gentleman from West Virginia.

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

Mr. RAHALL. Mr. Chairman, I associate myself with the comments of my colleague and friend from West Virginia. The gentleman has made an excellent statement. I think the points the gentleman has made are very important. It shows the people of the Appalachian region are finally taking their economic destinies in their own hands. This is all the more important a reason to keep this program going.

The $142 million contained in H.R. 1905 for the ARC, represents a 50-percent reduction in funds compared with fiscal year 1995—which was set at $283 million.

The ARC reauthorization bill, reported out of subcommittee, reflects a 35-percent cut in authorized funding levels—set at $182 million.

I repeat—this funding is a 50-percent cut in funding for a vitally important program—the ARC.

Many of my colleagues are arguing that they voted for the Kasich budget, and therefore will have to vote for the Klug amendment to kill the ARC.

That is no longer a fact. The budget conference report does contain funding for the ARC—Mr. KASICH having agreed to its funding in conference with the Senate.

Thirteen Governors—eight Republicans and five Democrats—representing the Appalachian region, have asked you to defeat the Klug amendment.

Support 21 million Americans who live in Appalachia, in more than 400 distressed counties, who are just now entering the mainstream of America's economy—who are just now taking control of their economic destines and becoming contributing taxpayers. Don't take away their only means of breaking the cycle of poverty. Defeat the Klug amendment.

In addition, the ARC reauthorization bill, which has been marked up by the Subcommittee on Public Buildings and Economic Development, reflects a 35-percent reduction in the authorization level for ARC in the out years.

We have done our best to be a part of spending cuts and deficit reduction with respect to ARC funding—and we believe the $142 million in this bill, down from $283 million in fiscal year 1995, reflects our fair share toward reaching those important goals.

I am reminded, Mr. Chairman, of a newspaper article from one of our State newspapers, written by a reporter who has no love for the ARC. Ironically, in his effort to be caustic about the ARC, the reporter inadvertently used words that, in fact, tell you what is good about the program.

The lead sentence in the article stated: If you drive a car, flush a toilet, or swallow a gulp of water in West Virginia, you have felt the influence of the ARC.

That statement is a statement of fact—and something I believe we can be proud of.

Indeed, the funds that have come from ARC appropriations over the years have been used to make safe drinking water available to hundreds of small, isolated communities whose children would never have been safe from disease and possible death from impure elements in their drinking water had ARC not been there to provide it. More than 700,000 Appalachians now have access to clean water and sanitation facilities.

The funds have been used to build the Appalachian Development Highway—3,025 miles of road linking rural, isolated towns and hamlets to the rest of the State—and to the rest of the world—for the first time. Through ARC funds, we were able to move towering, rugged mountains out of the path of those who needed to be able to travel beyond their small towns to find good jobs, better homes, an education—a way to break the cycle of poverty.

But aside from water and sewer projects, and aside from highway development, there is the fact that the ARC has helped develop my State's travel and tourism industry—an industry that is crucial to continued job creation in our State.

ARC has also funded adult literacy programs so that unemployed persons needing to read and write in order to find a job, can get that help. ARC helped the Governor's cabinet on children and families plan on how to distribute scarce resources so that the most needy children would be served. ARC funds assisted the State in a tremendously successful effort to teach real West Virginia State history in grades four through eight throughout the public school system. We are really proud of the way the funds have been used to upgrade the quality of education of Appalachia's children.

ARC funds have gone to create or assist 766 businesses, creating 8,000 new jobs. A network of more than 400 primary care clinics and hospitals has been completed with ARC funding, now serving 4 million Appalachians a year.

There are 13 States in the Appalachian Region—and all 13 Governors of those States—eight of whom are Republicans, five of whom are Democrats—all hope and pray that you will defeat the Klug amendment and save the ARC so that it can continue to help those living at and below poverty levels—to help raise themselves up and, as I've said before, to break the cycle of poverty that surrounds them in Appalachia.

There are more than 400 counties in the 13-State region, where 21 million people reside, and who are just now being brought into the mainstream of the American economy, making them contributors to society rather than drains on our national resources. People in Appalachia, through ARC funding, have been enabled—empowered—to take control of their lives, of their economic destinies, and become contributing taxpayers to the Nation's economy.

When I see a newspaper article, intended to deride the ARC, begin with the words, ''If you've ever driven a car, taken a drink of

water, or flushed a toilet, you've felt the influence of the ARC,'' then I know that ARC is working just as it was intended to work.

For if any one of you here on this floor didn't have a toilet to flush, or didn't have safe drinking water available to you and your children, or didn't have a decent road to drive on—you'd darn well be wondering what the Federal Government was spending your tax dollars on. In West Virginia, and in 12 other Appalachian States, we're sending their taxes back to them where, at their discretion, decisions are made as to how it will be spent.

This is a model program that ought to appeal to every Member on this floor—conservative to liberal—because it sends tax dollars where they are needed, and allows the recipient population to decide where those dollars will go. The ARC model could very well be a better model than block grants for turning Federal programs back to the States.

Think about it. Reject the Klug amendment. Save the ARC.

Mr. QUILLEN. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. QUILLEN. Mr. Chairman, I rise in strong opposition to the Klug amendment. You know, the gentleman is getting the reputation of cutting out projects in other parts of the United States, but I know that he leaves his projects alone and does not use the cutting knife when he should be doing so in his own State.

Mr. Chairman, I was on the Committee on Public Works and Transportation from 1963 through 1964 when the Appalachian Regional Commission was conceived and planned and worked out. I know that it is a good program. I helped start it, and it has worked miracles in the Appalachian area.

I live in the heart of Appalachia. I represent a county that was the seventh poorest in the United States. But this is not a pork-barrel bill. This is a bill that helps a region, and, in helping a region, it helps the whole United States of America. It is a good program. It should not be eliminated. Actually it should not suffer a 50-percent loss, but we are willing to accept that. But let us not cut it any further. Hungry people, people who do not have an opportunity in life, they should be building themselves up by their own bootstraps, and this gives a helping hand for them to accomplish that goal.

Mr. Chairman, I rise in strong opposition to the Klug amendment.

Mr. WAMP. Mr. Chairman, will the gentleman yield?

Mr. QUILLEN. I yield to the gentleman from Tennessee.

Mr. WAMP. Mr. Chairman, I thank the distinguished gentleman from the First District of Tennessee, a district they now call by his name after 33 quality years of service.

Mr. Chairman, let me say as a freshman conservative Republican Member of this body, who came here to this Congress a few months ago with the No. 1 goal of staying here to see the Federal Government's budget come into balance, I came here knowing that I represented a part of this country where TVA and the Appalachian Regional Commission have provided quality service for a number of years, and that we would have to cut spending in the programs in my backyard. And we are going to do that. This amendment and the next amendment are taking a budget and shrinking it substantially with severe cuts.

But when I took office I said to the elected representation at the local level throughout my district, will you please tell me as I go to Washington to represent the citizens that you and I represent together, what has worked the best? What is the most effective Federal programs you can refer to?

Let me tell you, the Appalachian Regional Commission was at the top of the list, time after time, because it is hard dollars for roads and gas and sewers and utilities and things that create a better economy in this region. It is a quality service, a critical service, and this is a step toward a balanced budget, a 50 percent cut in funding. This is what a conservative Republican would support, not oppose, as we seek to share this patriotic burden to balance the Federal budget across the board. The ARC has taken a 50-percent cut.

Mr. QUILLEN. Mr. Chairman, reclaiming my time, again I urge defeat of the Klug amendment, and ask everyone to support that effort, because the Appalachian Regional Commission does a tremendously good job.

Mr. BAESLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Klug amendment. Rather than restate all the reasons everybody else has said, I just join in them.

Not only does the Appalachian Regional Commission make a difference in those counties and States which it serves, it makes a very big difference in those which it does not serve. My district has only eight counties that are qualified and adjoin the district of the gentleman from Kentucky [Mr. ROGERS] but because of the eight that are qualified and because the districts in Appalachia are improved, the quality of life is improved, the whole State of Kentucky benefits, not just ARC counties. It gives our whole State educational opportunities, economic development opportunities, and I urge strong support for the ARC and strong opposition to the amendment of the gentleman from Wisconsin [Mr. KLUG].

Mr. BOUCHER. Mr. Chairman, will the gentleman yield?

Mr. BAESLER. I yield to the gentleman from Virginia.

Mr. BOUCHER. I thank my colleague from Kentucky for yielding. I join him in strong opposition to the Klug amendment, which threatens the very substantial progress that we are making in the Appalachian region in our effort to become a part of the American economic mainstream.

Since 1965, the Appalachian Regional Commission has been a major force in our economic progress, enabling the construction of industrial parks, water systems, wastewater systems, access roads to those industrial parks, in many instances shell buildings. We are growing economically as a consequence of what the Appalachian Regional Commission is doing. Libraries have been built, schools in our region have become more capable and have expanded their course offerings, enabling the people in our area to have access to the same kind of instruction that students in the more financially fortunate parts of the country have long had access to. Factories have opened and new jobs have been created. But we still have a very long way to go.

In my district in the southwestern part of Virginia, unemployment rates in some of our counties are in excess of 20 percent. I know that is a situation that pertains in many of the counties that exist in the Appalachian region elsewhere across that 12-State area. The ARC is a very important part to our answer to that set of problems, and it is a wise investment in the future of our regional economy and the economy of the Nation as a whole.

It has been pointed out by some of the other speakers that when the ARC makes an investment in an industrial park or other job creating facility, that the economy expands, that the tax base expands, and that as a consequence of that, the Government more than gets its money back based upon the very modest investment that is made in Federal dollars in the first instance.

I have figures showing that for every dollar the ARC invests in an industrial park or other job creating facility, that $12 in private sector investment is stimulated. That clearly shows the very important economic effect that the ARC is having. It shows that it is a wise investment in our economic future, and for that reason I join the gentleman in his strong opposition to this amendment.

Mr. LEWIS of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. BAESLER. I yield to the gentleman from Kentucky.

Mr. LEWIS of Kentucky. Mr. Chairman, I would just like to make a personal note here. I grew up in the Appalachian Mountains, and I remember the little one-lane roads, the dusty dirt roads, the lack of utilities, the small one-room schools. I remember how it was.

If you go into eastern Kentucky where I came from today, you will see a tremendous improvement. We still have a way to go. But now there are nice highways, nice schools, utilities reaching into the homes, paved highways.

I remember my grandmother, you had to go about 3 or 4 miles up a hollow on dirt roads. And when it was raining, you could not get there. And I remember when she was very ill, we were concerned if she was going to be able to

get out of that hollow to make it to the hospital. Today, you can drive all the way to where her home was at.

It did make a big difference, but there are still things that need to be done. There has been a cut, 50 percent, but we need to continue this program. It is working, one of the few Federal programs that does work, but the reason it does work is because of the community input into it.

I urge defeat of the Klug amendment.

Mr. BACHUS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am up here because of one thing, and that is because the sponsor of this bill gave a very effective, very articulate opening statement. As I listened to that statement, had I not know better, I would have said how could anyone disagree with what the gentleman from Wisconsin is saying? How could anyone oppose this amendment?

Well, let me tell you why I am here in strong opposition to this amendment. I am here because what he said was very effective, it was very articulate, and it was very wrong.

You know, if you can close someone's mind by giving an effective opening statement, you can win a trial. Do you know that a trial can be won in a 1-minute opening statement if everybody accepts what is said as true and quits listening? But let me tell you, I am here for the reason that what was said in the opening statement is incomplete, it is inaccurate, and it certainly is not the complete story.

We were told in the opening statement that the people that you would hear advocating for the ARC were going to be from Alabama, they were going to be from Tennessee, they were going to be from West Virginia. We were not told about the gentleman from Minnesota, the gentleman from Montana, the gentleman from California, the gentleman from New York that I may yield to if I have enough time. We were not told any of that. And had you quit listening, had the Members back in their office quit listening, they might have gotten the wrong impression that this was something that only Members from the ARC States were advocating.

Not true. Let me tell you what is even worse then that, and let me tell you something about the flawed argument. When the California floods came, did I, from Alabama, come out here and say ''We have got floods in California. Knee deep?'' No. I came and I voted to assist those people.

I am from Alabama. I could have got up and said ''Let's vote for no earthquake relief in California, or the floods in the Midwest.'' I could have said you are going to hear from people in the Midwest. And the gentleman from Utah who sponsors this bill, he comes before us and says, ''We need to support the people on the Indian reservations.'' I have never come down here and said ''I do not have any Indian reservations.'' I do not have any military bases, but I vote for military expenditures.

What an outlandish, illogical argument. Let us not buy this.

Let me conclude in saying then he gave a description of the ARC which was even more inaccurate than who he said would be speaking for this amendment. This is about reducing the number of infant deaths, infant death mortality. This is about clean drinking water. This is about roads for people to get to work and haul their products. But we were told about a few examples that had been limited in the legislation before us, not something that is going to happen but something that happened before and we changed.

Finally, we are not talking about adding. We are talking about a 50-percent cut.

Mr. BARTLETT of Maryland. Mr. Chairman, will the gentleman yield?

Mr. BACHUS. I yield to the gentleman from Maryland.

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

□ 1515

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong opposition to this amendment and urge my colleagues to oppose this attempt to strip an impoverished region of precious funds.

I admit that I have little confidence in most Government programs. Since I came to Congress 3 years ago, I have always supported budget proposals that release the stranglehold that the Federal Government has on our local communities. Washington, DC, has gorged itself on tax dollars long enough.

However, the Appalachian Regional Commission [ARC] is not like most Federal Government programs. It works. I do not know of any Federal programs which involves State Governors and local officials in the decision making process more than ARC. Working through the 69 local development districts that ARC supports, projects originate at the local level, as community leaders determine what programs best serve their needs. As the 104th Congress makes historic and systemic change in the way Washington works, I believe that ARC is already performing in a way that we wish all of our Government programs could operate. It truly is a unique Federal-State-local partnership that should be used as a model for future cooperative efforts, not torn apart.

I understand that times are hard. Sacrifices must be made in all areas if we are going to get the budget deficit under control. My record reflects a strong commitment to reaching a zero budget deficit by 2002 and the subcommittee's bill addresses the necessity to reduce Federal funds for ARC programs. Mr. Chairman, as the bill now exists funding for ARC will be cut in half. That is a significant cut for a program which has in the past provided Appalachian communities with water and sewer systems, access to rural health care centers, child care centers, educational training, job skill training, and affordable housing. Nevertheless, I have heard from a number of local officials in western Maryland who insist that ARC can still play a vital role in our communities. It will simply be leaner, something that all Government programs could be.

Some Members are asking why ARC is still necessary. It has a proven track record of improving the conditions of the Appalachian region. However, the poverty rate for Appalachia is still 16 percent higher than the national average. Appalachia's per capita income is only 83 percent of the U.S. average. Over 20 percent of the youth in northern and southern rural areas grow up in poverty and an even higher 34 percent of youth in central Appalachia live in poverty. In fact, 115 of ARC's 399 counties are classified as severely distressed, which means that they suffer from unemployment rates that are 150 percent of the national average and poverty rates are at least 150 percent of the national average.

There are too many Government programs that are outdated and inefficient. The Federal bureaucracy is bloated and needs a serious diet. But gutting ARC does not address our problems, it only creates new ones. I urge defeat of this amendment and support the subcommittee's recommended appropriation.

Mr. BACHUS. Mr. Chairman, I yield to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, I think we have beaten up on the gentleman from Wisconsin, [Mr. KLUG] a little too much. This fellow is doing a great job in trying to cut the expenses. I do not happen to think this is a great idea for a variety of reasons.

Mr. BACHUS. Mr. Chairman, the gentleman means his amendment is certainly not a great idea.

Mr. HOUGHTON. Mr. Chairman, if the gentleman will continue to yield, absolutely. His amendment is not a good idea. I obviously support the ARC. But the thing that I want to mention is that there are two categories of expenses. One is an expense expense; the other is an investment expense. This is really an investment expense.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. BACHUS] has expired.

Mr. HOUGHTON. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. MYERS of Indiana. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. BEVILL. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. BEVILL. Mr. Chairman, I rise in opposition to this amendment and in support of the Appalachian Regional Commission program. Actually in all the years that I have been in this Congress, I do not recall a program receiving the enthusiastic support that this program has received. Today made me feel proud just to have played a role and a part in funding this program, and I wish I could take credit for creating it, but actually, it was created the year before I came to Congress.

I recall, reading the act, when it was passed. It said that the Appalachian

area of the United States is the most depressed area of the United States and this is to assist this area of our country to get back on its feet. And I think it uses the words, to give it an ''equal economic opportunity.'' And that is what it has done.

This is a program that is working, and we do not get to stand up here often, I am sorry to say, and say that this program has worked. This program is doing the job that the Members of Congress intended when they passed it. It is working, and it has been very effective.

I commend those of my colleagues, I notice that we had our former chairman here, the gentleman from Minnesota [Mr. OBERSTAR], who is very knowledgeable about this program. He was chairman of the authorizing subcommittee. He, as well as the gentleman from Pennsylvania [Mr. SHUSTER], called it a model program. He is the present chairman of the Committee on Transportation and Infrastructure.

We had the gentleman from California [Mr. MINETA] here, former chairman of the House Committee on Transportation and Infrastructure, to stand up and tell us what a good program it is. These are Members that have no connection with the program whatsoever, as far as the area of the country is concerned.

I think my colleague from Alabama made a good point. When we have these emergencies in other parts of the country, we do not get up here and say, This is just regional and it should not exist. We do not get up here and say, These people do not need this help. We are not going to make this a Federal program, and it is not benefiting my State, all of that kind of thing.

This program—for example, just picking out one thing, because there are many—but this program has made it possible in the Appalachian area of this country, the most depressed area of the United States, for every person in that part of the country to be within 30 minutes of some type of medical care, the first time in history, within 30 minutes. Most of them are little rural clinics, cost practically nothing. They have a registered nurse. They have access to a doctor they can call on the phone.

The preventive medicine, my gosh, think of the children that are getting inoculations in those mountain areas now in the Appalachian area that never did get any preventive medicine before. That saves this treasury money. I am sorry you think that is bad, but I think it is good. I think it is good. It is saving the National Treasury money. It is saving the taxpayers of the whole Nation money, because it is benefiting the entire Nation.

So we could go on and on here, but you have covered it so thoroughly. We have in the Appalachian area now stronger vocational schools. We have got the health care centers I mentioned. We have got roads throughout rural areas that could not get the roads before. They are using this partnership actually, which is, as the gentleman from Pennsylvania [Mr. SHUSTER] said, it is a model program for the United States. I think it ought to be extended to cover the whole United States, because these counties now that have been lifted out of poverty and are now on their own feet and the people are working and the people are getting health care and the people are getting good training at the technology schools. And as the gentleman from Pennsylvania [Mr. SHUSTER] pointed out, they are coming out of this program because they do not need it anymore.

But we have got 115 more counties still left in the Appalachian area that need help and are poverty stricken and that is out of 399 counties. Can you tell me another program that has succeeded like this? This is exactly what you and I on both sides of the aisle have been advocating, joint partnership, a program where the Governors approve these applications.

So I just want to point out that this program has worked and let us be proud of it and proud that it has worked because it is helping people. That is what our Federal Government is about.

Mr. NEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just wanted to say I am here not to beat up on our colleague, the gentleman from Wisconsin [Mr. KLUG], just to make sure he is defeated in his amendment.

Also, I want to talk about Utah. I do not want to see us get into regional warfare or State-by-State warfare here. Maybe that billion is needed in Utah, but it is not apples to oranges; it is apples to rocks. It is $1 billion for a State, whether it is Utah or California, whatever area. We are talking again, about $142 million for 13 States. I am not going to belabor this point. I know we are close to a vote.

I will tell you something. There is a difference in Appalachia and a difference in the entire region. The more we pool those regions up within those States, the better off we will help surrounding States and other areas, for example, in Ohio, that will have to pay for the distressed economies in their States. In Ohio, part of us are in Appalachia, part of us are not in Appalachian; but again, it benefits the whole.

The one thing I would also tell you, I think I bring a different perspective than any other speaker. I used to work for Appalachia. I was on Appalachia's payroll, federally paid. I worked in the Ohio Appalachian office. I was program manager for education, health, and child development programs.

They paid part of the salary. We ran the show. Local development districts, for a minute, how they work in Ohio. We have real people. Tom Closser down in Marion, OH, we have John Quinlin in the Omega region, they are called local development districts. They have mayors that respond to them. They have mayors that have input. We have OMERSA program run by a gentleman named Craig Closser in Zanesville, OH, who is helping over a couple hundred schools. Small amounts of money we put in that program when I worked there in 1979, very small amounts of money, sometimes $20,000 to help with a road, with a joint, shared activity with the local government that creates 100, 300, 400 jobs.

We have reams of statistics. There may have been some bad projects, but you do not throw the baby out with the bathwater. We are taking a 50-percent cut. I think that is important. These have been good projects. This is something that all of us should support. Let us not get into some warfare from State to State or region to region. We need the help.

Mr. KLINK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also vehemently speak against my friend from Wisconsin's amendment. I thank him, though, for offering the amendment because it has made me think about something that has been an ultimate success not only for this Nation but for the region of this country in which I grew up, the region which my family is from. And the gentleman from eastern Kentucky who spoke just a few speakers ago spoke so eloquently and from his heart, I know, reminded me myself of growing up in a little town called Summit Mills in Somerset County in southwestern Pennsylvania.

Back in the late 1950's, I went to one of the one-room schools he was talking about, where we had no running water. Where we had only two outhouses out back and you had the overflow that went in the creek. And that is where the kids swam with the raw sewage in the same stream, which is where you would go out to swim.

We could not understand why people were dying of unusual diseases and unusual forms of cancer. We thought that half the roads were supposed to be dirt roads. Of course, certain times of the year you just did not travel from point A to point B, and people knew they were supposed to lay up supplies. After the Appalachian Regional Commission was founded 30 years ago, things began to change. America discovered Appalachia because one of the networks—I wish I could remember which one it was—ran a news documentary about Appalachia. We did not get it. We were watching, but what was so unusual? This is the way we lived. It is the way things were.

I also was reminded by one of the last speakers who talked about the gentleman from Alabama [Mr. BEVILL], who talked about the vaccinations. I can remember several of the kids that were my own age, one who was in my class, some who were younger than me who got polio. I remember them finally bringing the whole community, from up in the mountain tops, grew up very near the Mason-Dixon line and Mt. Davis which is in the district of the

gentleman from Pennsylvania [Mr. MURTHA], the highest points in the State of Pennsylvania, that brought everybody down.

The took us to the old high school gym. Everybody took three different doses of polio vaccine over a 3-week period so that we would not have to deal with that anymore. You see, while things have changed, while we have had a dramatic turnaround in the last 30 years, we have not made up for 100-plus years of neglect. We have indeed cut the infant mortality rate. We have indeed doubled the percentage of high school graduates. We have cut down on the outward migration of people who are leaving our area. We have reduced unemployment.

In fact, if you take those 399 counties that were included, you are right, only 115 now have poverty. So we are not there yet. I would say to the sponsors of this bill, while this may be a number in a budget, to those of us who have watched members of families die of unusual illnesses and cancers because they did not have a well, could not afford to drill one, did not know about the technology and they were drinking water that flowed into a cistern with all kinds of elements of all sorts and one family member would die, this is not lines on budget, on a Federal budget. This is about the lives of Americans. It is about the Federal Government and the State and local governments working together.

It is about a program that has averaged less than 4 percent in administrative costs. It is about a success that has worked. We are cutting it in half. I cannot understand, because, you see, I still come from an area in Pittsburgh where 4 years ago as a television newscaster I said to the people in the city of Pittsburgh who work at the station, I said, give me a camera crew, I will shoot a story for you. We are going to call it the rural third world. They were dumbfounded.

As we went to towns like Outcrop in Fayette County, the way it still is in those towns today, those towns not yet reached by the Appalachian Regional Commission or any other agency, where the outhouses still sit in the front yards of the houses, where when the winter wind blows, if they have curtains over the windows, they flow back and forth. Where there is maybe one coal stove in the center of the house with holes in the walls and in the ceilings and floors so that the heat can radiate to other parts of that room, where there is one hand pump in the middle of town where people can still go and they can pump their buckets of water, take it back, heat it on that same stove if they wanted to heat it to bathe or to wash their clothes.

□ 1550

People still live this way today in Appalachia. It is a whole region that has been neglected for over 100 years. We cannot make that up in 10 years or 20 years or 30 years, but, Mr. Chairman, we are getting there. We are asking the Nation to take a look at Appalachia, to vote against the gentleman's amendment, and to help this region come back into the 20th century before the 21st century gets here.

Mr. MYERS of Indiana. Mr. Chairman, I ask unanimous consent that the discussion on this amendment, which has gone on for an hour and 35 minutes now, end at 3:45, the time to be equally divided between the parties.

The CHAIRMAN. To clarify, the unanimous-consent request offered by the gentleman from Indiana [Mr. MYERS] was that the debate end at 3:45.

Is there objection to the request of the gentleman from Indiana?

Mr. KLUG. Reserving the right to object, Mr. Chairman, if I could extend an invitation to the chairman of the committee, Mr. Chairman, we need 10 minutes on our side, which is what I told my colleague, the gentleman from Mississippi [Mr. WICKER]. We miscommunicated. Twenty minutes more and we will be all right.

Mr. MYERS of Indiana. Mr. Chairman, if the gentleman will yield, I would say to the gentleman, he can have 10 of the 15. How much more generous could I be?

The CHAIRMAN. Would the gentleman from Indiana [Mr. MYERS] please repeat his request?

Mr. MYERS of Indiana. Mr. Chairman, I ask unanimous consent that all discussion on this amendment and any amendments thereto be divided and restricted to 15 minutes, 10 minutes to be controlled by the gentleman from Wisconsin [Mr. KLUG] and 5 minutes on this side.

Mr. BEVILL. Reserving the right to object, could we get 5 minutes over here, Mr. Chairman?

Mr. KLUG. Mr. Chairman, will the gentleman yield?

Mr. BEVILL. I yield to the gentleman from Wisconsin.

Mr. KLUG. Mr. Chairman, I would inform the gentleman, we would have 10 minutes, and the gentleman would have 5 minutes.

The CHAIRMAN. It is my understanding that the gentleman from Wisconsin [Mr. KLUG] will have 10 minutes, and the gentleman from Alabama [Mr. BEVILL] will have 5 minutes. Is that correct?

Mr. MYERS of Indiana. Yes, Mr. Chairman.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. KLUG. Mr. Chairman, I yield 3 minutes to my freshman colleague, the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to say thanks for what the gentleman from Wisconsin [Mr. KLUG] is doing here. I know a lot of people are opposed to this amendment, and I think it has been a very healthy discussion. I have sat here a long time and a lot of people have been watching this going on for a long time. What I think he is doing that is so important is we are moving to balance the budget.

These are then tough choices that we have to make. We are having a good discussion, I think, of a tough choice. Here is a program that has been very successful over a period of 30 years. It is a program that has had some failures over 30 years. I will bet we could find that any program in the Federal Government has had both successes and failures over 30 years.

I think the question we have to ask ourselves today, then: Is this program worth continuing, adding more debt on our kids with the successes that it promises into the future or the potential failures on the path that it is on? I think that is the central question we have to ask. Is this worth putting more debt on the kids?

Mr. Chairman, I think it is great we have cut it in half? I understand the program, though, was at $50 million under the Bush administration, so it has had some up as well as it being knocked on back as well. I just put that question to us, and I say that it seems to me, at the end, in the final analysis, that the biggest problem we are facing as a Nation today is not necessarily what is going on in the Midwest or the Appalachian region or the West or the Northeast or the South, it is the stupid debt and the amount we keep adding to it and growing. If this is worth continuing today what about next year, and the year after that when we really get to the tough choices, in year 3, 4, 5, 6, and 7 to balance the budget?

I would suggest that now is the time to make the tough choice. I think we should support the Klug amendment. I think it has been a legitimate debate. I think the program has had good successes. It has had some failures. We are at a point in time in history where we just cannot mortgage the kids any further. That is why I would urge Members to support the Klug amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BROWNBACK. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I assume the gentleman voted for the budget resolution conference report that came back from the House and Senate conference, is that correct?

Mr. BROWNBECK. Yes, I did, Mr. Chairman.

Mr. ROGERS. If the gentleman will continue to yield, does the gentleman realize that in that budget conference the budget allowed for $182 million for the Appalachian Regional Commission? Was the gentleman aware of that?

Mr. BROWNBACK. The budget resolution also called for the elimination of TVA.

Mr. ROGERS. I am talking about the conference report that came back, the House and Senate conference on the budget that came to the House.

Mr. BROWNBACK. I also voted for the budget that came out of the Committee on the Budget that called for the elimination of TVA. Did the gentleman vote for that one?

Mr. ROGERS. Yes, I did. Mr. Chairman, I would say to the gentleman, it is not TVA, it is ARC. Does the gentleman realize that the budget conference that he voted for that came out of the Senate and House conference provided for $182 million for the ARC and this bill only has $140 million in it?

Mr. BROWNBACK. I did realize that.

Mr. BEVILL. Mr. Chairman, I have a point of inquiry. I understand I have 5 minutes remaining, under the agreement.

The CHAIRMAN. The gentleman is correct.

Mr. BEVILL. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I thank the gentleman for yielding time to me. I will not take the full time. I simply wanted to rise to say this.

I had not intended to speak, Mr. Chairman, and I think almost everyone knows I am one of the most conservative Members of this Congress, but the ARC is one of the most conservative agencies in the entire Federal Government. As the gentleman from Pennsylvania pointed out a few minutes ago, just 4 percent of this agency's budget are spent for administrative costs. This is one of the least bureaucratic, least top-heavy agencies in the entire Federal Government.

Mr. Chairman, I come from Tennessee, and I come from a district where very little is done by the ARC, but I do know of the good work that has been done throughout our region and throughout these entire 13 States by these agencies. I want to salute the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS] and particularly my good friend, the gentleman from Kentucky [Mr. ROGERS], for his yeoman work on this particular amendment.

Mr. Chairman, I rise in strong support of ARC and in strong opposition to this amendment. This agency is already taking a 50-percent cut in this bill. If every department and agency in the Federal Government was receiving a 50-percent cut, it would be amazing. We would be operating with a surplus.

As the gentleman from Alabama [Mr. BACHUS] pointed out a few minutes ago, throughout this country, every region, every State has money that is being spent by the Federal Government in some project or by some agency. As the gentleman from Kentucky [Mr. ROGERS] pointed out, the central Utah project, has had over $1 billion spent on it. This is just $142 million, and is very small in comparison to many, many projects we could name throughout this entire country.

I rise and urge my colleagues to oppose this amendment and support one of the finest and most conservative agencies in the entire Federal Government, an agency that is working to bring the Federal Government home to the people, not spending money here in Washington, but spending it out in the country to help some of our poorest citizens in this Nation. I think it is a fine organization and it deserves the support of this entire body.

Mr. KLUG. Mr. Chairman, I yield 4 minutes to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman for yielding time to me. Earlier in this debate, while I was in the Committee on the Judiciary, I understood there was some discussion of a project in my district involving a training stadium at Wofford College. I can tell the Members that I do not fault the people at Wofford for seeking that ARC funding, nor do I fault the Carolina Panthers for wanting to have the team training there. That has nothing to do with it.

What I do fault, Mr. Chairman, is an old way of thinking here in the Congress among us as Members. Shame on us if we cannot move on with this revolution. Shame on us if we cannot think more creatively about how to solve these problems. The ARC has done some excellent work over the years. It was created long ago and did some great work.

The problem with Federal programs is they never die. This is a time to bring this one to a nice death. It is good that the bill calls for a significant cut. I think it is time to take it straight to zero, though. The reason is we have to think more revolutionarily, if that is a verb or an adjective, I guess that was, or maybe it was an adverb, I am not sure. In any event, we have to think more revolutionarily about how to do this thing.

Sure, it is good to get a grant every once in a while in our districts, but let us think that through. If we just got rid of the unfunded Federal mandates, how much money would there be in the State of South Carolina to deal with our needs? Tremendous amounts of money.

This is the heart of the revolution. We have to start at both ends. We have to eliminate the Federal control through the unfunded Federal mandates, but then we have to stop looking at Uncle Sam as the great sugardaddy that is going to give us this free money from Washington to build a water system here or a road there. We have to think more creatively. We have to be able to see the whole revolution. The revolution involves downsizing this Federal Government, shrinking it to core business, and allowing the States to serve the functions that they can better serve.

There is no such thing as a free lunch, and there is no free money from Washington. This money that we are about to spend is going to go on to the deficit and be added onto the debt. Our children will be paying for this amount for years to come. We have a great opportunity here to complete this revolution, but do it from both ends. We have already taken action on unfunded Federal mandates. We need to go in and repeal some existing ones.

The other part is right here, right now, on this amendment of the gentleman from Wisconsin, an excellent amendment. Let us just get rid of the ARC. Let us finally bring to an end a program that served a very useful life, but now its time has come. I congratulate the gentleman for his amendment.

Mr. RAHALL. Mr. Chairman, will the gentleman yield?

Mr. INGLIS of South Carolina. I yield to the gentleman from West Virginia.

Mr. RAHALL. The gentleman speaks of this great revolution, Mr. Chairman. It seems like this gentleman is speaking about an economic Jihad against all Federal Government. That seems to be the best description of the revolution to which the gentleman referred.

Mr. INGLIS of South Carolina. Mr. Chairman, reclaiming my time, the best people to know how to allocate needs within South Carolina, I submit, are people in Columbia, people in Spartanburg, and Greenville. I daresay that not many of those folks would spend some of the money that has been spent the way ARC has spent their money. We create these programs, they fit those categories, and then the money is spent that way.

What we have to do is be willing to think more creatively and say to the locals: ''You run it, you raised the money.'' Let us not have this pool of money that comes from Washington. I understand that the gentleman from Kentucky will likely tell me that it has been a local decision. I understand that. But it appears to be free money. That is the problem.

Mr. BEVILL. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. TRAFICANT. Mr. Chairman, I do not rise to demean the efforts of the gentleman from Wisconsin [Mr. KLUG]. I think he means well and is doing a good job for his people and he is consistent. We have differences of opinion. I can recall as a freshman Member going to visit the grand opening of the Tennessee-Tombigbee, called the biggest pork barrel project in our Nation.

All the news media gathered around their good old friend Jamie Whitten, the former chairman of the Committee on Appropriations, and said ''Well, they call you the pork-barrel king, Congressman. What do you have to say about that? This is a great day for you, isn't it?'' Jamie Whitten looked at the camera and he says, ''I want it to be known that I played a part in investing the American taxpayers' dollars in the heartland of America. My son will get a job, my grandson will get a job, his son and his granddaughter have a shot at getting a job.''

I am going to vote against this amendment, and I am going to vote

against the amendment to cut the TVA. We have to cut, and I offered to cut on the foreign aid bill, 1 percent. I did not see all these hawks running around. There was an article in the Wall Street Journal yesterday, Israel got $13 billion in aid, loans, and grants last year, $21,000 for every man, woman, and child, and they did not get cut by this Congress.

Do Members want to hear something else? This is not taking off on Israel. Israel has a $1 billion trade surplus with America and a $7.5 billion trade deficit with Europe. Come on, Mr. Chairman. I want to make the cuts. I am not going to cut from America. I am not going to cut another damned thing from our people who need it. I think Congress should set its priorities in place. I would ask the Congress to vote ''no'' on this overwhelmingly, and vote ''no'' on the amendment to cut the TVA.

Mr. KLUG. Mr. Chairman, I would ask how much time I have remaining.

The CHAIRMAN. The gentleman from Wisconsin [Mr. KLUG] has 3 minutes remaining.

Mr. KLUG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this has been a long debate this afternoon and an important one. It is amazing we are even at this point in Congress, where we are not debating a 50-percent cut for ARC, we are debating whether or not it should be eliminated.

Again, while I may disagree with the gentleman from Alabama [Mr. BEVILL] and the gentleman from Indiana [Mr. MYERS] on the level, or my colleague, the gentleman from Kentucky [Mr. ROGERS], who has done an excellent job rallying opposition to this amendment, I think we all have to ask ourselves, where are we today in 1995.

Let me just make three more points. First of all, this program was established in 1965, and we have poured billions of dollars into the region. If we listen to the economics we have heard from the gentleman from Maryland [Mr. GILCHREST]; for example, we spent $1 and then got $5 back. That is a great deal. Why do we not spend the entire U.S. economy there and somehow we will magically multiply by five? Those economics just do not make sense.

Now we are told there was an agreement in the authorizing committee that will phase it out over 5 years. We have had this debate over the budget. Why is 7 years magical? What is magical about 7 years? The bottom line is with a $200 billion deficit, I say the decision is not 5 years from now, the decision is finally today, in 1995.

☐ 1545

Just years after this program was established, the Nixon administration took the first shot at it. Then the Reagan administration took a strong shot at it. We have talked about how tough the programs are in ARC today and where we are.

In the first Bush administration budget, the recommendation was only $50 million in funding. Today with a 50-percent reduction, we are at $142 million in funding. The truth of the matter is since the early 1970's, this program has been on everybody's hit list who has objectively stood back and looked at it. I do not begrudge my colleagues involved in the 13 States involved in the Appalachian Regional Commission. As the gentleman from Pennsylvania [Mr. KLINK] I think explained rather passionately, there was a need for this program when it was set up in the 1960's, dramatically illustrated on television and fought for very passionately by President Johnson. But here we are 30 years later. How much longer? How many billions more? How many hundreds of millions of dollars more?

I know that the gentleman from Maryland [Mr. GILCHREST] has assured us we will be all done in 5 years, but do you really want to bet in this Chamber what happens 3 years from now, that it has got to be just 2 years more, and we cannot do it the year after that because it is another election, so it will have to be 2 more years after that.

I am sure the Governors love the money because it is money they do not have to ask their own citizens for. But the problem is this is a double-dipping and in some cases triple-dipping program that has fundamentally benefited 13 States in this country at the disadvantage of the other 37.

Finally for my colleagues in this Chamber, I think you have to ask yourself fundamentally, what is it today about a poor community in West Virginia or Georgia or Kentucky that is different from New Mexico or Wisconsin or Missouri? The answer is, absolutely nothing. We should do economic development for these communities but it should be in the Economic Development Administration, so that all 50 States in this country are treated equally.

Appalachia needed help. My friends, 30 years of help is enough.

Mr. GOSS. Mr. Chairman, these are indeed historic times. This Congress has adopted the first balanced budget resolution in over a generation. We have successfully shifted the debate from more and more big Federal programs to fiscal restraint and responsibility. In this vein, I applaud the work of Chairmen MYERS and LIVINGSTON and the committee in crafting an energy and water appropriations bill that reflects this goal.

Nevertheless, I remain concerned that certain programs prime for elimination may escape intact, battered; and bruised but still standing. The Appalachian Regional Commission [ARC] plainly falls into this category.

ARC was formed in 1965 as a temporary response to poverty in a broad section of the United States known as Appalachia. Thirty years later, we continue to spend hundreds of millions of taxpayer dollars annually on ARC activities that are largely duplicated by several agencies, including DOT's Federal Highways Program and HUD's Community Development Block Grant Program. The legitimate programs the ARC funds, from building highways to sewer projects, will continue to be funded.

However, ARC has a long history of funding projects that have a rather dubious impact on poverty. The ARC has spent taxpayer money on projects ranging from the NASCAR Hall of Fame to a football stadium for the NFL's Carolina Panthers. ARC has spent $100,000 for a film history of West Virginia and another $25,000 to attract German travelers to that same State. During this time of scarce financial resources, we must ask the question, Where is the Federal role here?

I am pleased to join with Representatives KLUG and ORTON to offer this bipartisan amendment to eliminate funding for the ARC. Many will argue that the chairman's mark already contains a substantial reduction in ARC funding for fiscal year 1996 and beyond. However, we are all aware of numerous temporary commissions that have outlived their original mission but continue to survive for political reasons. The Reagan and Bush administrations were successful in dramatically cutting the funding for ARC only to see the program flourish again in future years. In fact, President Bush's first budget called for $50 million for ARC, a paltry sum compared to the $142 million that this bill calls for, even with a 40 percent cut.

Mr. Chairman, it is imperative that we act boldly and rip out the roots of ARC now to ensure it doesn't grow back. Many members have correctly noted that the heavy lifting toward a balanced budget begins with the appropriations bills. Let's match our rhetoric with action and take the overdue step of eliminating the Appalachian Regional Commission.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KLUG. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 108, noes 319, not voting 7, as follows:

[Roll No. 491]

AYES—108

Allard	Flanagan	Metcalf
Andrews	Foley	Miller (FL)
Archer	Fowler	Minge
Armey	Franks (NJ)	Nethercutt
Baker (CA)	Frisa	Neumann
Barcia	Funderburk	Nussle
Barton	Goss	Orton
Bass	Gunderson	Oxley
Bereuter	Harman	Parker
Bilirakis	Hastings (WA)	Paxon
Boehner	Hayworth	Petri
Brownback	Hefley	Porter
Burton	Hoekstra	Ramstad
Camp	Hoke	Rohrabacher
Canady	Horn	Roth
Castle	Hutchinson	Roukema
Chabot	Inglis	Royce
Christensen	Johnson, Sam	Salmon
Chrysler	Kasich	Sanford
Coble	Kim	Sensenbrenner
Coburn	Kingston	Shadegg
Cox	Klug	Shaw
Crane	Largent	Shays
Cunningham	Linder	Smith (MI)
DeLay	LoBiondo	Smith (WA)
Doggett	Luther	Solomon
Dornan	Manzullo	Souder
Dreier	Martini	Stearns
Dunn	McCollum	Stockman
Ensign	McInnis	Talent
Eshoo	McIntosh	Tate
Fawell	McKeon	Thornberry
Fields (TX)	Meehan	Tiahrt

Torkildsen
Torricelli
Upton
Walker
Weldon (FL)
White
Wolf
Zeliff
Zimmer

NOES—319

Abercrombie
Ackerman
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bateman
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bishop
Bliley
Blute
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Cardin
Chambliss
Chapman
Chenoweth
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Coyne
Cramer
Crapo
Cremeans
Cubin
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Duncan
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Evans
Everett
Ewing
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Franks (CT)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastings (FL)
Hayes
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Holden
Hostettler
Houghton
Hoyer
Hunter
Hyde
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Lipinski
Livingston
Lofgren
Lowey
Lucas
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McCrery
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Mineta
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Serrano
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stump
Stupak
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Whitfield
Wicker
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—7

Fox
Hastert
Hefner
Longley
Moakley
Reynolds
Scarborough

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The Clerk announced the following pair:

On this vote:

Mr. Scarborough for, with Mr. Moakley against.

Messrs. DREIER, KIM, and FOLEY changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KLUG

Mr. KLUG. Mr. Chairman, I offer an amendment, marked as amendment No. 9.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KLUG: Page 29, line 1, strike ''$103,339,000'' and insert ''$0''.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. KLUG. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I ask unanimous consent that the debate on this amendment and any amendments thereto be limited to 60 minutes, which will be equally divided between the author of the amendment, the gentleman from Wisconsin [Mr. KLUG], and 30 minutes by the gentleman from Alabama [Mr. BEVILL].

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. It is the order of the Chair that the debate on the amendment offered by the gentleman from Wisconsin [Mr. KLUG] and any amendments thereto will be 60 minutes in length, divided equally between the gentleman from Wisconsin [Mr. KLUG] and the gentleman from Alabama [Mr. BEVILL].

The Chair recognizes the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, ladies and gentlemen, what we have before us is a test much like the test we just went through on the Appalachian Regional Commission, which is to ask this Congress to fundamentally reevaluate programs set up decades ago and which continue to live on, perhaps with justification, as I suspect my colleague, the gentleman from Tennessee [Mr. QUILLEN], and the gentleman from Alabama [Mr. BEVILL], and the other side of the fight will argue.

But from my perspective, frankly, I think we have to ask ourselves why in 1995 the Federal Government is still involved in the hydroelectric business. Mr. Chairman, my great wish is we could have a discussion today about whether or not the Tennessee Valley Authority itself should be privatized.

You see, American taxpayers have already invested millions upon millions of dollars in the Tennessee Valley Authority, which now, frankly, owes the taxpayers of the United States $28 billion, $28 billion.

Now, this fight we are about to have in the next hour is not about the power side of the Tennessee Valley Authority. It is about ancillary relationships and ancillary businesses which have grown up around the Tennessee Valley Authority over the course of the last 60 years.

Beginning in the 1930's, the Federal Government began building a series of hydroelectric dams across the United States, the first of which, and really the kind of granddaddy of all those projects, was the Tennessee Valley Authority. It did a marvelous job fulfilling the mission, bringing electricity to much of the Southeast, and to help do important flood control projects. Over the course of time, TVA has begun, like many government projects do, to morph and change and develop an entirely different mission than its original core mission.

Ronald Reagan, back in the 1980's, used to like to say the closest we could ever get to eternity in this lifetime was a Federal project, and so it is with the Tennessee Valley Authority.

Now, again, much like the previous debate, I have to give credit to my colleagues on the Committee on Appropriations, the gentleman from Indiana [Mr. MYERS], the gentleman from Alabama [Mr. BEVILL], because they have made very difficult decisions. We have substantially lowered the amount of money to be given TVA this year for operations, aside from its power operations, which stand on its own and operate with the taxpayer-financed debt I referred to a minute ago.

Now, in the appropriations process, TVA has had three programs for years, one of which was a research center which has been zeroed out. Again, I know that is tough for the gentleman from Tennessee [Mr. QUILLEN], and the gentleman from Tennessee [Mr. WAMP] and my colleagues in Tennessee, and I can understand their hesitation to cut the programs still deeper.

There are still two programs which exist, a stewardship program which involves operation and maintenance of dams and reservoirs, and I think you are going to hear an argument in a minute that says if TVA does not do those projects, somebody else, perhaps the Corps of Engineers, might. That may be true.

I then make the argument what you can achieve is consolidation and slim

down a number of other services by consolidating those funds, and perhaps that is an argument we should have.

But, in addition, there is another nearly $19 million for tourism and marketing. There is a series of recreational facilities located at the heart of the TVA region, which is another $3.3 million.

Finally, logger education, regional water supply, et cetera, would total about another $10.9 million, which is another $103 million, because this is actually the money that is given to TVA this year by the taxpayers around this country to run the power marketing administration in the southeast corner of the United States.

I think it is time that we begin to ask the Tennessee Valley Authority to stand on its own and to operate on its own, and if these services are valuable and if they benefit the residents of the Southeastern United States, again I think we have to ask ourselves why it is that the residents of the Southeastern United States are not paying for tourism.

I think the Federal Government has a responsibility and obligation to the water projects. I think the Federal Government had an obligation and responsibility to first build those powerplants. But here we are, my colleagues, 60 years after the construction of the Tennessee Valley Authority, and the Bonneville Power Administration in Pacific Northwest and a whole series of other hydroelectric plants around the country, with nearly a quarter of the Department of Energy staff working on the power and marketing administrations, generating, selling, and marketing electric power.

We cannot, I think, move to privatize TVA today. It is too complicated a subject. In time we may have that debate as we do the Alaska Power Marketing Administration, which we will do this year, thanks to the leadership of Chairman YOUNG, and thanks to the fine works of my colleague, the gentleman from California [Mr. DOOLITTLE], we are likely to do in the Southeast Power Marketing Administration, the Southwest, maybe, fingers crossed, the Western Power Marketing Administration.

The issue before us today is, narrowly, whether the Federal Government will cut its relationship to fund the ongoing operations of the Tennessee Valley Authority, not directly tied in to the power business itself.

So I urge my colleagues, if we are serious, as the National Taxpayers Union suggests, to reevaluate Federal projects and to make tough, difficult decisions and to begin to close down government relationships that have gone on for 10, 20, 30, 50, and 60 years, then the Tennessee Valley Authority is the place to begin today.

Mr. Chairman, I reserve the balance of my time.

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Mr. BEVILL. Mr. Chairman, for purposes of control, I yield 15 minutes to the gentleman from Tennessee [Mr. QUILLEN], and I yield the other 15 minutes to the gentleman from Alabama [Mr. CRAMER].

The CHAIRMAN. Without objection, the gentleman from Tennessee [Mr. QUILLEN] and the gentleman from Alabama [Mr. CRAMER] will each control 15 minutes of debate time.

There was no objection.

Mr. CRAMER. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I stand here, before my colleagues, today as a former member of the TVA Board as well as a former chairman of the TVA Caucus. I rise in strong opposition to the Klug amendment and strongly urge my colleagues to oppose this measure. I sure want to invite the gentleman from Wisconsin [Mr. KLUG] down to the Tennessee Valley area sometime because I think he totally misunderstands the mission of TVA as well as the debt. I know he mentioned awhile ago a debt of $28 billion, and he is referring to power funds and power debt. Since 1959, we have been under the self-financing act because of the U.S. Congress. We have paid back year after year after year the moneys that were originally borrowed to start TVA back in 1933.

Mr. Chairman, when the gentleman from Wisconsin [Mr. KLUG] sends out colleague letters and makes statements, he always wants to confuse ratepayers' dollars with appropriated dollars. Over 97 percent of the TVA budget is from power funds, from those funds that are spent or from power bills that people pay on a monthly basis. They do not come from the taxpayers from around the country. He is constantly confusing those issues, and I think the time is right to set the record straight.

My colleagues, adopting this amendment would be a serious mistake. If it is adopted, flood control on the Tennessee River would cease, protection of TVA's reservoir shorelines would not be accomplished, and proper care of over 170 acres of park land would not be maintained. If TVA were to disappear, most of the functions would have to be picked up by the appropriate Federal agency, like the Army Corps of Engineers, the Park Service, the Forest Service, the Bureau of Land Management, and the EPA. There are no provisions in the Klug amendment providing for transfer of these duties, and there is no additional funding for these other departments or agencies. Wisconsin and all the other States have provisions, have money, have funding in order to provide for these services, and yet TVA is the vehicle that is used in the seven-State region in order to provide for these services.

But what I want to talk about in my very brief remarks left is the valuable assistance TVA provides for the poor rural counties in seven States which would be eliminated by Mr. KLUG's amendment. When TVA began just over 60 years ago, only 3 farmers in 100 had electricity.

Defeat the Klug amendment.

Mr. Chairman, as a former member of the TVA Board and former chairman of the TVA congressional caucus, I rise in very strong opposition to the Klug amendment and strongly urge my colleagues to oppose this measure.

My friends, adopting this amendment would be a serious mistake. If it is adopted, flood control on the Tennessee River would cease, protection of TVA's reservoir shorelines would not be accomplished, and proper care of over 170 acres of park land would not be maintained. If TVA were to disappear, most of these functions would have to be picked up by the appropriate Federal agencies like the Army Corps of Engineers, the Park Service, the Forest Service, the Bureau of Land Management, and the EPA. There are no provisions in the Klug amendment providing for the transfer of these duties or additional funding for these departments.

But what I want to talk about in my brief remarks, is the valuable assistance TVA provides for the poor rural counties in seven States which would be eliminated by Mr. KLUG's amendment.

Mr. Chairman, my colleague who offers this amendment is not from the seven-State region which TVA services. Perhaps he does not realize the important role TVA plays as a regional development agency.

For those who are not from the valley, let me relate to you a story that emphasizes TVA's importance. In the early 1940's when TVA was not yet a decade old, an old farmer stood up in church on Sunday morning to give a testimonial. ''The greatest thing on this Earth is to have the love of God in your heart,'' he said, ''and the next greatest thing is to have electricity in your house.''

The farmer knew what he was talking about. He could remember the days before electricity when a coal-oil fired lamp was the only source of light at night, when a block of ice in the icebox was all that kept his meat and milk from spoiling. TVA introduced light and comfort into the farmer's life, and he and his family were grateful. Electricity was a symbol of progress. Electricity brought the Tennessee Valley into the modern age.

When TVA began just over 60 years ago, only three farmers in 100 had electricity. Floods ravaged the countryside every spring. Soils from farm lands were washed away with the rains. Good jobs were scarce. Over the next half of a century, TVA worked with other Federal agencies, the States, business, industry, and the farmers to help solve many of these problems.

These activities continue to this day. While TVA provides electricity to over 7 million citizens in seven States, it is also a resource development agency, charged by Congress to help develop the Tennessee Valley region.

Let me repeat this because I think it gets into the heart of the debate today. TVA is a resource development agency, charged by Congress to help develop the Tennessee Valley region.

TVA is a partner with communities in the Tennessee Valley, providing expertise, support, and ideas needed to help distressed rural areas. TVA's Rural Development Program, which provides valuable assistance to small- and medium-sized businesses to expand their operations and employment, would be terminated under the pending amendment. Mr.

Chairman, the small business sector is the only sector of the economy that is creating jobs right now. We should be adopting legislation which encourages growth for small businesses, not discouraging it.

TVA has a program also targeted for elimination by the gentleman's amendment which focuses on the valley's most distressed counties which have unemployment in excess of 10 percent, per capita income less than 60 percent of the national average, a poverty rate of 26 percent, and derive more than 24 percent of total personal income from Government transfer payments like welfare and food stamps.

Under this program, TVA works with local communities in developing economic development projects, education and skills training, waste management, and business competitiveness. Mr. Chairman, TVA turns down requests for assistance each day because they are unable to meet the demand for this program.

I would like to make a final point regarding some of the misconceptions and outright inaccuracies made by the gentleman from Wisconsin. Representative KLUG presumes that the Federal taxpayer is subsidizing TVA's power program.

Nothing could be further from the truth.

The fact is that prior to 1959, TVA's power operations were financed primarily by Federal appropriations. However, in 1959 Congress passed the TVA Self-Financing Act.

Public Law 86–157 required that TVA's power program be self-sustaining—no longer funded by Federal appropriations. The 1959 act even directed TVA to pay back the Government for its initial appropriations out of future power revenues.

The fact is that TVA must charge sufficient electric rates to cover the costs of operations, maintenance, and capital improvements for the power program. Not one single Federal cent goes into TVA's power programs. So when Representative KLUG states that TVA provides Government subsidized power, obviously he has been misinformed or ill-advised.

Mr. Chairman, TVA's appropriation has already been reduced by 28 percent under the bill. I believe we have taken our fair share of cuts. I urge my colleagues to oppose the gentleman from Wisconsin's amendment.

Mr. QUILLEN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentleman from Tennessee [Mr. QUILLEN] for yielding me this time.

Mr. Chairman and members of the committee, this afternoon this subcommittee is taking a responsible position on the TVA, cutting what we felt was—could be cut, unnecessary spending, maybe areas that the Tennessee Valley Authority did not belong in, but retaining its right, its responsibility, to operate the rest of its traditional business responsibilities.

A few years ago when the gentleman from Alabama [Mr. BEVILL] and I were on the committee it was reckless. We have to say it was not run prudently as a business should be run. Rates were set arbitrarily with little regard about the ratepayer, and it got way out of hand. There was waste, a tremendous amount of waste, but through the years we have trimmed this down, and I think this year is a huge step. We have reduced the appropriation from last year's level by 26 percent, and that is a level of $39,534,000 less than last year, and we have reduced the President's request for this by 25 percent, $37,134,000.

We have made significant cuts. Please support the committee.

Mr. KLUG. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. RAMSTAD].

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

Mr. RAMSTAD. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. KLUG] for yielding this time to me and for his efforts at deficit reduction.

Mr. Chairman, today I rise in strong support of the Klug amendment. Mr. Chairman, I think, as my little niece would put it, we have to get real around here about deficit reduction, and, if we cannot cut this $103 million, we are not going to be able to balance this budget.

Mr. Chairman, as one taxpayers' group put it, this is pure pork. How can we justify Federal tax dollars, Federal taxpayers' dollars, going to such functions as boat landings, campgrounds, and logger education? Mr. Chairman, most of these functions, whether it is boat landings, or campgrounds, or logger education, can and should clearly be operated by State and local governments. Of course the operation of the dams and reservoirs are properly functions of the Army Corps of Engineers. If we truly intend to balance the budget, we must examine each and every program in the budget and ask whether or not it is something we should require taxpayers across the country to pay for.

In this case, Mr. Chairman, the answer is a resounding no. We must, must, have the political courage to shut down such programs as this or allow States to take them over.

Mr. Chairman, the American taxpayers are sick and tired, with all due respect to my good friends from Tennessee who are here fighting hard and representing the Tennessee Valley Authority well, but with all respect to them, Mr. Chairman, this is pork-barrell politics in its pure form, and American taxpayers are sick and tired of such politics. Mr. Chairman, this is a real test of whether this Congress is serious about fiscal discipline.

I urge a vote for the American taxpayer. Vote for the Klug amendment.

Mr. CRAMER. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. BROWDER].

Mr. BROWDER. Mr. Chairman, I rise in opposition to the Klug amendment to eliminate the Tennessee Valley Authority's appropriated budget. My district is not located in the Tennessee Valley, yet I support continued funding of TVA. This amendment is bad for a number of reasons.

As we have been told, TVA's remaining funds are necessary to carry out Federal responsibilities in areas such as flood control, land management, and resource stewardship. If TVA does not carry out these responsibilities, they will have to be carried out by other Federal agencies such as EPA, the Corps of Engineers, or the U.S. Forestry Service.

Where are the savings purportedly attained through this amendment? There are no savings because these agencies would need additional funds to carry out these activities. If this amendment passes, land management, flood control, and resource stewardship programs would still be needed and will have to be carried out by other Federal agencies. Therefore, the cost savings will not be realized.

Now the gentleman from Wisconsin [Mr. KLUG] has made a very good argument perhaps, that programs should be evaluated. That would perhaps need to be taken up by other agencies. Perhaps we could have that discussion. But this amendment does not provide for that discussion. This amendment zeros out this program without a discussion of whether or not these functions should be funded in another part of the Federal budget.

I think the gentleman from Indiana [Mr. MYERS] and the gentleman from Alabama [Mr. BEVILL] in their committee have done a very good job of tightening the belt and cutting this program down to what we think is reasonable, and I think that it is something that this Congress should approve because it is a good agency, it provides good functions, and those functions would have to be carried out whether they were in the TVA or not.

I oppose this amendment and urge my colleagues to vote against it.

Mr. KLUG. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. ZIMMER], another classmate of mine and a fierce deficit hawk.

Mr. ZIMMER. I thank the gentleman for yielding this time to me, and I commend him for this fight that he has undertaken. The Tennessee Valley Authority is part of our history, it is a proud part of our history, but there comes a time when you have to go back to first principles, especially when we are under the constraints of a balanced budget requirement, and one of the questions that we should ask ourselves with respect to any government program is: Is it appropriate that government—government at any level—fund this program in the first place? I would submit that items such as running boat landings, and campgrounds, and tourism simply are not the appropriate realm for government activity. I would submit that other activities that are covered by this cut, although they may be appropriately within the realm of government, are not within the realm of the Federal Government. This is a quintessentially regional and local program. It is for the benefit of the people who live in the Tennessee Valley, and I do not doubt that there is a considerable benefit to them. But the people

who benefit from the program should pay for the program. It should be done, if they choose, by their State, county, and local governments, but it should not be paid for by people living in other parts of the country.

If we had a surplus instead of a multi-hundred-billion-dollar deficit, I think it might be appropriate to fund programs which are not absolutely necessary but which are merely desirable or appealing from a political or regional point of view, but we do not have that luxury, and I think as we scrutinize every single program, regardless of the noble history, regardless of the sentiment, regardless of the good feeling that they have generated over the past several decades, we have to be clear-eyed, we have to be analytical, and we have to reject those programs that do not meet the test. I believe that the TVA programs covered by the amendment do not meet the test, and I urge my colleagues to support the amendment.

Mr. QUILLEN. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. BRYANT].

Mr. BRYANT of Tennessee. Mr. Chairman, I rise in strong opposition to the Klug amendment to eliminate TVA funding.

Colleagues, before you cast your vote for the Klug amendment, consider the ramifications of your vote.

Surely no one in this Chamber is going to blindly believe that the numerous functions of TVA are simply going to disappear into the woodwork if this amendment were to pass?

Let us consider some of TVA's responsibilities for just a moment. TVA's work ensures that over 650 miles of the Tennessee River is navigable to meet the needs of America's intercostal water transportation system by operating some 48 locks and dams.

TVA also has the responsibility for the upkeep of over 250,000 acres of Federal land and the largest contiguous forest east of the Mississippi River, known as Land Between the Lakes.

Are we to simply believe the Klug amendment is going to eliminate TVA's responsibility to operate all of these dams and lands?

Are we to assume that if this amendment passes, then the Federal Government will have cleansed itself from its obligations concerning TVA and its functions?

I would certainly hope that no one in this Chamber would believe that.

What is more, under current law, TVA's functions are to be carried out by TVA, and this amendment does not take that into consideration.

Colleagues, TVA is already going to see a reduction of 28 percent of its funding and the elimination of many of its programs as part of the Appropriations Committee's recommendations.

With so much uncertainty involved with this amendment, I certainly do not want to leave TVA's important functions to the whims and wishes of more Government agencies and departments in Washington.

Colleagues, there is a better solution than the Klug amendment.

□ 1630

Mr. CRAMER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MINETA], the distinguished ranking member of the Committee on Transportation and Infrastructure.

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

Mr. MINETA. Mr. Chairman, I rise in strong opposition to the Klug amendment. This amendment would callously eliminate funding for necessary activities of the Tennessee Valley Authority without making any provision for how these functions will be accomplished.

The Tennessee Valley Authority was created in 1933 to provide flood control, improve navigation, promote economic development, and provide electricity in the Tennessee Valley. Its accomplishment are legendary.

I am concerned that my colleague who is offering the amendment fails to fully understand what the effects of his amendment would be.

First, the TVA power program operates entirely without Federal subsidy—it is a user financed program which never adds to Federal expenditures or to the deficit. Funds from the power program cannot be used to make up the funding shortfall.

The remainder of the program, the nonpower program, plays an important and vital role in the lives of the citizens of the Tennessee Valley and the national economy.

TVA has the responsibility for 1,000 miles of navigable waterways, and of operating 52 dams and 14 navigation locks. It also manages 420,000 acres of public lands. If the Klug amendment were to be enacted, there are no provisions for any other entity taking over these responsibilities. Even if other agencies were to be instructed to take on the responsibilities for managing TVA property, there has been no allowance in any other budget to cover the additional costs.

The result would be 7 million people in the Tennessee Valley with no one responsible for flood control or navigation, and these are not insignificant elements of the TVA program.

In 1994 alone, TVA's flood control program prevented an estimated $1 billion in flood damages across the valley and saved Chattanooga twice from devastation by floodwaters. The navigation system moves 48 million tons of cargo annually. The Klug amendment makes no provision for how these important benefits of TVA will be replaced.

This bill already cuts TVA programs by nearly 30 percent. Let us not be penny-wise and pound-foolish by eliminating necessary functions without adequately considering the needs of the people who depend upon TVA for the same functions which are provided to the remainder of the Nation.

Vote ''no'' on the Klug amendment.

Mr. QUILLEN. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. WAMP].

Mr. WAMP. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I am from the Third District of Tennessee, and, gratefully, have more TVA employees in my district than any other district in this Nation—6,000 TVA families live and work in my district. I will tell you from firsthand experience, Mr. Chairman, while it might surprise you, that the Tennessee Valley Authority is not perfect. Neither is the Pentagon perfect, neither are the Centers for Disease Control perfect, neither is the White House perfect, and neither is this institution perfect. But I have not seen any amendments to zero those core functions out.

This amendment does not say ''Let's find an area that can be restricted further and reduce it.'' It says zero. It says cut it off, cold. Let me tell Members this: TVA is much better off than it used to be, because the TVA Board is appointed by the President of the United States. The TVA Board has been run by the Democrats at times, it has been run by the Republicans at times. It survived a few years under the leadership of who they call ''Carvin' Marvin'' Runyon, who now runs the U.S. Post Office. I will tell the gentleman from Wisconsin [Mr. KLUG], he would be one of your kind of guys, because he goes in there and cuts it to the bone. I told TVA at that time I thought it would be good for them to have the years under Marvin Runyon. I tell my friends at the post office the same thing. It is one of the best things that can happen to you. We experienced almost a 50-percent reduction in employment through the Tennessee Valley Authority.

The Tennessee Valley Authority is going in the right direction. There is one basic flaw to the Klug amendment to zero out TVA. That is the stewardship, the water management part, what keeps backyards from flooding all along this river system. There is no provision for the Army Corps of Engineers beginning October 1 of this year when this money runs out to take that function over. We have already gone through that part of this bill, this appropriations bill, and there is no addition to pick this function up. So the bill is fundamentally flawed.

As I said earlier on another amendment, I believe everyone must share in this patriotic challenge to balance the Federal budget. The TVA is no exception, and I told them that earlier when I got here, my friends at TVA, ''I am going to fight for you, but you are going to have to take some licks. You are going to have to do your share. You are going to have to show the country.'' So we reduced the budget in the appropriations process from $143 to $103 million, a substantial reduction. This is the TVA's share to this patriotic challenge.

Mr. Chairman, I urge my colleagues from both sides of the aisle to oppose

the Klug amendment and support continued, but less, TVA funding.

Mr. KLUG. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to make two points to respond to the articulate argument of the gentleman from Tennessee [Mr. WAMP], in defense to TVA.

First and foremost, one of the programs we are talking about today is additional economic development money, aside from the water development projects the gentleman talks about. As he knows, and I know all too well, given the vote on the last amendment, the region in Tennessee finds itself not only available for the normal economic development money that a county in Wisconsin or a county in Ohio may be eligible for, but now for Appalachian Regional Commission money as well, and now finally Tennessee Valley Authority money.

So now we have got counties in this region of the country that are eligible for three times as much funding as your counties back in Ohio or mine in Wisconsin or those in Colorado or Minnesota, or whatever the case might be.

Second, I would have loved to have crafted an amendment much differently than the one we have in front of us, but the fundamental point is anybody in this institution understands you cannot legislate on an appropriations bill. So I would love to change the ground rules for TVA. I would love to have arguments about transferring this to the Corps of Engineers. I could not do it because the committee would have never let me do it.

But I think what we are faced with today is an amendment that fundamentally tries to send a message to TVA that says eventually we are going to get to a point where you are going to have just the kind of cuts we have had under the leadership of the gentleman from Indiana [Mr. MYERS] and the gentleman from Alabama [Mr. BEVILL], but eventually TVA is going to have to cut its strings, and eventually, in one form or another, TVA is going to have to stand on its own, whether it privatizes or corporatizes or whatever the model is, because in 1995, the Federal Government should not be in the electric utility business.

Mr. Chairman, I reserve the balance of my time.

Mr. CRAMER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Tennessee [Mr. TANNER].

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

Mr. TANNER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman evidences a basic misunderstanding here of what TVA is about. TVA stands on its own on its power production and the ratepayers who use the power in the Valley pay for that. You are not talking about the Federal Government being in the electric power business in 1995.

I, quite frankly, to some degree resent this attack on one area of the country, because I think that we are all one country. My friend from Chattanooga before me pointed out very well that there are some things good happening in the Tennessee Valley because of TVA.

We do not attack people because we do not have something that happens in Wisconsin or New Jersey. We do not have a lot of Coast Guard along the Tennessee River. We do not attack the the Coast Guard because they patrol in New Jersey and up in the Great Lakes.

I resent this attack on a small southern area of the country. But more than that, what the gentleman's amendment will fail to do and what he does not understand is this money that is appropriated to TVA is because TVA is the agency of choice to fulfill some of the safety measures that must be undertaken by either the Corps of Engineers, the Coast Guard, or others along 600-plus miles of the Tennessee River with dams and locks and those sorts of things.

That is the kind of money we are appropriating, because the TVA can do it efficiently, and it is the agency of choice in this regard. There is a fundamental difference here between power money, which is not involved, and safety money, which is.

Mr. QUILLEN. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. WHITFIELD].

Mr. WHITFIELD. Mr. Chairman, I rise in strong opposition to the Klug amendment. Back in 1963, President Kennedy initiated a project of TVA called the Land Between the Lakes. And there were 2,500 families and children and mothers and fathers moved out of that property, not because they wanted to leave their farms, but because the Government instituted eminent domain authority and forcibly removed them from the property. So they left.

Under the Klug amendment today, they are going to zero fund this project, as well as others of TVA. This project has nothing to do with electric utilities or anything else, but it is one of the largest wildlife preserves in the United States.

Today at LBL you can find endangered red wolves, bald and golden eagles, coyotes, black vultures, redtail hawks, and there is no provision on what is going to happen to this land, 170,000 acres of it. There is a herd of buffalo on this property. Two million visitors a year visit this property, and they come from all over the United States.

When you make the argument that this is something different or the Federal Government should not be involved in it, we have national parks throughout this country that people visit all the time. This is 170,000 acres of wildlife preserve that this Government made a conscious decision that they wanted, and they moved 2,500 people off of the property, forced them off.

So I say that we are trying to redefine the role of Government, and we can do that, but we need some time. They are reducing the TVA budget this year by 28 percent, but we are not asking many agencies of Government to go to zero funding. We need time, and we can reach that time and make arrangements.

With that, I vigorously urge you to oppose the Klug amendment.

Mr. CRAMER. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Tennessee [Mr. GORDON].

Mr. GORDON. Mr. Chairman, in my brief 1½ minutes, let me try to clear up a couple of misunderstandings.

First of all, there has not been a penny of taxpayer Federal dollars going to the TVA power program since 1959. What little Federal money goes to the TVA goes to carry out Federal mandates. And these Federal dollars, as has been pointed out, have been cut by 28 percent already.

So let me point out what are these Federal mandates. Where are these Federal dollars going. TVA manages the Nation's fifth largest river system, using 48 dams to control flooding and maintain the navigability along 652 miles of the Tennessee River. TVA is responsible for keeping up with 250,000 acres of Federal land along with 11,000 miles of environmentally sensitive shoreline, and the Land Between the Lakes, which is a 170,000-acre national recreation area, which is the largest contiguous forest east of the Mississippi River.

□ 1645

So to cut these funds any further does not cut the responsibilites, it just shifts it from one pocket to the other.

Mr. Chairman, I hope this has cleared up some misunderstandings, and I hope my colleagues will vote to only cut the TVA nonpower funds by 28 percent.

Mr. KLUG. Mr. Chairman, I yield myself such time as I may consume. Let me, if I can, clarify somewhat the relationship between the Tennessee Valley. Authority and the Federal Government.

This is a General Accounting Office report, dated June 1995. The headline says, Tennessee Valley Authority, problems raise questions about long-term viability.

If I can, Mr. Chairman, let me read briefly:

''While no cash flow crisis exists today, GAO believes that TVA's financial condition threatens its long-term viability and places the Federal Government at risk.''

If there is no relationship between the TVA and the Federal Government, how can they possibly be at risk?

''Resolving TVA's financial problems will be costly and require painful decisions.

''In other words,'' concludes this report, ''without the guarantee of the Federal Government, much of the financing of the Tennessee Valley Authority is the equivalent of a junk pile.''

That is not my conclusion, that is the conclusion of the U.S. Congress General Accounting Office.

So let us not for a minute pretend there are not any significant financial ties between the U.S. Government and its taxpayers and the Tennessee Valley Authority, because, as everybody in this Chamber understands who is now defending the project, TVA only exists because of $28 billion in taxpayer-financed subsidies.

Mr. Chairman, I reserve the balance of my time.

Mr. QUILLEN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Let me say this. As has been pointed out by so many other speakers, TVA is already taking a 28-percent cut in the Federal appropriation. there are very few other agencies or departments in the Federal Government that are taking a hit or a cut of this size. And I yield to no one in my desire and determination to balance the Federal budget. But balancing the Federal budget and reducing Federal spending is one thing; totally eliminating the Federal appropriation is another thing, because very few people are trying, I think, to totally do away with the Federal Government. That is really based on what we are doing with regard to the TVA, if we eliminate this Federal apropriation.

Let me say this, I want to spend most of my time talking about the Federal role here because there is a very important Federal role. TVA is primarily or at least in large part a benefit to citizens all over this country. The people of the Tennessee Valley benefit to a certain extent, but people all over this country benefit from TVA's activities.

For instance, when the Mississippi and Ohio Rivers overflowed 2 years ago, TVA restrained the flow of the Tennessee River saving billions of dollars and an untold number of lives. In 1988, a drought stalled hundreds of barges, and TVA released water that helped keep the Mississippi flowing. The Mississippi, which flows from Minnesota down to New Orleans, again, saving millions, potentially even billions of dollars for shippers and for American consumers, American consumers who live all over the country.

In 1994, 34,000 barges traveled the waterways managed by TVA, 34,000 barges. These barges carried goods and products intended to be used all across the country. In addition, the cheap cost of this type of transportation helped keep prices low for American consumers in every State in this country.

A recent study by the Iowa Department of Transportation stated that it would take 58 tractor-trailers to carry what one barge carries. If TVA had not managed these waterways for the 34,000 barges which used them last year, we could have potentially had to have at least an additional 1.9 million tractor-trailers on our highways. By making these rivers navigable for barge transportation, TVA helps reduce air pollution, road damage and the potential for serious highway accidents.

The amendment would also reduce TVA's ability to manage 11,000 miles of shoreline for which it currently has responsibility. Supervision of this land is not only critical for flood control but also to industrial development, recreation, and wildlife management.

TVA operates 160 public recreation areas for boating, hunting, fishing, hiking, and camping. People from all over the United States visit and enjoy these facilities. Visitation to these recreational areas contributed $1.25 billion to the economy last year.

Thus, in many ways, Mr. Chairman, TVA is a major asset to this country, in many different ways.

Mr. CRAMER. Mr. Chairman, I yield 3 minutes to my friend and colleague the gentleman from Alabama [Mr. BEVILL], distinguished ranking member of this subcommittee of the Committee on Appropriations.

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

Mr. BEVILL. Mr. Chairman, I rise in strong opposition to this amendment and urge that Members vote against it.

I know my good friend and colleague, the gentleman from Wisconsin [Mr. KLUG], is like all of us, we are anxious to get the budget balanced and we are certainly well on our way to doing it. I do know that there is a little confusion about this.

As my colleagues know, the TVA is not something new. This was an act of Congress, recommended by President Roosevelt, and has been one of the most successful Federal programs that we have ever had in the Nation.

We are talking about a big part of seven States; we are talking about an installation that has over 40 dams along the Tennessee River and its tributaries. We are talking about closing down, privatizing. I notice the gentleman, the author of the amendment there, says, we need to privatize the TVA. We need to get the TVA out of the power business. And can you imagine that? Can you imagine if an amendment like this passed that cut the funding from this program, I will not attempt to talk about all the disasters it would create. Can you imagine the 170,000-acre park down there, without any doubt the biggest animal preserve in the continental United States just suddenly being closed; 2 million people no longer would have a park to go to and the biggest preserve would be closed down there, just automatically, no study, no nothing, no thought about it?

And think about what would happen to the $20 million a year payment that the TVA is paying every year to the U.S. Government. Is that the way you balance the budget? Cut off your income? That is $20 million coming in every year. It is a check. It is money. It is being brought to the U.S. Treasury.

Now, are we going to cut that off, privatize it? That word privatize amazes me, the way they throw it around here. The shoe shine boy even mentioned it the other day. He said, They are trying to privatize me. I hear that word coming in from every angle around here. It sounds like it is magic or something. But I cannot imagine having a complaint about a $20 million payment coming into our Federal Government. I do not know of any other program we have that does that.

If any of you know of it, I would like to know about it, because I have not heard it.

I think the gentleman's intentions are good, but to be exact, there are 48 dams there, 652 miles of the Tennessee River, and there is some thousands of tons, 48 million tons of cargo going down this Tennessee River, this part of the TVA system. We could just go on.

If you want to privatize TVA, let us get a bill and get a study made and see what ought to be done about it. I think they would recommend we forget about it.

Mr. KLUG. Mr. Chairman, may I be advised how much time I have remaining?

The CHAIRMAN. The gentleman from Wisconsin [Mr. KLUG] has 17½ minutes remaining, the gentleman from Alabama [Mr. CRAMER] has 1 minute remaining, and the gentleman from Tennessee [Mr. QUILLEN] has 4 minutes remaining.

Mr. KLUG. Mr. Chairman, I ask unanimous consent to yield 3 minutes of my time to the gentleman from Tennessee [Mr. QUILLEN], and 3 minutes to the gentleman from Alabama [Mr. CRAMER], and that they be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. KLUG. Mr. Chairman, I yield myself such time as I may consume.

I want to make two points. First, on the argument of the gentleman from Alabama [Mr. BEVILL] that somehow this idea of privatizing the TVA is absolute anathema and will mean the end of the world. May I again refer to the same GAO report on the financial viability of the Tennessee Valley Authority:

TVA's links to the Federal Government—

these links that do not exist which do exist, says the GAO—

and its high debt limits have enabled it to borrow the billions of dollars needed for its nuclear construction program. TVA's electricity rates and power production decisions are not subject to the same oversight that other utilities routinely face. Although protected from competition by legislation and its customers contracts in the short run, TVA will have to compete with other utilities in the long run. Because of heavy debt burden and resultant high financing costs, TVA lacks the flexibility to successfully compete in this environment.

May I suggest that if we do not figure a way to privatize the Tennessee Valley Authority, your taxpayers in Alabama and mine in Wisconsin will at

some point have to eat $28 billion in TVA debt. I am not making that up. That is the conclusion of the General Accounting Office.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. KLUG. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, let us not tell the TVA to quit sending that $20 million a year to the government. Let us agree on that.

Mr. KLUG. Mr. Chairman, sending how much to the Federal Government? Twenty million?

Mr. BEVILL. Mr. Chairman, if the gentleman will continue to yield, $20 million a year paid in to the government. We are talking about balancing the budget.

Mr. KLUG. Mr. Chairman, I will make a deal with the gentleman. They can keep the $20 million and you let me keep the other $103 million that is part of the debate right now.

The second conclusion on the TVA, this was in the House budget resolution:

> Eliminate Federal support for the Tennessee Valley Authority. In 1995, Congress appropriated $143 million for these activities. This proposal would end this annual subsidy for TVA.

I would like Members to listen very carefully to the last sentence here:

> Other equally deserving regions of the country fund these activities either through higher rates for electric power, local tax revenues, or user fees.

Mr. DUNCAN. Mr. Chairman, will the gentleman yield?

Mr. KLUG. I yield to the gentleman from Tennessee.

Mr. DUNCAN. Mr. Chairman, I would just like to point out to the gentleman, he has been reading from a report by the GAO. But in a letter to Mr. QUILLEN, dated June 28, 1995, the GAO said this:

> Dear Mr. Quillen, your staff asked us to clarify whether the scope of our current review of the Tennessee Valley Authority included work on TVA's nonpower programs. Our review focused on TVA's power program. It did not examine TVA's nonpower programs.

We are today discussing TVA's nonpower programs. We are not discussing TVA's power programs. That is the bulk of the TVA work, 98 percent of it. But the GAO report that the gentleman from Wisconsin has been reading from repeatedly today did not examine the nonpower programs that we are discussing here in this amendment today. So there is a pretty big distinction there that I think should be made clear to everyone who is listening.

Mr. KLUG. Mr. Chairman, I think my colleague from Tennessee, Mr. DUNCAN, is absolutely correct. But I brought this report out in order to counter arguments from a number of Members on his side who have been saying, There is no longer a Federal relationship because the power administration operates on its own and the only money the Federal Government is somehow tied to TVA for are these ancillary operations. All I was trying to do in raising this GAO report is to say, any suggestion that the Federal Government is not deeply intertwined in the financial longrun future of TVA is not correct.

Mr. DUNCAN. Mr. Chairman, if the gentleman will continue to yield, but the gentleman does understand though that the TVA power programs are self-supporting and that taxpayers in Wisconsin and other parts of the country are not subsidizing the power programs of the TVA?

Mr. KLUG. Correct, Mr. Chairman, in that they are not paying current payments, but not correct to the degree that they got subsidized loans initially not available to other parts of the country.

Mr. DUNCAN. Initially, many years ago.

Mr. KLUG. Many years ago, correct, but it is still subsidized.

Mr. DUNCAN. The gentleman does understand, as the gentleman from Tennessee [Mr. GORDON] pointed out a few minutes ago, that TVA power rates have not been subsidized since 1959, and then it was only to a very, very small extent.

□ 1700

Mr. QUILLEN. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. HILLEARY].

Mr. KLUG. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee.

The CHAIRMAN. The gentleman from Tennessee [Mr. HILLEARY] is recognized for 3 minutes.

Mr. HILLEARY. Mr. Chairman, I rise in opposition to this amendment. I guess I am going to give a slightly different perspective. I am going to reiterate some of the points, but slightly different. I grew up in the very shadow of TVA. From my parents' home, the home I grew up in, you could actually see the TVA dam and the cooling tower sticking out from the trees. We actually had our best friends in the world work for TVA. Now their sons and daughters work for TVA.

TVA has been a lot of good things to the Tennessee Valley. It has been some bad things. It has provided jobs, flood control, electricity, and in doing so, provided a lot of economic development in a region that sorely needed it. However, I will go a little further than my other colleague, the gentleman from Tennessee [Mr. WAMP], in saying that it is not perfect. It is a long ways from being perfect. In fact, in my opinion, it has been extremely wasteful and mismanaged over the many years in the power part of TVA, not the nonpower part of TVA.

Of course, we pay for this in the Tennessee River Valley with higher rates. No taxpayers in Wisconsin or any other part of the country pay for this, but we, the ratepayers in the Tennessee River Valley, pay for this management.

The amendment of our colleague, the gentleman from Wisconsin, does nothing to alleviate these problems. His amendment seeks to zero out TVA's nonpower budget. In a way, I have no problem with this, in some ways. I have no problem with TVA taking a hit. I tell everybody who comes into my office, people who are very sincere about their programs. Some programs in Tennessee were in the southern region, and I say to them that they are going to have to take a hit, too. We all have to take a hit to balance this budget. I think TVA is taking a hit, 28 percent.

I have no problem with some Federal programs being zeroed out. I think there are some programs in the Federal Government that are absolutely worthless, and should be zeroed out. However, that is not the case in the TVA's nonpower budget. The TVA's nonpower budget goes, to a large extent, for flood control, navigational management, ecological, and environmental stewardship. These things, once again, will have to be picked up by some other Federal agency. These will have to be picked up by some other Federal agency, Mr. Chairman, so this is not one of those Federal programs that needs to be zeroed out.

If it is not picked up by some other Federal agency, the is only one other choice. Those of us in the Tennessee River Valley will be accepting mediocre and in some cases unsafe stewardship of our shoreline, of our flood control. I just do not think that is the right thing to do.

For all these reasons, I urge all my freshman colleagues to pay attention to these very big distinctions. All of us are budget hawks up here. Many of us in the freshman class ran on this, and this is what we are dedicated to. However, this is a big distinction in this particular case. I urge all my colleagues in the freshman class and otherwise to vote ''no'' on the Klug amendment.

Mr. CRAMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to speak to my colleagues that are both here on the floor and those that are in their offices listening to this debate. I want to say to my classmate, the gentleman from Wisconsin [Mr. KLUG], I applaud him for his consumption with the budget and keeping us on the edge of where we need to be. As we from districts that have irons in these budget fires, the gentleman squeezes this budget and some of us feel the pain from that, but he has made us realize that we have to accept some cuts, that we have to reanalyze some of our connections to the Federal Government, because we cannot keep spending money at the rate or at the level we have been spending money.

However, I also want to say to my classmate that he is consistent with regard to my region, the ARC amendment and how this TVA amendment, and the space station fight we go through annually. I want to echo some of the words of my colleagues from

Tennessee and from Kentucky and the other regions that certainly have interests connected to this issue here. I want to remind my colleagues, we are taking a 28-percent cut here. We are talking about an agency that runs dams, almost 50 dams in the TVA area. We are talking about an agency that is charged with obligations that it cannot meet if this irresponsible amendment passes here today.

Mr. Chairman, this amendment does not speak to other alternate ways for us to run those almost 50 dams. This amendment does not talk about the flood control issues that our region of the country would be saddled with. There are many troublesome reasons that we need to oppose this amendment. This amendment ensures that rural communities in the Tennessee Valley will lose access to a variety of information sources, including education, health care, and business opportunities.

Much like the speaker who just spoke from Tennessee, my region takes a cut, a significant cut. We have the environmental research center, a TVA project, that is located in my district. It bears the direct impact of this budget cut, this 28-percent cut here today. That is a very important program in my district that TVA has started, that has environmental impact. I think those of us from our region have taken our fair share of cuts. We only ask the Members not to go so far as to cut us off. We think we have been responsible in this effort. I urge Members to oppose this Klug amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. QUILLEN. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. QUILLEN. Mr. Chairman, I appreciate the gentleman from Wisconsin for yielding the additional time.

However, I would like to set the record straight. As chairman of the TVA Caucus, I am delighted to do that, and I think the gentleman from Wisconsin [Mr. KLUG] should listen carefully. Under the bond covenants financing the power program, there is a provision that no income from ratepayers can be used to maintain the dams, to provide for flood control, to provide for navigation, and all the things that he lists here as stewardship, water and land, land between the Lakes, et cetera, which are a Federal obligation.

Those obligations are performed by the Corps of Engineers throughout the other regions of the United States. If he is successful, and I hope he is not, in his amendment there is no provision in the energy and water bill to increase the funding for the Corps of Engineers to take over this operation. I think what the gentleman is saying is something that is completely foreign to the facts.

Also, the intent of the TVA Act when it was created in 1933, was that the power rates—the income from the power production—was not to be used for flood control, was not to be used for navigation, was not to be used for the protection and the care of the lands bordering the Tennessee River and the dams that they have constructed, so what he is doing is cutting, absolutely cutting and making TVA an inoperative agency.

Therefore, I urge this body, each and every Member, to oppose his amendment, because he does not have the facts in this case. Mr. Chairman, I remember when TVA was created in 1933. I remember how the flooding drove people out of the area. The farmers could not farm. The floods took and washed their crops away. It was disastrous.

Then farsighted Members of this body created the Tennessee Valley Authority to control the flooding, to provide farmland for the farmers to use for this Nation to enjoy the fruits of their labor and the food to eat. It was created. Over the years some 48 dams have been constructed on the Tennessee Valley, in the Tennessee Valley program, along the Tennessee River. It is a power-producing area, and the Federal Government does not pay any of the power production costs. That is done under the bonding of TVA itself.

Mr. Chairman, I remember going over to the Secretary of the Treasury with Marvin Runyon when he was Chairman of the Board of TVA. We finally persuaded the Government to replenish and give us permission to pay the Government off with a private bond program. Finally, after several trips, we were successful in doing that, and TVA issued bonds and paid off the Federal Government, relieved them of that obligation.

Already in this bill $42 million has been cut, whittled away. I do not like that, but I am willing to accept it. However, certainly, we are not going to destroy the viability of TVA. There is no money in any other agency to take over these obligations. In Wisconsin there are 14 Corps of Engineers projects, spending some $15 million. I do not see any amendment offered by the gentleman from Wisconsin to cut out the Corps of Engineers' projects in Wisconsin. That is what he is trying to do, to seven States in the Tennessee Valley area, to cut out and rape the TVA program. I think what is good for the goose is good for the gander. We should defeat his amendment. Defeat it we must, and defeat it we will.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KLUG. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 144, noes 284, not voting 6, as follows:

[Roll No. 492]

AYES—144

Allard	Funderburk	Nussle
Andrews	Gallegly	Orton
Archer	Ganske	Owens
Armey	Gibbons	Oxley
Baker (CA)	Goss	Parker
Baldacci	Green	Paxon
Ballenger	Greenwood	Petri
Barcia	Gunderson	Porter
Barrett (WI)	Gutknecht	Portman
Barton	Hancock	Pryce
Bass	Harman	Ramstad
Bilbray	Hastert	Reed
Bilirakis	Hastings (WA)	Regula
Blute	Hayworth	Rivers
Boehner	Hefley	Roemer
Bonilla	Herger	Rohrabacher
Bono	Hobson	Ros-Lehtinen
Brownback	Hoekstra	Roth
Burton	Horn	Roukema
Camp	Hunter	Royce
Canady	Inglis	Salmon
Castle	Kasich	Sanford
Chabot	Kennedy (RI)	Saxton
Christensen	Kennelly	Scarborough
Chrysler	Kleczka	Schaefer
Coble	Klug	Schumer
Coburn	Largent	Seastrand
Combest	LaTourette	Sensenbrenner
Cooley	Lazio	Shadegg
Cox	LoBiondo	Shaw
Crane	Luther	Shays
Cunningham	Manzullo	Smith (MI)
DeLay	Martini	Smith (NJ)
Deutsch	McCarthy	Smith (WA)
Doyle	McCollum	Solomon
Dreier	McHale	Souder
Dunn	McInnis	Stearns
Ehlers	McIntosh	Stockman
Ehrlich	Meehan	Talent
Ensign	Metcalf	Tate
Fawell	Meyers	Thornberry
Flanagan	Miller (FL)	Tiahrt
Foley	Molinari	Torkildsen
Forbes	Moorhead	Torricelli
Fowler	Myrick	Upton
Franks (NJ)	Neal	White
Frelinghuysen	Nethercutt	Zeliff
Frisa	Neumann	Zimmer

NOES—284

Abercrombie	Clyburn	Fields (LA)
Ackerman	Coleman	Filner
Bachus	Collins (GA)	Flake
Baesler	Collins (IL)	Foglietta
Baker (LA)	Collins (MI)	Ford
Barr	Condit	Frank (MA)
Barrett (NE)	Conyers	Franks (CT)
Bartlett	Costello	Frost
Bateman	Coyne	Furse
Becerra	Cramer	Gejdenson
Beilenson	Crapo	Gekas
Bentsen	Cremeans	Gephardt
Bereuter	Cubin	Geren
Berman	Danner	Gilchrest
Bevill	Davis	Gillmor
Bishop	de la Garza	Gilman
Bliley	Deal	Gonzalez
Boehlert	DeFazio	Goodlatte
Bonior	DeLauro	Goodling
Borski	Dellums	Gordon
Boucher	Diaz-Balart	Graham
Brewster	Dickey	Gutierrez
Browder	Dicks	Hall (OH)
Brown (CA)	Dingell	Hall (TX)
Brown (FL)	Dixon	Hamilton
Brown (OH)	Doggett	Hansen
Bryant (TN)	Dooley	Hastings (FL)
Bryant (TX)	Doolittle	Hayes
Bunn	Dornan	Heineman
Bunning	Duncan	Hilleary
Burr	Durbin	Hilliard
Buyer	Edwards	Hinchey
Callahan	Emerson	Hoke
Calvert	Engel	Holden
Cardin	English	Hostettler
Chambliss	Eshoo	Houghton
Chapman	Evans	Hoyer
Chenoweth	Everett	Hutchinson
Clay	Ewing	Hyde
Clayton	Farr	Istook
Clement	Fattah	Jackson-Lee
Clinger	Fazio	Jacobs

Jefferson	Miller (CA)	Slaughter
Johnson (CT)	Mineta	Smith (TX)
Johnson (SD)	Minge	Spence
Johnson, E. B.	Mink	Spratt
Johnson, Sam	Mollohan	Stark
Johnston	Montgomery	Stenholm
Jones	Moran	Stokes
Kanjorski	Morella	Studds
Kaptur	Murtha	Stump
Kelly	Myers	Stupak
Kennedy (MA)	Nadler	Tanner
Kildee	Ney	Tauzin
Kim	Norwood	Taylor (MS)
King	Oberstar	Taylor (NC)
Kingston	Obey	Tejeda
Klink	Olver	Thomas
Knollenberg	Ortiz	Thompson
Kolbe	Packard	Thornton
LaFalce	Pallone	Thurman
LaHood	Pastor	Torres
Lantos	Payne (NJ)	Towns
Latham	Payne (VA)	Traficant
Laughlin	Pelosi	Tucker
Leach	Peterson (FL)	Velazquez
Levin	Peterson (MN)	Vento
Lewis (CA)	Pickett	Visclosky
Lewis (GA)	Pombo	Volkmer
Lewis (KY)	Pomeroy	Vucanovich
Lightfoot	Poshard	Waldholtz
Lincoln	Quillen	Walker
Linder	Quinn	Walsh
Lipinski	Radanovich	Wamp
Livingston	Rahall	Ward
Lofgren	Rangel	Waters
Lowey	Richardson	Watt (NC)
Lucas	Riggs	Watts (OK)
Maloney	Roberts	Waxman
Manton	Rogers	Weldon (FL)
Markey	Rose	Weldon (PA)
Martinez	Roybal-Allard	Weller
Mascara	Rush	Whitfield
Matsui	Sabo	Wicker
McCrery	Sanders	Williams
McDade	Sawyer	Wilson
McDermott	Schiff	Wise
McHugh	Schroeder	Wolf
McKeon	Scott	Woolsey
McKinney	Serrano	Wyden
McNulty	Shuster	Wynn
Meek	Sisisky	Yates
Menendez	Skaggs	Young (AK)
Mfume	Skeen	Young (FL)
Mica	Skelton	

NOT VOTING—6

Fields (TX)	Hefner	Moakley
Fox	Longley	Reynolds

□ 1731

The Clerk announced the following pair:

On this vote:

Mr. Longley for, with Mr. Moakley against.

Messrs. HOLDEN, VENTO, FATTAH, Ms. ESHOO, Mr. CRAPO, and Mrs. CHENOWETH changed their vote from ''aye'' to ''no.''

Mr. COOLEY, Mr. DEUTSCH, Mrs. MEYERS of Kansas, Mr. NEAL of Massachusetts, and Mr. BONO changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title IV?

The Clerk will designate title V.

The text of title V is as follows:

TITLE V

GENERAL PROVISIONS

SEC. 501. Sec. 505 of Public Law 102–377, the Fiscal Year 1993 Energy and Water Development Appropriations Act, and section 208 of Public Law 99–349, the Urgent Supplemental Appropriations Act, 1986, are repealed.

SEC. 502. Sec. 510 of Public Law 101–514, the Fiscal Year 1991 Energy and Water Development Appropriations Act, is repealed.

SEC. 503. Without fiscal year limitation and notwithstanding section 502(b)(5) of the Nuclear Waste Policy Act, as amended, or any other provision of law, a member of the Nuclear Waste Technical Review Board whose term has expired may continue to serve as a member of the Board until such member's successor has taken office.

SEC. 504. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any applicable Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

The CHAIRMAN. Are there any amendments to title V?

Mr. VOLKMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I could get the attention of the gentleman from Texas, the majority whip. I have just run across a flyer here on the floor that says that we are going to be in session tomorrow evening, and we are not going to adjourn by 6 o'clock. We are going to be out Friday, but also it says that we are going to be in Monday, and I have already scheduled something out in my district, so I will have to make changes this coming Monday, and votes will begin by 5 o'clock. Is that correct?

Mr. DELAY. If the gentleman will yield, that is correct. I think the majority leader had every intention later on this evening to explain the new schedule.

Mr. VOLKMER. Tonight we go to about midnight?

Mr. DELAY. I am advised that, yes, we intend to go to midnight tonight. We are going until we finish this bill for sure, and we are going tomorrow until we finish the Interior appropriations bill.

Mr. VOLKMER. The majority leader will come in and fully explain why on all of this?

Mr. DELAY. I think the majority leader had the intention of explaining the schedule later on this afternoon and this evening as the schedule applies to tomorrow, I mean, and next week.

Mr. TRAFICANT. If the gentleman will yield, we will be discussing that later. I had a question: Many Members had scheduled that Monday. Is it possible to roll those votes until Tuesday?

Mr. DELAY. Certainly we can take that under advisement, but I think Members need to, right now, plan on votes after 5 o'clock on Monday.

And if we can get a hold of some of the time on some of the amendments, maybe we can schedule the session a little earlier during the days of the week.

Mr. YATES. If the gentleman will yield, may I ask the majority whip a question? Would it be possible tonight, instead of going into the amendment process, to take the rule, then have general debate and stop after general debate and begin the bill tomorrow? That way many Members will be enabled to go home at a fairly reasonable hour, about 10 o'clock.

Mr. DELAY. If the gentleman will yield, to answer the distinguished ranking member of the interior appropriations bill, we, in looking at the amendments that have been published in the amendments, we understand that will be offered on the Interior bill and trying to extrapolate that over time of tonight and up through tomorrow, it looks that we have it pretty well scheduled to where we have to get into amendments in order to finish the Interior bill by tomorrow evening.

Mr. YATES. You may have to go to midnight tomorrow night as well, because, as I understand it, there are 71 amendments to the Interior bill.

Mr. DELAY. Well, we understand that, and if we have to go to midnight tomorrow night to finish the Interior bill, we will just have to do that. We lost a lot of time last week and the early part of this week, and we have every intention of passing every appropriations bill before and honor the August 4 adjournment date.

Mr. MONTGOMERY. If the gentleman will yield, why do you not look into having us come in next week and the week after, just to try to come in at 9 o'clock on Tuesday, Wednesday, and Thursday, and work until 9 o'clock, 12 hours a day? That gives Members a better time to plan, and it makes a lot of sense. I know that does not work very well around here. You ought to look at it from 9 to 9 and do it Tuesday, Wednesday, and Thursday, and it will certainly help Members.

Mr. DELAY. If the gentleman will yield, I think the distinguished gentleman from Mississippi has a very good point, and we just may very well have to do that. We may very well have to look at working the weekend of the 28th and the 29th, through the weekend, in order to finish these bills. We do not intend to take away the privilege of any Member to offer any amendment to strike on an appropriations bill, and we want to make sure every Member of the House has the opportunity to do that, and as we look at the number of amendments that are being filed, it is obvious to us that many Members are taking advantage of that, and we have to adjust the schedule accordingly.

Mr. TRAFICANT. I would hope that the Republican leadership would look at rolling those votes until Tuesday. If we have a schedule where we make plans, even at this critical time, we should try and look at that.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. TRAFICANT: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 505. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT. Mr. Chairman, ladies and gentlemen, this is an amendment that has been incorporated in all of the appropriations bills. It is the same amendment that has been approved on all others. It poses no controversy. It provides that we might even buy some American-made products and give a little notice encouraging same.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentleman, the author of the amendment, for yielding. This is an amendment that you have championed for a number of years, very successfully.

This committee has accepted it in the past, and the Republicans accept your amendment.

Mr. TRAFICANT. I thank the chairman. I support his bill.

Mr. BEVILL. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Alabama.

Mr. BEVILL. Mr. Chairman, I have no objections.

Mr. TRAFICANT. Mr. Chairman, I ask for an ''aye'' vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MARKEY: Page 29, after line 25, insert the following new section:

SEC. 505. The amounts otherwise provided by this Act are revised by reducing the amount made available for ''Energy Supply, Research and Development Activities'', and increasing the amount made available for ''Nuclear Waste Disposal fund'' and ''Nuclear Regulatory Commission—Salaries and Expenses'' (consisting of an increase of $200,000,000 and $11,000,000, respectively), by $211,000,000.

POINT OF ORDER

Mr. MYERS of Indiana. Mr. Chairman, I reluctantly raise a point of order against the amendment.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MYERS of Indiana. Mr. Chairman, the amendment proposes to increase an appropriation not authorized by law and, therefore, is in violation of clause 2(a) of rule XXI. Although the original account funding from nuclear waste fund is unauthorized, it was permitted to remain pursuant to the provisions of the rule we are now considering that provided for consideration of this bill.

When an authorized appropriation is permitted to remain in a general appropriation bill, an amendment merely changing that amount is in order, but the rules of the House apply a merely perfecting standard to the items permitted to remain and do not allow insertion of a new paragraph not part of the original text permitted to remain, to change indirectly a figure permitted to remain. The amendment offered by the gentleman from Massachusetts cannot be construed as merely perfecting, and, therefore, Mr. Chairman, I ask that the Chair rule the amendment out of order.

The CHAIRMAN. Does the gentleman wish to be heard on the point of order?

Mr. MARKEY. I would like, Mr. Chairman, to be heard on the point of order.

The CHAIRMAN. The gentleman from Massachusetts is recognized.

Mr. MARKEY. Mr. Chairman, on page 81 of the committee report, committee states itself quite clearly that the Nuclear Waste Policy Act of 1982 and the Nuclear Waste Policy Act Amendments of 1987 authorize a waste management system for the disposal of spent nuclear fuel and high-level radioactive waste from commercial and atomic energy defense activities.

These laws establish the nuclear waste disposal fund to finance disposal activities through the correction of fees from the owners and generators of nuclear waste. The committee recommends $226 million to be derived from the fund in fiscal year 1996, et cetera, et cetera.

Clearly, the underlying Nuclear Waste Policy Act has authorized, and the Waste Policy Act of 1987 have authorized the money. That is the platform legislation which we are using for discussion in this debate, and any ruling to the contrary would negate the long historical legislative record in this area that clearly makes the amendment which I have before the House in order this evening.

The CHAIRMAN. Does the gentleman from Indiana wish to be heard?

Mr. MYERS of Indiana. Mr. Chairman, I do.

If the gentleman would go over to page 124, the committee has recognized those programs and agencies that are not authorized by law. You will find, pursuant to clause 3 of rule XXI of the House of Representatives, the following table lists the appropriations in the accompanying bill which are not authorized by law, and nuclear waste disposal fund is about the sixth one down.

Mr. Chairman, in title XLII, section 10222, paragraph (e), the administration of a waste fund, the last section, the Secretary may make expenditures from the waste fund subject to appropriations which shall remain available until expended. Appropriations shall be subject to triennial authorization, very clearly.

I insist on my point of order.

Mr. MARKEY. Clearly, there is an internal contradictory position which the committee has taken within its own document.

Page 81, they make it quite clear that the Nuclear Waste Policy Act and the Nuclear Waste Policy of 1982 and of 1987 each have authorized the waste management system, and then within their own document they negate that conclusion by the arbitrary statement that the nuclear waste disposal fund is not authorized. Clearly, there is right now an ongoing excavation at Yucca Mountain. Clearly, there is an ongoing collection of funds from all the nuclear electric utilities in the United States, and clearly the whole subject of this debate is premised upon the authorized 1982 and 1987 Nuclear Waste Policy Acts.

The statement by staff in a committee report later on that this is not, in fact, authorized only seeks to make possible the point of order which the gentleman is making right now, but clearly the earlier part of this legislation that is the committee report had to be stated this way in order for the committee to proceed at all.

□ 1745

So, any ruling by the Chair, notwithstanding the objection by the gentleman from Indiana, has to reflect the actuality that this committee has stated clearly, that the legislation has been—that this has been authorized and, in fact, has been authorized going back to 1982, with continuing legislation in 1987, and the Chair in ruling, I think, should reflect the history of this entire area plus the very statement of the committee in their own document with regard to the authorizing of these funds.

Mr. MYERS of Indiana. Mr. Chairman, there has been long precedents in this House that conclusively establishes that the proponents of an amendment bear the burden of responsibility of establishing the appropriation added by the amendments is authorized in law. Nevertheless, I observe that the payments for the nuclear waste fund are subject to triannual, as we just cited in title XLII, authorization. Pursuant to the provision of the Nuclear Waste Policy Act of 1982, as amended, such authorization has not been enacted since 1987, long past the established provisions of title XLII of the U.S. public health and welfare. It says they must be subject to a triannual authorization.

I insist on my point of order.

The CHAIRMAN. The Chair is prepared to rule.

Mr. MARKEY. I wait for the Chair's ruling with great anticipation.

The CHAIRMAN. The gentleman from Indiana [Mr. MYERS] makes the point of order that the amendment offered by the gentleman from Massachusetts [Mr. MARKEY] violates clause 2 of rule XXI by providing an unauthorized appropriation.

The amendment proposes to insert a new paragraph on page 29 in title V that will indirectly change figures in three earlier paragraphs in title III on pages 16, 18, and 26. It would reduce the amount provided for energy supply, research and development, and increase the amounts provided for nuclear waste disposal and the Nuclear Regulatory Commission.

The increases proposed by the amendment are not authorized by law. The Chair notes that the amounts already carried in the bill for those objects are likewise unauthorized, as indicated on pages 124 and 125 of the committee report and the law cited by the gentleman from Indiana, 42 U.S.C. 10222(e). However, the unauthorized amounts in the bill were permitted to remain by House Resolution 171.

Where an unauthorized appropriation is permitted to remain in a general appropriation bill, an amendment directly changing that amount in that paragraph, and not adding legislative language or earmarking separate funds for another unauthorized purpose, is in order as merely perfecting. But an amendment adding a further unauthorized amount is not in order.

The precedents that admit a germane perfecting amendment to an unauthorized item permitted to remain—for example, Deschler's volume 8, chapter 26, section 3.38—deal with actual changes in a figure permitted to remain. They apply a merely perfecting standard in the strictest sense of that phrase. None involve the insertion of a new paragraph—not part of the text permitted to remain—to change indirectly a figure permitted to remain.

The amendment offered by the gentleman from Massachusetts cannot be construed as merely perfecting under the precedents. Accordingly, the Chair sustains the point of order.

Mr. MARKEY. Mr. Chairman, I move to appeal the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 255, noes 167, not voting 12, as follows:

[Roll No. 493]

AYES—255

Allard	Bilbray	Callahan
Archer	Bilirakis	Calvert
Armey	Bliley	Camp
Bachus	Blute	Canady
Baker (CA)	Boehlert	Castle
Baker (LA)	Boehner	Chabot
Ballenger	Bonilla	Chambliss
Barr	Bono	Chenoweth
Barrett (NE)	Brownback	Christensen
Bartlett	Bryant (TN)	Chrysler
Barton	Bunn	Clinger
Bass	Bunning	Coble
Bateman	Burr	Collins (GA)
Beilenson	Burton	Combest
Bereuter	Buyer	Cooley
Cox	Houghton	Quinn
Crane	Hoyer	Radanovich
Crapo	Hunter	Ramstad
Cremeans	Hutchinson	Regula
Cubin	Hyde	Riggs
Cunningham	Inglis	Roberts
Danner	Istook	Rogers
Davis	Jacobs	Rohrabacher
de la Garza	Johnson (CT)	Ros-Lehtinen
Deal	Johnson, Sam	Roth
DeLay	Johnston	Roukema
Diaz-Balart	Jones	Royce
Dickey	Kasich	Salmon
Doolittle	Kelly	Sanford
Dornan	Kennelly	Saxton
Dreier	Kim	Scarborough
Duncan	King	Schaefer
Dunn	Kingston	Schiff
Ehlers	Klug	Seastrand
Ehrlich	Knollenberg	Sensenbrenner
Emerson	Kolbe	Shadegg
English	LaHood	Shaw
Ensign	Largent	Shays
Everett	Latham	Shuster
Ewing	LaTourette	Skaggs
Fawell	Laughlin	Skeen
Fazio	Lazio	Skelton
Fields (TX)	Leach	Smith (MI)
Flanagan	Lewis (CA)	Smith (NJ)
Foley	Lewis (KY)	Smith (TX)
Forbes	Lightfoot	Smith (WA)
Fowler	Linder	Solomon
Franks (CT)	Livingston	Souder
Franks (NJ)	LoBiondo	Spence
Frelinghuysen	Lucas	Stearns
Frisa	Manzullo	Stenholm
Funderburk	Martini	Stockman
Gallegly	McCollum	Stump
Ganske	McCrery	Talent
Gekas	McDade	Tanner
Gephardt	McHugh	Tate
Geren	McInnis	Tauzin
Gilchrest	McIntosh	Taylor (MS)
Gillmor	McKeon	Taylor (NC)
Gilman	Metcalf	Thomas
Goodlatte	Meyers	Thornberry
Goodling	Mfume	Tiahrt
Gordon	Mica	Torkildsen
Goss	Miller (FL)	Upton
Graham	Molinari	Volkmer
Greenwood	Montgomery	Vucanovich
Gunderson	Moorhead	Waldholtz
Gutknecht	Morella	Walker
Hall (TX)	Myers	Walsh
Hancock	Myrick	Wamp
Hansen	Nethercutt	Watts (OK)
Hastert	Neumann	Waxman
Hastings (FL)	Ney	Weldon (FL)
Hastings (WA)	Norwood	Weldon (PA)
Hayes	Nussle	Weller
Hayworth	Oxley	White
Hefley	Packard	Whitfield
Heineman	Parker	Wicker
Herger	Paxon	Wilson
Hilleary	Petri	Wolf
Hobson	Pombo	Yates
Hoekstra	Porter	Young (AK)
Hoke	Portman	Young (FL)
Horn	Pryce	Zeliff
Hostettler	Quillen	Zimmer

NOES—167

Abercrombie	Condit	Frank (MA)
Andrews	Conyers	Frost
Baesler	Costello	Furse
Baldacci	Coyne	Gejdenson
Barcia	Cramer	Gibbons
Barrett (WI)	DeFazio	Gonzalez
Becerra	DeLauro	Green
Bentsen	Dellums	Gutierrez
Berman	Deutsch	Hall (OH)
Bevill	Dicks	Hamilton
Bishop	Dingell	Harman
Bonior	Dixon	Hilliard
Borski	Doggett	Hinchey
Boucher	Dooley	Holden
Brewster	Doyle	Jackson-Lee
Brown (CA)	Durbin	Johnson (SD)
Brown (FL)	Edwards	Johnson, E.B.
Brown (OH)	Engel	Kanjorski
Bryant (TX)	Eshoo	Kennedy (MA)
Cardin	Evans	Kennedy (RI)
Clay	Farr	Kildee
Clayton	Fattah	Kleczka
Clement	Fields (LA)	Klink
Clyburn	Filner	LaFalce
Coleman	Flake	Lantos
Collins (IL)	Foglietta	Levin
Collins (MI)	Ford	Lewis (GA)
Lincoln	Olver	Serrano
Lipinski	Ortiz	Sisisky
Lofgren	Orton	Slaughter
Lowey	Owens	Spratt
Luther	Pallone	Stark
Maloney	Pastor	Stokes
Manton	Payne (NJ)	Studds
Markey	Payne (VA)	Stupak
Mascara	Pelosi	Tejeda
Matsui	Peterson (FL)	Thompson
McCarthy	Peterson (MN)	Thornton
McDermott	Pickett	Thurman
McHale	Pomeroy	Torres
McKinney	Poshard	Torricelli
McNulty	Rahall	Towns
Meehan	Rangel	Traficant
Meek	Reed	Tucker
Menendez	Richardson	Velazquez
Miller (CA)	Rivers	Vento
Mineta	Roemer	Visclosky
Minge	Rose	Ward
Mink	Roybal-Allard	Waters
Mollohan	Rush	Watt (NC)
Moran	Sabo	Williams
Murtha	Sanders	Wise
Nadler	Sawyer	Woolsey
Neal	Schroeder	Wyden
Oberstar	Schumer	Wynn
Obey	Scott	

NOT VOTING—12

Ackerman	Fox	Longley
Browder	Hefner	Martinez
Chapman	Jefferson	Moakley
Coburn	Kaptur	Reynolds

□ 1811

Messrs. OWENS, KLECZKA, DURBIN, and BALDACCI changed their vote from ''aye'' to ''no.''

Messrs. FAZIO of California, DICKEY, HASTINGS of Florida, MFUME, and GORDON, and Mrs. KENNELLY changed their vote from ''no'' to ''aye.''

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer an amendment, preprinted, amendment No. 1.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BEREUTER: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 505. None of the funds made available in this Act may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

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

Mr. BEREUTER. Mr. Chairman, this is a straightforward amendment which simply prevents the Army Corps of Engineers from revising the Missouri River Master Water Control Manual in such a way that it would increase the likelihood of springtime flooding.

Such a commonsense amendment is needed to ensure that the corps does not repeat its previous mistake—a proposal which would have devastated farms, businesses, landowners, and countless communities along the Missouri River.

Last year the corps issued its proposed changes to the Master Manual and made a colossal blunder by proposing to drastically increase the flow and water level of the Missouri River during the months of April, May, and June. These obviously are the very months when States such as Nebraska, Iowa, Kansas, and Missouri are already most vulnerable to flooding due to the mountain snow melt in the Rocky Mountain West and heavy spring rains swelling the immediate watersheds of the Missouri River tributaries in the four-State area.

It's bad enough that farmers and other landowners along the river have to contend with natural disasters. They shouldn't be forced to deal with the kind of man-made disasters which would have been caused by the corps' proposal. The floods of 1993 and the heavy rains this spring offer clear and convincing proof that the corps' recent proposal was seriously flawed.

At a series of two dozen hearings throughout the Missouri River basin region, many hundreds of participants expressed very strong, even vociferous and nearly unanimous opposition to a number of provisions in the corps' preferred alternative. One of the most detested provisions was the proposed increase in its so-called ''spring rise.''

Mr. Chairman, following this massive opposition to the proposed changes, the corps acknowledged the flaws in the original proposal and expressed a willingness to reevaluate the issue. Hopefully, the corps has gotten the message loud and clear and now understands the devastation which would be caused by the spring rise they originally envisioned. However, this Member believes this common sense amendment is needed to make absolutely certain that the corps does not repeat this mistake.

Mr. Chairman, I know a couple of my colleagues would also like to speak on this. I yield to a colleague and neighbor who has been working very diligently on this effort, the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to express my strong support for the Bereuter amendment and to commend my colleague and friend from Nebraska on offering this amendment.

The Bereuter amendment prevents the Army Corps of Engineers from spending any funds to implement changes in the corps' Missouri River Master Control Manual that would increase springtime water releases along the river or its tributaries.

I have been pleased to work with Mr. BEREUTER and roughly two dozen colleagues who represent areas downstream on the Missouri or Lower Mississippi Rivers to oppose the so-called ''preferred alternative'' for river management.

This plan would have resulted in exactly the type of spring-time flooding increases the Bereuter amendment seeks to prevent.

These spring rises coupled with fall flow reductions would have been extremely damaging to my constituents, their land and our local economy.

Fortunately, the Army Corps' Omaha office, under the very able leadership of Cmdr. Mike Thuss, has come to the sensible conclusion that the ''preferred alternative'' is seriously flawed and a comprehensive revaluation of water control alternatives is needed.

I hope as this effort continues, all my colleagues who represent districts where river navigation and flood control are important will work with Mr. BEREUTER, Ms. DANNER of Missouri other Members and myself who are interested in this issue to ensure that the Federal Government's historic commitment to flood control and river navigation continues.

□ 1815

Mr. BEREUTER. Mr. Chairman, I yield to the gentleman from Missouri [Mr. EMERSON].

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

Mr. EMERSON. Mr. Chairman, I thank the distinguished gentleman from Nebraska for yielding to me, and I rise in very strong support of his amendment and commend him for his action here.

Mr. Chairman, I rise in strong support of the Bereuter amendment to prohibit any of the bill's funds from being used to make any changes in the Corps of Engineers' Missouri River Master Manual for their plan to increase spring-time water release along the Missouri River and its tributaries. The so-called ''Preferred Alternative'' is being touted by the Corps of Engineers on behalf of recreational interests and radicals in the environmental community who want to shut our inland waterway system down and restore the breeding ground for the ever-elusive Pallid Sturgeon. Put simply, this plan is misguided and ill-conceived. It would have a devastating impact on agriculture, flood control, and navigation on most of the Missouri and Mississippi Rivers.

The Missouri and Mississippi inland waterway system is a major link for commerce and industry in order to move goods and services throughout America and around the globe. In fact the Missouri River alone is responsible for the shipment of 2.5 million tons of commercial cargo each year. In addition, as its largest tributary, the Missouri River provides 45 percent to 65 percent of the water that flows into the Mississippi River between St. Louis, MO and Cairo, IL—a stretch responsible for tons of cargo valued at $16 billion annually. More than 70 percent of the Nation's total grain exports are handled through Mississippi River port elevators and one half of the total grain exports eventually end up in New Orleans. The controversial plan that some political types would force the corps to foist on the public would significantly shorten the barge season in the fall when commerce and agriculture need water the most to carry their goods to market. It would put barge operators out of business and ruin river transportation. Quite clearly, agriculture and navigation are the targets here—clear them out and shut down the river.

Moreover, the plan proposes to raise the level of water on the Missouri in the springtime—a time of the year when the river is at its highest level. After the Midwest floods of 1993 environmental extremists made ridiculous assumptions that it was the levees that caused the flooding and that we couldn't build them back. Well, I submit to you that if this plan were to go into effect we won't need the levees because each spring the corps will release an extra 20,000 cubic feet per second of water during the flood-prone spring months and it will devastate communities protected along the river. All of this in the name of protecting water skiers and a fish.

Last, Mr. Chairman, I just want to point out that the Environmental Protection Agency—a Federal agency whose work I rarely extol on this floor—has studied the corps' plan. They claim, and I quote, ''the U.S. Army Corps of Engineers draft environmental impact statement for the Missouri River Master Water Control Manual is environmentally unsatisfactory . . . contains inadequate information . . . and is likely to result in little, if any, improvement to the Missouri River ecosystem, including habitat for federally listed threatened or endangered species.''

Mr. Chairman, I urge my colleagues to support the Bereuter amendment and preserve our navigation, our flood control, and inland waterway system as we know it.

Mr. BEREUTER. Mr. Chairman, I yield to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, I thank the gentleman for yielding to me. I, too, wish to commend the gentleman from Nebraska for this amendment.

As one who has suffered from the floods in the Missouri River Basin in the year of 1993 and again this spring, I realize that the master plan as originally drafted and if implemented by the corps would have meant the types of floods that we had in 1993 and again this spring in 1995 would have been almost an annual thing in the spring, with the spring rains and all the thaws up north and the release of the waters from the reservoirs in the north. It would have meant that we would have had an annual flood. And it does not make sense in order to do so.

It also would have meant that in the time frame of August through December, we would have such a low flow in the Missouri River that we would not have any ability to have barge transportation to move our agriculture products. It just did not make sense.

I want to commend the gentleman from Nebraska. We have been working together, those of us from the States of Iowa, Nebraska, Missouri, Illinois, and others, in order to make sure that this does not happen. The gentleman has a very good amendment. I urge the House to adopt the amendment.

Mr. BEREUTER. Mr. Chairman, my sister has been sandbagging in the gentleman's district the last 2 years and hopefully she will not have to do it the third year.

Mr. Chairman, I yield to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, my wife was sandbagging in 1993 in my home town of Lexington. I point out that my home is on the Missouri River and, throughout my lifetime, I have seen the problems of the rising of the spring floods. And I want to commend the gentleman for this amendment.

I also wish to point out that had the master manual plan gone into effect, it would have been devastating for all of us, particularly for agriculture in the State of Missouri.

The gentleman who has heard us in the Corps of Engineers, and I wish to pay tribute to him, Colonel Mike Thuss, has done a remarkable job of listening and hopefully his recommendations will be along the line that will be suitable for all of Missouri for agriculture and for those downstream people who depend so much upon the natural flow of this river.

I thank the gentleman, and I support the amendment.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for his comments.

Mr. Chairman, I yield to the gentleman from North Dakota [Mr. POMEROY].

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

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding to me. I recognize the legitimacy of the concern he seeks to address. Speaking from the upstream perspective on the Missouri River, there is a word of reservation I want to advance about dealing in an appropriations bill with the minutiae of the administrative branch, in this case the Corps of Engineers. The process has already worked as it should. The Corps of Engineers had extensive hearings on the spring rise proposal and received a ton of input, nearly all of it negative. They no longer have plans, as I understand it, to implement the spring rise proposal as initially advanced. They are back to the drawing board.

Therefore, this kind of restriction imposed without hearing in the appropriations process is, in my opinion, not necessary, although I do acknowledge the gentleman's concern and would note that my wife, in 1993, spent 3 weeks working in Iowa on the flooding there.

Mr. Chairman, from its origins in Montana to its end near St. Louis, the mighty Missouri River is managed and controlled by the Army Corps of Engineers. Five years ago, the Army Corps of Engineers began a review of its river management plan, commonly called the master manual. This was the first major review of the manual since it was implemented in 1960.

This fair and objective review process, now underway, has included Representatives of each of the States affected by the Missouri River and the master manual, including Mr. BEREUTER. At this point, Congress should not alter this process within the energy and water appropriations bill.

Last month, the corps informed Members of Congress of preliminary draft recommendations for reviewing and updating the master manual. The corps has received thousands of comments on its initial draft recommendation and is specifically concerned with its draft proposal as it relates the spring rise. The corps is addressing the spring rise issue in a revised draft that will be released in 1997.

To be brief, the process is working as intended. The corps put forth a proposal that contained a number of flaws, including the spring rise. Now the corps is reexamining those issues to develop an alternative that will be acceptable to those affected by the spring rise and other Missouri River management concerns.

This Congress should not get involved with the specifics of the master manual. Instead, we should allow the process to proceed as it has with input from all interested and affected parties.

In fact, I do not necessarily oppose the intentions of my friend, Mr. BEREUTER, in addressing his concerns of the spring rise. However, within the process of revising the master control manual we should not address specifics of revising the manual within this appropriations bill.

Mr. BEREUTER. Mr. Chairman, I would say that as the elected Representatives of the people, they expect us to take action when appropriate.

Mr. Chairman, I yield to my neighbor, the gentlewoman from Missouri [Ms. DANNER].

Ms. DANNER. Mr. Chairman, I rise in support of my colleague's amendment. Let me say, for those of us who represent areas that have been flooded, not only in 1993 but in the other serious flood in 1995, we know that we have issues that need to be addressed.

I believe that the gentleman's amendment does that. I am pleased to have been able to work with you during this period of time so that we could bring to the attention of the Corps of Engineers that there were some flaws in their proposal, flaws that needed to be corrected. I think that this will go a long way in that direction.

Mr. BEREUTER. Mr. Chairman, I thank the gentlewoman.

I yield to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Chairman, we accept the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. BEREUTER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PALLONE

Mr. PALLONE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PALLONE: Page 29, after line 25 insert the following new section:

SEC. 505. The amount otherwise provided in this Act for the following account is hereby reduced by the following amount:

(1) ''Nuclear Waste Disposal Fund'', aggregate amount, $1,000.

Mr. MYERS of Indiana. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Indiana reserves a point of order.

Mr. PALLONE. Mr. Chairman, the purpose of this amendment is basically to reduce the amount of money that is set aside for interim storage of nuclear waste and essentially make the point that there is not enough funding for a permanent repository.

As the ranking Democrat on the Subcommittee on Energy and Power, I believe we have a responsibility to both the taxpayers and the ratepayers of our county to ensure that we have a safe and environmentally sound permanent repository for our Nation's nuclear waste.

I also believe that we need to make good on the Federal Government's commitment to utilities to assume responsibility for this waste.

However, I do not think it is fair to anyone to sacrifice long-term disposal for short-term gain. In fact, in the course of two comprehensive hearings held by the Subcommittee on Energy and Power, it became abundantly clear that long-term storage was the priority for all interested parties. That is why I am concerned about the language that is in this bill that funds interim storage yet directs DOE to downgrade or terminate its activities at Yucca Mountain.

This language, in addition to being at odds with existing law, I believe, jeopardizes the important gains we've made in the last 2 years toward siting a permanent repository by focusing funding on an unauthorized interim storage facility. The amendment I am offering makes a token reduction in the waste disposal fund, which is necessary for the amendment to be in order, but my intent is to redirect the focus of the program back to building a permanent waste repository.

I understand the desire to have interim storage, even though onsite storage is safe, and I am not opposed to the idea of interim storage. However, I believe the Federal Government has a moral and statutory responsibility to continue with site characterization work for a permanent repository.

My amendment would allow the Government to fulfill its responsibility to permanently dispose of nuclear waste by indicating the intent of Congress that funds appropriated in this bill for the DOE and NRC be used for site characterization of Yucca Mountain. This is the most responsible approach we can take at this time.

I don't think I have to remind my colleagues that what we are talking about here is ratepayer money. This program is wholly funded by monies paid in good faith by the users of nuclear power. In fact, nuclear utility customers have paid billions of dollars into the fund beyond what has been spent and they continue to pay more each year than we appropriate. So restoring proper direction to this program is, in effect, only an effort to make good on the agreement we made with the ratepayers. These ratepayers provide us with more than $600 million in funding for this program each year: It's only fair that we use that money for the purpose it was intended.

I urge my colleagues to support my amendment.

Mr. MYERS of Indiana. Mr. Chairman, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, the committee is willing to accept the gentleman's amendment.

Mr. PALLONE. Mr. Chairman, I thank the gentleman.

Mr. MYERS of Indiana. Mr. Chairman, I withdraw my reservation of a point of order.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. PALLONE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GUNDERSON

Mr. GUNDERSON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GUNDERSON: Page 29, after line 25, insert the following new section:

SEC. 505. None of the funds made available in this Act for the Army Corps of Engineers Upper Mississippi River-Illinois Waterway System Navigation Study may be used to study any portion of the Upper Mississippi River located above Lock and Dam 14 at Moline, Illinois, and Bettendorf, Iowa, except that the limitation in this section shall not apply to the conducting of any system-wide environmental baseline study pursuant to the National Environmental Policy Act.

Mr. GUNDERSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

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

Mr. GUNDERSON. Mr. Chairman, I yield to the gentleman from Indiana [Mr. MYERS].

Mr. MYERS of Indiana. Mr. Chairman, the gentleman from Wisconsin has explained his amendment to the committee. We accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. GUNDERSON].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to title V?

If not, the Clerk will read the last two lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Energy and Water Development Appropriations Act, 1996''.

The CHAIRMAN. Are there further amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. OXLEY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1905) making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes, pursuant to House Resolution No. 171, had directed him to report the bill back to the House with sundry amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

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

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 27, not voting 7, as follows:

[Roll No. 494]

YEAS—400

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Richardson
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—27

Becerra
Beilenson
Bilbray
Brown (CA)
DeFazio
Dellums
Dingell
Fattah
Filner
Foglietta
Frank (MA)
Furse
Harman
Hefley
Hinchey
Jacobs
McDermott
Nadler
Owens
Parker
Reed
Roemer
Sanders
Schroeder
Sensenbrenner
Vento
Waters

NOT VOTING—7

Browder
Fox
Hastert
Hefner
Longley
Moakley
Reynolds

☐ 1847

Ms. LOFGREN, Mr. TUCKER, and Mr. PAYNE of New Jersey changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 530

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that my name be removed from cosponsorship of H.R. 530.

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

There was no objection.

PERSONAL EXPLANATION

Mr. SKAGGS. Mr. Speaker, regrettably I missed the vote, rollcall No. 482, on final passage of the foreign ops bill yesterday.

Had I been present, I would have voted ''aye.''

As a Vietnam veteran, I had been invited by the President to attend the White House ceremony announcing normalization of relations with Vietnam. At the time I departed for the ceremony, debate on the bill was scheduled to continue past the time the ceremony was expected to end, permitting me to attend and return to Capitol Hill to cast my vote. My beeper went off, indicating the vote, just as the guests had been seated in the East Room and the President was about to enter, and, under the circumstances, it would have been extremely rude and inappropriate to get up and leave. As soon as the President finished his remarks, I returned to the Capitol as quickly as possible, but the vote had been closed. Had I been present, I would have voted ''aye''.

COMMUNICATION FROM THE HONORABLE FRANK MASCARA, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable FRANK MASCARA, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 11, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I hereby submit my resignation from the Committee on Government Reform and Oversight, effective July 11, 1995.

Very truly yours,

FRANK MASCARA,
Member of Congress.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, I offer a privileged resolution (H. Res. 186) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 186

Resolved, That the following named Members be, and are hereby, elected to the committees indicated:

(1) to the Committee on Transportation and Infrastructure: Representative Frank Mascara of Pennsylvania; and

(2) to the Committee on Government Reform and Oversight: Representative Tim Holden of Pennsylvania.

The SPEAKER pro tempore. The gentleman from California [Mr. FAZIO] is recognized for 1 hour.

Mr. FAZIO of California. Mr. Speaker, I simply would indicate that these two gentlemen are very much eligible for the committees they have been recommended by our caucus to assume. The gentleman from Pennsylvania [Mr. MASCARA], a new Member, former county commissioner from Washington County, PA, is eminently qualified for the Committee on Transportation and Infrastructure. When he came to this Congress, he was not given a major committee.

With the opening on the former Committee on Public Works and Transportation, the gentleman from Pennsylvania [Mr. MASCARA] sought and was unanimously selected by our steering committee for that role. In assuming that assignment, he made available a position on the Committee on Government Reform and Oversight which allowed a second-term Member, the gentleman from Pennsylvania [Mr. HOLDEN], to accept a second committee because he had been prevented from having more than his major committee, the Committee on Agriculture.

I think there is no controversy. The ratios on these committees are maintained.

Mr. BOEHNER. Mr. Speaker, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Speaker, I am somewhat torn as to what to do here today regarding the privileged resolution of the minority caucus leader. The resolution, offered at the direction of the minority caucus, would appoint Mr. MASCARA to the Transportation and Infrastructure Committee and Mr. HOLDEN to the Government Reform and Oversight Committee.

As I pointed out to the minority leader last Monday, the history and precedents of this House allowed each party to appoint those members of its caucus to available committee slots as it saw fit, without the consent or approval of the opposing caucus.

Never before last Monday has a Member of this body had to face the recorded vote of members of the other party to accept his conference's assignment to a standing committee.

Now it seems to me that if the minority wishes to engage in a case of tit-for-tat, then for us as the majority, it is a bit like engaging in a duel with an unarmed man. Two hundred thirty-two Republican votes would indicate that the minority would have a difficult—if not impossible—time placing any member of its caucus on a committee unless the majority party felt it was in the majority's interest to have that minority member on the committee.

And yet, this is what the minority seems to want as a new precedent of the House given their actions of last Monday.

Mr. FAZIO of California. Mr. Speaker, reclaiming my time if I might, I do not believe I have a great deal of time. How much time is available?

The SPEAKER pro tempore. The gentleman from California has 1 hour.

Mr. FAZIO of California. Well, I think that might give me sufficient time to yield further.

Mr. BOEHNER. I thank my friend the gentleman for yielding.

Mr. Speaker, in the interest of comity, however, I will not call for a recorded vote, subjecting your leadership, Mr. MASCARA, and Mr. HOLDEN to the humiliation of defeat.

I would hope that in the future, those Democrats who care for this institution, have a respect for the history of the House, who are tired of pointless dilatory tactics, and who want to roll up their sleeves and get to work on balancing the budget, preserving Medicare, and saving our country for our children, I hope they will prevail upon their leadership to put childish actions aside and put the interest of the country before those of a partisan few.

Mr. FAZIO of California. Mr. Speaker, if I might comment at this time, I think in all the time I have been associated with the leadership on this side of the aisle when we were in the majority, I can remember no instance in which an appointment to a committee was made that would have changed the committee ratio without the complete consultation of the minority leader and the Speaker. I know for a fact that whenever a special election would occur and changes would occur in the ratio of our memberships in the full body or on each committee individually, our Speakers, whether they were recent or in the distant past, consulted with the minority leader, and when it was required, we adjusted the number of members on the committee to conform to the ratio that we had reached agreement on at the beginning of that Congress.

My personal problem with what happened with the appointment of the gentleman from Texas [Mr. LAUGHLIN] was that we did not have that kind of consultation which occurred in every instance when we were in the majority. That is the reason why I think our side reacted as we did. It was not a question of who. It was a question of process, mutual respect, and recognition of each party's role once we had agreed on the ratios at the beginning of the Congress.

I think that was the point that the people on this side of the aisle reacted to, and I think that was really why we acted as we did. Not in a manner that could be described as childish but in a manner that reflected the degree to which we resented the treatment that we had been accorded.

But I think that is behind us for now. Perhaps we will visit this issue again at some point. But I do appreciate the fact that the majority is not going to interfere with the appointment that these two gentlemen seek which does not change the ratios whatsoever and which merely maintains our balance as

it existed at the beginning of the Congress on both these committees.

Mr. Speaker, if there is no further comment or request for time, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF MEMBER TO THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Without objection and pursuant to the provisions of clause 1 of rule XLVIII and clause 6(f) of rule X, the Chair announces the Speaker's appointment of the gentleman from Colorado [Mr. SKAGGS] to the Permanent Select Committee on Intelligence to fill the existing vacancy thereon and to rank after the gentleman from Texas [Mr. COLEMAN].

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 185 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 302(f), 306, or 308(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered by title rather than by paragraph. Each title shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. The amendment printed in section 2 of this resolution shall be considered as adopted in the House and in the Committee of the Whole. All points of order against the amendment printed in section 3 of this resolution are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. Points of order against amendments for failure to comply with clause 2(e) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. The amendment considered as adopted in the House and in the Committee of the Whole is as follows:

Page 57, line 21, strike ''*:Provided further''* and all that follows through ''Act'' on page 58, line 2.

Page 75, line 24, strike ''equivalent to'' and insert ''not to exceed''.

SEC. 3. The amendment against which all points of order are waived is one offered by Representative Schaefer of Colorado or Representative Tauzin of Louisiana as follows:

Page 57, line 11, strike ''*:Provided''* and all that follows through ''Reserve'' on line 21.

The SPEAKER pro tempore. The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Ms. PRYCE asked and was given permission to include extraneous material.)

Ms. PRYCE. Mr. Speaker, I am pleased to bring this rule to the floor of the House today. It is not an overly complex or unique rule, and I believe it keeps faith with the new majority's pledge to consider major legislation in a manner which is reasonable, open, and fair to both sides of the aisle.

First, this rule is completely open. After an hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, the bill will be open to amendment under the 5-minute rule.

The rule provides that the bill shall be read by title, rather than by paragraph, and that each title shall be considered as read.

Under this open rule, any Member can be heard on any germane amendment at the appropriate time, provided it is consistent with the standing rules of the House. I would point out to our colleagues that of the five regular appropriations bills which have come before the Rules Committee thus far, this is the fourth open rule granted by the committee.

Second, the rule provides a limited, but necessary number of waivers which reflects the close cooperation between the Interior Appropriations Subcommittee and the proper authorizing committees.

For example, since authorizing legislation for several programs within the bill has not yet been approved by the House, the rule provides the necessary waivers of clause 2 of rule XXI(21), which prohibits unauthorized provisions. Let me stress that this was done in close coordination with the will of the authorizing committees.

The rule also waives provisions of the Budget Act against consideration of the bill which deals with new entitlement authority and with matters which are within the jurisdiction of the Budget Committee. To address these concerns, the rule provides for the automatic adoption of an amendment printed in the rule, which is included at the suggestion of the chairman of the Budget Committee.

Finally, the rule waives points of order against the amendment printed in the rule relating to the sale of oil from the strategic petroleum reserve, if offered by Representative SCHAEFER of Colorado or Representative TAUZIN of Louisiana.

As in previous rules this year, priority in recognition is accorded to Members who have printed their amendments in the CONGRESSIONAL RECORD prior to their consideration.

Giving Members the option of preprinting amendments for their colleagues to review in advance merely enhances the deliberative process, Mr. Speaker, and I hope Members will continue to take advantage of this useful tool in the future.

One final note on amendments, the rule waives clause 2(e) of rule XXI(21), relating to nonemergency amendments offered to a bill which contains an emergency designation.

We have also included one motion to recommit, with or without instructions, as is the right of the minority.

Mr. Speaker, H.R. 1977 is a very responsible piece of legislation, and I congratulate my colleague from Ohio, Chairman RALPH REGULA, for his leadership in trying to balance the need for meaningful deficit reduction with the need to protect and enhance our Nation's natural and cultural resources.

As we heard in the Rules Committee yesterday, this bill responds to the mandate of the American people to reduce the size and cost of Government by cutting overall spending by more than 11 percent from the 1995 spending levels.

To achieve these savings, the bill recommends that a number of existing agencies or programs be terminated, consolidated, or funded at significantly lower levels on the assumption that they will be phased-out in the near term. H.R. 1977 is more than $1.5 billion below last year's level, and is consistent with the 7-year balanced budget resolution passed by the House this year.

In closing, Mr. Speaker, I believe the rule before us today is both fair and open. House Resolution 185 was reported unanimously by the Rules Committee yesterday, and it will allow our Members to participate most fully in the deliberative process.

I urge its adoption, and encourage our colleagues to use this open amendment process responsibly, and productively.

Mr. Speaker, I include the following data for the RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 11, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	32	71
Modified Closed[3]	49	47	12	27
Closed[4]	9	9	1	2
Totals:	104	100	45	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of May 12, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/10/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95)
H. Res. 167 (6/15/95)	O	H.R. 1517	MilCon Appropriations FY 1996	PQ:223–180 A: 245–155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95)
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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Ms. PRYCE. Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we oppose this rule, and we urge Members to vote ''no'' on the previous question so that we can amend the rule to make in order the Brewster-Harman deficit-reduction lockbox amendment.

We do appreciate the fact that this bill is open to any amendment that is otherwise eligible to be offered under the standing rules of the House. Members should be aware that, as many previous rules this year have provided, this rule permits the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

However, House Resolution 185 is a relatively complex rule for an appropriations bill. It waives several House rules for provisions in H.R. 1977, as well as several sections of the Budget Act against consideration of the bill. The rule also contains a self-executing amendment, and it waives points of order against an amendment to be offered by Representative SHAEFER or TAUZIN, relating to the sale of oil from the Strategic Petroleum Reserve.

The rule provides blanket waivers of clause 2 and clause 6 of rule XXI, prohibiting unauthorized appropriations and legislation in an appropriations bill, and prohibiting reappropriations in an appropriations bill. We recognize that, because Congress does not always complete action on the relevant authorization bills in a timely manner, it is often necessary to waive the prohibition against unauthorized appropriations. In addition, there are often valid reasons for protecting legislative language in an appropriations bill.

We approve of the fact that the majority is generally following the practice—a practice that was established when Democratic members were in the majority—of providing waivers for legislation or unauthorized appropriations only in cases where the relevant authorizing committee chairman agrees to those waivers. In past years, we found that this practice was the most fair and practicable way of moving appropriations bills through the House in a timely manner, while still protecting the prerogatives of authorizing committees. It appears that our colleagues on the other side of the aisle—despite their past criticism of waiving rule XXI—have now reached the same conclusion.

Unfortunately, that same policy has not been extended to ranking minority members. I would note that the senior Democratic member of the Resources Committee, Mr. MILLER of California, strongly objects to waiving the prohibition on legislation in an appropriations bill for provisions in H.R. 1977 that directly or indirectly amend laws under the jurisdiction of the Resources Committee. He noted in a letter to the Rules Committee that the Resources Committee had not considered the impact of changes that H.R. 1977 would make on a number of major environmental laws.

The rule also waives three sections of the Budget Act against consideration of the bill. Two of the waivers are needed to cover the salaries and expenses of the National Capital Planning Commission, which is a minuscule amount of spending. A third waiver covers a change in budget scorekeeping related to the sale of oil from the Strategic Petroleum Reserve.

As a matter of principle, we are normally reluctant to waive the Budget Act. However, because none of the provisions which require these waivers would have any real impact on our efforts to control spending, we do not consider the waivers here to be significant violations of the Budget Act.

An additional budget-related waiver contained in the rule is the waiver of clause 2(e) of rule XXI, which prohibits the consideration of nonemergency amendments to be offered to a bill containing an emergency designation under the Budget Act against amendments to the bill. H.R. 1977 contains at lest two such emergency designations but, without this waiver, no amendments to the bill could be considered.

Finally, Mr. Speaker, we could have had a more evenhanded rule, and probably a better outcome for the bill, had the majority accepted three amendments we offered to the rule in the Rules Committee yesterday.

One amendment would have allowed Representatives RAHALL and KLUG to offer an amendment to the bill that would renew the existing moratorium on new mining patent applications. A second amendment would have permitted Representatives BREWSTER and HARMAN to offer an amendment to apply any savings from spending cuts to a deficit-reduction lockbox. Both of these amendments would have required some of the same waivers that the rule already provides for provisions in the bill; as a matter of fairness, the majority should have been willing to provide waivers for these amendments as well, we believe.

And, in fact, as I mentioned at the beginning of my statement, if the previous question is defeated, we shall amend the rule to provide for consideration of the Brewster-Harman lockbox amendment.

The third amendment would have removed a waiver provided by the rule for language relating to the use of wildlife fees under the Emergency Wetlands Resources Act. Objection to this waiver was made by Representative YOUNG, chairman of the Resources Committee, as well as Representative DINGELL. Normally, the Rules Committee would accede to such an objection if it is made by the chairman of the relevant authorizing committee; in this case, for reasons not well explained to us yesterday, the majority decided not to do so.

Beyond our concerns about the rule itself, many of us have strong objections to the bill this rule makes in order, primarily because of the bill's deep cuts in funding for many important and useful programs—programs that cost very little for the immense value they add to the quality of the lives of tens of millions of American citizens.

We realize that the subcommittee on Interior had an extremely difficult task in determining just how to cut 12 percent of the funding for programs under its jurisdiction, especially since many of those programs have already been squeezed in recent years. But the subcommittee was in that position only because the Republican majority has imposed budget priorities that do not serve the best interests of our Nation. Those priorities are forcing us to cut next year's funding for the relatively modest programs in this bill, for example, by $1½ billion, so that we can fritter away hundreds of billions of dollars over the next several years on unnecessary increases in military spending, and on tax cuts that will mainly benefit the wealthiest among us.

These program cuts will cost our Nation dearly in countless ways:

The bill's 27-percent cut in energy conservation programs will mean a slowdown in the progress we have been making toward reducing our Nation's dependence on imported oil, as well as the cost of energy;

The cut of all but a nominal amount of funding for land acquisition for national parks, and other public lands, will mean that there will be less opportunity in the future for Americans to enjoy the experiences our national parks have to offer;

The 40-percent cut in funding for the National Endowments for the Arts and Humanities—the first step of a 3-year phaseout of both organizations—will mean that fewer Americans will be able to enjoy the very many cultural benefits these organizations have made possible;

And, the elimination of funding for prelisting and listing activities for endangered species will greatly impair our ability to save animal and plant species before they reach critical levels, and the result is likely to be the decline, and possible extinction, of many more species.

In these, and many other ways, the natural and cultural resources, resources of our Nation—resources that help make the United States the greatest nation on Earth—will be severely harmed by this bill. In this misguided attempt to save a modest amount of taxpayers' dollars, we will be robbing our Nation of some of its greatest strengths and assests.

Mr. Speaker, again, we urge Members to vote ''no'' on the previous question so that we can amend the rule to allow consideration of the Brewster-Harman deficit-reduction lockbox amendment.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE. Mr. Speaker, I yield 2½ minutes to my good friend, the gentleman from Sanibel, FL [Mr. GOSS], chairman of the Subcommittee on Legislative and the Budget Process.

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

Mr. GOSS. Mr. Speaker, I thank my good friend from Columbus, OH [Ms. PRYCE] for yielding me this time.

I rise in support of this remarkable open rule. I would point out to my good friend, the gentleman from California [Mr. BEILENSON] we indeed are proceeding under the lockbox. Our subcommittee has already had hearings. We are diligently pursuing that. Things are happening. Under this resolution, the House will consider H.R. 1977, which is a remarkable open rule. The fiscal 1996 Interior appropriations bill is what it is about. It is under a completely open amending process.

Now, this in itself is not remarkable, I agree, since all but one of the appropriations bills this year has come to the floor under an open rule. However, what is remarkable about this rule is it is the first reported by our committee since the July 4 break, and what is remarkable is the decision to continue granting open rules.

We do this in good faith and with full regard to protecting the deliberative debate process for each and every Member despite the recent what I would call guerrilla campaign, to quote the newspapers, of dilatory tactics by some Members of this body.

I am pleased, and I think most of our Members are pleased, that a sense of comity has indeed been restored to the floor, and I hope we continue our work on these important bills which are the vital business of our Nation under a workable open process.

Mr. Speaker, the Interior appropriations bill is an especially important bill for our Nation and for Florida as well. It includes vital Everglades restoration money, which will complement the State of Florida's efforts to protect additional lands in or near the national park, and funding that will allow the Park Service to fix some of the hydrology problems in the park, to begin to restore the natural historical sheet flow to the legendary river of grass.

Also vital to Florida's economy is the annual outer continental shelf oil and gas exploration moratorium, which protects our fragile coastline from devastating oil pollution. While I recognize the early moratorium is not the

best way to accomplish this goal, it is necessary while we work on a better long-term solution.

This year's Interior bill is not all good news. Many important programs have been drastically scaled back, as my friend from California has noted. Land and water conservation funds, for instance, used to fund land acquisition in our wildlife areas and elsewhere have been reduced by over 70 percent. This is a big hit.

But I understand the overriding need to balance our budget, and I applaud the chairman, the gentleman from Ohio [Mr. REGULA], and the members of the Committee on Appropriations for their hard work trying to craft a reasonable solution, which is this bill.

I would ask my colleagues to support this rule, which provides for full debate, which is what I think the Committee on Rules should be proud of, and I urge the support for this rule.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding.

We have had quite a discussion of the need to cut, need to get the budget balanced, and as a supporter of the balanced budget amendment. I agree there. We have got to do it with a certain sense of priority.

We have also got to realize there are two ways to get a balanced budget. One is to make cuts, and the other is to raise revenues.

What this rule and consideration of this bill specifically prohibits is an egregious loophole which is being used by foreign corporations and by large corporations in America; that is, the giving away of the mineral lands of the western United States for $2.50 an acre.

Just last year a Canadian corporation which pays no income taxes in the United States, they do pay some employee taxes, but no income taxes, got a $10 billion resource for $9,700. That is the return to the U.S. taxpayers.

Now, if we are really serious, we would allow an amendment to this bill that would allow us to raise revenues to offset some of the unwise cuts in this budget.

What are the unwise cuts? Well, for example, we are going to eliminate the Bureau of Mines of the United States of America at the same time that we are allowing foreign corporations to come here and buy our precious mineral resources at $2.50 an acre. We are eliminating the United States Bureau of Mines, something that has been in existence for more than 100 years, an agency that has already been reformed, an agency which has cut its budget 20 percent in the last 2 years, an agency which helps develop the conservative use of these mineral resources, the safe environmental use of these resources.

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They provide technical expertise to our small miners and prospectors. They work on safe extraction techniques for the people who work in the mines. They have developed restoration plans for bad mining practices that went on earlier in this century. They have developed ways to classify solid waste. They have developed ways to do in situ purification of heavily polluted waters.

No, we are going to eliminate them. We are going to eliminate the United States Bureau of Mines because we would not want to ask a foreign corporation like American Barrick to pay the American taxpayers a fair return for the extraction of those depletable mineral revenues, and under this bill we will not be allowed to ask those foreign corporations to pay, no. We will eliminate an essential agency, a vital function, investment of the United States Government before we will ask a foreign corporation to pay a penny.

We do not get the same privilege in their country. They should not get it for free here.

We are cutting other vital investments in this bill. We are cutting investments in State and private forestry. We are cutting investments in the O and C lands in the Western United States. We are cutting investment in the National Forest System management. We do not have enough money now to develop the plan proposed by the administration to manage the Federal forest lands in the Western United States or to begin a deliberate program of forest health recovery across the lands that are ravaged in the inner Mountain States, in eastern Oregon, and other States.

We need more investment, and it is the place to get it, but it is not allowed under this bill.

Ms. PRYCE. Mr. Speaker, I yield 2 minutes to my friend, the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Speaker, I thank the gentlewoman from Ohio [Ms. PRYCE] for yielding this time to me.

Mr. Speaker, I speak in favor of this rule tonight. This rule is an open rule. It allows amendments to cut or strike any program, any program that someone does not like. They can feel free to offer an amendment to reduce the funds. They can feel free to offer an amendment to eliminate the funding and let the argument stand on its merits. But by defeating this rule, it will not allow a lot of issues to be debated, and the reason for this is because, as often happens, the authorizing process has not caught up with the appropriations process yet, however this bill does conform to the authorized levels as they are pending at this moment.

I think that is important to stress. Regardless of anyone's views on different programs within this appropriations bill, I think I would hope that all Members would agree they should be openly debated on this floor and let the majority of this body work its will.

Now there are a couple of programs that I think are very important. I know some Members here are planning on voting against this rule because they are opposed to the NEA and the NEH. I would say it would be a severe mistake if Members vote against this rule because they hope to kill those programs. Members can move to strike those programs if they wish; that is allowed for under this rule, but I would hope that we would keep the funding levels for them. As many Members would know, NEA and NEH have been reduced in funding under this appropriations bill. They are taking a substantial reduction, a reduction of a third this year in the case of NEH. People who want to attack those programs, if that is their opinion, they can do so by offering an amendment, but please do not try a back-door approach to this because that will prevent those issues from being voted on on their merits up or down.

Again I repeat, Mr. Speaker, this rule is an open rule. It allows every Member the chance to offer amendments to reduce or cut. Please do not take a back-door approach to try to scuttle programs and prevent debate on their merits.

I hope the rule is adopted.

Mr. BEILENSON. Mr. Speaker, I yield 3½ minutes to the gentlewoman from California [Ms. HARMAN].

(Ms. HARMAN asked and was given permission to revise and extend her remarks.)

Ms. HARMAN. Mr. Speaker, deficit hawks, freshman Members, lockbox supporters, Members of the House, this is a lockbox. It looks a lot like another box over there, a brown one that says Solomon on it. The gentleman from New York [Mr. SOLOMON] is a wise man, as was King Solomon of ancient days, and I am sure that his box is full of many wise documents.

But, Mr. Speaker, this lockbox is empty. It does not contain the savings that derive from the many cuts we have made to the appropriations bills we have already debated. Imagine this. Those cuts amount to so far $131.58 million. In fact just yesterday and today, Mr. Speaker, four amendments were adopted to the Energy and Water Development Appropriations Act totaling $20.48 million. That brings the total to $131 million. That money will not go to deficit reduction because we do not have the lockbox as part of this appropriations bill under this rule or the three previous appropriations bills.

In addition to that, Mr. Speaker, yesterday the Committee on Appropriations scooped up not only the $130 million in cuts we have passed, but other unused 602(b) spending allocations. It gave some of its subcommittees increased spending allocations and put more than $805 million in an unallocated 602(b) reserve, not a lockbox, a reserve. I say to my colleagues, When you add all this together, we are close to $1 billion in unused spending or spending cuts that will not go to deficit reduction. I call this hypocrisy.

Mr. LIVINGSTON. Mr. Speaker, will the gentlewoman yield since she has called the appropriators hypocrites?

Ms. HARMAN. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, did the gentlewoman vote for the budget resolution?

Ms. HARMAN. Did I vote for the budget resolution 2 days ago?

Mr. LIVINGSTON. Yes.

Ms. HARMAN. No.

Mr. LIVINGSTON. Why not? The budget resolution calls for a decline in the deficit to the point that by the year 2002 the entire budget deficit will be eliminated.

Now is the gentlewoman not for budget reduction?

Ms. HARMAN. I certainly am for budget reduction, and I am a supporter of the balanced budget amendment and a supporter of the 7-year balanced budget sponsored by the gentleman from Texas [Mr. STENHOLM].

Mr. LIVINGSTON. I suggest, if the gentlewoman would yield, she should use the word ''hypocrite'' very carefully.

Ms. HARMAN. Mr. Speaker, I would agree that the gentleman has made a point, and, as a Member here who tries to operate on a bipartisan basis, I agree with that.

Mr. Speaker, let me conclude by saying this:

My point is that almost $1 billion in spending cuts and unused spending will not go to deficit reduction because the deficit lockbox, which was supported on this floor earlier this spring by 418 Members and only opposed by 5, cannot be offered as an amendment to this appropriations bill. It is precluded under this rule as it was precluded in the rules for the three previous appropriations bills. On that basis, without reference to the word hypocrisy but with reference to the word candor to the American people, I would urge a defeat of the previous question.

Ms. PRYCE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules and the author of this most fair and open rule.

Mr. SOLOMON. Mr. Speaker and my colleagues, I wish the gentlewoman from California [Ms. HARMAN] would not leave the floor because she knows I have great respect for her, and she has worked with us on a bipartisan basis, but I am more than a little taken aback because there has been a all-out effort on both sides of the aisle to really bring this lockbox concept into reality. We have been working together. The Committee on Rules and our subcommittee, the Government Operations Committee and the Committee on the Budget have held hearings in which the gentlewoman was invited to participate and to testify, and we all know that in the Crapo lockbox legislation, which is a Republican initiative, there are problems that need to be worked out so that we can make it work. There are problems with the Brewster-Harman approach which need to be worked out. We have to do it on a bipartisan basis.

The gentlewoman knows that we now are almost to the point of coming up with a consensus bill which I am sure she is going to agree to, and I am going to agree to, and we will hold another hearing on this, we will bring it to the floor in the form of a bill. We will do two things. We will bring it to the floor as a piece of legislation so that that can be debated and amended, if necessary, and then given to the President for his signature. Now that may never get past the other body because there is over in the other body a bird over there, and the bird is going to oppose anything like this, and we all know it. So, in tandem approach, which we have agreed to and we have worked on a bipartisan basis we also want to take this finally agreed to consensus piece of legislation and attach it to whatever appropriation bill is on the floor at the time, the next one that is available. We will make it not only retroactive, we will make it inclusive for all of the appropriation bills so that any action that has been taken thus far and will be taken in the future on these 13 appropriation bills, all of those cuts will end up in that lockbox.

Ms. HARMAN, Mr. Speaker, will the gentleman yield

Mr. SOLOMON. I yield to the gentlewoman from California.

Ms. HARMAN. Mr. Speaker, I am very excited about what the gentleman is saying. It is correct that on a bipartisan basis we are working to deal with the remaining technical issues.

It is the first time that I have heard that the lockbox would be retroactive. That is excellent. Retroactivity can deal with the issue I have raised today and the gentleman from Oklahoma [Mr. BREWSTER] and I have raised day after day in appearing before the Rules Committee. We are concerned that $130 million plus $800 million might escape the lockbox, and what the gentleman has just said about retroactivity is extremely reassuring.

Mr. SOLOMON. Well, it is, and just for example:

One of the problems we have is that we end up not comparing apples to apples. We end up with apples and oranges, and we cannot do that, but what we want to work to is so that the final conference report, whatever that level of spending is—in other words that locks it in. We lower those caps. That means the money never gets spent and the savings are there for the American people.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON] for yielding this time to me, and I would simply like to ask my very good friend from the Palos Verdes Peninsula if in light of this strong statement that has come from the distinguished chairman of the Committee on Rules if she would now be inclined to support us on this open rule which is very fair and balanced and will, in fact, be inclusive of the lockbox provision once we come up with a bipartisan compromise.

Ms. HARMAN. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentlewoman from California.

Ms. HARMAN. I appreciate the request, and I will consider the request, and I certainly do see progress here. I am extremely encouraged by the statements that were just made, and I would just like to commend the gentleman from Idaho [Mr. CRAPO] since he was mentioned. He is a classmate of mine, and he and I and many others have worked on this issue for over 2½ years, through two Congresses. The lockbox has wide popularity in this body and enormous popularity with the public. I think that if we can enact a real lockbox, as you have just described it, we will have done a great service for the American people. We will be well on the way to balancing the budget which we all support.

Mr. SOLOMON. Reclaiming my time, if I could, let me make an appeal to the gentlewoman because there is a lot riding on this.

As my colleague knows, we only have something like 13 legislative days, and maybe it is even less than that now, before the August 4 district work period break. We have to deal with these appropriation bills. If this Interior appropriation rule goes down tonight, I am going to tell the gentlewoman, it is going to jeopardize not only a telecommunication bill, if you are interested in that, an antiterrorism bill, if you are interested in that, or a banking and regulatory reform bill, if you are interested in that, because we are losing time that cannot be recovered. I even don't know how, if we pass this Interior rule tonight, how we are going to finish it by tomorrow night.

So I am just going to say to the gentlewoman she knows we are sincere in wanting to bring a lockbox bill to this floor. I am satisfied it is going to meet her satisfaction, it is certainly going to meet Mr. CRAPO'S and therefore the gentlewoman ought to support this rule tonight, and let us have faith in each other in solving this problem.

Ms. HARMAN. Let me just finally answer the gentleman that I may well do it, and let me state, further, that I am very concerned about the reason some others may oppose the previous question or the rule which is to eliminate any funding for the NEA and the NEH, actions I strongly oppose. So, for several reasons I will actively consider the gentleman's request.

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Mr. SOLOMON. Mr. Speaker, I thank the gentlewoman, and I think everybody who is interested in this issue ought to vote for this rule. We ought to get on with our business, because there is no time next week to deal with it. We are going to try to get something up. We are going to consult with the

gentleman from Missouri [Mr. GEPHARDT] on your side, and the gentleman from Georgia [Mr. GINGRICH] on ours, both of whom support the concept, and let us move the legislation.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MILLER].

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker and members of the committee, I would hope that we would oppose this rule tonight and vote this rule down. I do so because of the numerous areas in which this legislation seeks to legislate on an appropriations bill in violation of the rules of the House of Representatives.

The rule provides for waivers so this can be done, but what in fact this means is that we rush to judgment in a number of areas where the committee of jurisdiction has not been allowed to have the debate and to weigh the merits of the various proposals being put forth.

These areas affect the Land and Water Conservation Fund Act, the Emergency Wetlands Resources Act, the California Desert Act, the American Indian Trust Fund and Management Resources Act. These are changes that were made in consideration with everybody on the committees of jurisdiction, and now they are seeking to change those without the debate and without the hearings.

Mr. Speaker, I have for many years opposed legislation on appropriations and tried not to do it when I was chairman of the committee and tried not to let the Committee on Appropriations do it, and in the last few years we have not done it. But here we see in a wholesale manner this take place.

Others, I think, should consider opposing this legislation because of what it does to environmental policy in this country. This is a dramatic step backward in time. It is a dramatic step away from science. It is the inhibiting of science.

It is very interesting that people say, with regard to the Endangered Species Act, they want decisions made upon science. Yet when we have the opportunity to gather that evidence, to protect our environment, to make rational decisions, to allow processes to go forward, we now see that they restrict the ability to even gather the evidence.

In my area, the National Biological Survey, and those kinds of efforts, use volunteers. They use volunteers from Chevron Corp., from Dow Chemical, from du Pont and others; employees who go out and do these counts and figure these issues out to help so we can provide for open space, habitat protection, and provide for economic development in our areas so that we can get on with home building and address those issues.

This says we can no longer do that. We can no longer conduct those surveys if we are using volunteers and, in fact, even if we have the permission of the landowner. That is a step back in my area in terms of economic development, and I think it is wrong.

This bill also lifts the moratorium on the leasing of Federal lands for mineral exploration. That means that we go back to the law of 1872. We continue to give away Federal resources for $2, $3, $4, $5 an acre and those mining companies can take hundreds of millions, and in some cases billions, of dollars of resources off the Federal lands and pay no royalties.

On the leases that they have right next door on private lands, they pay royalties for the privilege of doing that. But we are going to once again engage in that practice, because of what the committee did in lifting that moratorium.

This bill also goes in reverses: Reverses the decision made in the previous Congress with respect to the California Desert Wilderness bill and denies funding for the transfer of the East Mohave Preserve and does not allow us to carry out the decisions and the laws of the land with respect to the East Mohave, even over the objections of the local chambers of commerce, local supporters of that effort, newspaper editorials throughout the South and throughout the State of California asking that we go ahead with that provision to protect the East Mohave.

Mr. Speaker, I think that what you will see if you go through this legislation is that we have a fit of pique here against the environment, against a number of programs that have been very helpful to the protection of the environment in this country.

I would also say that the legislation on appropriations that is provided in this rule not only pertains to the Committee on Resources, it also pertains to the other committees, the Committee on Commerce and other committees where those actions have been taken.

Mr. Speaker, we should reject this rule. We should go back and write a rule that complies with the House rules, and we should get on with the debate and let the chips fall where they may. But we should not write special privilege into the bill and then protect it by the rule for those who seek to have a vote on that matter. I urge rejection of this rule.

Ms. PRYCE. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. SCHAEFER], chairman of the Subcommittee on Energy and Power of the Committee on Commerce.

Mr. SCHAEFER. Mr. Speaker, I rise reluctantly to support this rule today. I have these reservations because through this rule we are setting two dangerous precedents.

First, the rule waives all points of order against legislating on an appropriation bill and this has been done in many instances in the past by the authorizing committees. It has been done, but in this particular case, it was done despite the objection of the authorizing committee. Such a precedent seriously undermines the committee system.

Second, the language which is being protected allows the sale of oil from the Strategic Petroleum Reserve. If this sale goes forward, it will be done without any hearing or debate on the impact of such a sale and how it will affect our economy, our national emergency security, or domestic oil markets, our ability to comply with the international energy agreement which we have signed or the cost-effectiveness of taking such a step.

Mr. Speaker, at the appropriate time, I plan on offering an amendment that was made in order by the Committee on Rules to strike the language authorizing the oil sale. I firmly believe that an issue as important as this, whether or not we should maintain a viable oil reserve to protect us in times of oil shortages, deserves more consideration by this body than it has gotten so far. We should not carelessly throw away a national asset as valuable as the Strategic Petroleum Reserve.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Illinois [Mr. YATES], the ranking member of the Committee on Appropriations.

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

Mr. YATES. Mr. Speaker, by my standards, the interior appropriations bill for this year is not a good bill.

Our current national resources will suffer. The Indian people are going to take a big hit. The protection of our environment will be diminished. Our cultural resources will be severely ambushed. The program to help the needy with their weather problems has been cut most drastically.

Even though I feel that the bill is a bad bill, Mr. Speaker, nevertheless I will vote for the rule because the rule will make in order the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute for Museum Services. Were the rule not to protect them because they have not been authorized, they would be stricken when they reached the floor on a point of order.

For that reason, therefore, Mr. Speaker, I shall support the rule.

Ms. PRYCE. Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in support of this rule. These are difficult times and there are a lot of tough decisions in this bill, not all of which I agree with. But it does afford us a thoughtful outline through which to proceed through this section of the appropriations bill, and the open rule allows us all to bring forth whatever amendments we see fit and to have this body vote on them.

I know that there are strong feelings among some that we should eliminate immediately in one year NEA, NEH, organizations like that. I would just remind them that while we cut the TVA and the ARC, organizations that have a

lot of opposition in this body, we did not pull the rug out from under them. We cut them. We gave them time for them and the States that they serve to think through how best to accomplish the goals that so deeply affect the people that benefit from the work of the TVA and the ARC.

The NEH does some extremely important things, as does the NEA and the Museum Services Administration. The NEH, for example, is sponsoring the brittle books program. The brittle books program will preserve valuable 19th century works printed on acidic paper which are now crumbling at an alarming rate.

Over 12 million unique items, books, maps, music scores, things that are critical to preserving, to tracking the historic and cultural heritage of this Nation, are at risk, and, frankly, only the Federal Government has either the expertise or the dollars to assure the preservation of that heritage.

Mr. YATES. Mr. Speaker, will the gentlewoman yield?

Mrs. JOHNSON of Connecticut. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, the gentlewoman is exactly right. The National Endowment for the Humanities is the lead organization in preserving the brittle books that are being consumed by the erosion of the pages, and at least one-third of all the great books in this country are being consumed by that slow-burning process. That is why, if there were no other reason, that is enough to support the National Endowment for the Humanities.

Mr. BEILENSON. Mr. Speaker, I reserve the balance of my time, having no further speakers at this time.

Ms. PRYCE. Mr. Speaker, I yield such time as he may consume to my good friend, the distinguished gentleman from the great State of Ohio [Mr. REGULA], chairman of the Subcommittee on Interior of the Committee on Appropriations.

Mr. REGULA. Mr. Speaker, I thank the gentlewoman from Ohio and I rise in strong support of the rule.

Mr. Speaker, I would urge all the Members to vote for the rule. I say that because the rule allows ample opportunity to debate all the issues involved in this bill. It offers an opportunity, through amendments to change the dollar levels, to subtract from a program if you choose to do so. I know some would like to make a change in the dollars on NEA and NEH, and under this rule, they have every opportunity to do so.

The rule does provide waivers for some of the legislative items in the bill. But I want to say to all of you that at the urging of the leadership, we communicated very frequently and very thoroughly with the authorizing committees.

For example, on NEA, NEH and IMS, we followed the guidelines of the authorization bill that was passed out of the full committee of jurisdiction. The same thing is true on a number of other instances in the bill.

So, in the process of putting this bill together, we made every effort to ensure that it did represent something that was approved by the authorizing committees, that we were not appropriating in opposition to the legislative intent of the committees of jurisdiction. And, therefore, since there are some legislative issues and programs for which authorizations have expired in the bill, which we have worked out with the authorizers, they are protected by a waiver. But that does not preclude anyone from offering amendments to take out money or, for that matter, to add money.

We have tried in this bill, in the face of a reduction of almost $1.8 billion in budget authority, if you include the rescission bill, and a reduction of almost $1 billion in outlays, from 1995, or roughly 11 percent to help with the deficit reduction package, but nevertheless, to ensure that we provide ample funding to allow the people of this Nation to have access to the resources they enjoy.

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I think we have, working with the subcommittee members, with the authorizers, with the leadership of the full Committee on Appropriations and others, crafted a bill that I think is responsible. I think it does the things that are important to the people of this Nation, addresses their needs while at the same time saving money.

We also tried to eliminate things that have downstream costs, which is necessary if we are to leave as a legacy to our children and grandchildren a balanced budget, something Alan Greenspan said in testimony before the Committee on the Budget, would result in providing them an improved standard of living over ours. If that is to be our legacy, we have to get on a glide path that will take us to a zero deficit in 7 years.

Therefore, in crafting the bill, we tried to avoid starting programs or funding programs or funding new construction, things that will have a substantial downstream cost because we recognize that in future years we will have even less to meet the challenges of this bill.

Having said all those things, I would strongly urge the Members to support the rule so that we can get on with an open debate on the policy issues. I want to say there are a lot of policy issues involved here. I hope the Members will pay attention to the debate so that they can help make the decision, because as we address these policy issues by virtue of amendments and vote on them, we are fulfilling our role under the Constitution.

We are the legislative branch. It is our role to set policy. It is the role of downtown, the President and his team, to execute policy. And there will be a number of opportunities under this rule and under the amendments that will be offered to make, I think, some rather significant policy choices.

We have tried in crafting the bill not to put a personal spin on it but to, rather, bring those issues to all the Members of this body.

So, again, I urge the Members to support the rule. You will have your opportunity during the open debate and the amendment process to express your concerns and your ideas on the policy issues embodied in this legislation.

Ms. PRYCE. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from Louisiana [Mr. LIVINGSTON], chairman of the Committee on Appropriations.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. LIVINGSTON].

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Louisiana [Mr. LIVINGSTON] is recognized for 4 minutes.

Mr. LIVINGSTON. Mr. Speaker, I want to congratulate the Committee on Rules for putting together a good rule. I likewise would like to congratulate the distinguished chairman of the Interior Subcommittee of the Committee on Appropriations for putting together what I feel to be a good package.

I have been trying to remember ever being in the well or at one of the manager's tables in a debate on a rule in which some folks felt that the rule should be more restrictive, that the argument, the thrust was that the rule is too open. But that is basically the case. I cannot ever remember hearing that argument.

I had not really thought about it, but some folks believe that this rule should be more restrictive. The fact is, if anybody has any quarrel with anything in this bill, they can come to the floor of the House with a funds limitation amendment or move to strike anything they would like to zero. That is their purview under the rules of the House and this rule.

Some folks would say, well, what we really would like to do is strike things on points of order so that we do not have to vote on them.

Look, this is not a perfect world. Other people disagree with that. And I think that we ought to work our way through this bill, vote issues, vote issues up or down. If we have a majority on one side or another, let the majority prevail. Let us not deal with technicalities. Let us not get ourselves all tied up in knots.

Let me say this. If this rule goes down, the next rule will probably also go down, and we will not end up getting a rule passed that allows us to consider the Interior appropriations bill on the floor, which means that we will tie up the business of the House, possibly risk not having an August break, taking the whole schedule into September with additional complications and causing ourselves great problems.

Anybody that has an issue that they want debated on this floor of this House can bring it forward. Anybody

that wants to limit any program in the bill to zero can offer that.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I see the gentleman from Indiana [Mr. BURTON] sitting over here. I wish he would pay attention, too, because it is very important.

Under the old majority, under the Democrat majority around here, when there was an issue like the Endowment for the Arts and we wanted to cut it, which I always wanted to do, the Democrats would gag us. They would not allow us to bring that amendment to the floor. We are not going that way this year. We are opening up these rules so that any Member of this body if they do not like the Endowment for the Arts, the Endowment for the Humanities, they have a right to bring it on this floor. Let us fight it out like men and let us cut it. That is what I am going to help them do. But to try to say that we should gag these rules like we were forced to accept in the old days, that is dead wrong, and we are not going to do it around here.

Mr. DICKS. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I want to thank the chairman for the rule, the aspects of the rule that I asked for. We asked for a fair debate. I am surprised, my good colleague, the gentleman from Oklahoma, one of the great athletes, great competitors in this Chamber, I never thought I would see the day when he would want to prevail on a technicality, would not want to come out here and get it right, talk about the National Endowment for the Arts.

Let us have a fair debate. Let the Congress decide this issue. I am surprised at my good friend. I think the chairman is right; everybody can offer any amendment they want. This is an open rule.

To walk away from it because you want to win on a technicality, I think, is, I am surprised.

Mr. LIVINGSTON. Mr. Speaker, reclaiming my time, this is an open rule. There is a fair shot at any program in the bill. It ought to be adopted. I hope that our membership will vote for this rule.

Mr. BEILENSON. Mr. Speaker, I do want to point out to our good friend, the chairman of the committee from upstate New York, that past bills, past appropriations bills from this subcommittee have also been open, have come to the floor under open rules, and one was able under those rules in previous years to also attack the same institutions.

Mr. Speaker, I yield 3 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to join with the gentleman's last comments. I have been here 17 years, and without exception—I hope the Members who came last January are paying attention to this—without exception, in every one of those 17 years this bill has come to the floor with an open rule. So all of the posturing about how, well, we are finally getting an open rule, particularly from the newer people in the Chamber, is becoming a bit wearisome, tiresome and, worse, it is really inaccurate.

Now, let me join the leadership on the new majority side in supporting this rule. I think that folks who are urging a ''no'' vote, and that is Members on both sides, including my own leadership on this rule, are wrong. It is a bad bill? You bet. Very bad. Do the majority of Members and people in this country disagree in poll after poll with the specifics that are in this bill? Absolutely. This is a bad bill.

You put this bill up to a referendum with the American people, it could not pass. But we are not voting on the bill. We are voting on the rule. Do you know what the vote is on the rule, whether or not to protect the National Endowment for the Arts and National Endowment for the Humanities.

I urge my Democratic colleagues to vote ''yes'' on this rule. If you believe as I do that the National Endowment for the Arts and the National Endowment for the Humanities are worth protecting, these are the agencies that nurtured Garrison Keillor in Lake Woebegon. These are the agencies that created that wonderful film Civil War. These are the agencies that created the design for the Vietnam Memorial Wall. These are the agencies that created the film Baseball. These are the agencies that allowed the author to write Driving Miss Daisy.

These two agencies have nurtured this country, and this vote is whether or not to continue to support the National Endowment for the Arts, the National Endowment for the Humanities. A vote yes on this rule is a vote for these two very small but very important agencies to the cultural life of this Nation.

I urge my colleagues to vote ''yes.''

Ms. PRYCE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Maryland [Mrs. MORELLA].

(Mrs. MORELLA asked and was given permission to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I thank the distinguished gentlewoman for yielding time to me.

Mr. Speaker, I rise to express my support for the rule on H.R. 1977. I support open rules because they afford Members the opportunity to bring their concerns before the whole House. It is my understanding that some of my colleagues are opposing the rule because they oppose funding for the Arts and the Humanities.

The Interior appropriations bill funds the National Endowment for the Arts [NEA] and the National Endowment for the Humanities [NEH] at levels that match the recommendations of the Interior Subcommittee. Funding for these two agencies has been slashed by 40 percent. The Arts and the Humanities have absorbed their fair share of the budget cuts, and I want to urge my colleagues to oppose any efforts to eliminate or make further cuts in funding for the NEA and the NEH.

I wholeheartedly believe that Government should support the arts. Americans highly value the arts and culture in their lives. Art is the symbolic expression of who we are. It is how we remember. Here in the Capitol, the history of our Nation is documented in its art and architecture.

Cultural funding is a mere two one-hundreths of one percent of our multibillion-dollar budget. We spend 70 cents per person on the humanities and 64 cents per person on the arts—on history, English literature, foreign languages, sociology, anthropology, comparative religion, and other disciplines.

Let us take a closer look at the humanities.

Seventy cents per person buys teacher training programs. These programs provide professional development opportunities for our teachers to increase their knowledge of their field and pass it on to their students. It is estimated that the 1,000 teachers who participate each summer in NEH-funded summer institutes directly impact 85,000 students each year.

Seventy cents per person buys museum exhibitions throughout the country, both permanent and traveling, and learning experiences for children in museums. As a result of NEH-funded fellowships, nearly 2,000 books have been published, many of which have received national awards.

Mr. Speaker, our legislative agenda could have far-reaching implications for the cultural vitality of our Nation. It is important, even vital, that we support and encourage the promotion of the arts and humanities so that the rich and cultural story of our past can be made available to future generations.

I urge my colleagues to support the rule and oppose amendments that would greatly reduce or eliminate the NEA and the NEH.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I would like to speak to my colleagues on our own side of the aisle. In 4 years, I never voted in this House for a rule unless it was an open rule. And that is what we fought for your right to come here for and that is why we fought for a majority.

In the last bill, there were some things that hurt California but it was an open rule. It was a fair and open debate. I did not like that. But that is the way that I think that we have to fight for this place.

The National Endowment for the Arts and the National Endowment for the Humanities are in my subcommittee. You are concerned that the Senate

has a 7 year, we have a 3 year. I voted every single year to totally cut out the humanities, the National Endowment for the Arts, and if I thought it was going to go on indefinitely, I would do that again. But what I do want to do is allow the good programs that survive in this program to phase out over a 3-year period and let them establish their own endowment. I think that is fair, and I think that is fair under an open rule. I urge my colleagues to vote for this.

If you do not, in my subcommittee, I will not authorize it at all, if they try and go beyond that.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I rise to urge a vote against this rule. There are a lot of things in this rule that I would like to protect. But not at the expense of waiving points of order so that the action that Congress took last year on the California Desert Act can be, by fiat of the Committee on Appropriations' will, reversed.

I also do not think that we ought to reverse the Outer Banks Protection Act. I just do not think that we ought to be asked to pay the price for being asked to pay in terms of ignoring our responsibilities to the environment in order to pass this rule.

I think if Members are genuinely interested in having a bipartisan approach and a bipartisan rule, they will quit using the appropriations process to accomplish an idiological agenda that would not be possible under normal parliamentary circumstances.

I would urge strongly a vote against this rule. We can do better.

□ 2000

Mr. BEILENSON. Mr. Speaker, I yield back the balance of my time and urge a ''no'' vote.

The SPEAKER pro tempore. (Mr. HASTINGS of Washington). The gentlewoman from Ohio [Ms. PRYCE] has 1½ minutes remaining.

Ms. PRYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Claremont, CA [Mr. DREIER], vice chairman of the Committee on Rules of the House of Representatives.

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

Mr. DREIER. Mr. Speaker, I thank my friend from Columbus for yielding me this time. I would like to congratulate her for handling this very challenging rule.

Mr. Speaker, I rise in strong support of this rule for several reasons, first and foremost, because I want to have a chance to vote as I have in the past to zero out the National Endowment for the Arts, to zero out the National Endowment for the Humanities. Guess what, this rule is going to give me a chance to do that. There some people who have been claiming that we will not have a chance to do that if we pass this rule. That is wrong.

I happen to be a very strong supporter of the arts. The former chairman of the subcommittee walking right up to the aisle there, the gentleman from Illinois [Mr. YATES], knows very well that my family has encouraged me to be a supporter of the arts. However, I want to see us do it privately. That is why I am going to support the Crane amendment, if we can get this measure through.

It is my belief that as we look at other way important provisions within this bill just discussed by the former chairman of the Committee on Appropriations, like defunding the California Desert Protection Act, that gives us another very important reason on our side of the aisle, especially, to vote in favor of this rule.

The other reason is the gentleman from New York [Mr. SOLOMON] made it very clear. When it comes to the lockbox, we are going to proceed and make retroactive, retroactive, the provisions that we come to, in a bipartisan way. This is a rule which is balanced, fair, and it is open. I would not dream of voting against an open rule. I cannot imagine why anyone would do that. It is fair, it is balanced, it allows us to zero out the NEA and the NEH. I believe everyone in this House should support it in a bipartisan way.

The SPEAKER pro tempore. All time has expired.

Ms. PRYCE. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 235, nays 193, not voting 6, as follows:

[Roll No. 495]

YEAS—235

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—193

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hamilton
Harman
Hastings (FL)
Hayes
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran

Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—6

Hall (OH)
Hefner
Hoke
Moakley
Reynolds
Stark

☐ 2021

Mrs. MALONEY changed her vote from ''yea'' to ''nay.''

Mr. SHADEGG changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BEILENSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 238, not voting 4, as follows:

[Roll No 496]

AYES—192

Allard
Archer
Armey
Bachus
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barton
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Castle
Clinger
Coble
Coleman
Collins (GA)
Combest
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doggett
Dreier
Dunn
Durbin
Ehlers
Ehrlich
English
Everett
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hefley
Heineman
Herger
Hobson
Hoke
Horn
Houghton
Hyde
Istook
Jackson-Lee
Johnson (CT)
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Maloney
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Nadler
Nethercutt
Ney
Nussle
Oxley
Packard
Parker
Paxon
Pelosi
Petri
Porter
Portman
Pryce
Quillen
Quinn
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Ros-Lehtinen
Roth
Roukema
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Sensenbrenner
Shaw
Shays
Shuster
Skaggs
Skeen
Smith (NJ)
Smith (TX)
Solomon
Spence
Stump
Tauzin
Taylor (NC)
Thomas
Thornberry
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—238

Abercrombie
Ackerman
Andrews
Baesler
Baker (CA)
Baldacci
Barcia
Barrett (WI)
Bartlett
Becerra
Beilenson
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Burton
Cardin
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clyburn
Coburn
Collins (IL)
Collins (MI)
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Dooley
Doolittle
Dornan
Doyle
Duncan
Edwards
Emerson
Engel
Ensign
Eshoo
Evans
Ewing
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frisa
Frost
Funderburk
Furse
Gejdenson
Gephardt
Geren
Gonzalez
Gordon
Graham
Green
Gutierrez
Hall (OH)
Hamilton
Hancock
Hayes
Hayworth
Hilleary
Hilliard
Hinchey
Hoekstra
Holden
Hostettler
Hoyer
Hunter
Hutchinson
Inglis
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Largent
Levin
Lewis (GA)
Lewis (KY)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McIntosh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Myrick
Neal
Neumann
Norwood
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Poshard
Radanovich
Rangel
Reed
Richardson
Rivers
Roemer
Rohrabacher
Rose
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Scarborough
Scott
Seastrand
Serrano
Shadegg
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (WA)
Souder
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stupak
Talent
Tanner
Tate
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—4

Ford
Hefner
Moakley
Reynolds

☐ 2042

Mr. HAYWORTH and Mr. BARTLETT of Maryland changed their vote from ''aye'' to ''no.''

Messrs. SAWYER, GIBBONS, HASTINGS of Florida, DOGGETT, and SCHUMER changed their vote from ''no'' to ''aye.''

So the resolution was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. REGULA. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Illinois [Mr. YATES] and myself.

MOTION TO ADJOURN

Mr. VOLKMER. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The Clerk will report the motion.

The Clerk read as follows:

Mr. VOLKMER moves that the House do now adjourn.

The SPEAKER pro tempore The question is on the motion offered by the gentleman from Missouri [Mr. VOLKMER].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. VOLKMER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 238, not voting 19, as follows:

[Roll No. 497]

AYES—177

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Becerra
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay

Clayton
Clement
Clyburn
Coleman
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Davis
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Fowler
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Gunderson
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McKinney
McNulty
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Wise
Woolsey
Wyden
Wynn
Yates

NOES—238

Allard
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Collins (IL)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doggett
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zimmer

NOT VOTING—19

Archer
Boehner
Boucher
DeFazio
Hefner
Lantos
Moakley
Ortiz
Oxley
Payne (VA)
Reynolds
Scarborough
Shaw
Taylor (NC)
Tucker
Waxman
Williams
Wilson
Zeliff

□ 2101

Mr. GRAHAM changed his vote from ''aye'' to ''no.''

Mr. JEFFERSON changed his vote from ''no'' to ''aye.''

So the motion was rejected.

The result of the vote was announced as above recorded.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. REGULA. Mr. Speaker, I withdraw my motion to go into the Committee of the Whole.

LEGISLATIVE PROGRAM

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

Mr. GEPHARDT. Mr. Speaker, I ask for this time to inquire of the distinguished majority leader about the schedule for the rest of this evening and tomorrow.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, I thank the gentleman for asking. With respect to the schedule for the rest of this evening, tomorrow, and possibly days beyond, let us start with this evening.

In a few moments, Mr. Speaker, we are going to ask that the House begin special orders. While those special orders are underway, the Committee on Rules will be meeting in order to consider a new rule for the Interior appropriations bill and/or possibly other rules.

We will, if necessary, later in the evening, have a recess of the House subject to the call of the Chair in order to enable the Committee on Rules to report those rules so that they can be taken up tomorrow.

In the meantime, I think it is safe to tell the Members that there will be no more recorded votes tonight and the House, of course, will reconvene at the appointed time tomorrow of 10 a.m. We would expect at that time, or very soon thereafter, to be picking up the new, more up to date, more passable rule on Interior appropriations and then be able to move on the bill tomorrow.

We would still try our very best, in examination of the dual considerations of Members' travel schedules, work period schedules, and our desire to move the bill, to work late tomorrow evening, perhaps, but then try our very best to enable Members to avoid having to work on Friday or the weekend.

But at this point, I cannot say anything more definite about that other than, obviously, it is our desire to be able to resolve the legislative schedule without trespassing against the Members' weekends. I hope to be able to be more clear in my understanding of this in a moment.

Mr. GEPHARDT. Mr. Speaker, if I could ask the gentleman from Texas [Mr. ARMEY], does the gentleman have a number of bills he would like to complete by late tomorrow night so that we could leave for the week, or do you know that at this point?

Mr. ARMEY. Of course, if the gentleman had his way, he would complete all the rest of these appropriations bills by tomorrow night and then everybody could take a vacation. But I would at least like to see us complete the Interior appropriations bill by tomorrow night. I would think that would give us the chance to reinstate our schedule for the August 4th district work recess period.

Our principal focus is to try to protect that departure time for that recess period while we complete the appropriations bills. So if we can find our way back on track as quickly as we can, then hopefully we can smooth things out a little bit again.

Mr. GEPHARDT. And would the gentleman further yield. I saw in a flyer that was on the floor from the distinguished majority whip earlier in the evening that you believe that the House will be in session now on Monday, July the 17th, and votes would begin at 5 p.m. Is that still your intention?

Mr. ARMEY. I am very confident that we will reconvene the House on Monday, the 17th, for votes to begin after 5 o'clock. My only concern right now is whether or not this front end we will get out and have our work down tomorrow night so that we can, as the flyer said, not have votes or work on Friday.

But yes, whenever we finish this week's work, we will be coming back next Monday for votes to begin after 5 o'clock in the evening.

Mr. GEPHARDT. I thank the gentleman.

Mr. ARMEY. I thank the gentleman.

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104–95)

The SPEAKER pro tempore (Mr. HASTINGS of Washington) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of January 30, 1995, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c).

1. On December 22, 1994, I renewed for another year the national emergency with respect to Libya pursuant to IEEPA. This renewal extended the current comprehensive financial and trade embargo against Libya in effect since 1986. Under these sanctions, all trade with Libya is prohibited, and all assets owned or controlled by the Libyan government in the United States or in the possession or control of U.S. persons are blocked.

2. There has been one amendment to the Libyan Sanctions Regulations, 31 C.F.R. Part 550 (the ''Regulations''), administered by the Office of Foreign Assets Control (FAC) of the Department of the Treasury, since my last report on January 30, 1995. The amendment (60 Fed. Reg. 8300, February 14, 1995) added 144 entities to appendix A, Organizations Determined to Be Within the Term ''Government of Libya'' (Specially Designated Nationals (''SDNs'') of Libya). The amendment also added 19 individuals to appendix B, Individuals Determined to Be Specially Designated Nationals of the Government of Libya. A copy of the amendment is attached to this report.

Pursuant to section 550.304(a) of the Regulations, FAC has determined that these entities and individuals designated as SDNs are owned or controlled by, or acting or purporting to act directly or indirectly on behalf of, the Government of Libya, or are agencies, instrumentalities or entities of that government. By virtue of this determination, all property and interests in property of these entities or persons that are in the United States or in the possessions or control of U.S. persons are blocked. Further, U.S. persons are prohibited from engaging in transactions with these individuals or entities unless the transactions are licensed by FAC. The designations were made in consultation with the Department of State and announced by FAC in notices issued on January 10 and January 24, 1995.

3. During the current 6-month period, FAC made numerous decisions with respect to applications for licenses to engage in transactions under the Regulations, issuing 119 licensing determinations—both approvals and denials. Consistent with FAC's ongoing scrutiny of banking transactions, the largest category of license approvals (83) concerned requests by Libyan and non-Libyan persons or entities to unblock bank accounts initially blocked because of an apparent Government of Libya interest. The largest category of denials (14) was for banking transactions in which FAC found a Government of Libya interest. One license was issued authorizing intellectual property protection in Libya and another for travel to Libya to visit close family members.

In addition, FAC issued one determination with respect to applications from attorneys to receive fees and reimbursement of expenses for provision of legal services to the Government of Libya in connection with wrongful death civil actions arising from the Pan Am 103 bombing. Civil suits have been filed in the U.S. District Court for the District of Columbia and in the Southern District of New York. Representation of the Government of Libya when named as a defendant in or otherwise made a party to domestic U.S. legal proceedings is authorized by section 550.517(b)(2) of the Regulations under certain conditions.

4. During the current 6-month period, FAC continued to emphasize to the international banking community in the United States the importance of identifying and blocking payments made by or on behalf of Libya. The FAC worked closely with the banks to implement new interdiction software systems to identify such payments. As a result, during the reporting period, more than 171 transactions involving Libya, totaling more than $6.5 million, were blocked. As of May 25, 27 of these transactions had been licensed to be released, leaving a net amount of more than $5.2 million blocked.

Since my last report, FAC collected 37 civil monetary penalties totaling more than $354,700 for violations of the U.S. sanctions against Libya. Eleven of the violations involved the failure of banks to block funds transfers to Libyan-owned or -controlled banks. Two other penalties were received from companies for originating funds transfers to Libyan-owned or -controlled banks. Two corporations paid penalties for export violations. Twenty-two additional penalties were paid by U.S. citizens engaging in Libyan oilfield-related transactions while another 54 cases of similar violations are in active penalty processing.

Various enforcement actions carried over from previous reporting periods have continued to be aggressively pursued. The FAC has continued its efforts under the ''Operation Roadblock'' initiative. This ongoing program seeks to identify U.S. persons who travel to and/or work in Libya in violation of U.S. law.

Several new investigations of potentially significant violations of the Libyan sanctions have been initiated by FAC and cooperating U.S. law enforcement agencies, primarily the U.S. Customs Service. Many of these cases are believed to involve complex conspiracies to circumvent the various prohibitions of the Libyan sanctions, as well as the utilization of international diversionary shipping routes to and from Libya. The FAC has continued to work closely with the Departments of State and Justice to identify U.S. persons who enter into contracts or agreements with the Government of Libya, or other third-country parties, to lobby United States Government officials or to engage in public relations work on behalf of the Government of Libya without FAC authorization. In addition, during the period FAC attended several bilateral and multi-lateral meetings with foreign sanctions authorities, as well as with private foreign institutions, to consult on issues of mutual interest and to encourage strict adherence to the U.N.-mandated sanctions.

5. The expenses incurred by the Federal Government in the 6-month period from January 7 through July 6, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at approximately $830,000.00. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Office of the General Counsel, and the U.S. Customs Service), the Department of State, and the Department of Commerce.

6. The policies and actions of the Government of Libya continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. In adopting UNSCR 883 in November 1993, the Security Council determined that the continued failure of the Government of Libya to demonstrate by concrete actions its renunciation of terrorism, and in particular its continued failure to respond fully and effectively to the requests and decisions of the Security Council in UNSCRs 731 and 748, concerning the bombing of the Pam Am 103 and UTA 772 flights, constituted a threat to international peace and security. The United States continues to believe that still stronger international measures than those mandated by UNSCR 883, possibly including a worldwide oil embargo, should be imposed if Libya continues to defy the will of the international community as

expressed in UNSCR 731. We remain determined to ensure that the perpetrators of the terrorist acts against Pan Am 103 and UTA 772 are brought to justice. The families of the victims in the murderous Lockerbie bombing and other acts of Libyan terrorism deserve nothing less. I shall continue to exercise the powers at my disposal to apply economic sanctions against Libya fully and effectively, so long as those measures are appropriate, and will continue to report periodically to the Congress on significant developments as required by law.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 12, 1995.*

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LONGLEY). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

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

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

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

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

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. ROS-LEHTINEN] is recognized for 5 minutes.

[Ms. ROS-LEHTINEN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

REPORT ON H.R. 2020, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 1996

Mr. LIGHTFOOT, from the Committee on Appropriations, submitted a privileged report (Report No. 194–183), on the bill (H.R. 2020) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved on the bill.

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

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

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

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

CHANGING THE STATUS QUO IN CONGRESS

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

Mr. KINGSTON. Mr. Speaker, we have tried to revise the way we do business in Congress. Everybody is excited about getting out early tonight. We have done a lot of things to revise and change the status quo in Congress. And this freshman class and this new majority has really just rebuilt the way we do business.

As Chairman of the Committee on Agriculture, PAT ROBERTS says, ''The status quo doesn't live in Washington, D.C. anymore.''

One of the things we did early on is pass a balanced budget amendment in the House. Now, the United States' other body has not seen fit to pass the balanced budget amendment yet, but in the House of Representatives, we are living under the philosophy that we did pass the balanced budget.

It is the intent of the American people to balance the budget and all of our appropriations bills are moving us in the direction of having a balanced budget by the year 2002. Now, a lot of people ask me why are you waiting seven years? And unfortunately it does appear that there are so many programs, it is so complicated when you are spending $1.4 trillion, that you have to go about these things slowly.

Part of the mechanism for balancing the budget is reducing spending, consolidating Government agencies, eliminating bureaucracies, eliminating duplications, getting some of the redtape off of small businesses and large businesses so that they can grow, expand in the economy, create more jobs, and bring in more tax revenues as a result of that.

I see the gentleman from Ohio [Mr. HOKE] is here, the able-bodied chairman of the Theme Team, the most articulate Member of the floor. If the gentleman would like to add to this, I will yield to you.

Mr. HOKE. I appreciate the gentleman from Georgia [Mr. KINGSTON] yielding to me. There seems to be a great deal of commotion here in the House this evening. We failed in passing a rule and we almost devolved into the Committee of the Whole to deal with this Interior appropriations bill without a rule.

☐ 2115

Can you tell me what is going on?

Mr. KINGSTON. What has been going on is that the appropriations process, this $1.4 trillion that we spend each year of taxpayer's money and future taxpayers' money, because we deficit spend, as you know, it is broken down in 13 different bills. Each of those bills has a number of cuts; each of those bills has a number of eliminations of policies; each of those bills reduces the growth of spending. And because of that, the Interior bill is controversial, as any other of the 13 bills are, because Members feel very strongly about certain pet projects that are being cut and so forth or being reduced.

So as has been the case here lately, now that we are getting into the appropriations cycle, there is a little more friction, often between parties but sometimes intraparty, among the House Members. So we are having to adjourn for the evening here.

Mr. HOKE. We are certainly not going to adjourn. I hope we are going to continue to talk about it.

Mr. KINGSTON. You and I are, but we are not going to have any more votes tonight until Members agree to the final print in the appropriations process.

One of the things, as you know, that we do is when we reduce spending on a bill, we try to earmark the funds from one area to the other. So a lot of times a guy from one area of the country will try to cut spending from somebody else's area, because it is cheap. There is a political cost to him or her.

Mr. HOKE. Are you suggesting that one person's, one Member's pork is another Member's laudable project of great American strength and importance?

Mr. KINGSTON. The gentleman is a learned politician and that is true.

I was not here, neither were you, when we had the infamous Lawrence Welk debates where the U.S. Congress was funding the Lawrence Welk Museum. I am not sure where he was from.

Mr. HOKE. I can assure you it was not from my district.

Mr. KINGSTON. Of the 435 House districts, all of them but one thought that that was pork. And, yet, we all have that problem.

Mr. HOKE. Would the gentleman yield for a question?

Mr. KINGSTON. Certainly.

Mr. HOKE. To be a little bit more serious, it seems to me that there is a question about this particular bill and the rule and whether what we have seen here tonight is a reflection of a systemic problem in the House with respect to the appropriations process or if what we are dealing with is a problem with respect to this specific bill.

I have some strong feelings about that, that this in fact reflects a systemic problem in the whole appropriations process in the way that we spend money, the taxpayers' money. But maybe it is just about this bill. What are your thoughts?

Mr. KINGSTON. I do not think the problem that we are having right now is directed toward the Interior appropriations bill. It has to do with money.

MEDICARE

The SPEAKER pro tempore (Mr. LONGLEY). Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate the opportunity to address my colleagues tonight with regard to some very important legislation the House will be taking up in the weeks and months ahead.

With health care being so important and with making sure that our constituents get the kind of health care delivery that is so important, I am happy to see that the House is looking to two very important areas.

The first one would be Medicare preservation. We know that within 7 years, if nothing is done, Medicare, as we know it, will not be, in fact, here in the United States. So the Republicans and Democrats are working together to try to make sure that Medicare is preserved.

In my own district of Montgomery County, PA, we have a Medicare preservation task force. We are having a meeting tonight for the purpose of having seniors and others who live in the district to come up with ways and means to make sure that we eliminate the fraud and abuse and waste that is in the system.

The Congressional Budget Office has come up with the fact that, and the GAO, that in fact there is $44 billion in waste, fraud, and abuse in the Medicare and Medicaid systems. If we eliminate that kind of fraud, waste, and abuse, we will get to the heart of what has to be done to reform Mr. Speaker.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from Georgia.

Mr. KINGSTON. One of the things I want to make sure I understand clearly on Medicare is, I hear that the Republicans are changing it and, yet, is it not the Clinton-appointed Democrats who are saying that Medicare is going to be broke in under 6 years; is that correct?

Mr. FOX of Pennsylvania. That is correct. The fact is that the bipartisan task force studying Medicare has come up with the fact that, in fact, we will be out of money in 7 years. Most of the Clinton appointees, the Secretary of Health and Human Services and others, have clearly said we are going to have a problem. What is interesting about the President though is that he has come up with no solution for it.

Mr. KINGSTON. But the gentleman, if he will continue to yield, it is the Clinton Democrats who are saying Medicare is going broke and yet it is Members of the Republican Party who are trying to preserve and strengthen Medicare through reforms?

Mr. FOX of Pennsylvania. What we are trying to do is make sure we eliminate the fraud, abuse, and waste in the system.

Mr. KINGSTON. What has the Democrat leadership done through the Clinton administration or through the House to offer Medicare solutions?

Mr. FOX of Pennsylvania. They have been absent without leadership; there has been nothing at all.

Mr. KINGSTON. Yet they are criticizing what we are trying to do when we talk about strengthening and preserving the system.

Mr. FOX of Pennsylvania. You are right. We are the ones who in this session have already met and worked with seniors to make sure that we help them earn beyond $11,028 a year, to make sure that in the next 5 years if they earn $30,000 without deducting for Social Security, and we are also saying, the same leadership of this House that has always come forward with the idea of rolling back the unfair 1993 Social Security tax increase, we are here working in a bipartisan fashion, I believe, to try to come up with the kinds of solutions that are meaningful. And it may be that from our own districts, our own Medicare preservation task forces will see that managed care is an option. We will see that the fraud, abuse, and waste is certainly a part of the equation. We need to hear from the American public so that we can make sure we preserve and protect and expand Medicare.

Mr. HOKE. Mr. Speaker will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from Ohio.

Mr. HOKE. Mr. Speaker, I have a chart here that I think goes to exactly what the gentleman is talking about. This is a quotation from the trustees of the Medicare trust fund. These are five people, men and women appointed by the President of the United States. It includes three members of the President's Cabinet, Cabinet Secretaries Shalala, Rubin, and Reich, and the specific quote here is that the fund, the Medicare Health Insurance Trust Fund is projected to be exhausted in 2001.

You have to ask yourself the question, is there a problem or is there not a problem? If there is a problem, then it seems to me that our responsibility as elected officials, as people who have been elected, Members of Congress that have been elected by the people in their districts to represent them, that if there is this problem that is a pressing problem, if it has been identified by the trustees of the President's trust fund, that we have an absolute responsibility to deal with that. And that if we do not deal with it, we are abrogating that responsibility in a way that is completely without precedent and terribly, terribly irresponsible in terms of the implications it has for the rest of the country.

Mr. BAKER of California. Mr. Speaker, will the gentleman yield?

Mr. FOX of Pennsylvania. I yield to the gentleman from California.

Mr. BAKER of California. Mr. Speaker, what you are saying then is if we do nothing by 2002, the Medicare trust fund then becomes insolvent?

Mr. FOX of Pennsylvania. That is correct.

Mr. BAKER of California. I think then we have an obligation, because we were elected by the people to preserve, protect and strengthen Medicare, not to kill it, that we have to take some action which will allow it to live beyond just our generation.

Is that the point the gentleman is making, it that what the trustees, the Democrat members of the trustees have said?

Mr. FOX of Pennsylvania. That is correct.

MORE ON MEDICARE

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

Mr. HOKE. Mr. Speaker, we have got 5 minutes remaining. I would like to pursue what you were just talking about, Mr. BAKER.

I think you are absolutely right. It seems to me, here is what we have got to realize, is that there is a genuine problem here. It is very easy, with any of these problems in Congress, to subject them to demagoguery, to subject them to hyperbole, to subject them to political talk that is essentially designed to sway people in a way that will give the speaker a political advantage.

The question that you have to ask yourself, as a Member of Congress, that I have to ask myself and that, frankly, the public has got to figure out for themselves is, they have got to cut through the politics of it and decide, is there or is there not a problem? And the truth is that there is a problem. It was not identified yesterday. It was not just identified in April 1995. It has been identified in the previous trustees reports of the past several years that Medicare is going broke.

Mr. BAKER of California. Mr. Speaker, if the gentleman will yield, that must mean that it is the previous two administrations' trustees have told us that is we do nothing, then that line that Mr. KINGSTON from Georgia is showing us will take effect. This is Medicare part A. This is hospitalization. This is nothing that we can fool with, if we want Medicare to be preserved, strengthened and protected for future generations.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, this is the report of the Clinton, the Democrat Clinton trustees that came out in April.

Mr. HOKE. April 3, 1995.

Mr. BAKER of California. Previous administrations also have made the same conclusion, that we have about a $140 billion trust fund that will be exhausted because we are now for the first year spending more than we are taking in.

The seniors in my district, who are relatively affluent, want more for their children than they do for themselves. And they want this system to continue. So they are not greedy and they are not selfish. They know there is a problem, but they want us to do something. I wonder if we have the guts and political will to do something.

Mr. KINGSTON. Is it not the intent of this Congress, this Republican majority, to increase spending on a per person basis on Medicare from a $4,800, approximate——

Mr. HOKE. Reclaiming my time, what I have heard on television and I have seen it in some news reports is that the Republicans are slashing spending on Medicare.

Mr. KINGSTON. But, in fact, is it not true that the committees are talking about going from about $4,800 per person to $6,400 per person? Those are round numbers. Is that not an increase over the next seven years?

Mr. HOKE. I just happen to have a chart that shows exactly what we are going to do here. We are going to go from $4,816 per person per beneficiary per year up to $6,734 per beneficiary per year. That takes into account all of the new additions to the Medicare population, Medicare ranks.

I think maybe even more interesting is another chart that shows you that we are going to go on a per beneficiary per month basis from about $401 in 1995 to $561 per month per beneficiary in 2002. We are going up from $178 billion in 1995 to $274 billion in 2002.

Obviously, our challenge as a nation, our challenge as a Congress is to give solutions and reforms that will make it possible for us to serve the Medicare population using this number of dollars.

But it is crystal clear that what we are doing is from where we are today at $178 billion, which is covering that population, we are increasing up to $274 billion in 2002. I think that that is a pretty important fact that the public deserves to know.

Mr. KINGSTON. As Mr. FOX of Pennsylvania said earlier tonight, we are looking at ways to slow the growth, the expense of Medicare to the senior citizens. Medicare inflation right now is about 11 percent. Regular medical inflation is lower than that. Regular inflation, I think, is about 4 percent. So we are trying to reduce that level of cost increase.

Mr. HOKE. What you are saying is completely correct. The health care component of inflation in the private sector right now is about 4.4 percent. But in fact there are other models in the private sector of specific companies or industries that have been able to flatten their health care costs completely, no increase whatsoever, while giving as much as greater choice and service to the people that they are covering.

□ 2130

Mr. HOKE. We ought to be looking at those kinds of models to in fact improve Medicare for the senior citizens of America.

Mr. KINGSTON. Well, the thing that I am curious about is this administration made such a big play on health care reform, it is interesting that they are absent to the Medicare, except to criticize.

Mr. BAKER of California. Well, let me summarize, because we have run out of time, if the gentleman from Ohio will yield one more second, and that is we have established now, there is a problem, because two generations of trustees, Republican and Democrat, have told us we start going broke this year and we will finish going broke in Medicare part A by 2002. It is not a Democratic problem, it is not a Republican problem, it is a congressional problem and we have to act.

Mr. HOKE. It is an American problem.

BONNEVILLE POWER CONTRACTUAL OBLIGATIONS

The SPEAKER pro tempore (Mr. LONGLEY). Under a previous order of the House, the gentleman from Nebraska [Mr. CHRISTENSEN] is recognized for 5 minutes.

Mr. CHRISTENSEN. Mr. Speaker, I rise today to denounce one of the most outrageous and arrogant abuses of government power that I have witnessed since coming to Washington. Sadly, it involves a U.S. Government agency, the Bonneville Power Administration, or better known as BPA, which unilaterally has refused to honor an electric power contract with a Nebraska company, Tenaska Washington Partners II. This decision, if not reversed immediately, could wind up costing the American taxpayer over $1 billion.

To give you a little background on this situation, back in 1991, Bonneville Power issued a request for proposals. They were needing to build some more power into their unit and so they were looking to expand and they sent out a request for proposals. Over 102 bidders responded. Of those 102 bidders, Tenaska won the bid. Well, they went ahead and constructed the facility and are almost 70 percent complete by now. Just last month they went over the 70 percent completion.

In April 1995, Bonneville Power informed Tenaska that the power administration no longer intended to honor the power contract, claiming recent dramatic reductions in projected demand for Bonneville Power. In subsequent correspondence and meetings, Bonneville Power repeatedly has stated that it will not perform its obligations under the power purchase agreement.

Bonneville's action here constitutes a willful repudiation of a valid, binding contract. Bonneville Power has never alleged, nor can they allege, that there has been any fault on the part of Tenaska. In so doing, Bonneville Power violates the principle of the sanctity of contract, a principle that is so fundamental under U.S. law that it underlies every business transaction.

Indeed, the U.S. Secretary of Energy, the head of the very agency which supervises Bonneville Power, recently has explained that breaking a contract in the power industry could substantially inhibit the development of more competitive wholesale power markets, concluding that a competitive market simply will not flourish if the integrity of contractual agreements is subject to question.

Well, that is exactly what has happened here, Mr. Speaker. If Bonneville Power fails to correct what has gone on in the past few months, Tenaska will have no other recourse than to resort to litigation. With the law clearly on Tenaska's side, Bonneville Power should expect that any forum which hears this dispute will likely hold Bonneville Power liable to and for damages, perhaps in excess of $1 billion.

Why $1 billion? Well, this represents the amount of money already expended by Tenaska in construction of its power facility, plus the net present value of what it could expect to receive under the contract. The ability of an aggrieved contracting party to obtain such damages is a fundamental principle of American contract law.

Bonneville Power officials have claimed that there is not enough money in the power administration's trust fund to pay for such damages. Accordingly, American taxpayers would be forced to bail out Bonneville Power to the tune of over $1 billion. The money likely would come from either the Federal Judgment Fund supported by general tax dollars, or from a significant rate hike on Bonneville Power customers.

By taking this action, Bonneville perhaps believes that it is wiser to incur a greater expense later via litigation when a far lesser expense can be incurred today through honoring the contract. What I think is probably more likely the situation that Bonneville Power has chosen here is they would prefer that the money come from another part of the government instead of their own budget.

Such reasoning I believe would be an extraordinary abuse of power. I know that the people of Nebraska, the people that I represent, do not want to be stuck paying the tab for Bonneville Power's unwillingness to live up to its contractual agreement, a signed document. I doubt that any other taxpayer in this country would be pleased that Bonneville Power is spending our money in such an unwise fashion.

I believe the only logical solution is for Bonneville Power to honor its written contract with Tenaska. In order to

abide by the law, retain its political viability, and provide for fundamental fairness to its contractors, Bonneville Power must honor its contractual obligations by enabling the Tenaska plant to produce power and to serve Bonneville Power and its customers just like they agreed to and just like they have and will perform.

You know, Mr. Speaker, in a day and a time when the American people are wondering about the efficiency of the Department of Energy, I believe that them stepping forward and telling one of their agencies to honor the contract like they agreed to would be a good step in the right direction.

PERSONAL EXPLANATION

Mr. FOX of Pennsylvania. Mr. Speaker, due to a death in my family and the funeral back in my district today, I was unavoidably detained and I would like to record, Mr. Speaker, how I would have voted on separate votes today dealing with the Energy and Water appropriations bills.

I would deal with them as follows: on rollcall No. 487, the Obey amendment No. 25, I would have voted ''no.''

On the rollcall 488, the Klug amendment No. 14, I would have voted ''no.''

On the rollcall 489, the Ward amendment, I would have voted ''yes.''

On the rollcall 490, the Volkmer amendment No. 32, I would have voted ''yes.''

On the rollcall 491, the Klug amendment No. 8, I would have voted ''yes.''

On the rollcall 492, the Klug amendment No. 9, I would have voted ''yes.''

On the rollcall 493, to sustain the ruling of the Chair, I would have voted ''yes.''

On the rollcall 494, final passage of the Energy and Water appropriations bill, H.R. 1905, I would have voted ''yes.''

MEDICARE CUTS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Washington [Mr. MCDERMOTT] is recognized for 60 minutes as the designee of the minority leader.

Mr. MCDERMOTT. Mr. Speaker, I rise tonight to discuss the impact of the proposed Republican Medicare and Medicaid cuts on American families and the health delivery system as a whole.

The American people have heard a great deal of rhetoric from the Republicans about how Medicare must be cut to save the trust fund.

The Republicans want you to believe that they are being forced to make drastic cuts in your Medicare benefits because the system is about to collapse. But the first thing I want to say to you tonight is that the Republican Medicare cuts have nothing whatsoever to do with saving the Medicare trust fund.

We can all agree that health care costs in general and Medicare costs in particular must be contained to assure long-term security for our Nation and its senior citizens.

In fact, if the Republicans were to be totally honest, they would tell you that the real problem for Medicare comes in 2010 when the first of the baby-boomers enter the program and Medicare enrollment expands dramatically.

The Republican Medicare cut proposal does nothing to confront the real Medicare solvency problem.

In the short run, we can and should stabilize the Medicare trust fund and assure that we can keep our promises to the American people, but this is nothing new. The stability of the Medicare trust fund has always required attention.

In the mid-1970's, the Medicare trust fund was due to expire in 2 years. The same problem recurred in the early 1980's. A 7-year window for the trust fund is about average.

We have always moved quickly and responsibly to keep the trust fund solvent. Under a Republican majority, this will be very difficult, but Democrats are committed to preserving Medicare without breaking our commitment to senior citizens and their families.

In trying to understand these Medicare cuts ask yourself, Why are the Republicans making such drastic and painful cuts? Can't you save Medicare without hurting older Americans?

The answer is yes. But the Republicans need to cut $270 billion out of Medicare so that they can pay for their tax cuts to the well-off and balance the budget by an arbitrary date they picked from a campaign booklet.

They need $270 billion from Medicare to pay for a $245 billion tax cut. They are simply using Medicare as the bank to pay for tax cuts and deficit reduction.

The Medicare trust fund problem is not making these cuts happen. You do not need to take $270 billion out of Medicare—as Republicans propose to do—to save the trust fund.

It is hard to fully understand the magnitude of the cuts proposed by the Republican majority in this Congress. Republicans have proposed cutting substantially more funds from Medicare in the next 7 years than the program spends for its entire costs in 1 year.

Republicans want to limit the rate of growth for the program that provides health insurance to the oldest and the sickest in our population to a rate of growth per person that is almost one-half of the rate of growth per person for the private insurance industry.

The private health insurance industry provides insurance primarily to people that are younger and healthier than the Medicare population. Yet, private premiums and payments still will be almost double the funding provided for the health insurance for the Nation's elderly under the Republican proposal.

I put this chart up here because the blue is for the expected Medicare voucher, and this is the cost, the green is what it costs in the private sector. Each year you can see that the private sector is going up much faster than the voucher is, and that is what is written into their proposal. Senior citizens' out-of-pocket expenses are estimated to increase by at least $3,500 per person under the Republican proposal. Each Medicare beneficiary will have less health care and fewer benefits as the number of Medicare beneficiaries grow, while the dollars shrink, all to pay for tax breaks for the wealthy and a budget tied to Wall Street instead of Main Street.

Now, as people are thinking about this, they really have to think, how will these cuts be achieved? The strongest possibility promoted by the Republicans is to issue vouchers to senior citizens to buy insurance. But the kicker is that the value of the voucher won't be enough to pay for an adequate insurance policy. Senior citizens will have to pay for the difference between the value of the voucher and the cost of the insurance policy. By the year 2002, the cost of private insurance is expected to be 18 percent more than the Medicare voucher is worth.

That is really what this chart is all about. They start out easy on people. They give them the amount of money that an actual insurance policy would cost in 1995. The next year they give them a little less than it would cost, and by the year 2002, you can see that the voucher will be worth $6,500, and they estimate that the cost of an adequate policy to cover what is necessary will be $7,600. Now, that is $1,200 that the senior citizen will have to come up with out of their own pocket because Medicare itself will not cover the cost.

□ 2145

The result will be that seniors will be forced into the most restrictive HMO's. Contrary, and I say again, contrary to the Republican rhetoric, the vouchers will not be used to give seniors more choice. They will not have more choice because they will not have the money to buy an adequate policy. They will have to buy the cheapest policy possible and if it is adequate or inadequate, that does not make any difference to the Republicans. All they want to do is save the money and force a tax increase on senior citizens of $1,200 a year.

Underfunded vouchers will lead to a loss of choice. They will be used to take away the free choice of provider, the ability to decide which physician you want to see, which hospital you want to be in. You are going to be in an HMO, a managed care operation that will tell you, ''This is the doctor you can see. This is the hospital you must go to.''

In the present Medicare program, senior citizens have the maximum choice. They can go to any doctor, any hospital they want. Under the Republican plan, if seniors cannot afford the difference, if they cannot come up with

the difference between what the voucher gives them and what the actual cost is, they will have to go without health care or they will buy an inadequate policy.

Remember, when the Republicans are ratcheting down the value of the Medicare voucher, they are doing nothing to control costs. They are simply holding down the cost of the voucher each year, but they are not doing anything anywhere in this Congress to control the overall costs.

So the costs will continue to go up at a much faster rate. The gap between the voucher and the health insurance price will be even bigger over time.

Just for a second, think about who Medicare beneficiaries really are. They are senior citizens, over 65, and they are the disabled in this country who need medical care. You do not get on Medicare as a disabled person unless you have a chronic illness and need the care; you have had kidney disease and have had the need for dialysis, you need care, so if you are 45 years old and you are on a Medicare program for dialysis, you are there because that is how we are paying for it in this country.

An increasing number of people in this country are over 85 years old, and the overwhelming majority of people on Medicare have an income of under $25,000 a year. You are thinking about somebody making $25,000 a year having to come up with an additional $1,200 to buy an adequate policy. It is these people that the Republicans want to throw into the water to swim alone with an underfunded voucher through the private insurance market.

Young healthy workers, for heaven's sakes, have great difficulty assessing their health insurance options even with the help of employers and with personnel counselors in their businesses. Senior citizens will have none of these advantages as they try to select the policy that will give them the greatest protection, provided they can pay for it and can overcome the subtle strategies of the health insurance industry to direct the less healthy customers away from their companies.

Imagine if your father is, let's say, going to be 90 years old. He has had a heart attack, he has had a stroke, he has some skin cancer, he has a few problems, and he goes out with his little voucher in his hand looking for an insurance company that is going to want to take him. How many insurance companies are going to run out and meet him in the street and say, ''Come on in, sir, we want to sell you insurance''?

They do not want these senior citizens who have illnesses. They want young, healthy people, so they are going to try and pick off the healthy seniors and let the sick ones, the ones who have got chronic illnesses—as you get old, that is kind of what happens to you—those people are going to be excluded from the system.

If the Republicans have their way with these cuts in Medicare, they will be moving from a system of guaranteed health insurance for the elderly and disabled to a health insurance lottery for those who can afford it. Whether this policy will be adequate for you or not is going to be sort of luck. Guaranteed health coverage for senior citizens will become a distant memory.

It is bad enough on senior citizens, but it is even worse when you think about it because imagine the families, the children and the grandchildren of these senior citizens. When they find out that Mother or Father or Grandma and Grandpa have not got adequate care, what are they going to do? They are going to say, ''Well, sorry, Ma, too bad''? Of course not. They are going to have to reach into their pocket and pay the difference for Mom and Dad. That is what is going to happen.

For 30 years in this country there are people my age, 58 years old, and younger, who have never one time had to think about the health care of their parents. With the Republican proposal, they are going to be forced, we are going to be forced, me and everyone else younger than me is going to be forced to think about how they pay the difference for their mother and father or their grandparents in this system.

The Republicans really want to put that obligation back on the plates of young families. For 30 years, families have not had to choose between Grandma's medical bills and whether they could send a child to community college. But if this Republican budget and cuts in Medicare passes, American families will be forced to face that decision.

It is not just senior citizens and their families that will be affected The entire health care system rests on Medicare. it is the major source of funding in many respects in our system. Major community providers, the hospitals, doctors, nurses and so forth will be severely compromised.

In my district in Seattle, these hospitals get as much as 60 percent of their revenue from Medicare and Medicaid. With cuts of the kind of magnitude suggested here, they simply will not be able to maintain the same level of services to any patient, not just to Medicare patients, but because they lose the Medicare revenue, they are going to have to drop the level of care that they can offer across the board.

Academic medical centers. We are very proud in this country, we have the best medical research and the best medical education in the world. We brag about it. But the fact is that the funding for medical schools is from the Medicare program. Medicare assumes a disproportioned burden of the cost of training new physicians and the burden of the higher costs of academic health centers.

With cuts of this magnitude, academic health centers will not be able to continue training the same number of highly competent physicians. The ability of academic health centers to provide our most sophisticated treatment and care will be greatly diminished. Many hospitals will not survive.

I have a letter from the head of the Harbor View Hospital in Seattle, and he closes by saying this:

> Harbor View is the only Level One trauma center in the State of Washington serving a 4-State area. The magnitude of these cuts is so huge that it presents a doomsday scenario for Harbor View.

They expect to lose $125 million a year out of this proposal.

So it is not just senior citizens. It is not just their families. It is not just the medical schools. It is the very highly trained and very highly sophisticated trauma centers in this country.

Many hospitals, particularly rural hospitals, will not survive this kind of budget. Everyone's access to health care will be reduced, particularly in the rural areas.

As hospitals try and make up the revenues lost through Medicare and Medicaid cuts, the private insurance rates are going to skyrocket if you do not have them adequately funded for the senior citizens who are there.

The bill will be passed to a senior citizen who does not have the money. They are only making $25,000. If they have not got the money, it becomes a bad debt for the hospital. The only way the hospital can get that bad debt taken care of is to put it over onto the people who are buying private insurance. That is called cost-shifting. You shift from people who cannot pay to the people who are paying. If you reduce Medicare, private insurance rates in this country will go up.

Medicare cuts for tax cuts and balanced budget politics will rob the middle class of much of the economic security as well as the health care security. We need to protect the entire American family, old, young, middle-aged, and the quality and stability of American health care, by opposing the Medicare cuts that the Republicans are offering.

Mr. Speaker, I would like to yield to my colleague, the gentlewoman from Texas [Ms. JACKSON-LEE], for some comments that she has.

Ms. JACKSON-LEE. I thank and appreciate the very salient and focused commentary of the gentleman from Washington [Mr. MCDERMOTT], and reasoned explanation to the American people.

The reason why we have taken the time to study this issue, I think we are all grappling with trying to clear away the smoke and mirrors and focus on reality. Clearly I think that when we begin to capture the numbers, we can reach out to the American people, particularly the 18th Congressional District in Houston where I come from, and really highlight $270 billion in cuts in Medicare, as the gentleman has indicated.

Mr. Speaker, this is really sort of a surgical procedure that does not leave the patient in better condition but eliminates their limbs. I am just simply confused. If we are trying to protect seniors and talk about a better

health care system, and I would venture to say with your history that that is something that we are all prepared to come to the table to talk about, how we can get better health care for all of our citizens, we would certainly be responsible if we decided to come to the table in a bipartisan manner to deal with that issue.

This is not a health care issue as the Republicans have put it forward. This is a cut issue simply to get some money to give some folks a tax cut. It hurts my community, because basically there are a large number of seniors in that district, a large number of seniors who in fact depend upon their Medicare, as well as working-class families who for the first time are gratified by the good health of their parents, many in the African-American community that have been able to maintain the high blood pressure, keep it under maintenance, other kinds of illnesses that have plagued those in my population or in the African-American population in particular.

Certainly this question goes beyond racial groups, but certain illnesses that have now been able to be maintained because seniors have had access to preventative health care now may shoot up. What you will find out in a district like mine, and I cite mine particularly because there are a number of individuals, poor individuals there, you will find them now in the public hospital system, not there for maintenance but there because they have had a stroke or they have had some other catastrophic results of not being able to take care of themselves. Then that working-class family, maybe the bus driver and the school teacher or whatever combination, then will find mom or dad back home with them, needing to be able to be covered by whatever extra dollars or pennies, I might add, that that working family would have to be able to spend on that elderly.

Let me cite for you just an example, spending a lot of time on this issue, because I really want to get the facts from those who are the beneficiaries right now, besides my parents. We have a hospital that is one of the oldest community hospitals in the State of Texas, Riverside General Hospital, and I took the time to visit with their nurses and their doctors and their patients.

I might add, those soldiers on the battlefield in these community hospitals, anyone who thinks that they are getting a killing financially, that they are making a real profit, even the physicians that practice there or the nurses that work in those hospitals, they have another think coming. They are dependent on Medicare, not just to keep doors open but to serve that base of population, frankly, that I would tell you would not go anywhere else. They do not know about going to the sophisticated medical center in our variety of communities. They know about that community-based hospital that gives that special care.

They gave me the facts that their doors would be shut. They were not there trying to push survival as a hospital, ''My job is on the line.'' They were not really focusing on that. They were talking about the real need of being able to reach these seniors, one, to help them with preventative health care, but as well to be accessible to them where they were not frightened to come into a hospital setting. A lot of our seniors are individuals who say, ''I have been healthy all my life and a hospital is not where I would want to be.''

□ 2200

Ms. JACKSON-LEE. So Riverside Hospital would be impacted with a great negative impact.

And then, I walked in my community just this last week on one of the older sections in fourth ward and I met seniors there 80 and 86 years old living at home by themselves. Those individuals have a great need for Medicare, but they also are the same individuals that if those premiums went up—I understand we may be looking at $110 and numbers going beyond that—would be the ones choosing whether they have to eat or needed to eat over medication, other health needs. These are the seniors that would be relegated to the horrible stories of dog food or cat food that we have heard.

These seniors are 80 and 86 years old. You made a very good point. They are living longer. What are the Republicans telling us about people living longer? I know they are not advocating anything that would undermine this good news that we have our seniors living longer, but yet, when we talk about this issue of slow growth, which, by the way, someone asked me, what does that mean because that certainly sounds like we are being really responsible? It means eliminating people. It means that you are talking about a whole pool of people the most sickly and the most needy possibly being eliminated.

So I am convinced that we are headed in a very treacherous direction and I am a little bit incensed that we don't have the real facts, for Medicare is being attacked, for it now is a fact of life. Our seniors are living longer. And so when they argue that the system is crumbling because we have had massive abuse and fraud, there is not a person that I have chatted with that does not want us to clean up anything that needs to be cleaned up, and as responsible legislators, I think we should do that. But I think the real key is whether or not we are looking to solve the problem or whether or not we are using smoke and mirrors to frighten people to then make these major cuts and leave in the lurch, if you will, the public hospital system, small community hospitals, and again, not to keep their doors open for keeping them open's sake, but because they serve populations that are in need.

And what we will do with the public hospital system is basically break it because all those people will be headed in that direction, and from that direction as well, the support of their family members will be required for them in terms of their health care.

So I thank the gentleman for yielding and I would only ask as we proceed with this that we do it in a manner that reflects responsibly on our challenge that is to ensure good health care for our citizens, for Americans, but as well, to not disrespect what seniors have done in their work life, in their commitment to this country and the real need that they have for good health care.

Mr. MCDERMOTT. I want to thank my colleague. You have raised a very, very important point that I did not emphasize enough because as a physician, I sometimes forget it. The health care system in this country has worked. The average age when they started Social Security for a man at death was 59 in 1935. Today the average age is almost 80. It is around 77, something like that. So we are talking about extending people's life-span by some 20 years since that period of time, largely because of programs like the Medicare program.

And the major thing you are talking abut I think that is so important is the whole issue of prevention. What we had before, everybody gets health care in this country. When you are sick, when you are really sick, they call the ambulance and drag your body in and there you are in the emergency room. Everybody gets health care at that point. But that is at the wrong time in the most costly way possible.

What Medicare has made possible for seniors is to have preventive care; that is, to monitor the blood pressure, to monitor the glaucoma, to monitor all the things that have been problems in the past and wind up in these serious debilitating episodes like strokes. We spend millions of dollars on strokes that can be prevented with some blood pressure medication that is monitored on a regular basis, and Medicare has made that possible.

Now, what the Republicans are proposing is that each year seniors would have to come up with more money out of their pocket to buy the same health care that they now have under the Medicare program. The voucher value would be less than the actual cost. In 1996, the average cost to a senior citizen would be $67. You say, well that is not very much, so what is the big deal? The next year it is $254. The next year, $447.

What the Republicans are trying to do is slide this in in the first year where it isn't going to cost them any more. They will get the same thing for the voucher cost, but by the fourth or fifth year, you will be up to $645, and by the year 2002, it will cost you almost $1,140 a year per person more for the same health care benefit you have today and it will all come out of your pocket.

Now, if you think about people who, when you are working regularly and you get a paycheck, you don't think about, well, you know, $67. I mean, I probably could squeeze and make it. But when you are a senior citizen living on a fixed income on a social security check, you are talking about people who are going to have trouble simply making it, much less coming up with this additional amount of money out of their pocket. And I believe that what is happening here that people fail to understand, and in these early years it looks pretty good, but the further out you get, you can say, well, I won't be here in 7 years. But some more and more people are going to be here and they are going to catch the brunt of this.

Ms. JACKSON-LEE. Will the gentleman yield?

Mr. MCDERMOTT. Yes.

Ms. JACKSON-LEE. That chart is instructive because wouldn't you say as a physician that what we begin to do is create a chilling effect for those who have to make choices to begin now to not put medical assistance, preventative medicine, making sure they are keeping up with their health needs so that they can stay healthy? It begins to be on the second tier of their needs or their ability to pay, then the third tier, then the fourth, then just simply: I can't go to the doctor.

It is a chilling effect because they have to make real choices, and you mentioned something else. Seniors, I love them because they represent history and wisdom, but they also, I think, are somewhat stubborn sometimes. They get a friendship with a physician because they trust them and they have confidence in them. And this physician guides them along to keep them healthy. All of a sudden, we deny them choice. We make them second class, third class citizens.

They have gotten used to this physician who has been able to follow their history, and we are telling those in the Medicare system that that is not an option for them. It creates an amazing chilling effect, I believe, for good health care. And when I was trying to make the point on the hub hospital system, which we need to emphasize, all that chilling effect winds up with the bulk of those individuals that have not seen physicians now come by ambulance with a stroke in cardiac arrest, with possible need for an amputation if they are diabetic, whatever these ailments are, and this costs of course all communities, all races of people you will find using the public hospital system because they just haven't been able to go to the doctor and now they are in an ambulance coming. I am frightened about that.

And lastly, I am frightened about us saying to those working class families, in addition to the possibility of the responsibility for their parents, scaring them in terms of what will happen to them as they reach the age needing Medicare. Rather than addressing this issue in a manner that responds to good health reform and provides for a legacy or a future for these families today, we are again giving, I think, falsehoods about what really needs to be done so that Mr. 35-year-old or Miss 35-year-old will be protected in the next 20 or 30 years.

It is not accurate that they need cuts of $270 billion in Medicare. That is not helping Mr. and Mrs. 35-year-old. Let it be known that that is helping the tax cuts of 1995 for individuals making over $200,000. I want to help Mr. and Mrs. 35-year-old. That is the commitment that we should make, and I want to help Mr. and Mrs. 65, 70, 80, 86, these numbers of seniors that are now living to that age. That is how we should bring those two together on a serious proposal of dealing with Medicare and its longevity, not the $270 billion cuts that does not help Medicare's longevity. It helps the current plan to give tax cuts.

Mr. MCDERMOTT. I think you raise again that issue, and I think it doesn't—we don't say it often enough. We are all in one family, and it is easy sometimes for people who are younger to somehow think that this is not affecting them, that what is going to happen, well, that is the Medicare program, that is for old people, but the fact is that it has been lifting the burden off the younger people and they are suddenly going to wind up with it suddenly being dropped down on them without them being aware, unless they begin paying attention.

That, I think, is our biggest job as Members of Congress is to educate people about the fact that Medicare, although it has as its clients the disabled and the senior citizen, it is also a part of the economic security of the 35 year old. And sometimes young people sort of miss that. They don't see the connection because in their lifetime they have never had to do it.

I remember when I was much younger, my grandmother and grandfather back in the 1950's did not have Medicare, and the way my father and the uncles took care of it was every Sunday when they went to my grandmother's house, they would slide a ten dollar bill under the plate. My grandmother was too proud to ever ask for money but when she picked up the dishes after lunch, she picked up 50 bucks around the table.

That is how the subsidy was done in those days, and what this is going to do is drive that same system back on every family to look at their mother, their father, their grandparents and say, how are we going to take care of them? We can't just walk away from them, and that is, I think, why this is not just a senior citizen question, but it is a family question. And I think that you bring that well when you talk about that it isn't just Mr. and Mrs. 65; it is also Mr. and Mrs. 35.

Ms. JACKSON-LEE. You remind me, as I have reminded you to remind me, of my grandmother as well and the good times at that time in the 1950's was that she could do something with $50 or so that is left. I think if we began to look realistically of what that will mean for this time and this range of cost, we are realizing that that is not what will be possible for these working families and these individuals in this 35 year range, and we will also need to point out for any accusations that are made against this system that we do want to make work.

There is a lot of cost containment already going on in Medicare, and many of the providers are aware that we must be judicious in how we cost out the particular procedures or services. That is where we need to focus, not to scare people with the fact that it is to be ended and at the same time tell them that they need $270 billion in cuts.

And so your point is very well taken. We could have done that in years past and managed and survived. I think now with catastrophic illnesses and just the recognition of the cost, the legitimate cost of providing care in a hospital, we realize that that would be so extreme a burden. I have heard tell that there is a possibility of families going bankrupt trying to take care of a loved one who has come upon illnesses, and certainly if there was no coverage like Medicare for that senior, what could be expected for families who are trying to make ends meet and then be faced with the needs of their loved ones, of which they would want to be able to support.

Mr. MCDERMOTT. I hope that all the Members in the Congress let their constituents know they have to let the Congress know no on vouchers for Medicare. Vouchers in the Medicare system are guaranteed to be inadequate. That is what it is all about. That is how they are saving money, and people need to let their representatives know. I hope they will all call them, write them letters, tell them that they want to keep the kind of security that they presently have under the Medicare program. Thank you very much for your help.

Ms. JACKSON-LEE. Thank you.

☐ 2215

SUPPORT HOUSE CONCURRENT RESOLUTION 80, LEGISLATION CALLING FOR A CESSATION OF FRENCH NUCLEAR TESTING IN THE SOUTH PACIFIC

The SPEAKER pro tempore (Mr. LONGLEY). The Chair recognizes the gentleman from American Samoa [Mr. FALEOMAVAEGA] for up to 22 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, just weeks ago, French President Jacques Chirac announced that France will abandon its 1992 moratorium on nuclear testing and explode eight more nuclear bombs in the South Pacific beginning in September. Chirac said that the nuclear explosions will have no ''ecological consequences,'' and described his decision as ''irrevocable.''

After detonating at least 187 nuclear bombs in the heart of the South Pacific, France's intent to resume further nuclear poisoning of the South Pacific

environment has resulted in deep outrage and alarm in the countries of the region, as well as with the world community.

I rise today to urge my colleagues to support legislation I introduced recently, House Concurrent Resolution 80, which recognizes the environmental concerns of the people of Oceania and calls upon the government of France not to resume nuclear testing in French Polynesia's Moruroa and Fangataufa Atolls.

In a broad showing of bipartisan support, 15 Members of Congress have joined me as original cosponsors of House Concurrent Resolution 80—including the ranking member of the House International Relations Committee, the Honorable LEE HAMILTON; the chairman and ranking member of the Asia-Pacific Affairs Subcommittee, the Honorable DOUG BEREUTER, and the Honorable HOWARD BERMAN; and the chairman and ranking member of the International Operations and Human Rights Subcommittee, the Honorable CHRIS SMITH and the Honorable TOM LANTOS.

I want to express my deepest appreciation to these gentlemen, as well as to other distinguished senior members of the House International Relations Committee—including the Honorable JIM LEACH, the Honorable GARY ACKERMAN, the Honorable JAY KIM and the Honorable DANA ROHRABACHER—for their strong support of this measure. I also want to thank members from districts touching the Pacific that have joined us as original cosponsors, including the Honorable ROBERT UNDERWOOD of Guam, the Honorable PATSY MINK and NEIL ABERCROMBIE of Hawaii, the Honorable NORMAN MINETA from California and the gentleman from Oregon, the Honorable PETER DEFAZIO. The distinguished Member from Massachusetts, the Honorable EDWARD MARKEY, must also be commended for his leadership in the field of nuclear nonproliferation and support of legislation opposing France's nuclear testing in the South Pacific.

Mr. Speaker, like a wild boar on the ocean waves, or a ''bulldozer'' as described by his mentor, the late President Georges Pompidou, or a mad aberration of 21st century thought, French President Chirac's so-called decision and insistent denial of consequence is what novelist Bernard Clavel called the Shame of France.

Mr. Speaker, we all know nuclear bombs have only one purpose. They were created to destroy every living plant and animal, including humans. The result is they annihilate everything. The people of France know this. The government of France knows this. Mr. Chirac knows this. We all know why France explodes its bombs in French Polynesia and not in France. The leaders of France do not want to subject their homeland to this danger, if they have a choice.

Historically, the people of the Pacific have had little choice. Nuclear nations, including France and the United States, have consistently deemed Pacific islanders and their way of life expendable. For example, in 1954, on Bikini atoll the United States detonated the ''bravo shot,'' a 15-megaton thermonuclear bomb over a thousand times more powerful than the nuclear bomb dropped on Hiroshima, Japan. Marshall islanders residing on nearby Rongelap and Utirik atolls justifiably believe they were used as ''guinea pigs'' and test subjects for United States nuclear radiation experiments conducted during this period.

After almost three decades of French nuclear testing in the South Pacific, French Polynesia's Moruroa atoll has been described by scientists as a ''Swiss cheese of fractured rock.'' Moruroa and its sister French test site at Fangataufa are water-permeable coral atolls on basalt, now contaminated in the worst way similar to the crisis at the Chernobyl nuclear plant. Leakage of radioactive waste from the underground test sites to the surrounding waters and air has been predicted, and is inevitable. Epidemic-like outbreaks in surrounding communities have already resulted, but symptoms including damage to the nervous system, paralysis, impaired vision, birth abnormalities, and increased cancer rates among Tahitians, in particular. It is no wonder that the French Government has kept medical records at Moruroa a top secret and has not even permitted long-term follow-up study of the local indigenous or Tahitian workers who were subjected radioactive contamination.

Yet, Chirac, like so many other leaders of nuclear nations, insists that nuclear tests are harmless to the environment. As reported by the National Resources Defense Council in the Bulletin of Atomic Scientists, ''the five declared nuclear powers have acknowledged conducting a total of 2,036 nuclear tests since 1945.'' of this total, 942 of the tests have been conducted within the continental United States, 710 in Russia/Kazakhstan, and 306 atomic explosions conducted by the United States, Great Britain, and France on Pacific islands and atolls.

It is interesting to note that although France has detonated over 200 nuclear bombs in the past 35 years, not one of these bombs has been exploded on, above, or beneath French soil. Mr. Speaker, in the truest form of colonial agression, France, instead, has exploded almost all of its nuclear bombs in its South Pacific colony, after being driven out of Algeria, a former possession also used a nuclear testing dump.

France currently has the world's third largest stockpile of nuclear bombs in the world. But Chirac told reporters on the eve of his first presidential trip abroad that his decision to explode eight more nuclear bombs in the South Pacific was crucial to ensure the reliability and security of the coutry's nuclear weaponry. I made this decision, Mr. Chirac states, ''because I considered it necessary in the higher interest of our nation.''

Whatever happened to the higher interest of some 170 non-nuclear nations?

I say to the military establishment of France and to the President of France, if exploding eight more nuclear bombs is so crucial to ensure the security of your country's weaponry, explode your eight nuclear bombs under the Arc de Triomphe and along the rural and farm areas of France, and see if the citizens of France will support you in the higher interest of your nation.

Mr. Speaker, the peoples of the North and South Pacific want nothing to do with nuclear weapons. They know firsthand the horrors of nuclear testing and have agreed amongst themselves to keep their part of the planet nuclear-free. Isn't it ironic that it is among these people that France is about to explode 8 nuclear bombs—one nuclear bomb explosion a month—with each detonation up to 10 times more powerful than the nuclear bomb that was dropped on the city of Hiroshima 50 years ago? Incidentally, this is not happening by the choice of the 28 million men, women, and children of a European world power playing the role of colonial master to the detriment of peaceful citizens on the other side of the world.

When is enough, enough? Two hundred-plus nuclear explosions, with almost all in South Pacific waters, apparently is not enough for France. Mr. Chirac wants eight more. So what about the rest of the world? I suspect that the military establishments of every nuclear power want to perform more tests to ensure the reliability of their nuclear arsenals. But the fact is, all of the nuclear powers, except China, have given up this benefit and stopped testing programs in the interest of making the world a safer place to live.

Government after government after government, in a firestorm of international outrage, have spoken out in opposition to France's resumption of nuclear testing. Demonstrations involving tens of thousands of protestors have taken place in French Polynesia, and around the globe. The United States, Russia, Japan, Germany, Austria, the Netherlands, Norway, Sweden, Finland, Belgium, Denmark, Italy, Switzerland, Indonesia, Malaysia, Canada, Chile, Ecuador, Peru, Mexico, Australia, New Zealand, Fiji, and the 12 other island nations which comprise the South Pacific forum have condemned France's decision to resume nuclear testing, noting that it would be a major setback to relations between France and the international community.

Two months ago, the United States, France, and the major nuclear powers promised over 170 non-nuclear nations that the nuclear powers would exercise utmost restraint with regard to nuclear testing and would work toward a comprehensive test ban treaty. Despite reservations, these commitments were

accepted at face value by the non-nuclear nations, which make up the vast majority of the countries of the world, and it was only with the support of the non-nuclear nations that permanent extension of the nuclear non-proliferation treaty was gained.

Weeks later, the French Government now sends the message that in the name of national interest, it is more than willing to undermine the Nuclear Non-Proliferation Treaty and impede good faith negotiation of a genuine comprehensive test ban treaty.

Not only does France send the message that world peace takes a back seat to national security paranoia, but it now sends the message that, as a nuclear nation, it shamelessly, shamelessly, Mr. Speaker, deems expendable the welfare and the fragile marine environment of 28 million men, women, and children living in the Pacific region.

Nuclear bomb explosions constitute the ultimate rape of a people. The welfare of the South Pacific's 28 million people should not be the sacrifice paid in the name of France's paranoia and hypocritical policy concerning nuclear deterrence. For France to disregard its moral responsibility to the non-nuclear nations and world community is the eiptome of actions taken by a colonial master against its subjects, and it is about the ugliest form of colonial aggression taken by France against the indigenous people of Tahiti.

''It is regrettable that France has given in to out-dated arguments,'' respected French oceanographer Jacques Cousteau said. ''Great wars are of the past. The struggle for peace is carried out first and foremost through education and the restoration of morality. Today's wisdom makes it necessary to outlaw atomic arms.''

Cousteau's sentiments were echoed by former French President Francois Mitterand, who in condemning Chirac's testing decision, recently stated, ''The time has come to put an end to the nuclear armaments race.'' Cousteau and Mitterand's statements reflect how controversial Chirac's nuclear policy is domestically in France. French public opinion polls show an overwhelming 70 percent, Mr. Speaker, in opposition to resumed nuclear testing.

Today, on trial of broken treaties and irrevocable decisions, with the United States still in flux on nuclear testing while promising to negotiate a comprehensive test ban treaty, the question now on the table for non-nuclear nations is: ''Do we depend on nuclear nations to restore morality through treaties and bans, or do we call on the good people of France and the United States to hold their governments accountable for violations of international disarmament agreements?''

''If men were angels,'' James Madison wrote in The Federalist Papers, ''No government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the Government to control the governed; and in the next place oblige it to control itself.''

In light of Mr. Chirac's irrevocable decision, and in consideration of opinion polls documenting Jacques Cousteau as the leading popular figure in France, I would again urge Mr. Cousteau to lead the good people of France in the fight to oblige its government to control itself. As the world's preeminent guardian of the environment, his place in history dictates that Mr. Cousteau play a greater and more forceful role in preventing this travesty against the health and welfare of the 28 million men, women and children who live in the Pacific region.

Mr. Speaker, this planet has already been ravaged by more than 2,036 nuclear bomb explosions. It is time that we stop the madness. I would urge most strongly that Paris reconsider its decision to resume nuclear bomb explosions in the South Pacific and would urge the citizens of the world community to take up the fight in holding nuclear nations accountable for the violent rape and utter destruction of non-nuclear nations, peoples, and the environment—until angels govern men.

To this end, Mr. Speaker, I would invite our colleagues to cosponsor House Concurrent Resolution 80 and join us in sending a strong message of support for the peoples of Oceania and in opposition to France's resumption of nuclear testing in the South Pacific.

Mr. Speaker, I want to share with my colleagues and my fellow Americans, a photo shot of a nuclear bomb explosion that was detonated on the Moruroa Atoll in French Polynesia.

Mr. Speaker, the photo of the nuclear explosion—I must confess—is a very pretty one—but very, very deadly. You see Mr. Speaker, modern warfare is no longer something where there is honor to fight hand-to-hand combat—at least combatants meet on the field of battle to fight.

You see Mr. Speaker, nuclear bomb explosions don't just kill human beings—nuclear bomb explosions do not ask for permission to kill just soldiers and sailors—Mr. Speaker, nuclear bomb explosions literally vaporize human beings—you're not even going to have to find many bodies even to give the deceased decent burials.

Mr. Speaker, this photo is an example of what nuclear explosions are like when the Government of France will resume exploding eight more nuclear bombs beginning in early September of this year.

Mr. Speaker, I am making this appeal to my colleagues in the House and to all my fellow Americans who love to sail in the Pacific—who can appreciate the concerns of some 28 million men, women, and children who live in the Pacific—to write and call the officials of the French Government that exploding eight nuclear bombs in the coming months is bad policy, and President Chirac should wake up, and he should come to his senses and stop this madness—stop this insane and inhuman practice of exploding nuclear bombs not only against the fragile environment of the Pacific Ocean but anywhere else in the world.

What a sad commentary on France's upcoming celebration of Bastille Day on July 14—how absurd and stupid can President Chirac be, Mr. Speaker, when 70 percent of the people of France are against nuclear explosions—and yet the President of France has totally disregarded this concern. Let's stop this madness, Mr. Speaker.

Mr. Speaker, I submit for the RECORD the following article from the July 12, 1995 Washington Post:

[From the Washington Post, July 12, 1995]

WHY NOT ATOM TESTS IN FRANCE?

France's unwise decision to resume nuclear testing was an invitation to the kind of protests and denunciations being generated by Greenpeace's skillful demonstration of political theater. But even before Greenpeace set sail for the test site, several Pacific countries had vehemently objected to France's intention of carrying out the explosions at a Pacific atoll. The most cutting comment came from Japan's prime minister, Tomiichi Murayama. At a recent meeting in Cannes the newly installed president of France, Jacques Chirac, confidently explained to him that the tests will be entirely safe. If they are so safe, Mr. Murayama replied, why doesn't Mr. Chirac hold them in France?

The dangers of these tests to France are, in fact, substantial. The chances of physical damage and the release of radioactivity to the atmosphere are very low. But the symbolism of a European country holding its tests on the other side of the earth, in a vestige of its former colonial empire, is proving immensely damaging to France's standing among its friends in Asia.

France says that it needs to carry out the tests to ensure the reliability of its nuclear weapons. Those weapons, like most of the American nuclear armory, were developed to counter a threat from a power that has collapsed. The great threat now, to France and the rest of the world, is the possibility of nuclear bombs in the hands of reckless and aggressive governments elsewhere. North Korea, Iraq and Iran head the list of possibilities. The tests will strengthen France's international prestige, in the view of many French politicians, by reminding others that it possesses these weapons. But in less stable and non-democratic countries, there are many dictators, juntas and nationalist fanatics who similarly aspire to improve their countries' standing in the world.

The international effort to discourage the spread of nuclear weapons is a fragile enterprise, depending mainly on trust and goodwill. But over the past half-century, the effort has been remarkably and unexpectedly successful. It depends on a bargain in which the nuclear powers agree to move toward nuclear disarmament at some indefinite point in the future, and in the meantime to avoid flaunting these portentous weapons or to use them merely for displays of one-upmanship. That's the understanding that France is now undermining. The harassment by Greenpeace is the least of the costs that these misguided tests will exact.

□ 2230

CONSTITUENT FEEDBACK REGARDING THE NEW CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Ohio [Mr. CHABOT] is recognized for 60 minutes as the designee of the majority leader.

Mr. CHABOT. Mr. Speaker, we appreciate the opportunity to have this hour this evening to have a discussion with our constituents and, really, Americans all across this country. I have three other colleagues who are here this evening and we are all going to be talking during the course of this hour, whatever time of the hour that we take up this evening. We wanted to let the American public know what types of things that we have been hearing as we have been back in our district.

For example, we spent about the last 10 days prior to this Monday in districts all over this country talking with regular people in our districts to see what they thought about what we were doing, what suggestions that they had, and what kind of modifications they would like to see made in this, the people's House.

I happen to be from the first district of Ohio, which in essence is the city of Cincinnati and some of the western suburbs. ROB PORTMAN is in the eastern part of the city in some of the eastern areas; I have got basically the west side of town.

I ran, I am a freshman; I was just elected this past November. The people really spoke overwhelmingly, I think, all across this country and said they were not particularly pleased with what had been going on here in Congress. They wanted a change.

Mr. Speaker, I talked to a lot of people before I ran for Congress last year to find out and I asked a basic question. I said, ''If you were in Congress, what would you do?'' And there were other Members who were running all over the country and they asked basically the same question and we all talked last year and we wrote down a document and we all signed our names to it, telling the American public if we had a majority of Republicans in Congress, what we would do. We told them up front what we would do.

And that is what we have been about for the past 6 months, is delivering on what we told the American public we would do if we had a majority. We do have a Republican majority here in the House for the first time in my lifetime. I am 42 years old. I was born in 1953. And the last time there was a majority of Republicans here in the House was in 1952.

I think the main thing we were told that we heard over and over again is we have got to balance this budget. I heard that over and over again. And what people said. They said, balance the budget; not by raising taxes, but by cutting spending and that is what we are trying to do.

And I heard, and I want to be real clear about one thing in particular, because I heard some of our colleagues on the other side of the aisle, the liberal Democrats, they talk about one issue in particular and that is Medicare. And they keep saying that we have some kind of plan to cut Medicare. That is absolutely not true. I want to make very clear tonight we have absolutely no intention of cutting Medicare.

In fact, our projections are that we are going to increase Medicare spending from $4,800 a year to $6,700 per year per Medicare recipient. So there is absolutely no plan to cut Medicare.

However, the President's own people, his own trustees council, indicated that if we do not do something about Medicare, it is going to go broke by the year 2002. We want to save Medicare. We want to preserve Medicare, and we are absolutely committed to doing that.

So the scare tactics that quite frankly we have heard were the liberal Democrats here in Congress, not all Democrats, but the liberal Democrats in Congress are trying to scare senior citizens all over the country by saying that we have a plan to cut Medicare.

I want to make clear that we have absolutely no plan to cut Medicare, but we do need to balance this budget and we are going to do it by cutting spending, not by raising taxes.

And one of the reasons I think we absolutely should not raise taxes is because the American family is just overburdened with taxes. Taxes are too high in this country.

Around the time when I was born, around 1950, the average American family paid 5 percent of what they made to Washington in the form of Federal taxes. Now it is 25 percent. So the average American family's taxes to Washington have gone up from 5 percent to 25 percent in the last 40 years. That does not count the State taxes and city taxes. We have got to do something about that.

Mr. MANZULLO. Will the gentleman yield?

Mr. CHABOT. I certainly will. At this time, I will recognize three of my esteemed colleagues in Washington tonight. First of all, I would like to introduce the gentleman from Illinois, DON MANZULLO.

Next we have WALTER JONES who is from the great State of North Carolina and I have a particular fondness for the State of North Carolina, because my mother was born and raised in Charlotte, North Carolina.

We also have, tonight, RON LEWIS who is from the State over the Ohio River from my State, the State of Kentucky. At this time I yield to my good friend from Illinois, DON MANZULLO.

Mr. MANZULLO. Thank you, STEVE. When you talk about the tax burden growing from approximately 5 percent to 25 percent in Federal taxes, there is a chapter in the official U.S. budget called the generational forecasts. That states, because of the nearly $5 trillion national debt, that if dramatic changes are not made in the manner in which this country spends money, that by the time every child born after 1992 goes into the work force, he or she will be paying in local, State, and Federal taxes, between 84 and 94 percent of his or her income in taxes. This is astonishing. It is absolutely unbelievable.

I mean, this is a part of the official budget. I mean the Democrats, you know, CBO prepared this. The Republicans, everybody looks at it and says, this is incredible.

We have to do something about it. And yet, you know STEVE, there are 10,000 programs in this country—10,000 that are run. Every program has a constituency and every program has its own special interests.

And one of the things that I noticed is that whenever I go to cut a program, some Federal bureaucrat in Washington calls somebody back in the district that I represent, gets them on the telephone, and the conversation goes something like this: ''Congressman MANZULLO?'' ''Yes, ma'am.'' ''This is so-and-so.'' ''Uh-huh?'' ''I live in the district you represent.'' ''Yes, ma'am?'' ''I am a Republican and a Conservative and I voted for you.'' ''Yes, ma'am.'' ''And I really believe that we have got to cut this budget because taxes are too high, the American people are tired of all the spending.''

And then comes the long, pregnant pause followed by the word ''but,'' which is underlined, italicized and emboldened with the comma behind it followed by three ellipses. ''But . . . let me tell you about this program which is an investment.''

And it goes on and on and the American people realize that every single one of these programs, every single one, I will give an example. I sit on the Committee on International Relations with you, STEVE, and we found out that the American taxpayer pays $30 million a year to bring over 6,000 high school students for the former Soviet Union on a cultural exchange.

You think about that. There are about 19 different agencies in this Government spending about $2.5 billion on all these agencies. In fact, there are universities in this country that are getting incredibly large grants for the purpose of bringing over journalists from Latvia and Estonia and teaching them about fairness in journalism. I wonder who their professors would be. But all this at a cost of billions of dollars.

And I moved, and you voted for that measure in the Committee on International Relations, I said, ''Let us do away with these Fulbright scholarships. Let us do away with all of them. Most of the programs are good. Bringing over these Russian kids, that is a fantastic program, but we cannot afford it.''

So we lost in committee and came back and came up with an amendment and ended up being able to knock off $20 million in spending. I was editorialized saying ''Well, we have got to cut

spending, but Mr. MANZULLO who is involved in trade issues should understand the necessity of keeping these cultural exchanges.''

Everybody says cut somebody else's program, except mine. And I bet you gentleman have had the same things happen.

Mr. CHABOT. That is right. And just to clarify as far as voting for the measure, we voted for the measure to cut, not to fund the program.

Mr. MANZULLO. That is right. We moved to cut it.

Mr. CHABOT. Now, we would like to turn to the gentleman from North Carolina, WALTER JONES. What have you been hearing in your district back home and what do you think the people are thinking now?

Mr. JONES. STEVE, when I have been home, I have seen people on a daily basis speaking to groups and senior citizens in the 19 counties that I have the privilege to serve. I can tell you that what we are doing in the new Congress is helping to rebuild the trust that the citizens and the voters have lost because the past Congresses were not listening to them.

I can honestly tell you I get so upset when I am on the floor, as a member of the theme team, to hear the other side, particularly the liberals, trying to scare the senior citizens. And as I said, and everyone has been saying since we started talking about the Medicare trust fund, that we have no other alternative. We want to protect and save and guarantee for the future needs of our senior citizens.

I do not know how in the world they can continue to say that when you go from, 1995, from roughly $4,700 to the year 2002 to $6,300 that that is a cut. But I can honestly tell you that back home the senior citizens that I have had a chance to talk to really understand what we are trying to do and they support us.

So I can say that in the 6 months that we have been here I have been home every weekend but one. Every time I went home I was having the opportunity to meet and to speak with people. And I can tell you, frankly, that as long as we stay focused, we keep trying to balance the budget by the year 2002, then I think every day that we are here in the Congress as a new majority we are helping to rebuild the trust that has been lost.

Mr. CHABOT. I think those are excellent, excellent points, WALTER. And something in particular that you said about Medicare and the fact that the liberal Democrats up here in the Congress have been scaring senior citizens about alleged cuts that are nonexistent, but they keep talking about them.

Senator PAUL SIMON, who is a Democrat, said that the greatest threat to Social Security and Medicare is this huge debt. The fact that the budget is not balanced. That is the greatest threat to both Social Security and Medicare.

That is why it is absolutely critical that we balance this budget. We have got an almost $5 trillion debt that we have got to finally balance. And that is what we are about.

Mr. LEWIS of Kentucky. Will the gentleman yield?

Mr. CHABOT. I will certainly yield to the gentleman from Kentucky, RON LEWIS.

☐ 2245

Mr. LEWIS of Kentucky. I would like to just emphasize the scariest thing about the Medicare situation is that the liberals seem to want to just put their head in the sand and say there is no problem and trying to scare senior citizens by saying that we are going to cut Medicare, that we are going to cut it and give the money to the wealthy, which is the furthest thing from the truth.

The truth is, as has been mentioned here tonight, that the President's advisory group, the task force on Medicare, has said that Medicare will be broke by the year 2002 and that next year it will start to go on that downward slide, that downward path to bankruptcy.

So we are being responsible and we are going to save Medicare. We are going to protect it. We are going to make sure that it is going to be secure and that we are going to make it strong for the senior citizens that are coming on in the years ahead.

As I said, the scariest thing is for our friends on the other side of the aisle, the liberals, talking about the conservatives, there are those that really know that we have to do something and are involved in that. But some of the things that we heard tonight, that Medicare is not in trouble, that we can go on the way that we are going and there will be no problem, the fact is, it is going broke. And we are responsible and we are going to do something about it. And even the President, the other night, after denying it for quite some time, in his budget plan said that we needed to do something about Medicare.

I am glad to see that he is willing to admit it now. If we can work together, then we can save it, we can protect it and we can strengthen it and provide for our senior citizens.

Again, there are no cuts. We are going to be moving from $4,800 to $6,700 per beneficiary by the year 2002. That is an increase in anyone's book. We have to slow the growth.

Same thing with the budget. We are going to be spending more money over the next 7 years. We are slowing the growth so that we can reach a balanced budget and have a strong financial future for our children and our grandchildren.

It is important. We have to start now. We cannot wait 7 years. We have to do it now. And the American people, the people in my district, I have 23 counties, and I have been through all those counties. And the people are telling me, you are doing the right thing. Keep on going; do not let up. We want to see a balanced budget; we want to see a strong future for our children.

And I just wanted to mention something else. We keep hearing that we, the Republicans, are trying to take money from the poor and give to the wealthy. We are giving, we are trying to give to the family a $500 tax credit, and we are trying to provide a capital gains tax cut so that we can infuse into the economy a tremendous amount of money that is going to help everyone and is going to allow for job growth. It is going to allow for a stronger economy. It is going to allow actually for more money to be coming into our Federal Treasury. It will help us balance the budget.

Mr. JONES. I would like to add to the point the gentleman made. The election last year, the people said we want less government, less taxes, and they realize, as you just stated and the gentleman from Illinois, that we must balance the budget.

The average family in America today will spend more on paying taxes than that same average family will spend on clothing, housing or food. And yet, the other side keeps saying that the Republican Party only cares about the rich. Again, I want to make this clear, we care about the working man and woman in this country, and that is why I think every day we are helping to rebuild that confidence that I mentioned earlier.

One other point that the gentleman from Kentucky made reference to, the Medicare board of trustees, which includes three of Clinton's own cabinet members, released a report last April stating that the Medicare hospital insurance trust fund, part A, will be bankrupt in seven years. If that is allowed to happen, more than 37 million Americans will lose their hospital insurance. That is why this Republican majority is working so hard to do what we can to ensure and to protect the Medicare Trust Fund.

And we will do it, because the American people sincerely believe what we are saying and they want to see us protect the Medicare Trust Fund. And I believe that we have got the support of the majority of the senior citizens.

Mr. MANZULLO. When I was a young college student, age 20, thinner, dark hair, I worked for the House of Representatives, for the Member that represented the district in which I have lived my entire life. I was 20 years old. That was at the time that Medicare passed. It was 1965, I believe.

And the original cost of Medicare for 17 million people was, I think, $2.5 billion. And the number of recipients has doubled today, but it now costs $140 billion a year for Medicare. And the estimates as to what Medicare would cost in 1993, the estimates that were made back in 1965, I think it was estimated to cost about $9 billion. And it costs in excess of $100 billion. So these projections are just way totally off.

It is due to many things. People are living longer. The cost of medical technology has risen and things of that nature.

And as I travel my district, I do not know about the district that you gentlemen represent, I start over on the river, Mississippi River and represent a county by the name of Jo Daviess County, which is heavy in tourism, number one in hay production in the state. Next county is Stephenson County where the Freeport doctrine was debated, the Lincoln-Douglas debates. That county has the highest milk production and a third of all the dairy cattle in the State of Illinois live in Stephenson County and they eat all the hay that comes from Jo Daviess County.

Next to that county is Winnebago County that has over 1,000 factories, incredible, over 1,000 factories. This is the county that led the nation in unemployment in 1980. We lost 100 factories and 10,000 highly skilled jobs, but it is now the tool and die center of the world, fastener center of the automotive industry.

Below that is Ogle County, a little factory there, Eaton Corporation, makes most of the cruise controls for Chrysler Corporation. And it is just a beautiful town, a beautiful county. In fact, we live outside of Egan, a town of 42 people where the Leaf River converges into the Rock River, the Leaf River Valley converges into the Rock River Valley and that makes part of the Mississippi Basin.

Then you go eastward and Boone County picks up Belvidere where Chrysler makes the Neon and then to the east of that is McHenry County, which is the fastest growing county in the state. It has to be one of the most diversified congressional districts in the area, probably the United States. It is one of the leading export districts.

As I travel that district, I just love to walk the districts. You walk the areas and sometimes you stop at somebody's house and knock on the door and go in there and exchange howdies or you go into the business district.

Everybody is saying the same thing: Continue the revolution that began in November of 1994. Do not get downtrodden. Do not get disheartened because sometimes the press will come after you because you are trying to balance the budget.

Everbody has this sense of awesome corporate responsibility that we have got to do something and something big in order to save this nation.

I had the opportunity, as many of you did, to speak at the Fourth of July events. I spoke at the prayer breakfast in Rockford, incredible driving rain storm. It was unbelievable. It was buckets of water were pouring down. And people were out there in the gazebos and with the umbrellas. Fortunately, there was not any lightning going on.

I could tell just looking at the people, look at the people, especially in mid-America, they are standing there with their little kids, and they are turning out in the rain to hear their Congressman talk about why this country is great.

I quoted James Flexnor who had written a book called The Indispensable Washington, the life of George Washington. In fact, it served as the text for the three series that were made about the life of Washington. And he said something very remarkable.

He said, for the first time in history people gathered together and set about to prove that people could rule themselves. It had never been done before. Never before in American history had that been done. And now 219 years have come and gone since the scriveners got together and penned their names to that Declaration of Independence.

You know, it takes speaking at the Fourth of July celebration to make you realize how magnificent the American people are and how willing they are to give and how willing they are to go along with the programs and how willing they are to say, we are willing to go the extra mile in order to balance the budget because it is worth it for the kids in this country.

Mr. CHABOT. From what I am hearing here from all three of my colleagues, it sounds like the people, even though our districts may be a little bit different, they are all four in different states, the people are I think essentially giving us the same message. They are saying the same thing; that is, to move forward with what you are doing, do not stop. Do not look back, just keep moving forward.

I think the people of this country are ahead of this Congress. I think we need to keep following that direction. That direction is to balance this budget, again, not by raising taxes but by cutting spending. That is what we have to keep doing.

Again, when you look at the taxes, the average American family is sending 25 percent of their taxes here to Washington. But when you add it to the State and local and all those taxes, it is 40 to 50 percent of the average American family's money goes in taxes. And that means the lifestyle that they have and that their children have is not as good as it should be. You have many fathers and many mothers that are working. They want to give the best life, the best education to their kids they possibly can. But they have to give too much of their money to the Government. That is what we have to turn around.

The good thing is, we can reduce the level of taxes, we can do that and we can still balance this budget. And the liberal folks on the other side of the aisle said it could not be done. They said that, you cannot balance the budget and cut taxes at the same time.

We have proven that it can be done. We passed a budget resolution just a couple of weeks ago which balances the budget by the year 2002 and cuts taxes. And most of those tax cuts go to middle-class Americans. They do not go to the wealthiest people in this country, although we have heard it time and time again, from the liberals on the other side of the aisle. Seventy-five percent of the tax cuts go to people who make less than $75,000 a year.

I think that is important, because that is really what we are about. We are for relieving the overburdened taxpayers of this country and balancing this budget so their children can have a better standard of living than they did. I think that is what all Americans want.

Mr. LEWIS of Kentucky. As you said, with local, State and Federal taxes, the average family is paying 40 percent of their income into taxes. And that can increase, with the hidden taxes, up to around 50 percent or more. Thirty-eight percent of our gross domestic product is consumed by government. And the one common theme that I heard all through my campaign and through my visits back home to the district has always been, government is too big.

The American people feel the burden of too much government, too many taxes. And if we would have seen the Clinton health care plan go through last year, it would have pushed us over 50 percent of our gross domestic product that would be used by the Government. That would have put us into the socialism category.

We have to start moving in the other direction. We have to reduce the taxes, give the families their money back. So many times money that comes into the Federal Treasury is talked about as the Government's money.

Mr. LEWIS of Kentucky. It is the family's money, it is the worker out there that produces products, that puts in the time and the hours. It is their money, and we need to give it back to them.

I think sometimes the liberals think that when we give tax breaks, tax cuts, that that money just stops somewhere out there, that it never goes any further. In fact, it goes out into the economy and it is spent and it is used and it produces, and it allows the money to grow. We have seen that many times before.

President Kennedy, in his administration, he cut taxes and we saw an increase in revenue into the Federal Treasury. Ronald Reagan, he cut taxes; we saw an increase in the Federal Treasury. There are many examples in State government where taxes were cut and there would be an increase in the Federal Treasury. Because people use that money to better their own circumstances a lot better than some bureaucrat here in Washington can do.

Mr. JONES. Will the gentleman from Ohio yield for just moment.

Mr. CHABOT. I will be happy to yield to the gentleman from North Carolina.

Mr. JONES. You touched on a point that I wanted to pick up on. One theme throughout this campaign, when I was campaigning for Congress, people were telling me, we are working longer and harder and taking home less, and that is exactly what the gentleman said.

The American family and retired people who have worked, are working

hard and have worked most of their lives and want to save and try to invest, under the liberal Democrats of the past as the majority party, and they have penalized people for saving and investing. Again, the average working man in my district feels that he and she are finally being represented in the Congress by people that will listen to them.

That is something that the gentleman from Ohio said a while ago. We finally have a Congress that is listening to the people, and that is going to make the difference in the success of this new 104th Congress, because again, as we go home, we continue to hear it. People will stop me in a grocery store and say, WALTER, or Mr. JONES, or Congressman, we like what you are doing. These are the people that work hard every day trying to do for their families and finally, they are getting some relief from Washington, thanks to the new majority.

Mr. CHABOT. That is right. I think again, something that the gentleman touched on that is important, is that we are working for all Americans, whether they be poor, whether they be middle class, whether they be better off, and I think what we have to be careful of is that many of the liberals are trying to divide people, to put them into certain categories. That is why we keep hearing over and over again, the Republicans just want to cut spending on poor people or seniors or whatever to give tax cuts to the wealthy.

That is just not true. As we said before, the tax cuts, 75 percent of the tax cuts go to middle-class people. We should not be dividing Americans, we should not be scaring senior citizens. All Americans are going to have to work together in order to solve the problems that we have.

Mr. MANZULLO. One of the things that really amazes me as I hear our colleagues of the liberal persuasion say well, we cannot afford a tax cut. You stop to think about it, to whom does the money belong? The money does not belong to the government, the money belongs to the people. It is the people's money, and the tribute that they pay to support some basic government services should be in the area where they can still have enough to afford to keep their family.

Let me give you an example on this capital gains. A good friend of mine several years ago, they bought a house in the suburban Chicago area. The price of houses went up and they made some money on their house.

Being wise and frugal, they moved to an other city. Not that it was wise and frugal to move from a Chicago suburb, but they were leaving the area. So being wise and frugal, they invested in a house; they downsized to a house that they could afford. They ended up paying capital gains taxes on that money, even though during the period of time they owned it, inflation crept up, which was not figured into capital gains; there is no indexing going on. It took away more and more of their money, and now they sold their home again because they are having a very difficult time finding work in the Rockford area and are moving elsewhere. Now they have to pay capital gains tax again on this house that they bought just a few years ago.

These people have no money. They are living, they are living on borrowed capital. By selling their home, they are trying to get a fresh start, and when people tell me that capital gains tax are for the rich, that is a bunch of nonsense. Because it is hard working people in this country that are the beneficiaries of an appreciation of value in their homes, and they are trying to move somewhere or downsize to another house and they get penalized because of that. This is the only nation in the world that has a confiscatory high capital gains tax. It does not make sense, and it is not the wealthy that are being hit.

There is something else, the way the Democrats figure the rich. They are saying well, the rich will gain so many dollars in taxes. Let me give you an example. Let us say a person is of substantial means. That person has a building that he or she wants to sell, but under the present capital gains tax structure, he may have to pay $50,000 in capital gains. I mean it just does not make sense to sell the building. I mean we are talking about a purchase of, maybe the sale of a $200,000 building. So by cutting the capital gains tax in half, he or she might want to sell it.

Then the Democrats say well, you just gave a $25,000 break to the rich. That person wasn't going to sell the property in the first place, because the capital gains tax was too high. I would rather have $25,000 now come into the Treasury than money that may come somewhere down the line. What is that person going to do? He turns over that property, gives $25,000 as opposed to $50,000, which he may never give, to the Government for taxes. Whenever a building is sold, generally another one is built, because he or she is going to go out and build another building.

The person that comes in and buys that building, do you know what they are going to do? They are going to remodel it. I mean this incredible type of solid growth takes place.

If you analyze the capital gains tax structure since the 1950s, there are about five epochs in there where whenever capital gains taxes were reasonable, that the economy grew; I am sorry, that the actual amount of money that came into the Treasury increased each year by between 5 and 7 percent. Since 1986 when capital gains taxes were increased, each year the Federal Treasury sees 2.1 percent less dollars coming in in capital gains taxes.

So if you want less money to come in to the Treasury, raise capital gains taxes. If you want more actual dollars coming in, decrease capital gains taxes. It is so simple. It is the biggest boost; I mean this is real growth. This is not make believe government jobs, this is not Americorps, this is not some government give-away, this is actual sales taking place.

Do you know what? Just look at it. A building sells, you have a realtor involved, you have a title company involved, you have an attorney involved. Even down to the guy that sells flowers, because a lot of people do not realize that whenever there is a real estate transaction, at least back home, it is customary to send flowers to the new buyer of a building or of a home. It is a mushrooming that takes place in the economy, because the taxes are cut.

Mr. CHABOT. Speaking of taxes, I am sure, as I am sure all three of you gentlemen have had town meetings, back in my community I have spoken before a lot of different groups, and one thing that comes up time and time again is how confusing it is when people have to fill out their income taxes, how really the whole system is kind of a mess and needs to be changed.

To kind of give the folks that may be watching C–SPAN a heads-up on what is happening here in Congress, there seems to be two schools of thought that I see up here right now about how we ought to change the tax law. One has been proposed by Congressman DICK ARMEY who is the majority leader here. Most people have probably heard of it, and that is the flat tax. Congressman ARMEY has suggested that rather than have a whole lot of deductions and the confusing tax forms that we all have to fill out every year, that we just have a straight flat tax of 17 percent or thereabouts, which would certainly simplify the system.

Many, many people in my district think that is a good idea. In fact, back in Cincinnati, we have two principal newspapers, the Cincinnati Enquirer and the Cincinnati Post. There are some others, but those are the two major papers. The Cincinnati Enquirer a while back had people give their opinions about the flat tax, and it was overwhelming that people basically liked the idea that they could fill out their tax on basically a postcard and send it in.

The other concept is what Congressman BILL ARCHER, who is the chairman of the Ways and Means Committee, is pushing, and that is to basically eliminate the IRS altogether, eliminate income taxes altogether and substitute some sort of consumption tax, like a sales tax. So no income taxes at all; a sales tax in its place.

Both of those ideas, it may be some years as we deal with these two issues, but I have a feeling that there is going to be a momentum built up here in the Congress to support one plan or the other. So those that might be watching this at home now, I would like them to really follow these issues and be thinking about this in talking with their Member of Congress to let them know what they think about these plans. I think both plans are very interesting. I

think both would be better than what we have now. But I can't really predict which one is going to win out.

□ 2310

Mr. JONES. If I could ask the gentleman, do you think that this true tax reform, whether it is the flat tax or consumption tax, would even be discussed in the U.S. House of Representatives if it were not for the Republican majority?

Mr. CHABOT. That is an excellent question. I do not think there is any way that we would be seriously considering this at all. Perhaps people might talk secretly in the hallways about it in the old days, but we certainly would not be talking about it on the floor of Congress.

Just think of that concept, eliminating the IRS, income taxes, altogether, and substituting something else that would be much more simple, many would argue fair, or really the chance of having a flat tax. The fact that we are talking about these things now, I think, is pretty unprecedented in this House. I think it is very encouraging, because I think the system that we have got now is just a mess.

Just think of the number of hours that the average American spends filling out their tax forms and sweating about it or paying somebody else, whether it be H&R Block or whatever, paying somebody else to do them for them. It is just a mess and something we are going to have to change.

We are all going to have to give a lot of thought to this and talk to the people back home to see what they think is the best plan, but I think we do really need to change what we have got now.

Mr. JONES. I can honestly say that it is a hot topic back in my district and has been for the last 6 months. You might also find this of interest. I have had at least two CPA's to tell me that they would like very much to see a much simpler and fairer system. We do have a great deal of support throughout this country in my opinion.

Mr. LEWIS of Kentucky. I just wanted to say, it is a new day when this Congress is talking about tax cuts, talking about tax reform. When we look back over the history of this Congress for the last 40 years, it has been tax-and-spend and big growth in government.

I just want to go back for a second and go back to the capital gains tax and give an example. I talked to a farmer that was really thrilled about the possibility of a capital gains tax cut because he told me—and this, if the liberals want to call him rich, I do not think he would agree with them—because he told me he would like to sell his farm. He is an elderly gentleman. He wants to retire.

He would like to sell his farm and retire, but if he sells his farm, by the time he pays the taxes, the capital gains tax, and by the time he pays the debt on it, then he has nothing. This is not my idea of a wealthy person. To hear the rhetoric from the other side about tax breaks for the wealthy, when I am in my district, I am seeing people that need tax breaks.

Mr. MANZULLO. Do you know how many people earn about $100,000 in this country? Two percent. It is 2 percent. That is the national figure that was calculated for the district that I represent. Somehow I hear all this rhetoric, as you say, talking about the wealthy. We are talking about people mainly earning under $75,000 a year.

It is a lot more expensive here on the East Coast than it is back where I live in northern Illinois. Out here a house is double the amount, and it presumes that both husband and wife have to work in order to pay the mortgage on a house.

When I go to town meetings, we have like open houses. We let the newspaper know that from 7 to 10 on an evening, that Congressman MANZULLO is going to have an open house and you can stop by. We will run anywhere from 150 to 200 people who will stop by the office, have cookies and coffee, and sit there and discuss the issues. Those that have particular problems can meet with our legislative aides in private rooms there.

One of the things that I like to do whenever I am with these groups, I say, let me ask you a question here: How many of you live in a household where both you and your spouse work? There is about half to 60 percent who raise their hands.

I said, do you realize that one of you is working solely to pay taxes? Just one of you. One of you is working just to pay taxes. Every day, every year, the Tax Freedom Day just gets moved back and back and back and back. I just wonder, how long can a nation endure, how long can this republic be free when the tax burden continues to grow and grow and grow and grow?

I shudder to think about that. I think what we talked about earlier, about the tax burden, about these babies now that have a guaranteed tax rate of between 84 and 94 percent.

We had a vote here on the floor a couple of days ago. I cannot remember exactly what it was but somebody said, well, we owe it to such and such to fund this program. I said, ''We owe it to the children of this country not to fund this program and to cut back on the spending.''

They said, ''Well, we had a contract with such and such a group.'' I said, ''And I have got a covenant with my children and with the people that I represent in the 16th Congressional District of Illinois.''

We represent the babies and those not even born yet. I mean, we have to make decisions that are going to impact the lives of those who have not even been thought of being born yet.

Mr. JONES. I think each one of us know this figure that I am going to share with the viewers, but if we do not balance the budget, a child born today that lives to be 75 years of age, she or he will have a responsibility of $187,000 to pay on the interest on the debt. That is how important it is that we balance the budget.

Mr. MANZULLO. That is just the interest on the national debt, not the total amount of the debt.

Mr. JONES. Just the interest.

Mr. CHABOT. Like the gentleman says, that is only the interest. The scary part about this whole thing of debt and how large it has gotten, that interest on the debt within a couple of years, we are going to be paying more just on the interest on that debt than we are for our entire military expenditures.

Just think of that, the Army, the Navy, the Air Force, the Marine Corps, the Pentagon, all those things, you can imagine all the ships we have, all the soldiers, all the planes, et cetera, how much that costs.

The spending on the interest on the debt will be more than the whole military. I mean, that is just a mind-boggling figure. We have got to do something about it.

Mr. MANZULLO. We are talking about what we learned back home over the Fourth of July recess. Just prior to that break, I met with a group of university presidents. One of the Democrats in the group said, ''Oh, the Republicans are destroying student loans. They're ending student loans.''

He went on and on and on and on and on. That is an outright, bald-faced lie. That is the only way I could say it. One of the university presidents said, ''We have got to protect student loans, this isn't right.''

Afterwards, I talked to him. I said, ''Doctor, let me ask you a question. Does your university have a business school?'' He said, ''Yes.''

I said, ''Do you teach in the business school that interest begins to accrue from the time that the person gets the money, not 4 years later,'' as is how the student loan program is presently run. He said, ''That's correct.''

I said, ''Do you realize that a college graduate earns at the minimum $600,000 more in his lifetime than a noncollege graduate? He said, ''I understand that.''

I said, ''And do you also realize that all the Republican plan says is this: That if a college student borrows $30,000, which is the maximum amount of money, and beings to pay it back 4 years after he gets the initial amount, that the additional amount he is going to pay is 55 cents a day in interest until that is paid off''? That is a cup of coffee.

□ 2320

Mr. MANZULLO. I said, now, you tell me to my face that that is going to keep somebody from enrolling at your school. And he couldn't answer that question. And I said, what the Republicans are trying to do is to save that college trust fund so there is more money in it, and the more money that

is in that trust fund, the more money there is to spread around to kids who want to go to school and the more interest that comes in. That spreads the pot out. I said, that is all we are trying to do. We are not trying to destroy it.

So we always meet with these incredible arguments that we are trying to destroy, cut out and hurt and be cruel to college students. The farthest thing from the truth.

Mr. CHABOT. You know, I have to mention one other area that I wanted to touch on because it is something that I keep hearing back in my district, and that is the fact that one area that I think we really have wasted a lot of money, at least previous Congresses have wasted a lot of money, is in the area of welfare payments where much of the money that has been spent has been counterproductive.

You know, the area of welfare was something where it was supposed to be temporary help for the truly needy, and this was something back during the depression, back during the 1930's when it started. It had the best of intentions, to really help people who needed that help.

Unfortunately, over the past 60 years, far too often, rather than temporary help, it has become a permanent way of life. And I have had a number of people that have said we did the right thing here in the House when we did what President Clinton said he wanted to do back when he ran for President, and that is change welfare as we know it, and that is what the Republicans in the House did.

Now, the Senate is working on that piece of legislation and hopefully they will be acting upon that soon. But I just think that the way welfare has been run in this country for the past 60 years has wasted billions and billions and billions of dollars and much of it has encouraged people unfortunately to stay on welfare and not get off.

People that are on welfare, I believe very strongly, ought to work for their welfare check and they ought to be in jobs programs, in education programs so that they can get off welfare, and welfare should be temporary. It shouldn't be something permanent. We have got third and fourth generation of people who basically just assume that that is how you get by, that people just get welfare every year. We got kids that grow up in homes all over this country that never see an adult in the home go to work, and so that is an example of a program that truly needs to be changed.

And it is funny, I was in three senior citizens homes last week in one day talking with seniors and I was hearing that from an awful lot of seniors. One thing they really objected to was the fact that there were so many people taking advantage of the welfare system.

Mr. LEWIS of Kentucky. Will the gentleman yield?

Mr. CHABOT. I will yield.

Mr. LEWIS of Kentucky. We have had the great society in place for 30 years, the welfare system. There has been $5 trillion spent. There are more people in poverty now than when that started. Five trillion dollars down the drain and more people on welfare, more people that are—well, let's look at the statistics. The highest crime rate in the world, more teenage pregnancies, more poverty. I mean, it hasn't worked. And you are exactly right. The help is to be temporary, not an ongoing thing, and let's look at our debt. We are $5 trillion in debt. We spent $5 trillion in 30 years to try to solve the poverty problem.

Mr. MANZULLO. Will the gentleman yield?

Mr. LEWIS of Kentucky. Yes.

Mr. MANZULLO. I don't know if the gentleman has read Martin Alaska's book of the Tragedy of American Compassion. It should be a textbook, and in that book he talks about sometimes simply by giving people money, you can really hurt them in the long run. And he talked about early in this country when the role of the churches and the synagogues recognized that it was the primary responsibility of the people, not the government, to take care of those who were involved in poverty. Obviously there are exceptions to everything, people that are disabled or handicapped, obviously our hearts go out to them and it is a matter of priorities to make sure that they are in fact taken care of, and he talked about the wood piles in the bigger cities where men who are unemployed would come to work. They would come to get food, but they were always expected to go out back and chop up wood, which of course was used for heating, and there was nothing demeaning about it because they needed wood to keep the facilities going, and the men willingly would cut the wood because they knew it was short term and there were duties for the women to do that were also on welfare, and the whole purpose of that was that the churches and the synagogues that administered the welfare program wanted to make sure that the people never got used to a life-style where everything was given to them because that robs them of their incentive.

And we have a welfare advisory board back home, some of the most fantastic people in the world, a couple of women on welfare themselves. And you know, one of the startling things I found out, completely changed my mind, revolutionized my mind as it was going on, do you know who wants off welfare the most? It is the recipients. They realize they are trapped. They realize they are trapped, and most of them—I mean, these are not the stereotypes of people who are, you know, the stereotype that we see of the welfare recipients. It is not that. Most are single moms who are desperately trying to break that cycle and to get some schooling done and to get off that welfare roll. So they are willing to do it, and they just need the right tools to be able to break that cycle.

Mr. CHABOT. And I think that the people that are ultimately the victims of this welfare trap is those children.

Mr. MANZULLO. That is right.

Mr. CHABOT. Because they see a check comes from the Government every month and just assume that is the way people get by, the Government sends a check every month, and it just doesn't work that way. And you know, the thing that is unfair also is where does that money come from that is going to the welfare recipients? It is coming oftentime from hard-working, middle-class people, oftentime through both the mom and the dad in the home. Both have to work, just as you said before, DON, to pay their taxes. And where are a lot of those taxes going? Unfortunately, to failed programs like the welfare system in this country.

Mr. MANZULLO. Will the gentleman yield?

Mr. CHABOT. I will yield to the gentleman from North Carolina.

Mr. JONES. Does the gentleman from Ohio feel as I do that as we begin to tackle the welfare reform which we passed on the House side and hopefully the Senate will follow suit, but we are also looking to work closer with the States to take over the welfare program because we think the States can do a better job, a more efficient job than the Federal Government has done? Does the gentleman agree?

Mr. CHABOT. I do agree, and as a matter of fact, as the gentleman from North Carolina understands completely, much of the money is block granted to the States. Some of the most creative programs that we have had in the area of welfare has come at the State level, at some of the governors—my governor in Ohio, Governor George Voinovich, has been a leader in welfare reform, and what they are trying to do is to wean people off, to break that mind-set where people just assume that the Government supports people on welfare basically from cradle to grave.

People need to realize that it is basically their own responsibility, people are responsible for their own lives, and if they depend upon the Government, both they and their children are going to have, over their life-span, a much less standard of living than they will if they work for themselves.

Mr. MANZULLO. Will the gentleman yield?

Mr. CHABOT. Yes.

Mr. MANZULLO. Our colleague, Congressman WELDON, is in your freshman class from Florida, was quoted in the Washington Times about a conversation he had with a constituent. This constituent was talking to some young people, and recalled the following story. He asked them, he said, what do you want to do when you grow up? One said a fireman. What do you want to be when you grow up? One said a policeman. What do you want to be when you grow up? He said, I want to collect checks. Isn't that sad?

Mr. CHABOT. It is.

Mr. MANZULLO. What a sad commentary.

Mr. CHABOT. I realize that our time is drawing to a close and I just want to thank DON MANZULLO from Illinois and WALTER JONES from North Carolina and RON LEWIS from the great State of Kentucky for this colloquy here this evening.

I think it has been very helpful for all of us and hopefully very insightful to those that happen to be watching this evening.

RECESS

The SPEAKER pro tempore (Mr. LONGLEY). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 31 minutes p.m.) the House stood in recess subject to the call of the Chair.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. DREIER] at 12 o'clock and 30 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1977, THE INTERIOR APPROPRIATIONS BILL FOR FISCAL YEAR 1996

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. 104–184), on the resolution (H. Res. 187) providing for the consideration of H.R. 1977, Interior appropriations bill for fiscal year 1996, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1976, THE AGRICULTURE APPROPRIATIONS BILL FOR FISCAL YEAR 1996

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. 104–185), providing for the consideration of H.R. 1976, the Agriculture appropriations bill for fiscal year 1996, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT), for today from 10 a.m. to 12:30 p.m., on account of medical reasons.

Mr. HEFNER (at the request of Mr. GEPHARDT), for today, on account of illness.

Mr. LONGLEY (at the request of Mr. ARMEY), for today until 6:15 p.m., on account of personal reasons.

Mr. FOX of Pennsylvania (at the request of Mr. ARMEY), for today until 7 p.m., on account of attending a funeral.

SPECIAL ORDERS GRANTED

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

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

Mr. OWENS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

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

Ms. ROS-LEHTINEN, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. BEREUTER, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. HOKE, for 5 minutes, today.

Mr. CHRISTENSEN, for 5 minutes, today.

EXTENSION OF REMARKS

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

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

Mr. WELLER.

Mr. BALLENGER.

Mr. CLINGER.

Mr. MARTINI in two instances.

Mr. BAKER of California.

Mr. HORN.

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

Mr. EVANS.

Mr. GUTIERREZ.

Mr. ORTIZ in two instances.

Mr. TOWNS.

Mr. HILLIARD.

Mr. MENENDEZ.

Mr. RUSH.

Ms. NORTON.

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

Ms. VELAZQUEZ.

Mr. THOMPSON.

Mr. FRANKS of New Jersey.

Mr. MINETA.

Mr. BURTON of Indiana.

Mr. BROWN of California.

Ms. PELOSI.

Mr. RICHARDSON.

Mr. DEFAZIO.

ADJOURNMENT

Ms. PRYCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 31 minutes a.m.), the House adjourned until Thursday, July 13, 1995 at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

1180. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of July 1, 1995, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 104–94); to the Committee on Appropriations and ordered to be printed.

1181. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Aeronautical Systems Division at Wright-Patterson Air Force Base, OH, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1182. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Japan, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

1183. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to Japan, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

1184. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense articles and services sold commercially to Australia (Transmittal No. DTC–43–95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1185. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–85, ''Industrial Revenue Bond Forward Commitment Program Authorization Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1186. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–89, ''HIV Testing of Certain Criminal Offenders Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1187. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–88, ''Child Support Enforcement Temporary Amendment Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1188. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–90, ''Juvenile Curfew Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1189. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–91, ''District of Columbia Board of Education Fees for Adult, Community, and Continuing Education Courses Temporary Amendment Act of 1995,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

1190. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report of activities of the inspector general for the period ending March 31, 1995, and the Secretary's semiannual report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

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. LIGHTFOOT: Committee on Appropriations. H.R. 2020. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–183). Referred to the Committee of the Whole House on the State of the Union.

Mr. LINDER: Committee on Rules. House Resolution 188. Resolution providing for consideration of the bill (H.R. 1976) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–185). Referred to the House Calendar.

Ms. PRYCE: Committee on Rules. House Resolution 187. Resolution providing for the consideration of the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–184). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

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

By Ms. NORTON (for herself, Mr. DAVIS, Mr. WOLF, Mrs. MORELLA, Mr. MORAN, and Mr. DIXON):

H.R. 2017. A bill to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on 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. OLVER (for himself, Mr. DAVIS, Mr. GILMAN, Mr. PETE GEREN of Texas, Mr. PAYNE of Virginia, Mr. MORAN, Mrs. KELLY, and Mr. SHAYS):

H.R. 2018. A bill to amend section 5112 of title 31, United States Code, to authorize the Secretary of the Treasury to mint and issue platinum bullion coins and to mint and issue more than one version of gold bullion coins at the same time; to the Committee on Banking and Financial Services.

By Mr. DEFAZIO (for himself, Mr. BARTON of Texas, Mr. DELAY, Mr. COX, Mr. HINCHEY, Mr. PALLONE, Mr. KINGSTON, Ms. FURSE, Ms. NORTON, Mr. OWENS, Mr. SMITH of New Jersey, Mr. LIPINSKI, Ms. VELAZQUEZ, Mr. EVANS, Mr. DELLUMS, Mr. DEUTSCH, Mr. FRAZER, and Mr. HILLIARD):

H.R. 2019. A bill to allow patients to receive any medical treatment they want under certain conditions and for other purposes; to the Committee on Commerce.

By Mr. LIGHTFOOT:

H.R. 2020. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1996, and for other purposes.

By Mr. CREMEANS:

H.R. 2021. A bill to release restrictions imposed on the use of certain real property conveyed by the Secretary of the Interior to Lawrence County, OH; to the Committee on Resources.

By Mr. MCHALE (for himself, Mr. STUPAK, Mr. FILNER, Mr. BUNNING of Kentucky, Mr. POMEROY, Mr. WYDEN, Mr. ORTIZ, Mr. BEILENSON, Mr. MCNULTY, Mr. BARCIA of Michigan, Mr. ZIMMER, Mr. TAYLOR of Mississippi, Ms. WOOLSEY, Mr. ORTON, Mr. EVANS, Mr. JACOBS, Mr. HINCHEY, Ms. LOFGREN, and Mr. VISCLOSKY):

H.R. 2022. A bill to require the partial application of the antitrust laws to major and minor league baseball; to the Committee on the Judiciary.

By Mr. KLUG (for himself, Mr. GILLMOR, Mr. BILIRAKIS, Mr. BROWN of Ohio, Mr. FIELDS of Texas, Mr. FRANKS of Connecticut, Mr. HASTERT, Mrs. LINCOLN, Mr. MANTON, Mr. PALLONE, Mr. RICHARDSON, Mr. STEARNS, Mr. TAUZIN, and Mrs. THURMAN:

H.R. 2024. A bill to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes; to the Committee on Commerce.

By Mr. RICHARDSON (by request):

H.R. 2025. A bill to amend the Land and Water Conservation Fund Act of 1965 as regards the National Park Service and for other purposes; to the Committee on Resources.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. CREMEANS introduced a bill (H.R. 2023) to provide for a land exchange between the Ironton Country Club of Ironton, OH, and the Secretary of Agriculture involving Wayne National Forest; which was referred to the Committee on Agriculture.

ADDITIONAL SPONSORS

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

H.R. 44: Mr. TUCKER, Mr. REED, and Mr. FORBES.

H.R. 127: Mr. SANDERS, Mr. OLVER, and Mr. MINGE.

H.R. 218: Mr. LEWIS of Kentucky.

H.R. 263: Ms. ROYBAL-ALLARD.

H.R. 264: Mrs. MALONEY.

H.R. 390: Mr. CONYERS.

H.R. 436: Mr. BREWSTER, Mr. SKELTON, and Mr. KNOLLENBERG.

H.R. 573: Mr. SAXTON.

H.R. 580: Mr. MCCOLLUM, Mr. BACHUS, Mr. BENTSEN, and Mr. TIAHRT.

H.R. 709: Ms. JACKSON-LEE.

H.R. 743: Mr. COBLE, Mr. SCARBOROUGH, and Mr. BRYANT of Tennessee.

H.R. 763: Mr. ENGEL.

H.R. 863: Mr. FROST, Mr. SERRANO, Mr. INGLIS of South Carolina, Mr. MILLER of California, Mr. HILLIARD, Mr. BALDACCI, Mr. BAKER of Louisiana, and Mr. WILSON.

H.R. 883: Mr. TORRES, Mr. NADLER, and Mr. DELLUMS.

H.R. 958: Mr. FORBES, Mr. ENGEL, Mr. LIPINSKI, and Ms. JACKSON-LEE.

H.R. 1005: Mr. BACHUS.

H.R. 1020: Mrs. MEEK of Florida, Mr. BRYANT of Tennessee, Mr. LEACH, and Mr. BALDACCI.

H.R. 1023: Ms. JACKSON-LEE.

H.R. 1073: Mr. FATTAH, Mr. RUSH, and Ms. JACKSON-LEE.

H.R. 1074: Mr. FATTAH, Mr. FRANK of Massachusetts, and Ms. JACKSON-LEE.

H.R. 1114: Mr. MCCOLLUM, Mr. BARTON of Texas, and Mr. GOODLING.

H.R. 1154: Mr. KENNEDY of Rhode Island.

H.R. 1161: Mr. BISHOP, Mr. MCCRERY, Mr. INGLIS of South Carolina, and Mr. MOORHEAD.

H.R. 1289: Mr. THORNBERRY.

H.R. 1333: Mr. INGLIS of South Carolina.

H.R. 1459: Mr. RUSH, Mr. CRAMER, and Mr. PAYNE of New Jersey.

H.R. 1504: Mr. NEAL of Massachusetts, Mr. RAMSTAD, and Ms. PRYCE.

H.R. 1539: Mr. THOMPSON, Mr. FARR, Mr. TORRES, and Mr. HINCHEY.

H.R. 1540: Mr. ORTIZ, Mr. FRELINGHUYSEN, Mr. DOYLE, and Mr. MCCOLLUM.

H.R. 1573: Mr. SOLOMON.

H.R. 1588: Mr. MINGE.

H.R. 1594: Mr. GOODLATTE.

H.R. 1675: Mr. ALLARD.

H.R. 1713: Mrs. CHENOWETH.

H.R. 1768: Mr. MCKEON and Mr. BAKER of Louisiana.

H.R. 1774: Mr. ENGEL and Mr. HINCHEY.

H.R. 1821: Mr. TAYLOR of Mississippi and Mr. STEARNS.

H.R. 1856: Mr. BISHOP and Mr. WELLER.

H.R. 1866: Mr. OBERSTAR, Mr. FIELDS of Texas, and Mr. HORN.

H.R. 1876: Mrs. SCHROEDER and Ms. FURSE.

H.R. 1909: Mr. SALMON, Mr. HUNTER, Mr. KING, and Mrs. SEASTRAND.

H.R. 1945: Mr. DAVIS and Mr. MORAN.

H.R. 1955: Mr. MORAN, Mr. ACKERMAN, Ms. WATERS, Mr. SCOTT, Ms. VELAZQUEZ, Mr. KLINK, and Mr. UNDERWOOD.

H.R. 1965: Mr. FRANK of Massachusetts, Mrs. SEASTRAND, Mr. WYDEN, Ms. DELAURO, Mr. BLUTE, and Mr. MCDERMOTT.

H.R. 1972: Mr. HASTINGS of Washington.

H.R. 1980: Mr. GUTIERREZ, Mr. FROST, Mr. MATSUI, Mr. RANGEL, Mr. COLEMAN, and Mr. UNDERWOOD.

H. Con. Res. 10: Mrs. VUCANOVICH, Mr. HOLDEN, Mr. MORAN, Mr. BROWN of Ohio, and Mr. KLECZKA.

H. Con. Res. 42: Mr. FARR and Ms. ROYBAL-ALLARD.

H. Con. Res. 50: Mr. DEUTSCH and Mr. KENNEDY of Massachusetts.

H. Con. Res. 51: Mr. FUNDERBURK, Mr. FROST, Mr. FORBES, Mr. PACKARD, Mr. HOKE, Mr. SCHUMER, and Mr. FOX.

H. Con. Res. 78: Mr. ACKERMAN, Mr. MARTINEZ, Mr. WAXMAN, Mr. FRANK of Massachusetts, Mr. FLAKE, Mr. EVANS, and Mr. BISHOP.

H. Res. 36: Mr. PALLONE.

H. Res. 39: Mr. BRYANT of Texas, Mr. HASTINGS of Florida, Mr. WILSON, Mr. CLYBURN, Mrs. MALONEY, Ms. WATERS, Mr. RANGEL, Mr. THOMPSON, and Mr. EVANS.

H. Res. 174: Ms. WOOLSEY, Mr. DURBIN, Mrs. SCHROEDER, Ms. ROYBAL-ALLARD, Mr. MILLER of California, Mr. BARRETT of Wisconsin, Mr. HINCHEY, Ms. VELÁZQUEZ, and Ms. MCKINNEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

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

H.R. 530: Mr. HASTINGS of Florida.

AMENDMENTS

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

H.R. 1976

OFFERED BY: MR. HOKE

AMENDMENT NO. 13: Page 57, line 15, strike ''$291,342,000'' and insert ''$161,540,000''.

Page 57, line 17, strike ''$25,000,000'' and insert ''$16,417,000''.

Page 58, line 10, strike ''$236,162,000'' and insert ''$131,833,000''.

H.R. 1976

OFFERED BY: MR. ZIMMER

AMENDMENT NO. 14: Page 71, after line 2, insert the following new sections:

SEC. 726. DEFICIT REDUCTION TRUST FUND.

(a) ESTABLISHMENT.—A trust fund known as the ''Deficit Reduction Trust Fund'' (hereinafter in this Act referred to as the ''Fund'') shall be established in the Treasury of the United States.

(b) CONTENTS.—The Fund shall consist only of amounts contained in the deficit reduction lock box provision of any appropriation Act. Such amounts shall be transferred to the Fund as specified in subsection (c).

(c) TRANSFERS OF MONEYS TO THE FUND.—Within 10 days of enactment of any appropriation Act which has a deficit reduction lock box provision, there shall be transferred from the general fund to the Fund an amount equal to that amount.

(d) USE OF MONEYS IN THE FUND.—Notwithstanding any other provision of law, the amounts in the Fund shall not be available, in any fiscal year, for appropriation, obligation, expenditure, or transfer.

SEC. 319. DOWNWARD ADJUSTMENTS OF DISCRETIONARY SPENDING LIMITS.

(a) DOWNWARD ADJUSTMENTS.—The discretionary spending limit for new budget authority for any fiscal year set forth in section 601(a)(2) of the Congressional Budget Act of 1974, as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amount of budget authority transferred to the Fund for that fiscal year under section 2(c), as calculated by the Director of the Office of Management and Budget. The adjusted discretionary spending limit for outlays for that fiscal year and each outyear as set forth in such section 601(a)(2) shall be reduced as a result of the reduction of such budget authority, as calculated by the Director of the Office of Management and Budget based upon such programmatic and other assumptions set forth in the joint explanatory statement of managers accompanying the conference report on that bill. All such reductions shall occur on the same day that the amounts triggering the reductions are transferred to the Fund.

(b) DEFINITION.—As used in this section, the term ''appropriation bill'' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations.

SEC. 320. DEFICIT REDUCTION LOCK-BOX PROVISIONS OF APPROPRIATION MEASURES.

(a) DEFICIT REDUCTION LOCK-BOX PROVISIONS.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

''DEFICIT REDUCTION LOCK-BOX PROVISIONS OF APPROPRIATION BILLS

''SEC. 314. (a) Any appropriation bill that is being marked up by the Committee on Appropriations (or a subcommittee thereof) of either House shall contain a line item entitled 'Deficit Reduction Lock-box'. The dollar amount set forth under that heading shall be an amount equal to the section 602(b)(1) or section 302(b)(1) allocations, as the case may be, to the subcommittee of jurisdiction over the bill of the Committee on Appropriations minus the aggregate level of budget authority or outlays contained in the bill being considered.

''(b) Whenever the Committee on Appropriations of either House reports an appropriation bill, that bill shall contain a line item entitled 'Deficit Reduction Account' comprised of the following:

''(1) Only in the case of any general appropriation bill containing the appropriations for Treasury and Postal Service (or resolution making continuing appropriations (if applicable)), an amount equal to the amounts by which the discretionary spending limit for new budget authority and outlays set forth in the most recent OMB sequestration preview report pursuant to section 601(a)(2) exceed the section 602(a) allocation for the fiscal year covered by that bill.

''(2) Only in the case of any general appropriation bill (or resolution making continuing appropriations (if applicable)), an amount not to exceed the amount by which the appropriate section 602 (b) allocation of new budget authority exceeds the amount of new budget authority provided by that bill (as reported by that committee).

''(3) Only in the case of any bill making supplemental appropriations following enactment of all general appropriation bills for the same fiscal year, an amount not to exceed the amount by which the section 602(a) allocation of new budget authority exceeds the sum of all new budget authority provided by appropriation bills enacted for that fiscal year plus that supplemental appropriation bill (as reported by that committee).

''(c) Whenever a Member of either House of Congress offers an amendment (whether in subcommittee, committee, or on the floor) to an appropriation bill to reduce spending, that reduction shall be placed in the deficit reduction lock-box unless that Member indicates that it is to be utilized for another program, project, or activity covered by that bill. If the amendment is agreed to and the reduction was placed in the deficit reduction lock-box, then the line item entitled 'Deficit Reduction Lock-box' shall be increased by the amount of that reduction.

''(d) It shall not be in order in the House of Representatives or the Senate to consider a conference report that modifies any Deficit Reduction Lock-box provision that is beyond the scope of that provision as so committed to the conference committee.''.

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new item:

''Sec. 314. Deficit reduction lock-box provisions of appropriation measures.''.

SEC. 321. CBO TRACKING.

Section 202 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

''(i) SCOREKEEPING ASSISTANCE.—To facilitate compliance by the Committees on Appropriations with section 314, the Office shall score all general appropriation measures as passed the House of Representatives and as passed the Senate and have such scorecard published in the Congressional Record.''.

H.R. 1977

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 50: Page 12, strike lines 4 through 8.

H.R. 1977

OFFERED BY: MR. BASS

AMENDMENT NO. 51: Page 47, line 25, insert before the period the following:

: *Provided*, That the Forest Service shall make a priority emergency purchase of the Bretton Woods tract within the White Mountain National Forest in New Hampshire

H.R. 1977

OFFERED BY: MR. CRANE

AMENDMENT NO. 52: Page 72, strike line 15 and all that follows through page 73, line 15.

H.R. 1977

OFFERED BY: MR. DEAL

AMENDMENT NO. 53: Page 17, line 5, strike ''$114,868,000'' and insert ''$119,412,000''.

Page 72, line 19, strike ''$82,259,000'' and insert ''$77,715,000''.

H.R. 1977

OFFERED BY: MR. HUTCHINSON

AMENDMENT NO. 54: On page 16, line 25, delete $37,934,000 and insert $34,434,000.

H.R. 1977

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 55: Page 45, line 24, strike ''$1,276,688,000'' and insert ''$1,263,234,000''.

Page 47, line 5 strike ''$120,000,000'' and insert ''$114,980,000''.

H.R. 1977

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 56: Page 94, after line 24, insert the following new section:

Sec. 318. None of the funds made available to the Forest Service by this Act may be used for the construction of roads, or the preparation of timber sales, in roadless areas of 3,000 or more acres in size.

H.R. 1977

OFFERED BY: MR. KLUG

AMENDMENT NO. 57: On page 44, after line 19, insert the following:

''SEC. 115. No funds appropriated or otherwise made available pursuant to this Act in fiscal year 1996 shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws or to issue a patent for any such claim.''.

H.R. 1977

OFFERED BY: MR. MICA

AMENDMENT NO. 58: Page 17, line 21, ''$14,300,000'' and insert ''$29,300,000''.

Page 18, line 25, strike ''$686,944,000'' and insert ''$671,944,000''.

H.R. 1977

OFFERED BY: MR. MICA

AMENDMENT NO. 59: Page 18, line 25, strike ''$686,944,000'' and insert ''$574,056,000''.

Page 19, line 2, strike the comma and all that follows through ''1997'' on line 5.

Page 19, line 9, strike the colon and all that follows through ''1996'' on page 20, line 14.

H.R. 1977

OFFERED BY: MR. NEUMANN

AMENDMENT NO. 60: Page 12, strike lines 4 through 8.

Page 12, strike lines 21 through 25.

H.R. 1977

OFFERED BY: MR. PARKER

AMENDMENT NO. 61: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used by the Department of Energy in implementing the Codes and Standards Program to plan, propose, issue, or prescribe any new or amended standard.

(b) CORRESPONDING REDUCTION IN FUNDS.—The aggregate amount otherwise provided in this Act for ''DEPARTMENT OF ENERGY—Energy Conservation'' is hereby reduced by $12,799,000.

H.R. 1977

OFFERED BY: MR. PARKER

AMENDMENT NO. 62: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used by the Department of Energy in implementing the Codes and Standards Program to plan, propose, issue, or prescribe any new or amended standard.

H.R. 1977

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 63: Page 43, strike lines 13 through 18, and renumber subsequent sections accordingly.

H.R. 1977

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 64: On page 56, line 3, strike ''$552,871,000, and in lieu thereof insert $567,871,000; page 56, line 10, strike ''$133,946,000 and in lieu thereof insert ''$148,946,000''; on page 56, line 17, strike ''$107,446,000'' and in lieu thereof ''$120,446,000''; and on page 56, line 18, strike ''$26,500,000'' and in lieu thereof insert ''$28,500,000''.

H.R. 1977

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 65: Page 55, line 5, strike ''$384,504,000'' and insert ''$220,950,000''.

H.R. 1977

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 66: Page 56, line 3, strike ''$552,871,000'' and insert ''$364,066,000''.

H.R. 1977

OFFERED BY: MR. UNDERWOOD

AMENDMENT NO. 67: Page 34, line 24, strike ''$69,232,000'' and insert ''$64,652,000''.

Page 34, line 24, strike ''$65,705,000'' and insert ''$61,125,000''.

Page 37, insert before the colon at the end of line 7 the following: '', and $4,580,000 for impact aid for Guam under section 104(e)(6) of Public Law 99–239''.

H.R. 1977

OFFERED BY: MR. UNDERWOOD

AMENDMENT NO. 68: Page 37, insert before the colon at the end of line 7 the following: '', and $4,580,000 for impact aid for Guam under section 104(e)(6) of Public Law 99–239''.

United States
of America

Congressional Record

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

Vol. 141 WASHINGTON, WEDNESDAY, JULY 12, 1995 *No. 112*

Senate

(Legislative day of Monday, July 10, 1995)

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

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Rabbi Daniel Fried.

PRAYER

The guest Chaplain, Rabbi Daniel Fried, Congregation Anshe Emeth, Hudson, NY, offered the following prayer:

Almighty God, we ask for Your divine guidance and inspiration for those who are charged with the great responsibility of directing the affairs of our Nation. May Your Holy Spirit dwell richly within them as they manifest abiding courage and sincere faith, in the cherished traditions of our Founding Fathers, to work for freedom, justice, and peace. Grant them loving kindness and patience, understanding and insight.

Bless all of the inhabitants of our country. In our relations with one another, may we ever feel our common humanity and our common duties of justice and truth. Bring us together into an indissoluble bond of friendship and peoplehood in order that we may promote the welfare of our beloved country and increase the happiness of our fellow human beings.

May the Biblical ideals of freedom and fraternity, of justice and equality, enshrined in the American Constitution, become the heritage of all the peoples of the Earth.

We ask it in Your name, O Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

Mr. SANTORUM. Thank you, Mr. President.

SCHEDULE

Mr. SANTORUM. Mr. President, this morning the leader time is reserved and there will be a period of morning business until 9:45 a.m. At 9:45 the Senate will resume consideration of S. 343, the regulatory reform bill. Rollcall votes can be expected throughout today's session of the Senate and into the evening in order to make progress on the bill.

Mr. DASCHLE addressed the Chair.

The PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. DASCHLE. I thank the President pro tempore. I understand the leader time is reserved. I will use some of my leader time this morning.

UNITED STATES-VIETNAM RELATIONS: LOOKING FORWARD

Mr. DASCHLE. Mr. President, yesterday President Clinton announced that the United States would establish diplomatic ties with the Government of Vietnam. I want to commend the President for having the courage and the vision to begin a new chapter with a nation that was once our enemy.

It has been 20 years since the last U.S. helicopter lifted off the roof of the American Embassy in Saigon, a tragic ending to a long and painful war. For years afterward, relations between our two nations have remained hostile and the question of what happened to the American soldiers missing in action in Southeast Asia remained unanswered.

But times have changed. The Vietnamese leaders who viewed the United States with suspicion and distrust have been replaced by a new generation of leaders, one that has demonstrated a desire to cooperate on the POW/MIA issue and a number of other questions having to do with relations between our two countries. With their help, we have been able to make much progress toward our goal of a full and accurate accounting of our soldiers who did not come home when the war was over.

I understand that the prospect of restoring diplomatic ties with Vietnam is painful to many Americans, particularly those who have friends and family members among those who remain unaccounted for in Vietnam. But experience has shown us that it is precisely by expanding our ties with Vietnam that we are most likely to learn what happened to the soldiers who never returned.

Consider the President's decision on February 3, 1994, to lift the trade embargo against Vietnam. At the time, some Members of Congress and some in the veterans community expressed concern that lifting the embargo would reward Vietnam prematurely and discourage their further cooperation on the POW/MIA issue.

Instead, as we all now know, just the opposite has occurred. Just 2 months ago, officials from the Departments of State, Defense, and Veterans Affairs traveled to Asia for high-level talks with their counterparts in both Vietnam and Laos. During that trip they were presented with more than 100 documents, which the Defense Department has called the most detailed and informative turned over to date. Moreover, our officials characterize the cooperation they had received from the Vietnamese as excellent.

Well, this progress has not gone unnoticed by those who remain committed to a full accounting of our POW's and MIA's. For example, the Veterans of Foreign Wars, one of the Nation's most influential veterans groups and an organization whose membership includes 600,000 Vietnam veterans, released a statement on June 13 regarding the issue of normalizing relations with Vietnam. In that statement, the VFW announced it will support the establishment of diplomatic ties with

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Vietnam, provided such ties would enable the United States to make even further progress toward a full accounting of the missing.

It is also telling that normalization of relations with Vietnam is strongly supported by three of my colleagues who are distinguished veterans of the Vietnam war and who served with me on the Senate Select Committee on POW/MIA Affairs: Senator JOHN KERRY, the chairman of the committee; Senator JOHN MCCAIN, a prisoner of war in Vietnam for 6 years; and Senator BOB KERREY, the recipient of the Congressional Medal of Honor for heroism in Vietnam. Having devoted countless hours to this issue, all three concluded establishing diplomatic ties with the Vietnamese will lead to greater cooperation in resolving our remaining POW/MIA cases.

Normalizing relations with Vietnam does serve our national interest in another very important respect. Other nations have already created a diplomatic presence in Vietnam, and some have even entered into trade agreements with the Vietnamese Government. This puts U.S. businesses at a competitive disadvantage in one of the fastest growing markets in all of Asia. Establishing a formal presence in Vietnam will help this country even out the playing field with their international competitors, leading to greater exports and greater job creation.

The President has recognized that our relationship with Vietnam should be based on today's national interests, not yesterday's animosities. I fully expect his bold decision will help us find the answers about our missing servicemen that their families and we have long awaited.

Madam President, I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mrs. HUTCHISON). Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 9:45 a.m. with Senators permitted to speak therein for not to exceed 5 minutes each, with some exceptions.

Mr. SANTORUM addressed the Chair.

The PRESIDENT pro tempore. Under the previous order, the Senator from Pennsylvania [Mr. SANTORUM] is recognized to speak for up to 10 minutes.

The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Madam President.

SEEKING JUSTICE

Mr. SANTORUM. Madam President, I rise today to talk about two men; one is a Nazi doctor, the other is his pursuer. Before I get into that, I want to thank my father-in-law and my mother-in-law, Dr. Ken Garber and Betty Lee Garber, for bringing this matter to my attention.

This is a painful subject to talk about for many, particularly as we look at what is going on in Bosnia and some of the ethnic cleansing that is happening there. We talk about Vietnam and our missing in action. Looking at history and digging up the past is not always a pleasant experience but one which I believe is absolutely necessary in this case and one that I come to the floor to talk about and will be on notice to come back to if it is necessary to talk about it again.

The Nazi doctor I am going to talk about this morning is Dr. Hans Sewering. He is just not a normal doctor in Germany. This is a doctor who was the head of the German Medical Society for 17 years—17 years. He was a State senator in the State of Bavaria for 20 years, a very well-known person in Germany.

How this came to the attention of his pursuer 2 years ago, Dr. Michael Franzblau from Marin County in California, was that Dr. Sewering was nominated, in fact elected, to become the president of the World Medical Association, the affiliate of the American Medical Association in the United States.

It came to the attention of Dr. Franzblau that Dr. Sewering was accused of crimes during the Nazi reign.

And who is Dr. Sewering? Dr. Sewering joined the SS in 1933. Nine months later, he joined the Nazi Party. When he graduated from medical school, he went to work in Munich at the tubercular clinic of Schoenbrunn near Dachau in 1932.

During that time, under his administration, Dr. Franzblau, and other medical historians, are suggesting that he sent over 900 disabled children to a ''healing center''—a healing center—6 to 10 kilometers away, not far down the road, from the tubercular clinic that he ran. Over 900 children were sent to a healing center.

What was this healing center? It was a euphemism for a ''killing center,'' where disabled children were deliberately starved and given barbiturates to kill them ''efficiently,'' with little cost to the state.

The center was run by a Dr. Helmut Pramueller. Dr. Pramueller in 1949 was convicted by a German court. They found him guilty of murdering 6,000 children who were ''unfit'' because of their disabilities, which ranged from epilepsy to mild mental illnesses to physical disabilities. By the way, Dr. Pramueller, for killing 6,000 children in this ''healing center,'' was sentenced to 6 years in prison. He got 1 year off for good behavior.

But Dr. Sewering was never prosecuted. The reason for that is that the evidence was not made available. In fact, the only evidence we have been able to ascertain through the work of Dr. Franzblau, and others, is one documented case of which Dr. Sewering sent a 12-year-old girl, Babette Frowiss, to the ''healing center'' from his tubercular clinic at the Schoenbrunn. We have the document, with his signature on it. It says:

> She is no longer suitable for Schoenbrunn. She will be sent to Egfling-Haar—
>
> The name of this killing center—
>
> the healing center.

It was well known in Dachau, the vicinity of where these centers were, that this ''healing center'' was, in fact, a place where children were starved and killed ''efficiently.''

But nevertheless, we have that document, the origins of which we do not know. It has been authenticated as a real document, but we cannot find any other documents. In fact, the German Government will not make available any of these documents. Some even insist that they are not available or that they do not exist or, if they do, they just cannot find them. But in any case, they are not around, and the prosecutors in Munich that Dr. Franzblau is trying to get to prosecute this case refuse to look into it.

Another curious angle to this question is four nuns. The tubercular clinic at Schoenbrunn where Dr. Sewering worked was run by Franciscan nuns, the Franciscan order. There were four nuns as of 2 years ago, when Dr. Sewering was nominated to presidency of the World Medical Association, who were there at the time. When Dr. Sewering was elected, and then withdrew his nomination in election, these four nuns issued a statement basically indicting Dr. Sewering and what went on at the clinic and at Egfling-Haar, at the healing center, the killing center.

You might think that if you were the prosecutor in Munich who was concerned about sending children to their death by such a horrendous means that you would take the time to interview these nuns who released this statement. Well, the prosecutor has not done so. Despite protestations from Dr. Franzblau, and others, he has refused to interview them. He has refused to pursue the documents that can ultimately convict Dr. Sewering of his crimes. And Dr. Franzblau persists in his trips over there to get them to pay attention to this, but this is an uncomfortable thing to talk about, and this is a very powerful man in Germany. Seventeen years the head of the medical society and they have refused to go after him.

Dr. Franzblau is taking matters into his own hands. On Friday, this will be published in the New York Times. The Friday morning New York Times will have this full-page advertisement. It says:

> We accuse the German State of Bavaria of harboring and protecting a war criminal.
>
> The German State of Bavaria has protected Dr. Hans Joachim Sewering for 50 years.
>
> Dr. Hans Joachim Sewering is accused of participating in the transfer of 900 German Catholic children from Schoenbrunn Sanitarium to a ''Healing Center'' at Egfling-Haar, where they died.
>
> Four nuns made this allegation in January 1993.
>
> They were eyewitnesses to these crimes and broke their vow of silence 50 years after the fact at the suggestion of the Bishop of Munich.

Yes, they remained silent for 50 years, but after this man was elected to the World Medical Association presidency, they spoke up at the urging of the Bishop of Munich.

Dr. Sewering, age 78, still practices medicine in Dachau.

Dr. Sewering must be brought to the bar of justice now.

The relatives of the murdered children ask for justice.

The German people will be cleansed of this stain on their honor by the successful prosecution and conviction of Dr. Hans Joachim Sewering for murder and crimes against humanity.

And they ask:

If you believe, as we do, that Dr. Sewering should be brought to justice, please act now by faxing or writing to the German Consulate. . .

At their number.

I hope that Senators listening to this, if they believe as I believe that the German Government owes more diligence in pursuing this, that they sign on to a letter that I will be sending to the German Government asking them to find these documents and to interview these nuns so we can pursue this case. It is the least they can do. It is the least they can do for 900 children starved to death because of their disabilities.

I come here to the U.S. Senate not casually. I know this is a very important place to make these kinds of statements, but this is an abomination. The children who were murdered deserve justice, their families deserve a full accounting, and Dr. Franzblau, 25 of whose relatives were incinerated in a synagogue in Poland, deserves the satisfaction of knowing that his efforts were not in vain.

Madam President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska [Mr. MURKOWSKI] is recognized to speak for up to 10 minutes.

THE SUPERFUND

Mr. MURKOWSKI. Madam President, I rise to discuss that portion of S. 343 covering the Superfund. As we know, Senate bill 343 establishes requirements to do risk assessment and cost-benefit analysis and includes Superfund cleanups that exceed $10 million in total costs.

The administration, however, and some Senators, want this section removed from the bill on the grounds that the application of cost-benefit analysis to Superfund through the regulatory reform process is somehow inappropriate. I think it is fair to say there is also a question of jurisdiction relative to the various committee references that this bill would ordinarily go to that portion—at least under Superfund. I am speaking of the Environment and Public Works Committee.

However, laying that aside, because of the statutory requirements in the Superfund requirements itself, risk and cost-benefit analysis, in my opinion, are precisely the right tools that the Government should be using to carry out the requirements of that law.

Provisions in the Superfund law specifically require cost-benefit and risk analysis. Superfund requires that the President select appropriate remedial actions that ''provide for cost effective responses'' and to consider both the short-term and the long-term cost of the actions.

Superfund requires the President to publish a regulation called the national contingency plan [NCP], to carry out the requirements of the statute.

Now, the NCP must contain, one, methods for analysis of relative costs for remedial action; two, means for assuring that remedial actions are cost-effective over time; three, criteria ''based on relative risk or danger'' for determining priorities among releases of hazardous substances for the purposes of taking remedial action.

Now, the national contingency plan also requires a baseline risk assessment to be performed for every remedial action. This means that for every Superfund cleanup, a risk assessment is done right now.

Superfund requires the President to identify priority sites that require remedial action through a hazard ranking system that must ''assess the relative degree of risk.''

Unlike other environmental statutes, the Congress explicitly wrote provisions into this law that cost and risk were to be taken into account. Yet, the same entrenched bureaucracies that have been running up the costs of these remedial actions for years now say we simply cannot have reform.

But that is what we hear publicly. Within the administration there is a clear recognition that cost-benefit and risk analysis, however, do belong in the Superfund Program.

I refer to a memorandum prepared by the Council on Environmental Quality. In that memo, the administration correctly pointed out the blatant inconsistencies between its posture regarding this section of S. 343 and its position on regulatory reform, as well as reform of the cleanup statutes.

The memo states that opposition to the intent of the cleanup provisions of S. 343 is ''inconsistent with several administrative policies.''

Further, ''The administration has repeatedly testified that cost-benefit analysis is a 'useful tool' in making cleanup decisions.''

It also says, ''EPA, DOD, and DOE, have made well-publicized commitments to more realistic risk analysis in cleanup activity.''

Executive Order 12866 requires cost-benefit analysis for regulations over $100 billion. Many cleanups exceed that amount and the total cost of cleanup activities approaches or exceeds $400 billion.

Quoting, ''It will be hard, politically and logically, to defend application of the cost-benefit comparison to the former decisions and not the latter.''

The administration also incorrectly states in that memo that supplementing existing decision criteria with cost and risk considerations allows an illegal departure from statutory standards in developing more reasonable alternatives.

As indicated before, remediation under Superfund is currently required to base its decisions on risk and cost considerations. Senate bill 343 has been amended to clarify that statutory provisions cannot be superseded.

Critics of this section argue that these reforms should be addressed in the Superfund reauthorization. Superfund authorization expired last year, and the taxing authority expires this year.

I know many of my colleagues and other members of the Environment and Public Works Committee have been working hard, but Superfund reauthorization may not be completed this year. That is a real possibility.

So, in conclusion, I would like to share with you the realization that the Superfund cleanup provisions of Senate bill 343 are entirely consistent with the existing law, and the planned administrative reforms that the Clinton administration is putting in place even now.

Superfund is not a level playing field. Federal and State regulators have ignored risk and cost considerations throughout this process, in spite of the statutory requirements to consider these factors.

The program is badly broken largely because the degree and costs of cleanup have proceeded virtually unchecked for years.

Further, simply having these provisions in this bill has brought about a new willingness on the part of the regulators to be more realistic in the remedial action selection process.

Finally, the Superfund provisions of S. 343 are consistent with the law, are a needed reform of the remedy selection process, and are an appropriate and necessary reform of one of the most expensive regulatory programs we have experienced in history.

Madam President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Wyoming [Mr. SIMPSON], is recognized to speak for up to 15 minutes.

THE REGULATORY REFORM BILL

Mr. SIMPSON. Madam President, just a few words about various things. First, with regard to the efforts of Senator HATCH, Senator DOLE, and others, on both sides of the aisle, including Senator JOHNSTON, with regard to regulatory reform, I think it is very vital that we continue our efforts in a bipartisan way on this issue. It is a very simple issue out in the land. People are pretty well fed up with the quality and quantity of regulations over the years that have been ground out by the Federal Government.

It is long past time that we did something to interject common sense and sound science into the regulatory process, and the bill that Senator DOLE,

Senator HATCH, and Senator JOHNSTON put together will really go a very long way in doing that.

We have tried to ensure that Members on both sides of the aisle make their concerns known about various provisions in the legislation. We have worked very hard to include everyone. It is time to start walking the walk instead of talking the talk. So I hope we will continue our vigorous efforts.

We have seen in Wyoming so many issues with regard to coal mining. We are the largest coal-producing State in the Union; yet, we would have EPA come to our State where we have laws that are more strict than the Federal Government, and come to the mining area and set up air quality monitors for things like ''fugitive dust,'' in an area where the wind blows 60 miles an hour three times a week and will peel the vegetation right off the prairie. They set up their monitors and tell us about regulating and reducing fugitive dust. This is absolutely absurd. It reflects no common sense. Some EPA regulators are people of zeal, without any intellectual understanding of others or of their situation. Remember, too, that this community of Congress is populated by privileged people, many of whom have never met a payroll, many of whom know nothing about real life or how to work—really work—digging a ditch, tamping concrete forms, working for a construction company, cowboying—enough. I think it is time to give them a wake-up call, and I think we will do that.

Hopefully, we will, at the same time, try to deter the trend in this country that has been to try to get every single chemical out of every food, drink, and tube of lipstick known to man or woman. That type of activity causes our society to shoulder exorbitant costs that are just not necessary—$140 billion year on pollution control. We must decide how much will we spend to get the last 5 percent of the pollution out of the smokestack or the waste stream, because it is those expenditures that are so excessive.

We are being forced to recognize that the really tough choices are now unavoidable.

The administration and the environmental groups have been critical of our efforts to mandate that risk assessment and cost benefit analysis be used by the bureaucracy. But even the Washington Post stated in a recent editorial: ''Surely it makes sense to do the kind of analysis that weighs one health threat against another, and shows where reductions in pollution will pay off most effectively in lower rates of illness and death.'' And the Post editorial goes on to correctly recognize that the regulatory reform bill ''. . . addresses defects . . . that are real.'' And ''within it lies the genuine opportunity to strengthen the protection of the country's air and water.''

I find it disturbing that the environmental groups have run radio ads attacking Members of Congress who support this legislation. These ads greatly oversimplify the issues we are considering and as usual the environmental groups are using fear and emotion to try and turn the public against regulatory reform efforts. So when I hear groups say this is a back door assault on our environmental and health laws I recognize that they are resorting to what Senator Gary Hart used to call ''Mau Mau politics.''

This kind of activity is real quite uncalled for.

I am fond of saying that everyone is entitled to their own opinions, but nobody is entitled to their own facts. And the fact is that injecting sound science into the regulatory process can enhance our efforts to protect the public health and the environment.

We have a real opportunity to stop the tendency that Federal regulators have to overreact to any newly discovered dangers by diverting disproportionate financial and human resources into hastily conceived remedies. We have seen examples of that with superfund, or the asbestos in schools program and in so many other areas.

In the case of asbestos in schools we were told we had to get the asbestos out or we were going to kill or injure all the children. So Congress rushed to pass a law and the regulators issued regulations and we began a rush job to get the asbestos removed. But what we ended up doing was to release more asbestos into the air and to cost the taxpayers millions of dollars in remediation costs. And more importantly, we have inadvertently exposed more children to more asbestos and greater risk than if we had simply left it in place and contained it. So that is the type of thing that we want to avoid in the future and risk assessment and cost benefit analysis will help do that.

Some in Congress and in the bureaucracy have tried to provide the public with a risk free environment. That is a purely quixotic exercise. We cannot afford to provide a risk free environment and in fact it is not possible to do that in the real world. So let us recognize that and get on with the business of making certain that logical and well informed regulatory decisions are made in the future. We cannot do that without passing legislation such as the Dole bill and I am so very pleased that we are finally going to do something constructive with regard to regulatory reform since we can no longer afford to live with the status quo.

We will hear a metric ton of the tired old rhetoric about how we must protect the children and save the babies. How if we tinker with the current regulatory regime we will cripple the bureaucracy and cause regulatory gridlock. We will hear that it is arrogant to assign a value for human life, or that this is just an attempt to let industry and curses—big business—off the hook. But Mr. President, this is beginning to sound like the boy who cried wolf too many times. The American people are more sophisticated than that. They have heard these tired old phrases time after time. They are beginning to tune it out. They are suffering from what one journalist calls ''environmental compassion fatigue.'' So I trust the larger majority of Senators will not view this as a partisan issue or as an industry versus environmental group issue. But as a chance to help everyday citizens to get sensible and understandable regulations, based on real costs, risks, and common sense—in order that we can restore some of the credibility that the Federal agencies and Congress have lost over the years. This debate is about change. Bureaucrats don't like change. And this administration doesn't like any change that they didn't think of first.

But we must overcome this aversion to constructive change with goodwill, facts, common sense, and perseverance. So I trust my colleagues will put aside partisan rhetoric and fear mongering and we will all join together to truly reform our regulatory system for the benefit of a majority of the American people. They do not expect anything less from us, and I do trust we will not disappoint them.

VIETNAM AND DIPLOMATIC RELATIONS

Mr. SIMPSON. Madam President, with regard to Vietnam, I fully understand the heartfelt emotions and strong feelings which surround the normalization. Obviously we do, especially the delicate and painful issue of the POW/MIA's.

Nobody, nobody in their right mind wants Americans who fought for their country to be forgotten or abandoned, and in no way do I nor do any of my colleagues in this body want our Nation to forget any possible remaining POW/MIA's.

I have always said this. If there is proof of any Americans—any of them—being held against their will—proof—we should get them out right now.

I was involved in this process many years ago with Senator Cranston, my friend from California. We held hearings. I will never forget the gentleman, or I will say the chap, whatever lesser degree I can work up, who came before the Senate and said he had 287 minutes of a movie of someone in a cage imprisoned in Vietnam. We said, well, we would hope that you would produce that. He said, I will for 2 million bucks.

I think that is the closest I came to fisticuffs, at least in these recent times, with that person. Absolutely absurd and disgusting. He said he had these films and, of course, he did not, and then, of course, we had pictures of people in uniform with weapons, and then upon close examination we would find they were taken in Hawaii or some other country in Southeast Asia. Absolutely absurd and disgusting.

We said, ''You show us where they are and we will get them.'' I just believe we need to be very honest where we are with this gut-wrenching issue.

Last year, I applauded the President's decision to announce the lifting of the trade embargo, especially in view of the fact that this has been such a painful issue for him, due to the previous campaign scrutiny of his antiwar efforts during the Vietnam conflict. I am pleased that he did not shirk from the responsibility of doing what he felt was right, even though it was not necessarily popular with all the groups.

I visited Vietnam with some of my distinguished colleagues and saw personally the vast improvements taking place. Firsthand, I saw the continued progress in the area of human rights.

In my opinion, the best way to encourage the Vietnamese to continue along this path of redemption is by establishing these full diplomatic relations with the Vietnamese Government.

As a veteran myself, it is time to continue to march forward regarding this issue. Ever more effectively and positively we will learn about more of the POW/MIA issue, if business people, diplomats, military, American visitors travel and talk with Vietnamese all over that country.

Much will be gained by a larger United States presence in Vietnam. Gaining information about POW/MIA's has been exceedingly difficult without an embassy or other contacts since 1975.

Remember that, as we stiffed Vietnam for 18 years, we received nothing—nothing—in the way of cooperation, nothing in the way of information. Ever since we loosened our grip, much has come forward.

While we speak of the POW/MIA's with great, great compassion, it would be interesting to me to know what happened to the 86,700 people missing in action from the Second World War. Who is out speaking for them, and raising money in the process? Or the 9,000 or 8,700 missing in action from the Korean war. Who is speaking for them?

There had been an unfortunate test case of keeping the issue alive, with some groups, at least, with regard to their own personal gratification, and of course the aspects of the fundraising.

It is going to be a good thing. I commend the President. We will now be the 161st country to recognize Vietnam. Hear that. Normalization of the United States and Vietnam puts the United States on the list at No. 161. Because currently, 160 countries, including all of our major trading partners, have full diplomatic relations with Vietnam, providing their country's companies and citizens with a key political entry for vital decisions of procurement, vital decisions as to travel and intercourse among nations.

I want to commend the VFW. I am a lifetime member of the Veterans of Foreign Wars, who said last month that, ''We are of the opinion if normalizing relations with Vietnam furthers the process toward the fullest possible accounting''—meaning POW/MIA's—''then we would support this decision.''

I want to commend our sturdy friends, JOHN MCCAIN, JOHN KERRY, BOB KERREY, for taking the courageous position they have on this issue. Would it not have been for them, it would not have come to this point. All three serve as a remarkable testimony toward doing the right thing, putting the past aside, moving forward. That is what life is all about—change, moving forward, maturing.

TRIBUTE TO ABBY SAFFOLD

Mr. SIMPSON. Madam President, finally, just a word about this remarkable woman who leaves our midst in the Senate family. That is Abby, known to most Members as Abby.

Abby Saffold, schoolteacher, parole officer—I think perhaps she was that while she was in the Senate, as I think of it—for in many cases, as we would come in the door and we would say, ''When is the next vote, Abby? When are we going to get out of here Friday,'' and ''What is next week's schedule?''

There she was, with that very genial and very, very steady manner, sharing her remarkable expertise of the Senate. She was trained well by Senator ROBERT BYRD and others. She did it all, and she did it very well.

I would just like to wish her well and say that the most single particular thing for me about Abby was, whether I was in the minority or the majority, I was treated exactly the same—with courtesy, with intelligence, with good, rich, knowledge of the Senate.

I think that is the tribute to her, because there are those—not just staff, but those of us who are known simply as principals—who, when we are riding high in the majority, really do lay it on. Then, when we get in the minority, we kind of whimper and whine a bit. I have been in both places.

To Abby, the tribute is the courtesy that she extended to all, regardless of party, regardless of philosophy, and I certainly wish her well. Knowing her, she will be doing some things that will be very pleasing and important and satisfying to her. God bless her. I yield the floor.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

OPPOSITION TO THE NORMALIZATION OF DIPLOMATIC RELATIONS WITH VIETNAM

Mr. GRASSLEY. Madam President, I want to comment on something that the President did yesterday.

The President normalized relationships with Vietnam. The President, I think, did the wrong thing. The President is not a veteran of any war. I have never been in military service. I do not presume to understand wars. But I do understand the commitments we made to the people who have been drafted and volunteered; that is, if they are missing in action, our Government is going to take all action necessary to make sure that we get information about them, and also, if you are taken as a prisoner of war, we are going to do everything we can to get you out. ''Ye shall not be forgotten nor forsaken.''

But yesterday there was a deafening roar that we heard all the way down here in the Nation's Capital—and that roar came from Wall Street. No. It was not about the Federal Reserve's decision to lower interest rates. It was because the Dow went through the roof, and it was because yesterday President Clinton announced that he will take steps to normalize diplomatic relations with Vietnam. And that is because it is driven not so much by a commonsense approach but because of corporate and commercial interests in America, and the profit motive was stronger than our humanitarian motives.

Of course, that sent the tickertape cascading through the canyons of steel. The champagne flowed freely throughout corporate America. The powerful forces of business and profit have won an important battle over America's obligation to account for our missing servicemen. The only thing flowing among the MIA families who have not had answers was resignation and despair yesterday.

This is a President whose term is marked by broken promises. I believe that when history recounts the Clinton years, many will reflect and call him ''Broken Promise President.''

That is what he has done on this issue. Yesterday President Clinton broke another promise, and he made a grave mistake by doing it. His decision is wrong because it displays a gross injustice to Americans who have fought to defend our country's freedom. It displays an injustice to their families, who have waited vigilantly and who have endured a pain of uncertainty for the past 22 years.

The President's action also reveals a dismal commitment to the men and women who are and have been members of the military, loyally serving their country because of this promise we have made to them that was not kept, that we shall not forsake nor forget them.

We are going to have a State Department authorization bill before this body perhaps next week, and I will have more to say about that then. But I want to make just a few comments because I was on the POW/MIA Committee.

I said 3 years ago that on this issue of commercial ties and diplomatic recognition, that there was a steamroller moving through this town headed directly toward normalization of relations with Vietnam. This was despite the fact that an investigation was still

under way into the POW/MIA issue by the select committee that I served on.

Corporate America is driving the steamroller. The avenues of its travels were largely underground. They were barely seen by the public. Government officials in all agencies in both branches of Government were busy paving the way for further advancement.

The one potential roadblock was a resolution of the POW/MIA issue. But the roadblock was no match for the steamroller. The Select Committee on POW/MIA's was never able to reach a consensus on the issue of the possibility that men remain in Vietnam. Moreover, there was never a thorough, independent evaluation of each MIA case. There were lots of promises but never an evaluation case by case.

There was also great hyperbole about Vietnam's extensive cooperation in resolving MIA cases. It is coming from the same ones who got all excited when the Vietnamese gave up pilot helmets and artifacts and generally useless photos and other information.

Madam President, that was pure bunk at that time. Vietnam has cooperated in resolving MIA cases about as much as the Japanese cooperate with us in world trade. There sure has been a lot of activity, but it is all atmospheric—lots of scurrying around, lots of digging, lots of busy work. But look at the facts.

Since our select committee finished its work, only 37 sets of remains have been recovered and positively identified. Eight of those were in 1993, 26 in 1994, and only 3 this year. We are still listing 2,202 as missing. So where is the progress?

The President said the following yesterday about the alleged cooperation of the Vietnamese, and I quote: ''Never before in the history of warfare has such an extensive effort been made to resolve the fate of soldiers who did not return.''

If I could borrow from the President's words, I would have said it this way: ''Never before in the history of warfare has such an extensive effort been made to resolve the fate of soldiers who did not return and yet so little accomplished.''

Those who have jumped on the steamroller argue that the best way to learn about the fate of the missing is to establish a presence in the country. I think that is a specious argument. It is devoid of rigorous analysis. That is a theory made out of whole cloth. There is no rational basis for it. In fact, it is simplistic.

The only thing that we will get out of the presence in Vietnam—in the absence of full accounting—is a bunch of business deals.

The only time Vietnam ever gave us any data on MIA's is when we played hardball like we think we ought to play hardball with the Japanese on trade.

During the select committee's investigation, we learned that the Vietnamese had at least three categories of information.

The first level is archival. This information is in museums and the like. Even the Vietnamese citizens have access to much of this information. This would include photos and helmets like we were given in the fall of 1992, and which some people went gaga over. This first level of information is, obviously, the least useful.

Next, there are the provincial wartime records of shootdowns. This information is an accounting of the date, the time, and the location of each shootdown of an American plane. It is recorded out in the countryside at the provincial level. It also provided data on the type of aircraft and the status of pilots and the crew.

These are official unit records of the antiaircraft corps of the Vietnamese military. The utility of this information is, among other things, that it would allow us to crosscheck the status of our MIA's with our own records.

Finally, there is the national security information. These are the central committee-level documents, kind of like the Politburo documents. These contain, in essence, Vietnamese national secrets on United States prisoner-of-war information and activities.

Before our committee learned of these levels of information, Vietnam consistently denied their existence. So did our crack investigative outfit on this issue, the Defense Intelligence Agency. Yet, somehow, as we pressed on, some of this information started to appear.

In April 1992, when a delegation from the select committee went to Indochina, the Vietnamese denied to us the existence of the archival material.

But just 6 months later, helmets and photos were sprouting everywhere and it was because the Vietnamese were being told give us data and then President Bush would lift the trade embargo.

Of course, the trade embargo was not lifted because all of the data that supposedly showed their cooperation was not very useful in resolving cases.

A year later, when President Clinton decided not to lift the economic embargo, lo and behold, we started getting some information from the provinces on shootdowns. But that information has remained spotty, and it came not through official channels but through humanitarian channels, the Military Joint Task Force full accounting.

The point again is when we play a little hardball, the data flows. When we do not, it does not.

As for the national security information, the Politburo information I was talking about, we have seen none, and this is notwithstanding the fact that our Government turned over to Vietnam millions of pages of our own declassified national security data on their prisoners and missing in action, as we should, as a result of the 1972 peace agreement.

Establishing a presence and establishing big business in Vietnam is not going to get us access to those national security records. Anyone who thinks that it is, Mr. President, is naive. And unless we press for it, unless we get access to it, there is no way that we can say we have done everything we can for a full accounting of our missing in action.

Mr. President, yesterday is a dark day for America. It was the day that President Clinton put an end to our Nation's pledge to those lost in battle, a pledge that says, ''Ye shall not be forgotten nor forsaken.'' This is a wound to the body politic that will not quickly heal.

ALZHEIMER'S

Mr. REID. Madam President, recently, it was announced that an international research team had discovered a gene that causes the most aggressive form of Alzheimer's disease. This is a tremendous breakthrough. This discovery could lead to solving the mystery of what goes wrong in the brain to cause Alzheimer's, and is a prime example of the need for medical research.

Alzheimer's disease is a progressive, degenerative disease that attacks the brain and results in impaired memory, thinking, and behavior. There have been other breakthroughs in the treatment and cure of Alzheimer's, as well as other neurological diseases. Other genes have been identified that lead to Alzheimer's; the first animal model of Alzheimer's disease—a transgenic mouse—has recently been produced, and is already being used to test drugs to slow the progression of the disease. Furthermore, Cognex, approved in 1994, is the first drug for treating Alzheimer's symptoms, and a combination of genetic testing and positron emission tomography [PET] scanning may yield an early diagnostic test for Alzheimer's. None of these discoveries could have occurred without funding for the research programs and scientists dedicated to finding cures for these devastating diseases.

Four million Americans suffer from Alzheimer's disease. The cost for caring for these men and women is $60 billion a year, making Alzheimer's the most expensive uninsured illness threatening American families. The disease is excluded from coverage by Medicare and most private insurance; therefore, the burden of the expenses is borne by the patient's family. The Alzheimer's Association estimates that at the rate of current research activities, researchers could reach their goal of delaying the onset of the disease by 5 years, reducing by half the number of people with Alzheimer's, and saving the country up to $50 billion a year. It is just common sense that investing in a cure now will result in huge savings in the long run.

I read with satisfaction William Safire's New York Times op-ed this past May, in which he encouraged investment in medical research. He called investment a no-brainer. Mr.

Safire also called GOP proposals to cut funding to the National Institutes of Health [NIH] shortsighted. I agree. The most effective way to curb the country's ever-growing medical costs is to cure or ameliorate the diseases that drive people into hospitals.

I would like to commend the Alzheimer's Association for their tireless efforts on behalf of the victims of Alzheimer's and their families, as well as their dedication to acquiring funding for research. The association estimates that Alzheimer's could affect over 14 million Americans by the middle of the 21st century. The costs will be astronomical, and it will be the future generations who will have to pay. The association further states that the disease has not yet financially overwhelmed the country because the families are providing almost all of the care. If this caregiving falls apart our annual health care costs will go up by more than $54 billion.

The ultimate return on our investment in Alzheimer research depends on scientists' ability to continue the search for new pieces of the puzzle. That is now threatened by the GOP budget proposal. For the past 2 years, public funding for Alzheimer's research has not even kept pace with inflation. The results have already proved harmful to research. Less than one in four high-quality applications for grants for Alzheimer's research is being funded. And individual grant awards are being cut by 10 to 20 percent. The number of epidemiological studies, that is—who gets Alzheimer's and why—has been reduced. Entire lines of investigation are being put on hold or lost forever as scientists turn to other fields of study. Funding for 28 Alzheimer's Disease Centers [ADC's], has been cut back. Finally, the National Institute on Aging has abandoned plans for new satellite clinics to serve rural, minority, and low-income communities and to increase their representation in research.

The Federal investment of $311 million in 1995 is less than $78 per person with the disease, or about $1 for every $321 the disease now costs society.

I have been a long-time supporter of NIH funding. It is my belief that medical research is the key to eliminating disease and making our health care system less costly and more effective. In fact, a recent NIH report estimated that approximately $800 million invested in clinical and applied medical research would realize a 1-year savings of approximately $6 billion.

The gene discovery, announced yesterday, will aid in the fight against Alzheimer's disease. These breakthroughs do not occur often enough. We, in Congress, have the responsibility to provide researchers with the funding to enable them to continue their indispensable work.

WAS CONGRESS IRRESPONSIBLE? LOOK AT THE ARITHMETIC

Mr. HELMS. Madam President, it does not take a rocket scientist to be aware that the U.S. Constitution forbids any President's spending even a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when a politician or an editor or a commentator pops off that ''Reagan ran up the Federal debt'' or that ''Bush ran it up,'' bear in mind that the Founding Fathers, two centuries before the Reagan and Bush Presidencies, made it very clear that it is the constitutional duty of Congress—a duty Congress cannot escape—to control Federal spending.

Thus, it is the fiscal irresponsibility of Congress that has created the incredible Federal debt which stood at $4,925,464,401,230.13 as of the close of business Tuesday, July 11. This outrageous debt—which will be passed on to our children and grandchildren—averages out to $18,697.15 on a per capita basis.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

COMPREHENSIVE REGULATORY REFORM ACT

The PRESIDING OFFICER. Under the previous order the Senate will now resume consideration of S. 343, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 343) to reform the regulatory process and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 1487, in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Madam President, we have been debating this bill now for a number of days. We have made over 100 changes in the bill. We have tried to accommodate our friends on the other side.

Madam President, I notice the distinguished minority leader is here, and I will be delighted to yield to him so he can make his remarks, and then I ask consent I be recognized immediately following the minority leader.

The PRESIDING OFFICER. The Democratic leader is recognized.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

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

The PRESIDING OFFICER. Is there objection? Is there objection to 10 minutes in morning business being allocated to the Senator from Minnesota?

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. There is objection at this time.

The Senator from Minnesota has been recognized.

Mr. DASCHLE. Madam President, are we still in a quorum call?

The PRESIDING OFFICER. The quorum call has been lifted and the Senator from Minnesota has the floor.

Mr. WELLSTONE. Madam President, I know the minority leader wants to lay down an amendment. Might I ask the minority leader if I can have some time right after that, in morning business?

Mr. DASCHLE. I have no objection to that. I am sure the request of the Senator from Minnesota can be accommodated.

Mr. WELLSTONE. Madam President, I ask unanimous consent, deferring to the minority leader, that I have 10 minutes to speak in morning business after he lays down the amendment.

The PRESIDING OFFICER. Is there objection to the Senator from Minnesota having 10 minutes as in morning business? Is there objection?

Mr. HATCH. Madam President, I am sorry?

The PRESIDING OFFICER. The Senator from Minnesota asked if he can have 10 minutes as in morning business following the Democratic leader's remarks, and asked unanimous consent.

Mr. DASCHLE. Madam President, I have been in consultation with the distinguished manager of the bill. I will withhold offering the amendment momentarily. The distinguished Senator from Utah has an amendment that he would like to offer.

We are willing to accommodate the interests of the distinguished Senator from Utah. Perhaps, following that, the distinguished Senator from Minnesota can be recognized for his morning business time.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I say to my colleagues, I would be more than pleased to defer to the Senator from Utah. I was hoping I would be able to speak. I have an engagement at 10. Does the Senator think I would have an opportunity to do that after he lays down the amendment?

Mr. HATCH. I believe we can lay the amendment down and speak to it later.

Let me first get the amendment, and I will call it up and be glad to accommodate the distinguished Senator.

Mr. WELLSTONE. I thank the distinguished Senator from Utah.

AMENDMENT NO. 1498 TO AMENDMENT NO. 1487

(Purpose: To strengthen the agency prioritization and comparative risk analysis section of S. 343)

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

The PRESIDING OFFICER. The Senator from Minnesota has yielded the floor. The Senator from Utah sends an amendment to the desk. The clerk will read the amendment.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1498 to amendment No. 1487.

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

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

The amendment is as follows:

Delete all of section 635 (page 61, line 1 through page 64, line 14 and insert the following new section 635:

SECTION 635. RISK-BASED PRIORITIES.

(a) PURPOSES.—The purposes of this section are to—

(1) encourage Federal agencies engaged in regulating risks to human health, safety, and the environment to achieve the greatest risk reduction at the least cost practical;

(2) promote the coordination of policies and programs to reduce risks to human health, safety, and the environment; and

(3) promote open communication among Federal agencies, the public, the President, and Congress regarding environmental, health, and safety risks, and the prevention and management of those risks.

(b) DEFINITIONS.—For the purposes of this section:

(1) COMPARATIVE RISK ANALYSIS.—The term ''comparative risk analysis'' means a process to systematically estimate, compare, and rank the size and severity of risks to provide a common basis for evaluating strategies for reducing or preventing those risks.

(2) COVERED AGENCY.—The term ''covered agency'' means each of the following:

(A) The Environmental Protection Agency.

(B) The Department of Labor.

(C) The Department of Transportation.

(D) The Food and Drug Administration.

(E) The Department of Energy.

(F) The Department of the Interior.

(G) The Department of Agriculture.

(H) The Consumer Product Safety Commission.

(I) The National Oceanic and Atmospheric Administration.

(J) The United States Army Corps of Engineers.

(K) The Nuclear Regulatory Commission.

(3) EFFECT.—The term ''effect'' means a deleterious change in the condition of—

(A) a human or other living thing (including death, cancer, or other chronic illness, decreased reproductive capacity, or disfigurement); or

(B) an inanimate thing important to human welfare (including destruction, degeneration, the loss of intended function, and increased costs for maintenance).

(4) IRREVERSIBILITY.—The term ''irreversibility'' means the extent to which a return to conditions before the occurrence of an effect are either very slow or will never occur.

(5) LIKELIHOOD.—The term ''likelihood'' means the estimated probability that an effect will occur.

(6) MAGNITUDE.—The term ''magnitude'' means the number of individuals or the quantity of ecological resources or other resources that contribute to human welfare that are affected by exposure to a stressor.

(7) SERIOUSNESS.—The term ''seriousness'' means the intensity of effect, the likelihood, the irreversibility, and the magnitude.

(c) DEPARTMENT AND AGENCY PROGRAM GOALS.—

(1) SETTING PRIORITIES.—In exercising authority under applicable laws protecting human health, safety, or the environment, the head of each covered agency should set priorities and use the resources available under those laws to address those risks to human health, safety, and the environment that—

(A) the covered agency determines to be the most serious; and

(B) can be addressed in a cost-effective manner, with the goal of achieving the greatest overall net reduction in risks with the public and private sector resources expended.

(2) DETERMINING THE MOST SERIOUS RISKS.—In identifying the greatest risks under paragraph (1) of this subsection, each covered agency shall consider, at a minimum—

(A) the likelihood, irreversibility, and severity of the effect; and

(B) the number and classes of individuals potentially affected, and shall explicitly take into account the results of the comparative risk analysis conducted under subsection (d) of this section.

(3) OMB REVIEW.—The covered agency's determinations of the most serious risks for purposes of setting priorities shall be reviewed and approved by the Director of the Office of Management and Budget before submission of the covered agency's annual budget requests to Congress.

(4) INCORPORATING RISK-BASED PRIORITIES INTO BUDGET AND PLANNING.—The head of each covered agency shall incorporate the priorities identified under paragraph (1) into the agency budget, strategic planning, regulatory agenda, enforcement, and research activities. When submitting its budget request to Congress and when announcing its regulatory agenda in the Federal Register, each covered agency shall identify the risks that the covered agency head has determined are the most serious and can be addressed in a cost-effective manner under paragraph (1), the basis for that determination, and explicitly identify how the covered agency's requested budget and regulatory agenda reflect those priorities.

(5) EFFECTIVE DATE.—This subsection shall take effect 12 months after the date of enactment of this Act.

(d) COMPARATIVE RISK ANALYSIS.—

(1) REQUIREMENT.—(A)(i) No later than 6 months after the effective date of this Act, the Director of the Office of Management and Budget shall enter into appropriate arrangements with an accredited scientific body—

(I) to conduct a study of the methodologies for using comparative risk to rank dissimilar human health, safety, and environmental risks; and

(II) to conduct a comparative risk analysis.

(ii) The comparative risk analysis shall compare and rank, to the extent feasible, human health, safety, and environmental risks potentially regulated across the spectrum of programs administered by all covered agencies.

(B) The Director shall consult with the Office of Science and Technology Policy regarding the scope of the study and the conduct of the comparative risk analysis.

(2) CRITERIA.—In arranging for the comparative risk analysis referred to in paragraph (1) of this subsection, the Director shall ensure that—

(A) the scope and specificity of the analysis are sufficient to provide the President and agency heads guidance in allocating resources across agencies and among programs in agencies to achieve the greatest degree of risk prevention and reduction for the public and private resources expended;

(B) the analysis is conducted through an open process, by individuals with relevant expertise, including toxicologists, biologists, engineers and experts in medicine, industrial hygiene and environmental effects;

(C) the analysis is conducted, to the extent feasible, consistent with the risk assessment and risk characterization principles in sections 635 and 636 of this title;

(D) the methodologies and principle scientific determinations made in the analysis are subjected to independent and external peer review consistent with section 635, and the conclusions of the peer review are made publicly available as part of the final report required under subsection (e);

(E) there is an opportunity for public comment on the results before making them final; and

(F) the results are presented in a manner that distinguishes between the scientific conclusions and any policy or value judgments embodied in the comparisons.

(3) COMPLETION AND REVIEW.—No later than 3 years after the effective date of this Act, the comparative risk analysis required under paragraph (1) shall be completed. The comparative risk analysis shall be reviewed and revised at least every 5 years thereafter for a minimum of 15 years following the release of the first analysis. The Director shall arrange for such review and revision with an accredited scientific body in the same manner as provided under paragraphs (1) and (2).

(4) STUDY.—The study of methodologies provided under paragraph (1) shall be conducted as part of the first comparative risk analysis and shall be completed no later than 180 days after the completion of that analysis. The goal of the study shall be to develop and rigorously test methods of comparative risk analysis. The study shall have sufficient scope and breadth to test approaches for improving comparative risk analysis and its use in setting priorities for human health, safety, and environmental risk prevention and reduction.

(5) TECHNICAL GUIDANCE.—No later than 180 days after the effective date of this Act, the Director, in collaboration with other heads of covered agencies shall enter into a contract with the National Research Council to provide technical guidance to agencies on approaches to using comparative risk analysis in setting human health, safety, and environmental priorities to assist in complying with subsection (c) of this section.

(e) REPORTS AND RECOMMENDATIONS TO CONGRESS AND THE PRESIDENT.—No later than 24 months after the effective date of this Act, each covered agency shall submit a report to Congress and the President—

(1) detailing how the agency has complied with subsection (c) and describing the reasons for any departure from the requirement to establish priorities to achieve the greatest overall net reduction in risk;

(2) recommending—

(A) modification, repeal, or enactment of laws reform, eliminate, or enhance programs or mandates relating to human health, safety, or the environment; and

(B) modification or elimination of statutorily or judicially mandated deadlines,

that would assist the covered agency to set priorities in activities to address the risks to human health, safety, or the environment in a manner consistent with the requirements of subsection (c)(1);

(3) evaluating the categories of policy and value judgments used in risk assessment, risk characterization, or cost-benefit analysis; and

(4) discussing risk assessment research and training needs, and the agency's strategy and schedule for meeting those needs.

(f) SAVINGS PROVISION AND JUDICIAL REVIEW.—

(1) IN GENERAL.—Nothing in this section shall be construed to modify any statutory standard or requirement designed to protect human health, safety, or the environment.

(2) JUDICAL REVIEW.—Compliance or noncompliance by an agency with the provisions of this section shall not be subject to judicial review.

(3) AGENCY ANALYSIS.—Any analysis prepared under this section shall not be subject to judicial consideration separate or apart from the requirement, rule, program, or law to which it relates. When an action for judicial review of a covered agency action is instituted, any analysis for, or relating to, the action shall constitute part of the whole record of agency action for the purpose of judicial review of the action and shall, to the extent relevant, be considered by a court in determining the legality of the covered agency action.

Mr. HATCH. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1499 TO AMENDMENT NO. 1498

(Purpose: To strengthen the agency prioritization and comparative risk analysis section of S. 343)

Mr. HATCH. Madam President, I send another amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 1499 to amendment No. 1498.

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

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

The amendment is as follows:

In lieu of the language proposed to be inserted, insert:

SECTION 635. RISK-BASED PRIORITIES.

(a) PURPOSES.—The proposes of this section are to—

(1) encourage Federal agencies engaged in regulating risks to human health, safety, and the environment to achieve the greatest risk reduction at the least cost practical;

(2) promote the coordination of policies and programs to reduce risks to human health, safety, and the environment; and

(3) promote open communication among Federal agencies, the public, the President, and Congress regarding environmental, health, and safety risks, and the prevention and management of those risks.

(b) DEFINITIONS.—For the purposes of this section:

(1) COMPARATIVE RISK ANALYSIS.—The term ''comparative risk analysis'' means a process to systematically estimate, compare, and rank the size and severity of risks to provide a common basis for evaluating strategies for reducing or preventing those risks.

(2) COVERED AGENCY.—The term ''covered agency'' means each of the following:

(A) The Environmental Protection Agency.

(B) The Department of Labor.

(C) The Department of Transportation.

(D) The Food and Drug Administration.

(E) The Department of Energy.

(F) The Department of the Interior.

(G) The Department of Agriculture.

(H) The Consumer Product Safety Commission.

(I) The National Oceanic and Atmospheric Administration.

(J) The United States Army Corps of Engineers.

(K) The Nuclear Regulatory Commission.

(3) EFFECT.—The term ''effect'' means a deleterious change in the condition of—

(A) a human or other living thing (including death, cancer, or other chronic illness, decreased reproductive capacity, or disfigurement); or

(B) an inanimate thing important to human welfare (including destruction, degeneration, the loss of intended function, and increased costs for maintenance).

(4) IRREVERSIBILITY.—The term ''irreversibility'' means the extent to which a return to conditions before the occurrence of an effect are either very slow or will never occur.

(5) LIKELIHOOD.—The term ''likelihood'' means the estimated probability that an effect will occur.

(6) MAGNITUDE.—The term ''magnitude'' means the number of individuals or the quantity of ecological resources or other resources that contribute to human welfare that are affected by exposure to a stressor.

(7) SERIOUSNESS.—The term ''seriousness'' means the intensity of effect, the likelihood, the irreversibility, and the magnitude.

(c) DEPARTMENT AND AGENCY PROGRAM GOALS.—

(1) SETTING PRIORITIES.—In exercising authority under applicable laws protecting human health, safety, or the environment, the head of each covered agency should set priorities and use the resources available under those laws to address those risks to human health, safety, and the environment that—

(A) the covered agency determines to be the most serious, and

(B) can be addressed in a cost-effective manner, with the goal of achieving the greatest overall net reduction in risks with the public and private sector resources expended.

(2) DETERMINING THE MOST SERIOUS RISKS.—In identifying the greatest risks under paragraph (1) of this subsection, each covered agency shall consider, at a minimum—

(A) the likelihood, irreversibility, and severity of the effect; and

(B) the number and classes of individuals potentially affected, and shall explicitly take into account the results of the comparative risk analysis conducted under subsection (d) of this section.

(3) OMB REVIEW.—The covered agency's determinations of the most serious risks for purposes of setting priorities shall be reviewed and approved by the Director of the Office of Management and Budget before submission of the covered agency's annual budget requests to Congress.

(4) INCORPORATING RISK-BASED PRIORITIES INTO BUDGET AND PLANNING.—The head of each covered agency shall incorporate the priorities identified under paragraph (1) into the agency budget, strategic planning, regulatory agenda, enforcement, and research activities. When submitting its budget request to Congress and when announcing its regulatory agenda in the Federal Register, each covered agency shall identify the risks that the covered agency head has determined are the most serious and can be addressed in a cost-effective manner under paragraph (1), the basis for that determination, and explicitly identify how the covered agency's requested budget and regulatory agenda reflect those priorities.

(5) EFFECTIVE DATE.—This subsection shall take effect 12 months after the date of enactment of this Act.

(d) COMPARATIVE RISK ANALYSIS.—

(1) REQUIREMENT.—(A)(i) No later than 6 months after the effective date of this Act, the Director of the Office of Management and Budget shall enter into appropriate arrangements with an accredited scientific body—

(I) to conduct a study of the methodologies for using comparative risk to rank dissimilar human health, safety, and environmental risks; and

(II) to conduct a comparative risk analysis.

(ii) The comparative risk analysis shall compare and rank, to the extent feasible, human health, safety, and environmental risks potentially regulated across the spectrum of programs administered by all covered agencies.

(B) The Director shall consult with the Office of Science and Technology Policy regarding the scope of the study and the conduct of the comparative risk analysis.

(2) CRITERIA.—In arranging for the comparative risk analysis referred to in paragraph (1) of this subsection, the Director shall ensure that—

(A) the scope and specificity of the analysis are sufficient to provide the President and agency heads guidance in allocating resources across agencies and among programs in agencies to achieve the greatest degree of risk prevention and reduction for the public and private resources expended;

(B) the analysis is conducted through an open process, by individuals with relevant expertise, including toxicologists, biologists, engineers and experts in medicine, industrial hygiene and environmental effects;

(C) the analysis is conducted, to the extent feasible, consistent with the risk assessment and risk characterization principles in section 633 of this title;

(D) the methodologies and principal scientific determinations made in the analysis are subjected to independent and external peer review consistent with section 633(g), and the conclusions of the peer review are made publicly available as part of the final report required under subsection (e);

(E) there is an opportunity for public comment on the results before making them final; and

(F) the results are presented in a manner that distinguishes between the scientific conclusions and any policy or value judgments embodied in the comparisons.

(3) COMPLETION AND REVIEW.—No later than 3 years after the effective date of this Act, the comparative risk analysis required under paragraph (1) shall be completed. The comparative risk analysis shall be reviewed and revised at least every 5 years thereafter for a minimum of 15 years following the release of the first analysis. The Director shall arrange for such review and revision with an accredited scientific body in the same manner as provided under paragraphs (1) and (2).

(4) STUDY.—The study of methodologies provided under paragraph (1) shall be conducted as part of the first comparative risk analysis and shall be completed no later than 180 days after the completion of that analysis. The goal of the study shall be to develop and rigorously test methods of comparative risk analysis. The study shall have sufficient scope and breadth to test approaches for improving comparative risk analysis and its use in setting priorities for human health, safety, and environmental risk prevention and reduction.

(5) TECHNICAL GUIDANCE.—No later than 180 days after the effective date of this Act, the Director, in collaboration with other heads of covered agencies shall enter into a contract with the National Research Council to provide technical guidance to agencies on approaches to using comparative risk analysis in setting human health, safety, and environmental priorities to assist agencies in

complying with subsection (c) of this section.

(e) REPORTS AND RECOMMENDATIONS TO CONGRESS AND THE PRESIDENT.—No later than 24 months after the effective date of this Act, each covered agency shall submit a report to Congress and the President—

(1) detailing how the agency has complied with subsection (c) and describing the reasons for any departure from the requirement to establish priorities to achieve the greatest overall net reduction in risk;

(2) recommending—

(A) modification, repeal, or enactment of laws to reform, eliminate, or enhance programs or mandates relating to human health, safety, or the environment; and

(B) modification or elimination of statutorily or judicially mandated deadlines,

that would assist the covered agency to set priorities in activities to address the risks to human health, safety, or the environment in a manner consistent with the requirements of subsection (c)(1);

(3) evaluating the categories of policy and value judgments used in risk assessment, risk characterization, or cost-benefit analysis; and

(4) discussing risk assessment research and training needs, and the agency's strategy and schedule for meeting those needs.

(f) SAVINGS PROVISION AND JUDICIAL REVIEW.—

(1) IN GENERAL.—Nothing in this section shall be construed to modify any statutory standard or requirement designed to protect human health, safety, or the environment.

(2) JUDICIAL REVIEW.—Compliance or noncompliance by an agency with the provisions of this section shall not be subject to judicial review.

(3) AGENCY ANALYSIS.—Any analysis prepared under this section shall not be subject to judicial consideration separate or apart from the requirement, rule, program, or law to which it relates. When an action for judicial review of a covered agency action is instituted, any analysis for, or relating to, the action shall constitute part of the whole record of agency action for the purpose of judicial review of the action and shall, to the extent relevant, be considered by a court in determining the legality of the covered agency action.

AMENDMENT NO. 1500

(Purpose: To establish risk-based priorities for regulations)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. ROTH, proposes an amendment numbered 1500.

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

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

The amendment is as follows:

Strike the word ''analysis'' in the bill and insert the following:

''analysis.

''Section 635 is deemed to read as follows:

SEC. 635. RISK-BASED PRIORITIES.

(a) PURPOSES.—The purposes of this section are to—

(1) encourage Federal agencies engaged in regulating risks to human health, safety, and the environment to achieve the greatest risk reduction at the least cost practical;

(2) promote the coordination of policies and programs to reduce risks to human health, safety, and the environment; and

(3) promote open communication among Federal agencies, the public, the President, and Congress regarding environmental, health, and safety risks, and the prevention and management of those risks.

(b) DEFINITIONS.—For the purposes of this section:

(1) COMPARATIVE RISK ANALYSIS.—The term ''comparative risk analysis'' means a process to systematically estimate, compare, and rank the size and severity of risks to provide a common basis for evaluating strategies for reducing or preventing those risks.

(2) COVERED AGENCY.—the term ''covered agency'' means each of the following:

(A) The Environmental Protection Agency:

(B) The Department of Labor.

(C) The Department of Transportation.

(D) The Food and Drug Administration.

(E) The Department of Energy.

(F) The Department of the Interior.

(G) The Department of Agriculture.

(H) The Consumer Product Safety Commission.

(I) The National Oceanic and Atmospheric Administration.

(J) The United States Army Corps of Engineers.

(K) The Nuclear Regulatory Commission.

(3) EFFECT.—The term ''effect'' means a deleterious change in the condition of—

(A) a human or other living thing (including death, cancer, or other chronic illness, decreased reproductive capacity, or disfigurement); or

(B) an inanimate thing important to human welfare (including destruction, degeneration, the loss of intended function, and increased costs for maintenance).

(4) IRREVERSIBILITY.—The term ''irreversibility'' means the extent to which a return to conditions before the occurrence of an effect are either very slow or will never occur.

(5) LIKELIHOOD.—The term ''likelihood'' means the estimated probability that an effect will occur.

(6) MAGNITUDE.—The term ''magnitude'' means the number of individuals or the quantity of ecological resources or other resources that contribute to human welfare that are affected by exposure to a stressor.

(7) SERIOUSNESS.—The term ''seriousness'' means the intensity of effect, the likelihood, the irreversibility, and the magnitude.

(c) DEPARTMENT AND AGENCY PROGRAM GOALS.—

(1) SETTING PRIORITIES.—In exercising authority under applicable laws protecting human health, safety, or the environment, the head of each covered agency should set priorities and use the resources available under those laws to address those risks to human health, safety, and the environment that—

(A) the covered agency determines to be the most serious; and

(B) can be addressed in a cost-effective manner, with the goal of achieving the greatest overall net reduction in risks with the public and private sector resources expended.

(2) DETERMINING THE MOST SERIOUS RISKS.—In identifying the greatest risks under paragraph (1) of this subsection, each covered agency shall consider, at a minimum—

(A) the likelihood, irreversibility, and severity of the effect; and

(B) the number and classes of individuals potentially affected, and shall explicitly take into account the results of the comparative risk analysis conducted under subsection (d) of this section.

(3) OMB REVIEW.—The covered agency's determinations of the most serious risks for purposes of setting priorities shall be reviewed and approved by the Director of the Office of Management and Budget before submission of the covered agency's annual budget requests to Congress.

(4) INCORPORATING RISK-BASED PRIORITIES INTO BUDGET AND PLANNING.—The head of each covered agency shall incorporate the priorities identified under paragraph (1) into the agency budget, strategic planning, regulatory agenda, enforcement, and research activities. When submitting its budget request to Congress and when announcing its regulatory agenda in the Federal Register, each covered agency shall identify the risks that the covered agency head has determined are the most serious and can be addressed in a cost-effective manner under paragraph (1), the basis for that determination, and explicitly identify how the covered agency's requested budget and regulatory agenda reflect those priorities.

(5) EFFECTIVE DATE.—This subsection shall take effect 12 months after the date of enactment of this Act.

(d) COMPARATIVE RISK ANALYSIS.—

(1) REQUIREMENT.—(A)(i) No later than 6 months after the effective date of this Act, the Director of the Office of Management and Budget shall enter into appropriate arrangements with an accredited scientific body—

(I) to conduct a study of the methodologies for using comparative risk to rank dissimilar human health, safety, and environmental risks; and

(II) to conduct a comparative risk analysis.

(ii) The comparative risk analysis shall compare and rank, to the extent feasible, human health, safety, and environmental risks potentially regulated across the spectrum of programs administered by all covered agencies.

(B) The Director shall consult with the Office of Science and Technology Policy regarding the scope of the study and the conduct of the comparative risk analysis.

(2) CRITERIA.—In arranging for the comparative risk analysis referred to in paragraph (1) of this subsection, the Director shall ensure that—

(A) the scope and specificity of the analysis are sufficient to provide the President and agency heads guidance in allocating resources across agencies and among programs in agencies to achieve the greatest degree of risk prevention and reduction for the public and private resources expended;

(B) the analysis is conducted through an open process, by individuals with relevant expertise, including toxicologists, biologists, engineers and experts in medicine, industrial hygiene and environmental effects;

(C) the analysis is conducted, to the extent feasible, consistent with the risk assessment and risk characterization principles in sections 635 and 636 of this title;

(D) the methodologies and principal scientific determinations made in the analysis are subjected to independent and external peer review consistent with section 635, and the conclusions of the peer review are made publicly available as part of the final report required under subsection (e);

(E) there is an opportunity for public comment on the results before making them final; and

(F) the results are presented in a manner that distinguishes between the scientific conclusions and any policy or value judgments embodied in the comparisons.

(3) COMPLETION AND REVIEW.—No later than 3 years after the effective date of this Act, the comparative risk analysis required under paragraph (1) shall be completed. The comparative risk analysis shall be reviewed and revised at least every 5 years thereafter for a minimum of 15 years following the release

of the first analysis. The Director shall arrange for such review and revision with an accredited scientific body in the same manner as provided under paragraphs (1) and (2).

(4) STUDY.—The study of methodologies provided under paragraph (1) shall be conducted as part of the first comparative risk analysis and shall be completed no later than 180 days after the completion of that analysis. The goal of the study shall be to develop and rigorously test methods of comparative risk analysis. The study shall have sufficient scope and breadth to test approaches for improving comparative risk analysis and its use in setting priorities for human health, safety, and environmental risk prevention and reduction.

(5) TECHNICAL GUIDANCE.— No later than 180 days after the effective date of this Act, the Director, in collaboration with other heads of covered agencies shall enter into a contract with the National Research Council to provide technical guidance to agencies on approaches to using comparative risk analysis in setting human health, safety, and environmental priorities to assist agencies in complying with subsection (c) of this section.

(e) REPORTS AND RECOMMENDATIONS TO CONGRESS AND THE PRESIDENT.—No later than 24 months after the effective date of this Act, each covered agency shall submit a report to Congress and the President—

(1) detailing how the agency has complied with subsection (c) and describing the reasons for any departure from the requirement to establish priorities to achieve the greatest overall net reduction in risk;

(2) recommending—

(A) modification, repeal, or enactment of laws to reform, eliminate, or enhance programs or mandates relating to human health, safety, or the environment; and

(B) modification or elimination of statutorily or judicially mandated deadlines,

that would assist the covered agency to set priorities in activities to address the risks to human health, safety, or the environment in a manner consistent with the requirements of subsection (c)(1);

(3) evaluating the categories of policy and value judgments used in risk assessment, risk characterization, or cost-benefit analysis; and

(4) discussing risk assessment research and training needs, and the agency's strategy and schedule for meeting those needs.

(f) SAVINGS PROVISION AND JUDICIAL REVIEW.—

(1) IN GENERAL.—Nothing in this section shall be construed to modify any statutory standard or requirement designed to protect human health, safety, or the environment.

(2) JUDICIAL REVIEW.—Compliance or noncompliance by an agency with the provisions of this section shall not be subject to judicial review.

(3) AGENCY ANALYSIS.—Any analysis prepared under this section shall not be subject to judicial consideration separate or apart from the requirement, rule, program, or law to which it relates. When an action for judicial review of a covered agency action is instituted, any analysis for, or relating to, the action shall constitute part of the whole record of agency action for the purpose of judicial review of the action and shall, to the extent relevant, be considered by a court in determining the legality of the covered agency action.

Mr. HATCH. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 1501 TO AMENDMENT NO. 1500

(Purpose: To establish risk-based priorities for regulations)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. ROTH, proposes an amendment numbered 1501.

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

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

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

analysis.

SEC. 635. RISK-BASED PRIORITIES.

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in agencies to achieve the greatest degree of risk prevention and reduction for the public and private resources expended;

(B) the analysis is conducted through an open process, by individuals with relevant expertise, including toxicologists, biologists, engineers and experts in medicine, industrial hygiene and environmental effects;

(C) the analysis is conducted, to the extent feasible, consistent with the risk assessment and risk characterization principles in section 633 of this title;

(D) the methodologies and principal scientific determinations made in the analysis are subjected to independent and external peer review consistent with section 633(g), and the conclusions of the peer review are made publicly available as part of the final report required under subsection (e);

(E) there is an opportunity for public comment on the results before making them final; and

(F) the results are presented in a manner that distinguishes between the scientific conclusions and any policy or value judgments embodied in the comparisons.

(3) COMPLETION AND REVIEW.—No later than 3 years after the effective date of this Act, the comparative risk analysis required under paragraph (1) shall be completed. The comparative risk analysis shall be reviewed and revised at least every 5 years thereafter for a minimum of 15 years following the release of the first analysis. The Director shall arrange for such review and revision with an accredited scientific body in the same manner as provided under paragraphs (1) and (2).

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(B) modification or elimination of statutorily or judicially mandated deadlines,

that would assist the covered agency to set priorities in activities to address the risks to human health, safety, or the environment in a manner consistent with the requirements of subsection (c)(1);

(3) evaluating the categories of policy and value judgments used in risk assessment, risk characterization, or cost-benefit analysis; and

(4) discussing risk assessment research and training needs, and the agency's strategy and schedule for meeting those needs.

(f) SAVINGS PROVISION AND JUDICIAL REVIEW.—

(1) IN GENERAL.—Nothing in this section shall be construed to modify any statutory standard or requirement designed to protect human health, safety, or the environment.

(2) JUDICIAL REVIEW.—Compliance or noncompliance by an agency with the provisions of this section shall not be subject to judicial review.

(3) AGENCY ANALYSIS.—Any analysis prepared under this section shall not be subject to judicial consideration separate or apart from the requirement, rule, program, or law to which it relates. When an action for judicial review of a covered agency action is instituted, any analysis for, or relating to, the action shall constitute part of the whole record of agency action for the purpose of judicial review of the action and shall, to the extent relevant, be considered by a court in determining the legality of the covered agency action.

Mr. HATCH. Madam President, I will speak to these amendments as soon as the distinguished Senator from Minnesota has completed. I ask unanimous consent I be next recognized—except for the minority leader.

Mr. DASCHLE. Reserving the right to object, I will not object, but let me just indicate we are working here in good faith. We have not seen these amendments.

Mr. HATCH. I have not either.

Mr. DASCHLE. I hope we will have an opportunity, first, to look at the amendments; second, let me just say, I hope—I know we are working under the rights that every Senator is accorded under parliamentary procedure. But, again, we filled the tree, and I think we all understand the reasons for filling the tree. I hope we can have some good debate and have the opportunity to lay down amendments.

I was prepared to lay an amendment down—not fill the tree—and have a good debate about it.

The Senator from Utah has asked me to withdraw or delay the offering of that amendment. I have done so. Now I find that after I have conceded to do that we allow the Senator from Delaware to offer an amendment, and now we have not one amendment but four amendments simply to fill the tree.

Mr. HATCH. Will the Senator yield?

Mr. DASCHLE. Certainly. I am happy to yield.

Mr. HATCH. I want to accommodate the distinguished minority leader. He has been so gracious this morning. We are trying to work out the amendment, and we will certainly do so. But we would be happy to set these amendments aside in favor of the amendment of the distinguished minority leader. So it is not a problem. We will be happy to accommodate the minority leader.

Mr. DASCHLE. That is not necessary.

I would just call attention to the fact that I think it is important for us to work through these things and not to deprive either side.

Mr. HATCH. We intend to work in good faith with all Members on the floor, and we will do our very best to do so. As you know, this bill is a tough bill and there is a lot of controversy on both sides of the floor, although I think we are resolving those controversies. I think we are doing it in the ordinary course. We continue to try to resolve all the conflicts that might exist between our two sides. But we will try to cooperate with the distinguished minority leader. We want to move ahead on amendments today and get as much done as we can.

Mr. GLENN. Madam President, do I understand then that the Senator from Utah would be amenable to setting aside what was just accomplished here so that the minority leader could go ahead with the amendment that we have prepared?

Mr. HATCH. Sure. We will be happy to do that.

Mr. GLENN. Madam President, further inquiry, can we have copies of the amendments?

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. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. HATCH. I ask unanimous consent that the Senator from Minnesota be permitted to speak for up to 10 minutes.

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

The Senator from Minnesota is recognized to speak for up to 10 minutes.

Mr. WELLSTONE. I thank the Chair.

THE RESCISSIONS BILL

Mr. WELLSTONE. Madam President, I read this morning in the paper that the majority leader has dismissed what I think was a very reasonable proposal about how to proceed on the rescissions bill. I want to be just very clear about where we are right now in the deliberations.

Madam President, on Friday morning Senator MOSELEY-BRAUN and I came to the floor of the Senate to express our concerns about the most recent version of the rescissions bill that had been worked out the night before. There had been a deal struck by some parties on Thursday night, and it was coming over to the Senate from the House Friday morning around 10. It was about 120 pages long. We had not had an opportunity to examine it. There were some I think who wanted to just voice vote it. But at a minimum, we wanted an opportunity to propose several amendments and to have debate on each of them.

Madam President, the position that I took then and I think Senator MOSELEY-BRAUN took as well—she certainly can speak for herself—is that when it comes to major spending bills,

I have always said we should have recorded votes. That is critically important. We should not have voice votes on large spending bills that are this crucial. By the same token, when you have a bill with $16 billion in spending cuts, and there are changes made from what we had passed in the Senate, changes made at the last second—then clearly it is important to talk about those changes, to talk about the priorities reflected in these cuts, what kind of programs are going to be cut, how they are going to affect people in the country and what the alternatives are.

So we talked some about our amendments. I focused on the Low-Income Energy Assistance Program. I will not take a long time on that right now. I spoke about that at some length on Friday. I talked about a very important Medicare Counseling program for senior citizens to make sure they do not get ripped off. And all too often that happens by insurance companies on supplementary coverage to Medicare. I talked about an important job training program for homeless vets, and other job training funds for dislocated workers. And Senator MOSELEY-BRAUN talked about school infrastructure and all the problems that go with the lack of investment in schools and lack of investment in children.

As it turns out late Thursday night some of the funding we had restored in the Senate was then cut again. This was a deal that we did not think was such a good deal. What we said was that we at least ought to have the right to propose amendments, have debate and have those voted up or down.

Madam President, at the end of this debate on Friday the majority leader pulled the bill from the floor, and said that it would not come back up except under a unanimous-consent agreement but certainly with no amendments. We are talking about a $16 billion spending bill, and he was insisting on no amendments. I sure think there is enough time for a few amendments. We made it very clear yesterday that we would agree to the four amendments. I have three amendments. Senator MOSELEY-BRAUN had one amendment. I think we were going to limit the debate to 1 hour on each amendment, equally divided, and we would stack votes for the next day. And I think we would have 40 minutes for summary of each amendment before votes, 10 minutes for each one. I was surprised that proposal has been turned down, because I thought it was eminently reasonable.

I must say to you, Madam President, that it seems to me that there must be something more at stake here. I do not understand what the majority leader is worried about. I mean I suspect that he would have the votes to defeat these amendments, though I do not think these amendments should be defeated. Certainly, this is all about the whole question of the way the legislative process works.

Madam President, I quote from a piece today in the New York Times about what is going on in the House:

> Draconian cuts; Subcommittee on Labor, Health and Human Resources yesterday did their work . . . eliminating jobs programs, programs in the Department of Energy like the Low-Income Energy Assistance, Head Start, Safe and Drug-Free Schools, assistance for the homeless, enforcement of environmental laws, job training programs for summer youth.

Madam President, in our amendments these are the very priorities we want to call into question. I believe that this rescissions bill was just a glimpse of what is to come. These are truly distorted priorities.

And what is especially troubling is that there are alternatives to cutting these high-priority programs. For example, we do not see rescissions in any of the wasteful spending within the Pentagon. We wanted to transfer a little money out of the travel and administrative budget of the Pentagon; over 60 percent of all the Federal Government's travel and administrative funds is in this one agency; billions and billions of dollars, to make sure people do not go cold in the winter; to make sure there is some support for dislocated workers. We wanted to at least attempt to restore funding for that, offsetting the cuts with cuts elsewhere. The dislocated worker funding is also key to many Americans. For example, we see bases being closed throughout the country. We see people losing their jobs. And we are not going to provide people the opportunity to have retraining and find other work? We are unwilling to provide a little bit of a support for elderly people by way of consumer protection when they purchase health care policies? We are not interested in any support for homeless vets when it comes to some job training or cutting that? But when it comes to subsidies for oil companies, coal companies, tobacco companies, that is not on the table. When it comes to looking at some of the waste within the Pentagon and transferring some of that funding to some of these programs, that is not on the table.

Madam President, let me be very clear about it. Our proposal was eminently reasonable.

We wanted to have some debate on key parts of this bill, which makes $16 billion worth of cuts in Federal spending. We agreed to some time for each amendment. It was limited time. We wanted to talk about the priorities of these cuts, and propose some alternatives. My understanding is that the majority leader has now dismissed even that.

Madam President, I do not think four amendments, a total of about 4 hours, is too much time to spend in the legislative process on a $16 billion rescissions bill. I do not think democracy works well when we shut off this debate and discussion. I do not think people in the country really know what we are doing when we shut off this debate and discussion. Frankly, I think that is the issue.

I am determined, given the reasonableness of our proposal, that we will have an opportunity to have these amendments considered, and we will have debate, within limits, and people will vote up or down, and people in the country will know that we are cutting funds for job training for dislocated workers, low-income energy assistance, counseling programs for older people about consumer protection to make sure they do not get ripped off when they purchase health care coverage, job training for homeless vets, and basic repair of schools for kids.

That is what we are doing. And now look at what the House Appropriations Committee is doing. This rescissions bill is just a glimpse of the distorted priorities that are now being put into effect in this Congress. Americans do not want to see their fellow citizens who have been laid off because of retrenchment or because of base closures without an opportunity to have job retraining. They do not want to see low-income people going cold in cold-weather States. They do not want to see senior citizens without consumer protections. They do not want to see homeless vets without some support. They do not want to see kids without some opportunities, learning in decent schools.

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

Mr. WELLSTONE. And I think the majority leader may be worried about that. So I am ready for the debate on these amendments, and I hope we will be able to work out some agreement.

I yield the floor.

COMPREHENSIVE REGULATORY REFORM ACT

The Senate continued with the consideration of the bill.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I just want to make a few opening comments on this bill before the Senate. It is a very important bill. I consider it one of the most important bills in the last 60 years. It is going to make a difference as to whether or not we are going to be regulated to death or whether regulators are going to have to meet certain standards and norms of common sense before they overregulate us, or should I say before they regulate us properly.

This bill would force them to have to do what is right. It will also force Congress to be a little more specific in its legislation so that we do not always have to rely on regulations. It will make the system more honest.

This bill is about common sense, and I think most Americans would agree that the Federal Government is out of control in terms of the burdens it places on them. A lot of people in this country believe that. We know that the

cost of regulations is eating us alive. It is between $6,000 and $10,000 per family in this country.

Now, many of them are essential. We acknowledge that. This bill will protect the essential regulations. And that is as it should be. We also know that some of these regulations are restrictive of freedom, some of them are taking properties away from people, some of them are just plain, downright offensive, and some of them are stupid.

In that regard, let me give my top 10 list of silly regulations—this is my fourth top 10 list of silly regulations—just to kind of bring home to everybody how utterly ridiculous some of the interpretations of regulations and the regulations themselves are in this country.

No. 10. Fining a man $10,000 because he filled out his tax forms with a 10-pitch typewriter instead of a 12-pitch typewriter. That is ridiculous. But that is what happened.

No. 9. Medicare will pay for a pacemaker but will not pay for a newer, smaller version of the pacemaker that actually would be less expensive because that specific version has not been approved by the FDA, even though it has been in clinical trials. It is ridiculous. And the old procedure costs a lot more compared to the new one.

No. 8. Fining a company $5,000 for accidentally placing the answer to line 17 on line 18 in an Environmental Protection Agency form. Now, who would not be upset with that type of ridiculous assessment by the regulators?

No. 7. Prosecuting a rancher for ''redirecting streams'' when he has cleared scrub brush removed from his irrigation ditches. The ditches have been in use since the beginning of the century, and they have cleaned them all the time. But they prosecuted him for ''redirecting the streams.'' Utterly ridiculous.

No. 6. Spending nearly $3 million to protect the habitat of the endangered dusty seaside sparrow and then managing the land poorly, thus allowing this sacred bird to become extinct. Spend $3 million, wreck the land, and the bird becomes extinct anyway. Ridiculous.

No. 5. A wrecking company's owner was convicted of a felony and sentenced to 3 years in jail. What was his crime? His crime was failing to inform bureaucrats that when his company demolished a building, a total of one single pound of asbestos was released into the atmosphere. Three years in jail. That is more than ridiculous.

No. 4 on this top 10 list of silly regulations for today: Requiring a farmer to suspend all economic activity on 1,000 acres of land because one red-cockaded woodpecker was found. I do not know about you, but my goodness gracious, it is time to put an end to this type of silly regulation.

No. 3 on the list of the silliest regulations, on our top 10 list for today, fining a business $250 for failing to report that no employee has been injured in the preceding year.

No. 2. Withholding approval of a medical waste container for almost a year only to determine that the product did not need FDA review. Ridiculous.

Let us look at No. 1 on our list of 10 silly regulations.

No. 1. The FDA took 7 years to approve a medical device which helped premature newborn infants breathe. It then made the company withdraw the product from over 250 hospitals because the agency found inadequacies in the company's documentation of its manufacturing practices. None of this documentation affected the safety of the product. Physicians later verified that children who could not get this product died.

Now, unfortunately, because of silly regulations, thousands of people are dying in this country, and many, many more people are being oppressed and mistreated in this country.

Mr. President, our Nation is being suffocated under a mountain of red-tape. Unnecessary, inefficient, and wasteful regulation stifles business, slows the economy, and costs our fellow Americans their jobs. It has gotten to the point where the words Americans fear most are, ''I am from the Government and I am here to help you.'' Amazingly enough, there are still those who attempt to argue that the Federal bureaucracy is just fine. They are satisfied with the status quo. We are not.

Overregulation is often just plain ludicrous. We have had some fun describing some of the goofy rules that the Feds think we just have to have. But the fact is these regulations are frequently not funny at all. They hurt people. They cause deaths—the very people they are ostensibly supposed to be helping.

For example, the Abyssinian Baptist Church in Harlem struggled for 4 years to get approval for a Head Start program in a newly renovated building. Most of the time was spent arguing with the bureaucrats about the dimensions of rooms that did not satisfy the guidelines. ''An entire generation of Head Starters missed the facility,'' said Kathy Phillips from the church. ''The people in Washington want to tell you this or that can't be done. I told them, 'I know you're talking about five pieces of paper, but we're talking about children.''' When regulations hurt children, it is time to change the regulations.

In another case, an OSHA inspector noted that a worker wearing a dust mask had a beard, violating a rule that requires a close fit between face and mask. The dust was not heavy or of hazardous content, and even when used over a beard, the mask filtered out most of what there was. But the rule was clear and, like most rules, did not distinguish among differing situations. Nor did it matter that the worker was Amish. Given a choice between abrogating his religious beliefs or quitting his job, this Amish worker quit his job. Thus, in seeking to protect a worker, OSHA really cost him his job. Now, that is ridiculous.

The rigid nature of regulations is evident in the example of Tony Benjamin, the father of eight, who after reading about lead poisoning made a mistake to look to the Government for help. He had his children tested and found the youngest had lead levels almost at the danger threshold. He got a lead detection kit and, as is common in old houses, found lead beneath the surface of his walls. The State official said not to worry because Mr. Benjamin had recently painted over the old coat.

But the child's test results had been filed with the city health department. One day, unannounced, the city inspectors arrived and stamped the word ''violation'' in red ink on every nick in his paint, and after finding 17 nicks, declared his home a health hazard. Mr. Benjamin was told to move his family out of their home and strip and repaint it in large sections. If he failed to comply immediately, he was told, he could be fined over $8,000. Mr. Benjamin could not afford to do what the inspectors demanded. Certainly he could not vacate his home with his eight children. Where could they go? Meanwhile, the youngest child's lead level dropped well below the level considered dangerous, but the law still required abatement, clearly without exception. When a family can be thrown out of their own home without good reason, no one can tell me that this system is working.

Another situation involves a man who tried to defend himself against a grizzly bear. Bears had eaten about $1,200 of the man's sheep in one summer. However, the grizzly bear was listed as endangered, and he could do nothing. One night he heard bears attacking. And in his frustration, he came out of his house with a rifle and shot at the bears. Then another bear he had not seen moved to attack him so he shot it. The next day he went out to look for the dead bear. Instead he found it was very much alive as it started to charge him again. He shot it in self-defense, killing it. As a punishment for defending himself he was fined $4,000 for ''taking'' the bear which had attacked him.

Regulations also impose burdensome costs on hard-working people, burdens that make survival almost impossible. In one case an auto parts storeowner failed to display a sign indicating that his store accepts waste motor oil for recycling. For his crime, he faces a $10,000 fine and a 1-year prison term. The owner said that the sign was down because the windows were being washed. Well, think about it for a minute. You own a business. You are up against a fine of 10 grand and a year in jail for failing to post a sign for 1 day while you are washing the windows. What is wrong with this picture?

What is happening to us in America? Convicted, violent criminals, murderers and rapists are getting out of prison through the revolving door in

our justice system, yet a regular guy, who happens to be cleaning his window, is treated like a criminal. I say to my colleagues that if we allow this kind of distorted societal value system to continue, our negligence as holders of the public trust far exceeds anything this business owner could be cited for.

Other times the immense mountain of paperwork buries business alive. I spoke earlier about Mr. Dutch Noteboom, age 72. He has owned a small meatpacking plant in Springfield, OR, for 33 years. The USDA has one full-time inspector on the premises, one full-time inspector, and another spends over half of his time there. The level of regulatory attention is somewhat surprising since Mr. Noteboom has only four employees. But the rules require there be at least one inspector wherever livestock is slaughtered.

Mr. Noteboom said, ''I am swimming in paperwork, but I don't even know a tenth of the rules—you should see all these USDA manuals.'' Now, do we really need an inspector for every two employees?

These silly regulations could even stop well-meaning Government employees from being able to exercise common sense. In the late 1980's, Dr. Michael McGuire, a senior research scientist at UCLA found himself in trouble. His lab, which sits on 5 acres, is funded by the Veterans Administration. Its lawn needs to be cut. When the lawnmower broke, Dr. McGuire decided to go out and buy another one. He filled out no forms and got no approvals. During a routine audit, the auditor asked why the lawnmower was different. Dr. McGuire told the truth, and thus launched an investigation that resulted in several meetings with high-level Federal officials. ''I couldn't understand,'' Dr. McGuire notes, ''why important agency officials would spend their time this way.'' No kidding. I do not understand it either.

Finally, after months, they rendered their findings. They could find no malice, but they determined Dr. McGuire to be ignorant of proper procedures. He received an official reprimand and was admonished to study VA procedures about the size of an encyclopedia.

Oh, one more fact about this case. Dr. McGuire bought the lab's lawnmower with his own money. Now, can anyone believe that this is a useful and productive way to spend taxpayer money—to find fault with Dr. McGuire who did it on his own with his own money to help keep the lawn cut?

Well, Mr. President, I want to emphasize that the cost of regulation is not limited to a few unfortunate individuals. These examples of bureaucratic abuse, of mismanagement add up to a staggering cost for all Americans. The Americans for Tax Reform Foundation estimates that the average American works until May 5 just to pay their taxes. However, when the hidden costs of Government, the regulatory costs, are added in, it is not until July 10 that the people even start to earn money for themselves.

So we are working from January 1 to July 10 to even make a dime for ourselves. Monday was July 10, Mr. President. Until this week started, this very week, every single day that an average American had spent at work so far this year has been to pay for their Government. It was only this morning that they could expect to keep one penny of what they earned. Such a tremendous drain on hard-working Americans cannot be justified when the money is being spent on some of these ridiculous regulations I have mentioned today. They are just a few of literally the thousands and hundreds of thousands of them that are ridiculous and do not work.

This bill will eliminate the wasteful, absurd, and harmful regulations while keeping those that truly protect America. Those regulations that contribute to the greater good will not be affected by this bill. This bill will not summarily overturn environmental laws, antidiscrimination laws, or health and safety laws. Such allegations are pure hogwash.

But as we have noted from these few examples, the true worth of many rules should seriously be questioned. That is what this bill does. It requires the Federal Government to justify the rules and regulations they expect us to live by. And, in my book, that is not too much to ask. So I urge my colleagues in the Senate to support this legislation. And I appreciate being able to just make this short set of illustrations as to why this legislation is so important here today.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER (Mr. Frist). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. Mr. President, we have had some discussion on both sides of the aisle on various issues. The minority leader would like to call up his amendment. We were first thinking in terms of setting aside these amendments that I have called up on behalf of Senator ROTH. But the way we will approach it is this way.

I ask unanimous consent that we withdraw those amendments and that the yeas and nays that have been ordered be vitiated.

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

So the amendments (Nos. 1498, 1499, 1500, and 1501) were withdrawn.

Mr. HATCH. Mr. President, as I understand it, the parliamentary situation is that the bill is now open for amendment?

The PRESIDING OFFICER. That is correct.

Mr. HATCH. I yield to the minority leader.

AMENDMENT NO. 1502 TO AMENDMENT NO. 1487

(Purpose: To protect public health by ensuring timely completion of the U.S. Department of Agriculture's rulemaking on ''Pathogen Reduction: Hazard Analysis and Critical Control Point (HACCP) Systems'' (proposed rule, 60 Fed. Reg. 6774, et al., February 3, 1995)

Mr. DASCHLE. Mr. President, let me thank the distinguished Senator from Utah for his cooperation and the accommodation he has shown us in accommodating the interests of all concerned here.

I call up an amendment that is at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 1502 to amendment No. 1487.

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

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

The amendment is as follows:

On page 19, line 5, strike out ''or''.

One page 19, line 7, strike out the period and insert in lieu thereof a semicolon and ''or''.

On page 19, add after line 7 the following new subparagraph:

''(xiii) the rule proposed by the United States Department of Agriculture on February 3, 1995, entitled ''Pathogen Reduction: Hazard Analysis and Critical Control Point (HACCP) Systems'' (proposed rule, 60 Fed. Reg. 6774, et al.).''.

Mr. DASCHLE. Mr. President, the amendment that we have just offered has one specific purpose, and that is to protect the ability of the Department of Agriculture to issue its proposed rule requiring science-based hazard analysis and critical control point, or HACCP, systems in meat and poultry inspections. The rule is critical, for it will improve the quality of our Nation's food supply and help prevent a repeat of the E. coli bacterial contamination. But it is not just E. coli; it is salmonella, it is listeria, it is a number of other foodborne illnesses that as a result of recent experience has clearly demonstrated the need for a new system.

Last year, 2-year-old Cullen Mack, of my home State of South Dakota, fell ill from eating beef contaminated with E. coli bacteria. As a result of experiences like Cullen's, I held a number of hearings in the Agriculture Committee on the tragic 1993 outbreak of E. coli.

I held numerous follow-up hearings in which industry, producers and consumers all repeatedly called for improving and modernizing the meat and poultry inspection systems. Later, the Department of Agriculture developed regulations to address recurrences of this problem. The rules would modernize the meat inspection process using sensitive scientific techniques to detect contamination and prevent spoiled

meat from making its way into our food supply.

Not only would the public benefit from tough new meat inspection rules, but so would farmers and ranchers who raise the livestock and rely on the assurances that their products will reach the market in the best condition possible. Consumers and agricultural producers should not be asked to delay these essential reforms—reforms the entire agricultural and consumer community have been calling for for several years.

Unfortunately, this bill, even with the Dole amendment adopted yesterday, could lead to unacceptable delays in the issuance and implementation of this rule.

The problem is really very simple, Mr. President. In an attempt to reform the regulatory process, the bill overreaches and provides numerous opportunities to those who would seek to delay the rule, prevent it from being issued, or attempt its repeal. Such a result is, frankly, unacceptable and, I believe, would lead to the long-term detriment to the American people and American agriculture.

Yesterday, we debated the Dole amendment, which purported to address the problem. Unfortunately, it did little in that regard. It simply establishes a 180-day grace period for the regulation, at which point the agency must still comply with all of the provisions of the bill. It says for 180 days the effects of this legislation will not be addressed as it relates to the regulations. But after that, everything the bill calls for is every bit as much in effect as it would have been had the 180-day period not been in existence at all. It delays it for 6 months. It does not exempt the rule from the many requirements of the bill. And, as a result, that delay is really no fix at all.

So merely delaying compliance of the burdensome processes of the bill, which ultimately must be met anyway, is no solution. Moreover, once the rule is promulgated, the petition and judicial review processes would still apply. Therefore, the rule will be susceptible to the extensive challenges available through the petition processes and through litigation. All of this for a rule that has already gone through the lengthy rulemaking process, and for a rule that is so essential to protecting public health.

In short, Mr. President, a 180-day delay does not solve the problem.

In addition to these concerns are those that Secretary Glickman outlined in his letter of July 11. In that letter, Secretary Glickman voiced strong opposition to S. 343 because it would unnecessarily delay USDA's food safety reform, among many other things.

The letter explains the Secretary's view that the peer review requirement in S. 343 will delay USDA's food safety reform by at least 6 months.

As I read Secretary Glickman's letter, he is concerned that the bill, as amended by the Dole amendment, requires that risk assessments underlying both proposed and final regulations be peer reviewed prior to becoming final. In other words, before USDA can issue a final regulation reforming our meat and poultry inspection systems—a regulation that has been in the works now for more than 2 years and is based on more than 10 years of science-based reform efforts—the bill would require that the rule go through a lengthy review by scientists before it could be issued in its final form.

According to the Secretary, this peer review requirement would result, as I said, in a 6-month delay in this essential food safety reform.

My good friend and colleague, Senator JOHNSTON, has stated that he believes there are exemptions in the bill to deal with the peer review issue. It is my understanding from reviewing the bill and from discussing the matter with others that it is unclear whether USDA's E. coli rule, the HACCP rule, would fit the exemption and whether it would, therefore, avoid the delays associated with the peer review process.

Like any legal ambiguity, this provision invites litigation and should be corrected here on the floor before the bill becomes law.

If it is the intent of the authors of this legislation to exempt the E. coli regulation from delay caused by the peer review process—and from the other onerous processes in the bill—then they should simply vote for my amendment. My amendment would solve all of these problems by simply stating that the E. coli recall, the HACCP rule, cannot be considered a major rule for the purposes of this bill. It ensures that the bill cannot be used to delay this important rule.

The Department of Agriculture has already gone through a great deal to develop this regulation. USDA published the proposed rule in February of this year with a 120-day comment period. USDA also extended the comment period at the request of a large number of commenters.

Given this extensive comment period, if USDA suddenly declared an emergency exemption to avoid the peer review delay, it would simply be opening itself up to certain litigation, and even greater delay.

I also note that USDA attempted to publish emergency food safety regulations a couple of years ago. To provide consumers with information on how to avoid food-borne illness from pathogens like E. coli and salmonella, USDA issued emergency regulations requiring safe handling labels on meat and poultry products. These safe handling regulations were issued without notice or comment. USDA was sued and lost and had to go through the rulemaking process before the labels could even be required. The result, then, of that ''emergency'' provision was delay.

Mr. President, all we are seeking here is some common sense, some balance, some way in which to ensure that we can accomplish the goals set out in the bill, but to do so with a recognition that there is a sensitivity to many of the rules that are currently about to go into effect, rules that directly affect the public health and safety of millions of Americans, that ought not to be encumbered, that ought not to be thwarted in any way, as we go through what we consider to be reform in rulemaking overall.

The Secretary felt so strongly about this issue, Mr. President, that he has issued yet a second letter that I would like to read into the RECORD. It was submitted by James Gilliland, general counsel at the Department of Agriculture, and was addressed to me. It simply states:

DEAR SENATOR DASCHLE: I am writing relative to the amendment Majority Leader Dole offered to S. 343 on the floor of the Senate yesterday. The amendment, which was adopted by a unanimous vote of the Senate, added ''food safety threat'' to the emergency exemption in the cost-benefit analysis subchapter of S. 343.

I appreciate the Majority Leader's efforts to ensure that the Department of Agriculture's (USDA) efforts to reform the federal meat and poultry inspection system are not delayed by S. 343. However, the amendment does not provide an emergency exemption for the Department's food safety reform proposal and will not alleviate the delay that S. 343, in its current form, would have on the Department's efforts.

So, Mr. President, here again, we have it from the Secretary of Agriculture, from the Department of Agriculture, simply asking us to consider the consequences of what this bill could do to a process for meat inspection that has been under way, under consideration, proposed now for over 24 months. It would stop in its tracks the efforts made by two administrations, really, to put all of the science and the new knowledge and the processes that we have to make food inspection more meaningful and more effective into place. We do not want to do that. I do not believe anybody in the Senate wants to encumber the Secretary's efforts to ensure that meat safety can be provided to an even greater extent than it has been in the past.

My amendment will ensure that the Secretary has the latitude to provide for the culmination of this long effort and in a successful way, in a way that we all want. I urge its adoption.

I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I appreciate very much what the Senator from South Dakota, the very distinguished leader of the Democratic Party in this body, has to say about bringing common sense and some sensibility to regulation. I do not want to speak just to his amendment. But I think the points he is trying to make are the very basis for the legislation before us.

Although I might disagree with his amendment or whether it is needed, I want to give an example, as I have been trying to do each of the last 2 days, of

instances in which regulations have had a very negative impact in my State, a very unfair impact on certain individuals—individuals and small businesses, people that cannot afford to pay the legal fees to fight the harassment they get from Government bureaucrats, or where there is a misapplication of regulation, or where there is what I am going to mention today, disputes between Government agencies.

It is one thing to have a very egregious regulation that may be justified making an impact negatively upon what an individual might want or might not want to do. But it is quite another thing to have one Government agency say you can do something and another Government agency come along and say you cannot do it, and then not even be able to get a resolution to the dispute between the two agencies. And then what is even worse—in the case I want to recite for you—is that there are four Government agencies that have four different definitions of what a wetland is, and then you are negatively impacted.

Some say you can go ahead and do something, and another Government agency comes along and says ''No, we are going to fine you for what you did,'' and you cannot make use of your land.

Then it is really quite perplexing for the farmer who moved ahead on the basis of two Government agencies saying he could do something, and then after a third and a fourth Government agency said he could not do it, one of the first two Government agencies that said he could do it changed their mind and said he could not do it.

Now, when I say we ought to have common sense brought to regulation writing and in the enforcement of regulation, the very least that a citizen ought to be able to expect out of his Government is to get an answer and to get a resolution of a problem, and to get a quick resolution of the problem.

Persons ought to expect in the first place they would not have two Government agencies, one saying you could do something and one saying you could not do it. Or you would at least think if that is the way it is, those two Government agencies ought to get together and say ''Yes, you can do it,'' or, ''No, you cannot do it.''

We have such a morass of regulation and we have so much conflicting regulation that we actually have citizens of the United States that cannot get a resolution, cannot get agreement among Government agencies, and then it is even difficult to get an answer to your problem when you spend a lot of money on legal fees and appeals.

Now, that is the regulatory state on a rampage that is looking out for its own interest and not the interest of the citizens that it is impacting.

There is not common sense in a lot of regulation writing, and we, in rural America, have found really a lack of common sense when it comes to Government regulation of wetlands.

I want to highlight another case in my State that illustrates this. Remember, yesterday, I spoke about the country cooperative elevators that are impacted from the air quality standards of EPA, where they want to regulate what only occurs about 30 days out of a year as if it were happening 365 days, 24 hours a day, and costing these small cooperative businesses up to $40,000 to fill out a 280-page form that once they get it filled out only 1 percent of the elevators in my State are going to be impacted by the regulation in the first place.

The day before, I spoke about how EPA caused a small business in my State—the costs of legal fees and lost business $200,000—to defend himself against a criminal charge that was brought by EPA, by a paid informant who was a disgruntled former employee, and there was not any case there. Misinformation.

They came on this businessperson, a quiet morning at 9 o'clock in the morning, with their shotguns cocked, wearing bulletproof vests, sticking the gun in the face of the owner and in the face of the accountant, all on misinformation, and costing the business $200,000.

Now, that is what is wrong with regulation. There are people in this body that want Government regulation and they do not care about the adverse impacts upon the small businesses of America and the farmers of America from adverse regulation.

This bill before the Senate is to bring common sense to this process—nothing more, nothing less.

In the instance I want to recite this morning, it all started in April 1989. A young family purchased a 284-acre farm in Mahaska County, IA. I presume from the description of how this problem evolved, this was probably not a very expensive farm. It was probably a farm that only a young person could afford to purchase. Remember, in my State, less than 5 percent of the farmers are under 30 years of age. We lost a whole generation of farmers because of the agriculture depression in the 1980's. The average age of the farmer in my State is 61 years of age.

Do we want young farmers to start farming? Do we want them to start this business where they will produce for the consumer of America the cheapest food of any consumer in the world, because we city slickers only spend 8 percent of disposable income on food? There is no other consumer anywhere in the world that has that cheap of a buy or that quality of a buy. Or do we want corporate farming to take over America, where there are no young farmers who have the ability to get started?

We have a harassment by a Government agency here that I am going to give an example of that is an impediment to young people getting into farming, because this farm was in a state of disrepair. That is why it was cheaper for this person to buy.

The drainage system needed improvement. There was a stand of timber occupying part of the land. He wanted to make some improvements once he purchased it. He did the right thing. Before messing with Government regulation, because we really cannot understand Government regulation, go to some friends at the Soil Conservation Service and check with them, because for 60 years, the Soil Conservation Service provided technical help to the farmer. The farmer considered the employees of the Soil Conservation Service to be people that would level with or help you.

Now, of course, these employees of the Soil Conservation Service are seen as regulators. Farmers do not want them on their farm. You do not go to their office to ask questions any more because some Federal regulator is going to come down on you if there is some suspicion that you might do something that was wrong. Yet we have reduced dramatically the amount of soil erosion in America because of the cooperation between the family farmer and the Soil Conservation personnel.

Even in 1989, this farmer did the right thing, because he does not want to do something to his land and have the Government regulator come in and say ''You did this and should not have done it.'' So he did the right thing and checked with them ahead of time before making the necessary improvements to his drainage system and before clearing some of the trees. He checked with the Soil Conservation Service. The personnel at the SCS authorized his plans.

Also, the Iowa Department of Natural Resources, the State agency which issues farmers flood planning permits, also authorized what he wanted to do.

With the blessing of two Government agencies representing both State and Federal governments, this young farmer cleared trees and improved the drainage on his new farm.

However, in just a few months, October 1989, the Army Corps of Engineers, a Federal agency, visited the farm. They discovered and alleged that a wetland had been filled without a permit. A follow-up letter by the Corps directed the farmer to obtain an after-the-fact permit or be fined up to $25,000 per day. Mr. President, $25,000 per day—that is what the average farmer lives on in Iowa for a whole year.

A short time later, the Fish and Wildlife Service visited the farm and determined that more than 100 acres of wetlands had been impacted. Now, of course, this farmer was shocked to discover wetlands on his otherwise dry farm, especially since the Soil Conservation Service had already approved his actions.

The farmer agreed to a wetlands delineation by the corps. The corps used what is now not used by the corps, a 1989 wetlands manual, and according to this manual, you had to have water within 4 feet of the ground surface for it to be classified as a wetlands. And at no time has there been water at that

level. However, they did find, under another provision of the wetlands delineation, the presence of hydric soils, and so they declared 95 percent of the farm wetland.

Since the farmer thought this conclusion was absurd, he decided to appeal to the Soil Conservation Service, another Federal agency, because of that agency's long history of working with farmers and because they said he could go ahead and make these improvements.

Now, this is what is really frustrating to the farmer. This time around, when he went back to the SCS office, he found that the SCS office was more interested in cooperating with the Corps of Engineers than they were with the farmer. Even though they originally said that he could clear the land and improve the drainage system. This time the SCS was not the friend of the farmer. They found his 284-acre farm had 150 acres of wetlands. This determination was made in the face of compelling evidence to the contrary.

An extensive engineering study on the farm shows that normal flooding fails to inundate the farm for the 7 days required under the 1989 manual—which manual is no longer used. Furthermore, evidence from 23 monitoring holes showed that the water depth on the farm is normally 4 to 5 feet and not the 7 days on the surface that you must have under that manual to have a wetlands delineation.

So the farmer used this evidence from this extensive engineering study to appeal, then, to the Soil Conservation Service State office. Although the regulations required the Soil Conservation Service to respond to an appeal request within 15 days, they took more than 150 days to respond.

You know, 150 days is a whole cropping season on Iowa farmland—a growing season. They cannot even respond in the 15 days. Then you wonder why we need a regulatory reform act? It ought to be very obvious why we need one.

Now, surprisingly, when the SCS, the Soil Conservation Service, did respond, do you know what they said? They said they did not have enough information to make a decision. But the Soil Conservation Service had enough evidence to agree with the Corps of Engineers that 150 acres of this 284-acre farm had wetlands on it—after, months before, they said you can go ahead and make these improvements. They said they did not have any information, after both the Corps and the SCS had already made determinations of wetlands based on the exact same information.

Based on this case, it seems to me it is very easy to understand why the American public has become cynical about its Government. All people want for the high taxes they pay in this country, plus all the money we borrow—saddling the next generation of children and grandchildren with a big cost—they may not like the Government they get, and they are not getting what they are paying for, but they would at least like to see their Government work. Instead, what we have is a bureaucracy characterized by overlapping jurisdictions, where one official can authorize an action that another will condemn you for later.

There is also a lack of flexibility and common sense in interpreting and enforcing regulations. The average citizen can find himself subject to the whims of a powerful yet irrational Federal bureaucracy. During the last 2 years this young Mahaska County farmer I am referring to here has spent his own time and money attending countless numbers of meetings, hearings and appeals. His farm has been visited by Government officials on 7 different occasions. And he still does not have an answer. This all started in 1989 and here it is 1995. He spent thousands of dollars defending himself against Federal regulators, and the U.S. Government has spend thousands of taxpayers' dollars to deprive this farmer of the economic use of his property, yet this case remains unresolved.

The consequences are severe for this young farmer. He was deprived of disaster assistance during the floods of 1993, and is not eligible for Federal crop insurance. So the Government is depriving this farmer of benefits, even though a final resolution of his case has not been decided, and apparently this young man, then, is presumed guilty under these other Federal programs, until he proves himself innocent.

This type of overreaching by the bureaucracy must stop. S. 343 will force agencies to more carefully promulgate regulations, paying attention to the costs and benefits of their actions. Maybe this example will help us put in perspective the need for the cost and benefit analysis that is in this legislation.

This Government regulation has tremendous costs for this young farmer that I just referred to. There is nothing wrong with a Government agency, if it is going to have a Government policy, to make sure that the costs of that policy are not greater than the benefits. Or, under this legislation, if there is a determination that the cost is still greater than the benefit, at least you ought to choose the least costly method of accomplishing our goals. So, maybe this will cause these agencies to hesitate and contemplate, before they move ahead and infringe on the rights of our citizens. Hopefully, S. 343 will force these agencies to use more common sense in the future, and avoid situations like the one experienced by the young farmer in Mahaska County.

If the Corps of Engineers, if the Fish and Wildlife Service, if the Soil Conservation Service, and if the Iowa Department of Natural Resources want to show that they are concerned about the impact their regulations have, if they want to show the public that Government works, if they want to show the public that Government is good, if they want to show the public that Government is responsible, if they want to show the public that Government is cost effective, if they want to show the people that Government is humane, it is very easy to do. Just help this young farmer in Mahaska County, IA, to get a resolution to his problem.

Do you know what we think? We think the reason he is not getting his appeals decided is because he is right and the Government is wrong and they do not want to issue an OK to this guy, that he was deprived of something, because it would set a precedent.

A politician who does not admit he is wrong is destined to a rude awakening someday. And regulators that fails to admit they are wrong are subject to a rude awakening someday as well.

I hope that we have an opportunity through this legislation to give justice to our young farmers of America and justice to all young Americans.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Ohio.

Mr. GLENN. Mr. President, I rise in support of the amendment offered by the minority leader. I have stated several times in the Chamber the importance of regulatory reform and the importance of the legislation that we are considering here. I know it does not get all the inches in the newspaper and all the TV time because it is bland, dry, arcane, all the words you can put together to make it uninteresting. Yet I would say this. I think this is one of the most important pieces of legislation—it affects more Americans directly—than any legislation we will take up this year except for probably the appropriations bills.

The rules and regulations that are put out pursuant to the laws that we pass here affect every single man, woman and child, every business, every activity that we conduct in this country. I believe very strongly in the need for regulatory reform for every person and business in America, but it must be done sensibly and it must be done with balance.

Regulatory reform, to be true reform, should fulfill two principles. First, it should provide regulatory relief for businesses, State and local governments, and individuals. And, second, it also should provide the necessary protections to the safety, health and environment of the American people.

Now, that is the balance.

S. 343 does not, in my opinion, provide that essential balance of regulatory relief and protection of the American people. That is why in this specific instance I support the minority leader's amendment on the USDA E. coli meat and poultry inspection rule.

Now, what is the problem? E. coli, what does that mean? Most people would not even know what you are talking about. Yet, according to USDA, the U.S. Department of Agriculture, Food Safety and Inspection Service, 3,000 to 7,000 people die each year—not just made ill but 3,000 to 7,000 people

die each year—from foodborne illnesses like E. coli, and another 3 to 7 million people get sick every year from such illnesses. Just from the E. coli bacteria alone, the estimates are, about 500 people die per year, year in, year out, year in, year out—500 fatalities.

We have had testimony before our Governmental Affairs Committee; we have heard the stories of those who have lost loved ones to E. coli. Rainer Mueller testified before our committee about his son's death from eating an E. coli contaminated hamburger, painful death. It could have been prevented if we had better inspection standards in the first place.

Nancy Donley came to Washington to tell the story of her son Ellis who also died from eating E. coli contaminated meat. The tragedies are real.

Now, is anyone immune from this? Other figures indicate that about 4 percent of the ground beef in supermarkets has E. coli bacteria present in it—4 percent. Just on an average, that would be 1 out of every 25 hamburger patties that you pick up or 1 out of every 25 steaks that you pick up out of a supermarket has E. coli bacteria.

Why is the problem then not more severe? Because we cook that meat and that kills E. coli. But in the raw state it has E. coli, and if it is not cooked enough you can come down with it. This can cause death, particularly among children.

Now, in the State of Washington, we remember the problem out there where 3 children died, 500 were sick from contaminated hamburgers from just one fast food outlet back a couple of years.

How do we prevent this? USDA is finally modernizing its inspection methods to be able to detect deadly bacteria like E. coli. The new proposal is called hazard analysis and critical control point [HACCP]. That will be the rule which will bring our Nation's meat and poultry inspection system into the 20th century.

Now, the proposed rule, the public comment period for which just closed, was wanted by the meat industry and has wide public support. It was pushed for by the meat industry. And the public certainly wants it. It will prevent deaths and illnesses, and we should not put this off.

The minority leader's amendment would exempt this critically important rule from the burdensome requirements of this bill. I support this amendment in order to show how important rules that are already underway will be delayed and can be stopped by the regulatory reform bill before us.

The situation with this rule reminds me of the regulatory moratorium that we had before us a short time ago except now we are calling it regulatory reform. Rules that are in the pipeline and will be final soon must go back to square one. Forget that the Department of Agriculture has already done a cost-benefit analysis. It now will be subject to all the requirements of S. 343—new rulemaking procedures, new decisional criteria, opportunities for lawyer after lawyer after lawyer to sue the agency and stop the rule, petitions for the agency to review the rule, and so on. Unending legal battles and litigation.

The potential delays for this rule are real but so also real are the additional deaths and sicknesses suffered by Americans who thought they were eating safe meat. And, indeed, every American deserves to have the meat they eat be safe. And yesterday the majority leader offered an amendment which was accepted to specifically include food safety rules among those rules covered by the bill's exemption provision. And yesterday the point was repeatedly made that there already was included in the bill an exemption from analysis requirements of the bill for ''health, safety or emergency exemption from cost-benefit analysis,'' which is the title of that section of the bill, but that is only for a 180-day period. Then the rule could be subject to judicial challenge if the agency had not completed all the analysis, and we would, indeed, be back to square one again.

The problem is that section does not really exempt anything in the bill. It only provides for a 180-day grace period after issuance of the rule, that is, it gives an agency an additional 180 days to comply with all the many requirements of this bill and all the legal challenges that can go along with that. And that is it. At the end of the 180 days, all of the onerous requirements of S. 343 kick in again, no exemption there——

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. GLENN. No. I would rather finish and then answer questions.

Just new opportunities for challenges, uncertainty, and delay. What will happen to the implementation of the rule when it faces these prospects? Regardless of the majority leader's amendment, the E. coli rule will be caught in the vise of S. 343 and public health will be in danger. The minority leader's amendment is a first step in protecting the health of the American people, but it certainly is not enough. S. 343 will catch other important rules, and overall it will make the jobs of the agencies to protect health and safety and the environment much more difficult.

S. 343 simply does not fulfill my two principles for regulatory reform: Regulatory relief and protection for the American people. That is why I, along with Senator CHAFEE and many others, have introduced S. 1001, which I believe is a balanced regulatory reform proposal. Our bill would not shut down important rules such as USDA's meat and poultry inspection rule. Our bill would require cost-benefit analysis and risk assessment, but it would not force agencies to choose the cheapest, least-cost rule. It would not let the lawyers drag the agencies into court over every detail, every step along the way. It would not create several petition processes that could be used to tie up agency resources in litigation. But it would provide for sensible reform and it would allow the agencies to perform their important duties.

Let me add that our bill also would not catch rules that are almost final, like the meat and poultry infection rule. Our bill has an effective date of 6 months from enactment, which gives the agencies time to gear up for the many requirements of this legislation. That makes sense. That is what we should be doing here, working toward commonsense reform.

I urge my colleagues to support this amendment. I strongly encourage them to take a hard look at our alternative proposal for regulatory reform, S. 1001. It makes amendments like this unnecessary. But I urge my colleagues to support the amendment put in by the minority leader.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. GLENN. I will be glad to yield for a question.

The PRESIDING OFFICER. The Senator is yielding for a question.

Mr. JOHNSTON. Mr. President, I simply wanted to tell the Senator that I agree with him that on the 180-day period on the emergency situation, the period is too short. We are requesting—I put in a request to the other side of the aisle that we extend that 180 days to 1 year.

I think your suggestion is a good one and an appropriate one, and we will deal with that separately. That does not concern this amendment at this point.

Mr. GLENN. I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I strongly support the Daschle amendment. Just before making comment on that, I was listening to my good friend from Iowa talk about the rules and regulations going back some years affecting some of his constituents. I think all of us, during the course of this debate, have heard examples of rules and regulations that have been untenable and inexcusable. I think we have to be very careful even in the course of this debate and discussion because often when we go back and review the specific rule, regulation, or enforcement action that has been talked about, that has been addressed and has been altered and has been changed.

If you take the examples of OSHA, that performs 100,000 inspections a year, and they are 99.9 percent good inspections—sound, reasonable, rational—you are still going to have 100 that do not make it. I think we understand that. But we have a measure of lives that have been saved and the quality of life that has been improved by OSHA, for example, by work safety regulation, on the other side. So we will have a chance, as we have during the course of this discussion and debate, to consider that factor.

Those regulations that we heard about from the Senator from Iowa, of course, were issued in a previous administration. And I think any of us who, for example, have watched the difference between the administration of OSHA, particularly in the last 2 years under an excellent administrator, Joe Dear, can see the dramatic change, that the focus and attention has not been on the issuance of paper citations and rules and regulations, but really reaching at the core of what OSHA is really all about.

I was amused at the start of this debate when before our committee, they were talking about the rules and regulations, and how by and large those rules and regulations had accumulated under previous administrations. And it has been this administration that has been working both to try to reduce the complexity of the rules and regulations, simplify the process, and still move ahead in the areas about which I am most concerned; that is in the health and safety areas—in OSHA, the FDA, and in mine safety.

For example, the Delaney clause—I will have more to say about that later—should be updated, not repealed. And OSHA should be helped, not paralyzed, if we want to ensure that we are going to take the best in terms of modern science and industrial techniques in order to make our workplaces safer for American workers.

Mr. President, I strongly support the Daschle amendment, which I hope will serve two purposes: To keep this bill from blocking an important regulation and to illustrate one of the fundamental flaws of S. 343 that is so extreme and antiregulatory that it will block good and essential regulations that Americans want.

I would like to begin by telling a story about a constituent of mine, a 40-year-old woman named Joan Sullivan. Earlier this year, on February 4, 1995, Joan Sullivan did something almost every American does many times a year. She ate a hamburger. She did not know that such a simple act would lead her to the edge of death, to weeks of incapacitation, pain, and suffering, and to catastrophic medical expenses. Joan Sullivan had no idea she was risking her life when she sat down to eat that night, but she was. The meat she ate was tainted by a microorganism, E. coli, a bacterium that is found with increasing frequency in the Nation's meat supply.

When Joan ate that tainted hamburger she contracted an infection of astonishing virulence that came within a hair's breadth of killing her. Joan Sullivan was admitted to her local hospital emergency room with severe stomach pains, constant diarrhea, and vomiting. When her condition worsened, she was transferred to one of America's greatest medical institutions, the Massachusetts General Hospital in Boston, where her condition was diagnosed as hemolytic uremic syndrome.

Desperate measures to save her were undertaken. A tube was placed into Ms. Sullivan's chest without any anesthetic, according to her testimony, and inserted into one of her heart's major blood vessels in order to administer a blood-cleansing treatment. After a month in the hospital, 20 treatments, and the concentrated efforts of dozens of doctors, nurses, and technicians, Joan Sullivan's life was saved. But the cost in terms of her suffering and her family's time and anxiety and in the dollars spent on her care were enormous. Her medical bills alone have totaled approximately $300,000.

What happened to Joan Sullivan has happened to hundreds of other Americans, but many have not been as lucky as she. Many of the victims of E. coli poisoning, especially children, do not survive the infection. Although 5,000 to 9,000 Americans die every year from foodborne diseases, the FDA estimates that another 4 million—4 million—are made ill at a cost to consumers of about $4 billion a year.

That is why the U.S. Department of Agriculture is preparing a new regulation on meat and poultry handling and microbe sampling. The key to the proposed rule is the requirement that meatpackers and processors carry out microbiological tests once a day to be sure that their handling procedures are effective. USDA estimates that the rule, including its testing requirements, will save consumers $1 to $4 billion a year by preventing salmonella, E. coli, and other foodborne illnesses.

This is a rule that is urgently needed and Congress should do whatever it can to expedite. But the pending bill could set back the USDA's efforts by years, blocking the rule until the agency can jump through all of the procedural hoops and red tape associated with the bill's extreme risk assessment and cost-benefit analysis, and allowing businesses to challenge the rule after its issuance for failure to meet those requirements.

The supporters of this misguided bill keep arguing that they are for common sense. Well, common sense tells me that if the USDA has already done a risk assessment under the Executive order, and has already done a cost-benefit analysis estimating that the benefits will be four times greater than the cost, then it would be foolish, wasteful, and dangerous to make them go back and do the analysis again.

How much time and money will the agency waste unnecessarily while Congress forces it to comply with this bill's one-size-fits-all procedures?

Is it common sense to demand that the USDA explore the regional effects of the rule or whether it has analyzed the extent to which the industry can control the problem of E. coli contamination through voluntary measures? That is not common sense, that is common nonsense.

The bill's overly complex and rigid requirements add nothing at all to the agency's efforts to control this serious threat to public health. The bill's exemption for health and safety threats, as amended, clearly excludes rules dealing with E. coli contamination from the cost-benefit and risk assessment rules, at least when the rules are first promulgated. But it is clear that a meatpacker could still petition to force the agency to schedule the rules for the look-back review because the bill's analytical requirements have not been satisfied in every detail.

A hostile USDA Secretary in the next administration, by failing to complete the review, could effectively repeal the rules, leaving the public unprotected again.

This is a very real worry. There are elements of the meat industry and a number of Republicans who are supporting an effort in the U.S. House of Representatives to block the USDA's meat handling and sampling rule. The majority leader, and others, have been embracing this rule in the Senate. But the House Appropriations Committee has voted to send the rule into the limbo of negotiated rulemaking from which it may never emerge.

It is important that the Senate speak out in favor of protecting the public from E. coli and other meat and poultry diseases, to ensure this bill does not jeopardize the public health. We can prevent tragedies like Jean Sullivan's from happening, and we have a duty to do so. I urge support for the Daschle amendment.

Mr. President, what we talked about during the period of the last day or two has been E. coli, as if this was the only kind of problem. Let me mention briefly why the Daschle amendment is so important not just with regard to the proposal that has been made by the majority leader on the E. coli issue.

Under the Dole amendment, the food safety rules can be exempt from the red-tape and delay in S. 343 only if the agency, for good cause, finds that conducting the cost-benefit analysis is impractical due to an emergency of health or safety that is likely to result in significant harm to the public or natural resources. Industry can challenge this finding and block the final rule under the ample judicial review authority in section 625.

So even if you find out that a Secretary is able to move into a faster mechanism to try and address E. coli, you still have all the other procedures of S. 343 that can reduce protections for the public.

Under section 622, the agency is required to complete the analysis within 180 days of the rule's publication. I understand that that is going to at least be addressed in another amendment, but that is only really a part of the problem.

In addition, various meat suppliers and packing houses would be empowered to seek a waiver from the rule's requirements under the new special interest waiver authority in 629. This section allows industry to petition for the so-called alternative method of

compliance. This approach allows the rule to be issued but would dramatically undermine its effectiveness.

Once the rule is issued, industry can petition under the rollback authority in the legislation. Industry could seek the weakening of the E. coli rule on the basis that it does not meet the rigorous decision criteria in 624, and the rule automatically sunsets within 3 years if the agency fails to complete the review.

Once the rule is issued, industry can also file a petition under the authority of new revisions to section 553 of the Administrative Procedure Act that empower special interests to seek repeal of rules. The agency must respond within 18 months. Failure to respond, or a denial, could be litigated immediately under the new legislation.

Mr. President, the problem with S. 343, quite frankly, is we are opening up the door for all of the industries in this area. We are interested in their interests, we are interested in their productivity and their financial security, but make no mistake, all of the rules and regulations and the procedures and the look-back procedures are all opening up the door for the industries to come in and alter and change health and safety procedures, the whole series of add-ons that have been spelled out in detail by Senator GLENN and Senator LEVIN.

But I want to just point out, Mr. President, that the amendment of the Senator from South Dakota makes sense in trying to address real protections. The Dole amendment took it part way. The Daschle amendment addresses these other measures, which were not closed in the Dole amendment, which ought to lend credence to the concern of many Americans about what is happening on the floor of the U.S. Senate in terms of their health and their security and their well-being.

Let me mention just a few other of the health regulations endangered by this bill. We have not addressed those. We have the E. coli amendment. But among other regulations that are in the pipeline are the improved quality of mammography standards to ensure better diagnosis and early treatment for the millions of women at risk for breast cancer.

The Mammography Quality Act passed virtually unanimously in the Senate and the House of Representatives. The reason that it passed unanimously is because we found out after long and extensive hearings that in too many instances the various machineries that were being used to test women were not of sufficient accuracy and the people who were using those pieces of equipment had not been adequately trained.

As a result of extensive hearings and review, we have now required—Republicans and Democrats—that we are going to have the issuance of those standards which are going to give, hopefully, the actual scientific results to the people who are going to take the mammography examinations. Too many women in our society going through the existing system would get a stamp of approval when the training and the machinery were not adequate and they would fail to take the other kind of preventive steps and endanger their own health.

It was on that basis that we made these national standards, because the women in California should be protected as well as the women in Massachusetts. But still we find out that the new standards—and they are now being issued—they would be at risk. For what reason? For the various reasons that are outlined in this bill. I will take just a moment. We have gone through this, and the leaders have gone through this in great detail.

Not only do you have the mammography standards that are going to provide lifesaving information for women in terms of breast cancer, but you have the Comprehensive Seafood Safety Program. We had extensive debate in the last Congress about how we were going to make progress in terms of the safety of seafood.

The consumption of seafood has gone up dramatically in this country, and many of the attendant problems we found in terms of meat and poultry also affect seafood. I represent a State that has a great maritime tradition and is one of the leading States in the country in terms of harvesting seafood. The fishermen want this kind of protection because it is important in terms of the integrity of the product, and the people want that.

But there are some within the industry, and the record is replete—not out here but in the hearings that were held in FDA and our own Committee on Labor and Human Resources—about the industry group that does not want those regulations.

We spent a lot of time developing that program in terms of safety. Make no mistake about it, it may be E. coli today, but soon it will be something else related to the safety of seafood products. They do not have a special amendment. They do not have a Dole amendment. There is nothing out here in terms of mammography for the women of this country being proposed to protect them or to protect others with regard to seafood safety.

What about the rule to prevent iron poisoning of children by strengthening the packaging requirements for iron supplements? There are 10,000 incidents a year affecting children, many of them resulting in deaths, as a result of the ingestion of iron supplements. We have regulations that are about to be promulgated on the basis that they will save scores of children's lives a year. And they will be delayed. Another rule will prohibit the use of lead in food cans to protect infants and children from exposure to substances that may contribute to mental retardation, which is one of the major problems that we have in many areas of the country, in urban as well as rural communities. And another rule deals with lead in paint, where we have older rural communities that have used lead paint in their buildings, and in older communities, industrial communities, that not only have it in their buildings but also have it the playgrounds in their communities. We know the direct correlation between ingestion of lead and mental retardation and slow development, particularly of children.

One of the problems the Government intends to address is that the importation of various foods from many different countries around the world is still in cans which have a high content of lead. And in trying to respond not by limiting the opportunity for the consumer to be able to consume those products but to make those cans safer, we have rules and regulations to try and deal with those—children are at risk. And another rule in the works would regulate the level of diesel emissions in the mines, where miners work in the confined spaces. The regulations which are about to be issued in those areas, which have been examined and have taken review year after year, are about to be sidetracked.

Mr. President, I could continue—and will later on in this debate—to go through various other rules and regulations about to be issued on toy safety, because choking on small toys and small parts of toys is the leading cause of toy-related deaths. Between January 1980 and July 1991, 186 children choked to death on balloons, marbles, and small parts of toys. More than 3,000 children are treated in hospital emergency rooms because they swallow or inhale a small toy.

Congress enacted the Child Safety Protection Act last year. The law requires hazard labeling and bans balls that are small enough to choke a young child, and it requires the reporting of choking incidents. The Consumer Product Safety Commission has proposed rules to implement the reporting requirements and interpret other provisions of that.

Now, we say we are going to wipe those things out. We have heard the daily list of 10 rules and regulations do not make any sense. What are you going to tell those parents about toys? Who is going to make the rules and regulations? Do you expect the parents to understand blocking these rules? There is a need for this kind of review and examination and the collection of information.

So whether you live in Boston, or in Palo Alto, or wherever you live, if those parents' kids are going to play with a toy, they are going to be protected. But under the rules and regulations, they are going to have to do a thorough examination to see whether there is a geographical difference, whether there can be voluntary compliance.

We are talking about small children and they are talking about a study for voluntary compliance. Market based

mechanisms. Market based mechanisms for children's toys? We are expecting the agency to do a review on that?

Now, Mr. President, we talk about common sense. What they are proposing makes no sense.

You have baby-walker safety. Baby-walkers account for a high number of injuries annually, more than any other nursery product, sending approximately 25,000 infants to hospital emergency rooms in 1993 alone. Eleven children died in walker-related incidents in the past 5 years. In response, the Consumer Product Safety Commission has begun rulemaking to address the hazards associated with baby-walkers. Those are going to be delayed. How many other children are going to be impacted by a failure to be able to get this kind of safety?

Mr. President, the list goes on. I mentioned the iron toxicity prevention. FDA has proposed a rule to prevent the many needless deaths and serious injuries that occur when children accidentally ingest too much iron by eating too many iron tablets or supplements. Iron toxicity is the leading cause of poison deaths in children today. From 1986 through 1992, over 100,000 children were poisoned. Many suffered permanent injury, and at least 33 died. This rule would limit the iron potency of vitamins intended for children to require a warning label and childproof container.

What Member of the Senate has heard from a parent saying, ''Look, that kind of rule and regulation is outrageous, and that rule and regulation that is going to protect my child is just Federal bureaucracy. We want you to stop that''? Do you think the parents are going to be able to provide that adequate protection?

I see others of my colleagues on the floor who want to address this issue, as well as other issues. These are just examples. You might talk about the E. coli regulation. We could have a thousand other amendments. That is the trouble with the bill. For each and every one of these, you need another amendment to protect it. When you have the amendment accepted by the overwhelming majority, people might say we have addressed that particular problem. It takes the minority leader, Senator DASCHLE, to get a chance to look through that to try and recognize that only half the job has really been done. I daresay that, even with the acceptance of those amendments, we are still leaving at risk many of the children, the most vulnerable, and the workers, the parents, and millions of families all across this country that rely on the Government for help in the areas of health and safety, who do not have the expertise and ability and scientific information to be able to make these judgments in the interest of their family.

Sure, there have been mistakes. Sure, there have been the issues of regulations which are untenable and wrong. But it seems to me, Mr. President, that we ought to be concerned about those and consider how we can constantly work and try and find ways to work with the private sector, the public sector, the agencies to try and make it better, rather than have a whole scale alteration and change which is going to dramatically—and I say dramatically—put at greater risk the health and safety of the American people.

Mr. LAUTENBERG. Mr. President, I am proud to cosponsor and support the Daschle-Bradley amendment even though I am disappointed that it is necessary to offer the amendment. But we do need to offer the amendment because, once again, our Republican colleagues seem to be more responsive to the special interests than the public interest. It is unacceptable for this body to put thousands of lives at risk in the name of regulatory reform. Yet that, in my view, is what this bill does. Let me give you an example.

An estimated 4,000 people die each year as a result of meat and poultry tainted with harmful bacteria. Another 5 million become ill, but survive. These numbers are too high. You would think the Federal Government would feel an obligation to respond to that problem. This bill is a response. But it is the wrong response. It weakens our ability to regulate food safety rather than strengthen it.

In 1995, the sale of unsafe meat and poultry is unacceptable and deplorable. It is a scandal that meat today is inspected by the same standards first developed in the early 1900's. That is right, today's meat inspection process is nearly the same as it was 100 years ago—inspectors must rely on sight and smell.

USDA recently proposed rules that would finally bring meat and poultry inspection into the 20th century. Scientific testing would be used to prevent contaminated food from reaching American consumers.

These changes would save thousands of lives and prevent millions of Americans from suffering the ill effects of this harmful bacteria.

Death from E. coli poisoning can be excruciatingly painful. Symptoms range from diarrhea and vomiting, to extreme headaches, to neurological damage. Body functions often shut down one at a time. Blood transfusions are necessary. Death is common for children and survivors can suffer from the aftereffects of this poisoning for years.

Last year, I introduced the Katie O'Connell Safe Food Act with Senator BRADLEY. Katie O'Connell was a 23-month-old girl from Kearny, NJ, who died as a result of eating a fast-food hamburger infected with E. coli bacteria.

This act sought to prevent future tragedies like that suffered by Katie O'Connell and her family. I am pleased that after many years, the USDA proposed new standards that would do just this.

There are thousands of Katie O'Connell's across the Nation whose lives could be saved if we had a proper system in place to assure the safety of our food.

We owe it to our children and their families to ensure the safety of our food system. But the so-called regulatory reform bill before us now, even with the Dole amendment, will delay this long-awaited improvement in our meat and poultry inspection system. It will encourage challenges to rules which have already taken too long to be developed. It will delay USDA's ability to issue regulations which we need and most Members of this body want.

Regulations that are vital to the public health ought to be protected from additional delay. That is what the Daschle-Bradley amendment does. And that it why I support it.

Let us use some common sense and pass this amendment in the name of protecting the public health and safety.

Mr. President, let me close by saying that I hope we will have the opportunity to examine other amendments that will put the public health ahead of the special interests.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

AMENDMENT NO. 1503 TO AMENDMENT NO. 1502

(Purpose: To provide that risk assessments conducted to support proposed rules may be used to support final rules that are not substantially different with respect to the risk addressed)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for himself, Mr. HATCH, and Mr. ROTH, proposes an amendment numbered 1503 to amendment No. 1502.

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

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

The amendment is as follows:

In lieu of the language proposed on page 1, lines 5 through 9 insert the following:

''(10) Notwithstanding section 632, if the agency head determines that—

(A) a final major rule subject to this subchapter is substantially similar to the proposed major rule with respect to the risk being addressed;

(B) a risk assessment for the proposed major rule has been carried out in substantial accordance with section 633; and

(C) a new risk assessment for the final rule is not required in order to respond to comments received during the period for comment on the proposed rule; the head of the agency may publish such determination along with the final rule in lieu of preparing a new risk assessment for the final rule.

(11) Notwithstanding any provision of the Comprehensive Regulatory Reform Act of 1995 and the amendments made by such Act, including section 9 of such act, any rule for which a notice of proposed rulemaking was

filed before April 1, 1995 shall not be subject to the provision of this subchapter or subchapter III except for section 623 (relating to review of rules).''.

Mr. JOHNSTON. Mr. President, I invite the attention of my colleagues, particularly the Senator from Massachusetts, and the minority leader, if he is listening on his squawk box, and others, to this amendment, because it fixes the problem.

The problem, Mr. President, was well pointed out by the Secretary of Agriculture in his letter to Senator DASCHLE. What he said, with respect to this ongoing HACCP rulemaking, is that affects the 9,000 federally inspected slaughter processing plants in this country; that they have virtually completed a rulemaking; that that rulemaking has a cost-benefit and has a risk assessment that has been peer reviewed, and it is ready to go into operation. The Secretary says we should not have to go back and do that over again. It would give us a 6-month delay. A legitimate problem.

Now, what this amendment does, Mr. President, is fixes that problem, not only with respect to HACCP, but with all other Federal agencies, because it says that where there is a final rule, which is substantially similar to the proposed rule, where a risk assessment for the proposed major rule has been carried out in substantial accordance with section 633, and a new risk assessment for the final rule is not required in order to respond to comments received during the period for comments on the proposed rule, the head of the agency may publish such determination along with the final rule in lieu of preparing a new risk assessment for the final rule.

So that, in other words, if you have already done your risk assessment, in substantial compliance—not exact compliance—substantial compliance of section 623, which it is my understanding that that risk assessment has been carried out, you are exempt, not only for HACCP, not only this agency, but for all agencies.

Now, if that is not absolutely clear with respect to HACCP, let me give the clincher. The next paragraph, notwithstanding any other provision, if your notice of proposed rulemaking was filed before April 1, 1995, you ''shall not be subject to the provisions of this subchapter or subchapter 3 except for section 623.''

What that means is, if you have your notice of proposed rulemaking out, prior to April 1, as they did in agriculture, with the HACCP rules, you are exempt from everything except the petition process and the look-back.

That means the rule will go into effect as soon as proposed. It will stay in effect.

Now, if anyone wants to petition, what has to be done in order to get a petition granted, is to bear the burden of establishing, using the words of the statute, ''that there is a substantial likelihood that you would not be able to meet the standards of section 624.''

What are the standards of section 624? That the benefit justifies the cost, and that you have used the least-cost reasonable alternative that complies with the statute, unless considerations of health, safety, the environment, require a more expensive alternative, or unless scientific or data uncertainties require a higher standard.

Mr. President, if you are able to show that, if the petition is granted, only then do you do the risk assessment and cost-benefit analysis, only then do you have a new rulemaking, and there would be 3 years, plus an extension of 2 years as provided, a total of 5 years, in order to complete that process.

In the meantime, the rule is in effect.

Mrs. BOXER. Will the Senator yield for a series of questions?

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

Mrs. BOXER. Does this take care of the danger of the E. coli rule being repealed by the look-back or sunset provisions? I believe you say it would still have to comply with look-back and sunset; is that correct?

Mr. JOHNSTON. What would happen is the rule goes into effect. If you feel that that rule—the benefits do not justify the cost, and can show a substantial likelihood that that is so, then you could petition. If the agency agrees with you, then they would put you on the schedule for having a risk assessment and a cost-benefit analysis.

You do not throw out the rule in the meantime. You simply go through the scientific procedures.

Mrs. BOXER. I understand. In other words, the rule is in danger of being repealed by the look-back or the sunset procedures and is not exempted from the petition for waivers, according to your explanation—I would like to ask another question.

I believe, as I listen to my friend explain this, that the E. coli rule would have to comply with section 623 of the Dole bill and it seems to me that this in fact substitutes current law with this new law.

Mr. JOHNSTON. That is just not true.

Mrs. BOXER. I say that my friend admits, in fact, there is a danger that the——

Mr. JOHNSTON. I did not admit that.

Mrs. BOXER. Excuse me, my friend says, yes, it is subject to the look-back procedures.

Mr. JOHNSTON. But not in danger of being repealed. Those were the words of the Senator from California.

Mrs. BOXER. I have one more question.

My last question is, Did you work with the minority leader on this? Is Senator DASCHLE in agreement with your substitute amendment?

Mr. JOHNSTON. What Senator DASCHLE wants is to specifically exempt this rule, the HACCP rule, from any consideration of cost-benefit analysis or risk assessment.

We oppose that because we believe that any rule that is—HACCP will go into operation. But if someone can show that HACCP was not properly done and that it cannot meet the cost-benefit analysis, that the benefits do not justify the cost, then all we say is that you can deem the scientific panel, get the best science, and do it right, but the rule stays in effect in the meantime.

There is not a danger of will rules repeal, as if people are not going to be protected. There is a likelihood that if they have not done it right, they would have to do it right.

Now, what is wrong with putting science in control, if they have done it wrong in the first place? What is wrong with that?

Mrs. BOXER. Is the Senator asking a question?

Mr. JOHNSTON. Yes.

Mrs. BOXER. I say to my friend there is great disagreement over the very premise of this bill. Those that oppose it think it goes way too far, that the pendulum is going to swing to the side of the special interests in this country, to the detriment of the people who rely on us to protect the food supply.

I assume the answer to my question is that Senator DASCHLE does not support your substitute amendment.

Mr. JOHNSTON. Mr. President, there is no answer to those that say the bill goes too far, it protects special interests.

We are dealing with a technical amendments bill that involves a lot of provisions. You cannot answer an argument that says it goes too far and it enshrines special interests. It does not. The Senator has not shown me where it does. All I am saying is that this rule goes into effect.

By the way, the Senator from California, I believe, is a cosponsor of the Glenn substitute. Did the Senator know that the Glenn substitute would have the very effect that the Secretary of Agriculture complains about?

Under the Glenn substitute, you would be required to go back and do a cost-benefit analysis because it has not been done in accordance with what the Glenn substitute says.

We get this micromanaging of this bill where they ''fly-speck'' our bill and look at it and show—find ghosts where none exists, and then they propose legislation that has the exact same fault, sometimes worse faults.

But, that is fine.

Mr. GLENN. Will the Senator yield?

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

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Ohio.

Mr. GLENN. We are changing that. We realized that was a fault in ours, and we are changing that. The other bill, S. 343, has not been changed.

Mr. JOHNSTON. We have changed it right now.

Mr. GLENN. Not in that regard.

Mr. JOHNSTON. Mr. President, again, we have this problem on this bill that the opponents of the bill will not take yes for an answer.

Secretary Glickman writes a letter and says, ''We have a problem, that we have gone through this extensive rulemaking, we do not want to have to do it over again.''

We say, ''Yes, Secretary Glickman, you have a problem. You should not have to do it over again. Not only should you not have to do it over again, but nobody in the Federal Government ought to have to do it over again.''

We proposed two fixes. If you started your rule prior to April 1 with a notice of proposed rulemaking, you are exempted. Or, if you have already done it and it is in substantial accordance with the section, you do not have to do it again. On both scores, this proposal for safe meat and E. coli, about which I am just as concerned as any member in this body—look, to say we are not concerned about health because we want scientists to do it right is to turn logic on its head. It is to turn the argument 180 degrees around. It is because we want it to be done right that we propose this bill. We do not want to have to do it over again. We do not want to delay. This amendment fixes the problem.

Now, the reason we oppose the Daschle amendment is, in effect, what Senator DASCHLE says; citing the same problem, he says, just exempt HACCP altogether from these requirements.

Well, you could come along and say, Well, this rule or that rule involves health or safety and it ought to be exempted.

Mr. President, we are not diminishing safety by this bill. To the contrary, we are requiring that the benefits ought to justify the cost, a very simple proposition. Why do we propose that? Because, across Federal agencies, we have seen terrible examples of waste, ignoring our own scientists, not even knowing what regulations cost, dealing with risks that do not exist.

With respect to this clean meat inspection, inspection of poultry houses, inspection of slaughterhouses—that regulation is going to go into effect under the second-degree amendment. We have fixed the problem. I wish the opponents to this measure would at least acknowledge that we are fixing the problem and not give us these arguments like: Oh, this is a special interest bill. Oh, you want dirty meat for your children.

Mr. President, it is just not true. Let the opponents to this measure speak to this measure. Do not speak to something that is irrelevant, like whether special interests are being taken care of. This is not a special interest. This second-degree amendment is proposed specifically because the Secretary of Agriculture said he had a problem, and it fixes that problem. If there is another problem, let us deal with that in a separate amendment. We have had over a hundred changes accepted to this bill already. It is a tight bill. It is a good bill. It is a workable bill. And this amendment makes it better and I hope my colleagues will accept it.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I hope, in the course of the next half-hour or so, I can be very specific in my critique of the DOLE bill, so my friend from Louisiana can see that I am coming at it after a great amount of thought.

I support the Daschle amendment because the Daschle amendment says, very simply, in plain English: We are moving ahead with that rule on E. coli. The Johnston amendment that he is substituting for the Daschle amendment deals with a broader issue. Fine.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mrs. BOXER. If I might complete my thought, then I will be happy to yield.

We believe that the Daschle amendment is necessary so this HACCP rule which I refer to as the E. coli rule, that is about to take effect, can move forward now and be exempted from the bill. It is as simple as that.

If you want to deal with the issue in a broader way, we can look at the Johnston language. But it does not mean that the Daschle language is not needed if you are concerned about E. coli and want to see the rule move forward unencumbered by language that my friend took about 10 minutes to explain. It is still confusing. We think the Daschle language is clear. Just move forward with the rule, exempt it, and let us get a safe meat supply.

That is why I support the Daschle amendment.

Mr. JOHNSTON. Now will the Senator yield on that point?

Mrs. BOXER. I will be glad to.

Mr. JOHNSTON. Does my friend from California understand my amendment allows the E. coli rule to go forward the same as the Daschle amendment does?

Mrs. BOXER. It does not exempt the E. coli rule, in your own words, from the waiver provisions——

Mr. JOHNSTON. Yes, it does.

Mrs. BOXER. From the sunset provisions, from the look-back provisions; and also, from what I gather from my friend's explanation, it still has to comply with Section 623 and the spirit of the new law. That is what I understood from my friend.

Mr. JOHNSTON. If I may explain very carefully——

Mrs. BOXER. Therefore I believe the Daschle amendment is necessary, in a simple way, so I can look the people in the eye and say: That rule to protect you from E. coli is moving forward, period. And it is not going to be repealed because of actions by a special interest lobby that forces it to be repealed. I stand by my strong belief that the Daschle amendment is necessary.

Mr. JOHNSTON. Now, does the Senator understand—let us see where we agree and disagree.

Mrs. BOXER. I will be happy to yield.

Mr. JOHNSTON. Does the Senator understand that under the Johnston amendment, the E. coli regulations will go forward; be promulgated without delay?

Mrs. BOXER. As I understand my friend's comments, and I would have to have them read back to me to be certain, he said that you have to make sure, in your generic description, that the spirit of section 623 was complied with.

Mr. JOHNSTON. No. There are two bases on which this would be, that E. coli would go forward. First, that you had substantially complied with the risk assessment under section 633.

Mrs. BOXER. Section 633.

Mr. JOHNSTON. Or—understand ''or''—or that your notice of proposed rulemaking was put out before April 1, 1995. And this was put out before April 1, 1995. Therefore, it is exempt from the proposal.

Are we together on that?

Mrs. BOXER. It is not exempt from the look-back. It is not exempt from the sunset. It is not exempt from the waiver.

I would say to my friend, if the April date is consistent, it may well move forward. I concede that. However I believe some of my colleagues have raised questions about the April date.

Mr. JOHNSTON. So we are in agreement.

Mrs. BOXER. I do not know the exact date of the rule, but if my friend says it, I would agree. I have no reason to think he would not be honest on that point.

Mr. JOHNSTON. Do we also understand that in order to petition to have a risk assessment on this, that during all of that time, that the rule stays in effect? Are we in agreement on that?

Mrs. BOXER. Yes. I understand exactly what my friend said. It is subject to the look-back, the waiver, and the sunset provisions of the law.

Mr. JOHNSTON. Do you also understand that, as far as the sunset provisions, those are only rules that the Secretary himself will pick out? In other words, you do not sunset all rules, it is only such rules as he picks out for reexamination? And that is only if Secretary Glickman says he has to go redo his own work. Does my colleague understand that?

Mrs. BOXER. I understand my friend perfectly. The fact is, Secretary Glickman is here today and could be gone tomorrow. We do not legislate because Secretary Glickman is a good guy. We legislate for whoever happens to be Secretary of Agriculture.

I am going to take back my time, if I may, because I have a long statement on this bill. I have time constraints.

I know my friend speaks in total good faith but I hope he knows I also speak in good faith. I am concerned about E. coli because kids die from it and old people die from it. And I want to go to the route that will exempt it from this legislation. Legislation that is so complicated that two Senators have different ideas about what it means any day of the week. That says to me: Court cases. That says to me: Lawyers' dreams. Why not go with Senator DASCHLE's approach? You have a problem. You have a rule. Put it into place, exempt it from this bill.

If people do not want to vote for that, God bless them, that is their option. I respect them. But no manner of questions to this Senator is going to change my mind that the most direct way to protect people from E. coli is to support the Daschle amendment.

I want to get into the general subject of this bill. I think that all Americans agree there are tremendous benefits that come from our health and safety laws. If you look at some of our rivers, where there was no sign of life and they have been rejuvenated, it is because of our Nation's laws.

If you look at the quality of air in certain areas where we are reaching attainment levels, areas where kids are now born with a healthy ability to breathe, a lung capacity that they deserve, it is because of the Clean Air Act. I could go on and on and cite case after case, of where we have reaped benefits from our health, safety and environmental laws.

I also completely agree that there are instances where Federal agencies have ignored the costs of regulation on business and individuals. And those people feel they were treated unfairly, and in many cases it is true. In other words, I believe that we need to readjust the balance. There is no question about that. And that is why we need regulatory reform. The point I want to make is, while saying we need regulatory reform, I want to underline that we do not need, want, and should not pursue, regulatory repeal.

What the Dole bill will do by coming up with these incredible hurdles that agencies have to go through in order to protect health and safety, in essence, will be the repealing of our laws. We are making it so impossible for them to go into effect that our people could be left unprotected.

The Dole bill is basically a repeal. The Glenn bill cosponsored by Republican JOHN CHAFEE—is regulatory reform. Yes. That is why I have my name on that bill. And I am proud to have my name on that bill. You are going to see some interesting folks crossing party lines on this.

We need regulatory reform that provides reasonable, logical and appropriate changes in the regulatory process, that will eliminate unnecessary burdens on business, State and local government, and individuals. But we need regulatory reform that maintains our National Government's ability to protect the health and safety of the American people.

Why do I say ''National Government?'' It is because I believe a child in California that bites into a hamburger that could be tainted deserves as much protection as a child in Mississippi or Pennsylvania or New York. All the children of this great country deserve that protection. All the people of this great country deserve those national standards. If I travel to another State, I do not have to worry about ordering a hamburger because that State did not enact good law. I want to know there is a national standard, that there is a national inspection service.

I am committed to doing away with regulations that have outlived their usefulness, or have created needless redtape or bureaucracy.

I am equally committed to making sure the American people's basic needs are protected—the food they eat, the air they breath, the water they drink—because you may have a great job, you may have a great future, you may have a wonderful family, and yet, if something like this happens—where a family member is killed or maimed or hurt by bacteria in meat or bacteria in the water supply, it does not mean much, folks.

I want to share a chart with you. It is interesting because this public opinion poll was taken, as I understand it, by one of the Republic pollsters, Luntz Research and Strategic Services in March 1995. I think this is a warning, a warning to those who would just say, throw out our regulations.

''Which should be Congress' higher priority: cut regulations or do more to protect the environment?''

Twenty-nine percent of the American people, ''cut regulations''; 62 percent, ''protect the environment.''

And the pollster goes on to comment, ''This question here is a warning. Environmental protection is a higher priority than cutting regulations.''

It is clear. So what does this mean? It means that there cannot be a frontal assault by politicians on environmental regulations and food and safety regulations because a frontal assault would be so unpopular, those people would be booted out of office in 5 minutes.

So what do they do? They come up with back-door solutions. I think the Dole bill is a back-door solution of this kind. Call it regulatory reform, hide behind words like ''bureaucrat, overregulation, cost and benefit studies,'' and strip protections from the American people. When I talk about protection, I mean the most basic protection, the most basic rights to safe water, clean air, and so on.

I want to share with you some of the editorials and stories that have been appearing in the newspapers about regulatory reform and the Dole bill, the bill we are trying to make better by amending it, the bill for which we have a substitute called Glenn-Chafee bill which we think is far better.

USA Today, ''Reforms aimed at health, safety rules are too risky.''

The San Francisco Chronicle: ''Regulatory Reform or Polluters' Revenge?''

That is how the Chronicle saw it.

Congressional Quarterly cover story, ''Industry, Politics Intertwined in Dole's Regulatory Bill: Its sweeping changes offer the campaigning leader a platform and generate a wave of lobbying from affected businesses.''

Maine Sunday Telegram: ''Senate: No 'Reform' Trashes Environment.''

Mesa Tribune: ''Regulatory Reform, Polluters' Loophole.''

The New York Times talking about this bill: ''The Next Environmental Threat.''

And here is a story from Business Week: ''The GOP's Guerrilla War on Green Laws, Newt & Co. Plan a Procedural Overall, Not a Direct Attack,'' which is exactly my point.

You cannot say to the people we are repealing food safety laws, but you write a bill that makes it extremely hard for our agencies to protect the food supply. In essence, you have repealed those laws. It could not be said better than in the Business Week headline.

How about this? Detroit Free Press: ''Unnatural Reform, GOP Remedies Would be Environmental Disaster.''

So, when I criticize the Dole bill, I think I have a lot of support for my position. When I talk about special interests being behind it, which my friend from Louisiana got so upset about, I do not think you need a degree in political science to know that the pin-striped suits are all over this place, by the way, backing off a bill that already passed 15 to nothing out of the Government Affairs Committee because they see a better chance to get relief.

That is what hurts. We had a bill passed in a bipartisan way, but all of a sudden we are into a whole different situation.

Make no mistake about it: Laws that protect our clean air and water and our food supply are at stake here. It is an attack on the laws and regulations that protect us from the medicines we buy every day, the toys we give to our children, the cars we drive and the places where we work. The consequences of this bill are far-reaching—they will reach far into every town in America, into every kitchen in America, because when you turn on the water, and you back off of protecting that water supply, you are in danger.

I believe that this Dole bill, in the name of efficiency, in the name of cost-benefit analysis, will bring us gridlock and that will assist the special interests and the corporate polluters. And I did not come here to protect them. I came here to protect the people in my State who are going to rely on us for their health and safety.

The Dole petition and look-back, which we talked a little bit about with my friend from Louisiana, and the judicial review provisions will allow any well-financed ''bad actor''—what I mean when I say ''bad actor'' is a person in the industry who does not have principles. And that is certainly not a majority, but there are some.

I will never forget a very long time ago when I was very young and I was just getting into local politics. I went to a meeting on the issue of energy policy in America. And discussion on the safety of nuclear energy came up. I made a statement that I was worried about the disposal of nuclear waste. I felt very strongly that until we knew what we were going to do with the nuclear waste, we had better not continue

to build nuclear power plants. This was way back in the 1970's.

A utility industry person came up to me, drew me aside, and said, ''You know, young lady''— or something like that—he said, ''There may be a problem. There may be a health problem from nuclear energy waste. But no matter what you say, no matter what you do, it will not show up for 20 years and no one can prove it was us.''

I will never forget that. I looked at him. I said, ''When people get cancer, they are going to look to the environment. They are going to look to what we are doing with that nuclear waste.'' And he said, ''They will never pin it on us.''

That is a bad actor. That is a bad actor. Who was I? I was just an individual at this conference who was concerned. He would never say that to me today. But he said it to me a long time ago.

So when you think about what we are doing here, you have to think about the bad actors. The majority of people are not that way. They care about their products. Of course, they do. But when you have a bad actor, you have to be sure that that bad actor gets punished. And I believe under the Dole bill, with the petitions, with the lookbacks, with the judicial review provisions, we will allow any well-financed bad actor to paralyze an agency, to prevent the agency from developing new rules, to prevent them from reviewing old rules, to force a stay on enforcement of rules and cause the eventual sunset of rules. To me, it is completely unacceptable. I am not casting aspersion at those who like those provisions, but to me they will lead to gridlock. You might as well just repeal the laws if you are going to make it so hard for people to act.

I also believe the Dole provisions on so-called supplemental decision criteria create a supermandate that supersedes current law. Now, supporters of this deny it. They insist it is not the intent to supersede but merely to supplement the decisional criteria in other statutes. However, the bill clearly overrides other statutes including our health, safety and environmental laws because the standards in Dole would still have to be met even if they were in conflict with current law.

Mr. JOHNSTON. Will the Senator yield?

Mrs. BOXER. Yes, I will.

Mr. JOHNSTON. Was the Senator aware of the amendment which was accepted yesterday, the one which was cosponsored by Senator LEVIN, which specifically says that the bill does not override the requirements of any environmental law?

Mrs. BOXER. If that amendment passed, I stand corrected, and I am very pleased.

It covers all laws then or just environmental laws?

Mr. JOHNSTON. All requirements of laws including environmental safety and health laws.

Mrs. BOXER. Very good. Well, that is an improvement, and I am glad that it passed. By the way, there will be many other amendments that will improve this bill including the Daschle amendment.

The Dole bill, in my view, goes well beyond sensible reform by establishing a goal that is absolutely at odds with our responsibility to improve the well-being of all the American people. It says that we should protect only those values that can be measured in dollars and cents. It is a corporate bean counter's dream. This is my view. Forget about saving lives, because you cannot put a dollar figure on a life. Forget about getting poison out of our air and water. Forget about preventing birth defects, infertility, and cancer. If you cannot put a price tag on it, it does not count as a benefit. And that is wrong.

Mr. JOHNSTON. Will the Senator yield?

Mrs. BOXER. Yes.

Mr. JOHNSTON. Is the Senator familiar with provisions of the Dole-Johnston bill now before the Senate which state that the head of an agency can choose a more expensive alternative if nonquantifiable benefits to health and safety of the environment make that appropriate and in the public interest?

Mrs. BOXER. I say to my friend, yes, but that is so inadequate for what I am talking about and it gets back to my conversation I had with the Senator on another issue.

Mr. JOHNSTON. I thought the Senator just said it was impossible to consider nonquantifiable benefits.

Mrs. BOXER. I said very clearly that in this bill there is no way you can put a price tag on those benefits. Now, if you give a bureaucrat a chance to assert his or her own opinion, it is better than nothing. But in my opinion, it does not meet the test. I think that we should be able to consider that and not leave it up to some bureaucrat.

That is the problem I have with this bill. On E. coli, my friend says Dan Glickman will be wonderful. Great. What if it is another administration? I think we should legislate and not give up our power here. And I think we do that to a great degree.

Mr. JOHNSTON. How does the Senator suggest that we legislate with respect to——

Mrs. BOXER. I think we could be very clear and talk about it, if we could, after I finish my statement, on how I think we can measure and quantify these benefits. If my friend is willing, I will definitely propose an amendment that would reach to those issues.

Mr. JOHNSTON. I would invite my colleague to read the language which we have put in. It provides that benefits include all quantifiable and nonquantifiable benefits. So they are all brought in. I think it is really very clear. I invite the Senator to read that.

Mrs. BOXER. I would invite my friend to read the substitute bill because I think on this point it is much stronger when it deals with costs and benefits.

Now, I think Senator GLENN, who is a hero already—in other words, if he did nothing more in his life in the public arena, he would go down as a hero for what he has done in forging the advancement of space. We know that. He is already a hero. He is a hero for what he does here also. And as he says, maybe this is boring, but I have to say I do not think it is that boring. I do not think it is boring if your kid bites into a hamburger and is rushed to the hospital. Not only does it ruin your day, but it could ruin your life and he could lose his life.

I guess I would say to my friend from Louisiana, who is questioning my views on this bill, which is his right to do, we have a bill that passed out of the committee with a bipartisan vote, and now we are facing a bill which, in my opinion, does harm to the health and safety rules. So I think Senator GLENN is right in what he does in relation to cost-benefit analysis, in relation to judicial review, and in the many problems that we have with this bill.

I wish to talk about another area of the Dole bill that I think my friend from Louisiana supports, which is the provision on toxic release inventory, which I think would significantly undermine a community's right to know who is polluting and what kind of toxics are being released into the air. The toxic release inventory is an effective cost saving tool. Public scrutiny as a result of the information released under the 1986 Emergency Planning and Community Right to Know Act has often prompted industry to lower pollution levels without the need for new Government regulations. The Glenn-Chafee bill has no such provision.

In this whole area of toxic relief, my God, if we should be protecting anything here, it should be a community's right to know if someone is coming in and poisoning their neighborhood. Why should that be a secret? Why should they not have the information? Information is power, and a lot of folks who stand up here, particularly on the other side of the aisle, and say States rights, give it all back to the States, are going to support this alternative which takes away a community's right to know. Information is power.

I think the Dole bill strips away that knowledge, and I think that is wrong.

I do not think this bill is boring. Oh, yes, the proponents of the Dole bill will get you off on little sidebars here, but the whole issue is true, as I see it, and I am on the Environment Committee. I served in the House, and I know how these bills go. You had a bipartisan bill that was fair and just. Was it perfect? Probably not. My friend pointed out an area where it was not perfect, and they are fixing it. But it really worked to provide this balance the American people deserve—protection of their water, of their air, of their food supply, of

their very lives, if you will, balanced with sensible regulation.

Mr. JOHNSTON. Will my colleague yield at that point?

Mrs. BOXER. I think we have lost it in the Dole bill.

Yes, I will be happy to yield to my friend.

Mr. JOHNSTON. We just had a discussion about benefits and how the definition of ''benefits'' in the Dole-Johnston bill was insufficient and how the Glenn bill was so much better.

Does my colleague understand that the definition of ''benefit'' in the Glenn bill is word for word identical to that which is contained in the Dole–Johnston bill, save for one change? At the behest of Democrats we added the words ''quantifiable and nonquantifiable effects.'' That was Democrats who said, ''We want to be sure it includes both quantifiable and nonquantifiable.'' So they added that amendment. Does my colleague understand that? Excuse me, we also added the word ''health.''

Mrs. BOXER. It is my understanding they are not alike. If the Senator would like, when I finish I can put it side by side where they are not exactly alike.

Mr. JOHNSTON. If the Senator will allow me to come over, I have got them both right here.

Mrs. BOXER. As soon as I finish my prepared remarks I will yield time to my friend, and we can go through it. Right now——

Mr. JOHNSTON. I am looking at it right here.

Mrs. BOXER. I am working on it. It is my understanding it is definitely not the same. I will show it to you in a moment's time. I do not want to interrupt the flow of what I am saying. So if my friend will wait, I think I will be finished in just a few minutes here. We will go through the side by side of both bills on that issue of benefits.

Mr. JOHNSTON. If I am correct, will you acknowledge that?

Mrs. BOXER. I say to my friend, I have great respect for him. I told my friend he is correct a couple times and incorrect a couple times. But I will be glad to agree with my friend when I have the writing in front of me. I am going to have it for you.

Now, I think another key aspect of the Dole bill is how it will affect our ability to respond quickly to the threats of public health, safety and the environment. It is interesting that the majority leader, Senator DOLE, has responded so quickly to concern about E. coli. Now, if I heard my friend right yesterday, he got up and said that the Dole bill was not necessary, the Dole amendment was unnecessary. I thought that was really interesting. Senator JOHNSTON says to Senator DOLE that his amendment on E. coli is not necessary. Then I ask, why did Senator DOLE put it forward? Because it was necessary, because under the emergency provisions it did not say ''food safety.''

And yet my friends were defending the bill as it was. ''Oh, it is covered.'' I heard the colloquy that went on between the Senator from Delaware and the Senator from Louisiana. ''Oh, the Dole amendment is not necessary. The Dole amendment on E. coli is not necessary. We will vote for it.''

Well, I am telling you, I am glad that the majority leader offered that E. coli amendment because that opens the door to all of us who have other issues we want exempt as well. Critically important regulations on cryptosporidium and mammograms that my friend from Massachusetts talked about. The Dole bill would delay and possibly prevent issuance of these regulations. And although my friend from Louisiana said it was not necessary to have the DOLE language, he voted for it. Well, if it was necessary for E. coli, I say it is necessary for cryptosporidium. I say it is necessary for mammograms, and other areas.

Of course, we know that the Daschle amendment even goes further on E. coli because it says that rule will be exempted from this bill. And my friend from Louisiana stands up and says, we did not need this Daschle amendment because under a substitute he is offering the E. coli rule can move through. But he admits that the E. coli rule would still be subjected to the lookback provisions of the bill, the sunset provisions of the bill, and the waiver provisions of the bill.

So in fact we do need Senator Daschle's amendment. And I hope my colleagues will vote it in. Only those rules which represent an emergency or health or safety threat that is likely to result in significant harm to the public would be exempt under that emergency section. There is no definition of the term ''significant'' or ''likely'' in the bill.

Now, I say if one child dies as a result of eating contaminated meat, does that pose a significant harm to the public? It certainly is significant to the child's parents and the others who ate at the same restaurant or bought meat at the same grocery store. Now I want to show my friends the number of outbreaks just recently of the bacteria E. coli. It is enough to make your head spin. It is all across the country—North Dakota, Ohio, Nebraska, California, and so on, and so on, and so on.

As a matter of fact, on this next chart I will show you a personal case. I am going to talk about it. We want to put personal faces on this. We get a lot of talk about section 103 and section 202 and line 4 and line 6. And does the Senator know this and does the Senator know that? This Senator knows one thing. We should vote for the Daschle amendment and get that E. coli rule, moving safely on its way not subject to lookback and not subject to anything else. Let me tell you about this child.

Jesse Fendorf, Shawnee, KS. Unfortunately, Jesse was almost killed by infected meat contaminated by E. coli. To deal with this, Jesse had to have many blood transfusions and was on kidney dialysis for 2½ weeks. Today he is still ill. Someday it is likely he is going to need a kidney transplant. In the meantime, no one will sell his family any insurance. Now, clearly under the Daschle amendment the rule on E. coli would be exempted from the nightmare of this bill. It will go on its way and it will not be repealed. What if we get someone over there in Ag that decides it ought to be repealed? The least we can do for this child is pass the Daschle amendment—I will show you a few more faces.

Here are a few more faces. Alex Donley, Chicago, IL; Katie O'Connell, Kearney, NJ; Scott Hinkley, Saranac, MI; Lauren Rudolph. E. coli in food kills more than one victim each day. Who is next? Who is next?

Let me tell you about this case because it happens to be a constituent. Six-year-old Lauren Rudolph of Carlsbad, CA, was the first person to die on the west coast Jack-In-The-Box case of 1993. She suffered three heart attacks and had to be put on life support before she died. Her mother, Roni Rudolph, founded STOP, Safe Tables Our Priority, a national consumer watch group dedicated to improving our Nation's meat and poultry safety.

I mean, you look at these kids, 1990 to 1992. I am not going to say any more about this. Just look at this and vote for the Daschle amendment. Do not vote to weaken it. If a woman has her mammogram read by someone who is poorly trained in mammography and she dies as a result of not getting help, is that significant harm to the public? That is what you have to deal with in the Dole bill. There is no definition.

I will tell you right now, if it was a Senator's wife it sure would be significant. If a Senator's wife died of cancer because of a faulty mammogram, I am sure it would be significant. Well, to me it is significant if anyone dies because of a faulty mammogram. And yet in this bill we are going to derail these safety regulations.

We have to ensure that one of the most fundamental needs of any society—safe drinking water—is available to all Americans.

Public health continues to be threatened by contaminated drinking water.

In 1987, 13,000 people became ill in Carrollton, GA, as a result of bacterial contamination in their drinking water. In 1990, 243 people became ill and 4 died as a result of E. coli bacteria in the drinking water in Cabool, MO. In 1992, 15,000 people were sickened by contaminated drinking water in Jackson County, OR. And 1 year ago, 400,000 people in Milwaukee became ill and 104 died as a result of drinking the water from their taps which was infected with cryptosporidium.

A recent study completed by the Natural Resources Defense Council ''You Are What You Drink'' found that from a sampling of fewer than 100 utilities that responded to their inquiries, over

45 million Americans drank water supplied by systems that found the unregulated contaminant cryptosporidium in their raw or treated water.

I am going to show you just a couple more charts and then complete my statement because I know my friend is ready to talk. This is a real-life warning that was distributed by the Environmental Protection Agency as guidance for people with severely weakened immune systems in terms of our water supply.

Current EPA drinking water safety standards were not explicitly designed to assure the removal or killing of cryptosporidium. Efforts are now under way to resolve a number of scientific uncertainties that will enable EPA to set specific safety standards for this parasite in the future. Cryptosporidium has recently caused several large waterborne disease outbreaks of gastrointestinal illness with symptoms that include diarrhea, nausea, and/or stomach cramps. People with severely weakened immune systems are likely to have more severe and more persistent symptoms than healthy individuals. Moreover, cryptosporidium has been a contributing cause of death in some immunocompromised people.

People who have cancer, transplant patients, people on immunosuppressant drugs, little children, pregnant women—these are the most vulnerable.

This is what is going on in communities across the country, and we know people in Milwaukee died of crypto sporidium in the water supply. Do we want to derail a rule that will get this killer out of the water supply? I am sure every Senator would say, ''Oh, no, not me; I don't want to do that.'' But if you support this Dole bill, that is what you are doing, because you are going to subject this rule to all kinds of analyses and lookbacks, petitions, sunsets, judicial reviews, and all the rest of it.

There was an article in the Wall Street Journal, and the author said, ''Well, we know how to deal with this problem. Drink bottled water. Go to the store and for a few bucks, buy bottled water.''

Well, that is just swell, in a country like America where we are a democracy, we are going to have an environment that is safe for the wealthy, for those who can buy that bottled water. That is wonderful, is it not? What a society that would be. What an answer that is. That is almost as bad as James Watt in the old days under Ronald Reagan saying, ''Well, if you don't want to get skin cancer, just wear a hat and put sunglasses on, because we're not going to do anything more in the environment.''

That is not what this country is about. This country is about clean water and clean air. We are the best. We are the best in the world. So let us not vote for a back-door repeal of these laws by making it so very difficult to implement them. I do not want to see these anymore. I do not want people to be scared that they are going to die from drinking water out of the tap. Why would we support a bill that will make it more difficult to make the water safe? It just does not make sense.

We have a sound alternative. We have the Glenn-Chafee bill. We can be proud to support that. It takes care of our problems.

So whether it is mammograms, cryptosporidium in the water, E. coli—we could go on—let us not hurt the American people by supporting a bill that makes no sense.

So I am proud to stand in support of the Daschle amendment on E. coli. I am proud to stand in support of the Glenn-Chafee bill, and I am proud to stand in opposition to the Dole bill. This may sound like a boring debate, but when you strip away the arcane language of these bills, the bottom line is the safety and health of the American people.

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

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, an effort has been made to use scare tactics to insinuate, to suggest, to expressly assert that those of us who are supporting meaningful regulatory reform are somehow trying to prevent appropriate action being taken in the case of matters that affect the health, the safety of the American people or the environment.

Time after time, statements have been made that we cannot take action to protect the American people from E. coli, admittedly a serious problem.

The reason I say it is scare tactics is the fact that the legislation before us very clearly deals with the situation. In fact, the legislation proposed, the so-called Dole-Johnston amendment provided, that a major rule may be adopted and may become effective without prior compliance with this subchapter if ''(A) the agency for good cause finds that conducting cost-benefit analysis is impracticable due to an emergency or health or safety threat or a food safety threat that is likely to result in significant harm to the public or natural resources.''

So I think it is important to understand the basic legislation anticipated that there could be situations where there were serious threats to health and safety, and because of the need for action, an exception would be made to the general rule of requiring a cost-benefit analysis.

Let me point out further that that language does not require that it be an emergency to fall within this exception, because the language specifically provides that there is an exception to the rule requiring cost-benefit analysis in the case of, first, an emergency that stands on its own feet—just the word ''emergency''—or health, that likewise stands on its own feet. So it does not need to be an emergency as long as it is a question of health. And the same thing, of course, could be said about a safety threat or a food safety threat. So that is point No. 1.

But yesterday action was taken because of concern expressed by the Secretary of Agriculture that there was a problem with respect to a rule involving E. coli. So because of that concern expressed by the Secretary, as well as the many statements that were made in the media, the press, the Senate adopted an amendment proposed by the majority leader that modified the language of which we just spoke and in which it expressly includes an imminent threat from E. coli. The language now reads:

> A major rule may be adopted and may become effective without prior compliance with this subchapter if
>
> (A) the agency for good cause finds conducting a cost-benefit analysis is impracticable due to an emergency or health or safety threat or a food safety threat (including—

This is the new language—

> (including an imminent threat from E. coli bacteria) that is likely to result in significant harm to the public or natural resources. . . .

This legislation was adopted by a unanimous vote, and Senators, both Republicans and Democrats, made it very clear that it was not an attempt in any way to prevent or threaten the issuance of a rule affecting E. coli.

Subsequently, there were concerns expressed again by the Secretary of Agriculture that the legislation unanimously adopted yesterday did not cover two situations that he saw as being burdensome or troublesome.

One was that under the amendment yesterday, it did not exempt his being required to take or make a risk assessment under subchapter 3 of the legislation, and that as part of the risk assessment, it would become necessary to have a peer review. Such peer review, the assertion was made, might delay the issuance of the rule by as much as 6 months.

So, once again, we are here on the floor seeking to allay this concern. And that is, of course, the purpose of the Johnston-Hatch-Roth amendment.

Under the Johnston-Hatch-Roth amendment, two steps are taken. It is specifically provided that a new risk assessment for the final rule need not be made if the final rule is substantially similar to the proposed rule. In other words, when you propose a major rule, there has to be a risk assessment made. And so if the situation is such that the final rule is very similar to the proposed rule, under this legislation, it would not be necessary for a new risk assessment to be made.

So that takes care of the problem. In fact, I point out to my distinguished colleagues that this legislation or this proposal, this amendment, very substantially modifies the burden on agencies because this modification not only applies to E. coli, but is a general rule, so that any time in the future when the

final rule, the final major rule, is substantially like the proposed rule, a new risk assessment would not have to be made for the reasons I have already mentioned.

The amendment, of course, goes further and provides that notwithstanding any provision of the Comprehensive Regulatory Reform Act of 1995 and the amendments made by such act, including section 9 of such act, any rule for which a notice of proposed rulemaking was filed before April 1, 1995, shall not be subject to the provisions of this subchapter or subchapter 3, except for section 623 relating to review of rules.

As I understand it, the proposed notice of proposed rulemaking in the case of E. coli was back in February, so the fact that this paragraph exempts any rulemaking where the notice of proposed rulemaking was filed before that date, again, ensures that action can be taken in the case of E. coli.

So I congratulate the Senator from Louisiana for his authorship of this legislation and I think, once again, we have addressed the problems that have been raised. I suspect that tomorrow, we will have some new problem because of the efforts on the part of some to use scare tactics.

Mr. President, I am concerned that the pending regulatory reform legislation, S. 343, has been poorly understood and mischaracterized at times. This legislation, the product of bipartisan compromise, the work of four committee chairmen, including myself, is vitally important to restoring some common sense in the regulatory process.

Simply put, the Dole-Johnston compromise would require regulators to issue regulations whose benefits justify their costs, unless existing statutory instructions prevent that.

This legislation will lead to a more efficient, a more effective regulatory process. But a number of recent statements misconstrue this legislation. I have, of course, just been addressing the misinterpretations, the scare tactics that have been used in the case of E. coli, which is a good example of the recent statements that have been made that are misconstruing this most important piece of legislation.

Let me take a few minutes to address some of these myths. First, S. 343 would not roll back environmental standards and does not—and I underscore the word ''not''—contain a supermandate. Section 624 of S. 343 contains the cost-benefit decisional criteria. Section 624 clearly states that the cost-benefit requirements shall supplement and not supersede another existing statutory instruction.

Section 624 merely requires regulators to pick a regulation whose benefits justify its costs, unless the statute authorizing the rule does not allow such an option. This is, in my judgment, just plain common sense.

Now, S. 343 also gives fair and equal treatment to environmental considerations and nonquantifiable benefits. The definition of benefits in section 621(2) clearly shows that in determining whether the benefits of a rule justify its cost, an agency should consider environmental, social, and health benefits. The agency also does not have to quantify all costs and benefits. Nonquantifiable factors count, too. S. 343 merely calls for a reasoned decision from the agency as to whether the benefits of a rule justify its cost, considering all relevant costs and benefits.

I might just point out the importance of the word ''justify.'' It does not mean that benefits have to outweigh costs. The word ''justify'' is much less strict than that.

Now, to deal with emergencies where an agency must issue regulations quickly to respond to immediate threats to human health, safety, or the environment, S. 343 contains emergency exemption from risk assessment and cost-benefit requirements in sections 632(c)(1)(A) and 622(f).

S. 343 will not roll back environmental standards. S. 343 will not cause undue litigation and will not clog the courts with lawsuits. S. 343 has limited judicial review.

In fact, it does not allow the normal level of judicial review that applies to laws as a matter of due course under section 706 of the Administrative Procedures Act.

Section 625 of S. 343 provides that an agency's failure to comply with S. 343 may only be reviewed by a court in the context of the whole rulemaking record under the very, very, deferential ''arbitrary and capricious'' standard.

A court cannot overturn a rule because an agency fails to comply with some unimportant procedure in doing a risk assessment or cost-benefit analysis. In other words, a court cannot nit-pick an agency for minor procedural missteps in doing the required analysis.

Only if an agency's failure to comply with S. 343 is so glaring as to render the rule arbitrary and capricious can a court overturn a rule.

Three, the process for reviewing old regulations under S. 343 will not overload the agencies or clog up the courts with litigation. Section 623 of S. 343 is designed to allow for the reform or elimination of inefficient, outdated, or ineffective rules already on the books. Again, this is a commonsense solution.

We should look at the old rules that do not make sense and try to reform them. Leave the other rules alone.

Section 623 allows each agency to choose any rule it thinks should be reviewed and place them on a review schedule. The agencies have up to 11 years to review these rules and decide whether they should be continued, reformed, or terminated.

In addition, a petitioner can request that the agency review any overlooked major rules within the first 3 years of the schedule. But to limit the number of petitions, S. 343 requires any petitioner to meet a very high burden of proof. That is, that there is a substantial likelihood that the rule should not meet the cost-benefit test in section 624 of the legislation.

This is a heavy burden of proof that will require substantial supporting documentation. But if a petitioner cares enough about a poorly written rule to prove that the benefits do not justify its cost, or that it otherwise fails the cost-benefit decisional criteria, why should we not review that rule?

Mr. President, section 623 is a fair, workable, and sensible solution to the thorny issue of reviewing existing rules.

In sum, Mr. President, when we look closely at how S. 343 would work, we can see it would achieve its intended goal—a more efficient and effective regulatory system. It will give us more bang for the buck, allowing Americans to achieve greater benefits at less cost. S. 343 will benefit everyone while providing needed protection for the environment, health, and safety. S. 343 will provide smarter regulation. I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Senator from Wisconsin.

Mr. FEINGOLD. I would like to begin, Mr. President, by stating my support for the consideration of appropriate regulatory reform legislation in the U.S. Senate.

I do believe our regulatory process is in need of repair. I would like to compliment the majority leader and the Senator from Louisiana for trying to craft a bill that will reform a regulatory process that, no doubt, has and will continue to serve an important purpose, but has too often infuriated and frustrated a growing number of Americans.

Mr. President, I have held over 175 town meetings in my home State of Wisconsin during the past 2½ years. Many times I have had constituents stand up at the meetings and express their tremendous frustration and anger with the regulatory process that, too often, really, is impractical and impersonal and needlessly burdensome and, of course, many times, costly.

The regulatory process affects just about every American one way or another. It may be the factory owner who is trying to comply with a Federal workplace safety regulation. It might be a young couple shopping for a car safety seat for their child. Or it may be the millions of Americans who sit down every April and have the pleasure of trying to decipher the Rube Goldberg guidelines and rules known as our Federal Tax Code.

It is clearly in all of our interests to make sure we have a regulatory structure that is effective, efficient, and sensible.

Mr. President, though this does not mean that we should entirely dismantle the regulatory process—that is not a solution, because the regulatory process serves as a protective watchdog over the health and safety of every person in this Nation. It is responsible for

helping to ensure that we have cleaner air, cleaner water, and safer products.

I am constantly reminded of the need for regulatory reform by constituents who approach me with their concerns with the process. Unfortunately, I am also occasionally reminded by other kinds of incidents, Mr. President, incidents in my home State that illustrate just how important appropriate Government regulation really is.

Mr. President, it was just 2 years ago, in 1993, when an outbreak of cryptosporidium in the Milwaukee municipal water supply left 104 people dead and over 400,000 people seriously ill. Over 100 people, Mr. President, died from a single incidence of a water supply that became contaminated. That was a tragic reminder of how just one little crack in the regulatory process can have devastating consequences for a huge community that until then had never experienced any problems of any proportion of that kind.

Mr. President, that is why I am equally concerned about the impact of this legislation on future regulations. I am particularly concerned about the Government's ability to protect our drinking water, as it is clear that cryptosporidium, considered Milwaukee's problem in 1993, is now the country's problem.

On June 16, 1995, the Washington Post reported that cryptosporidium is now commonly found in lakes, rivers, and reservoirs all across this country. The Centers for Disease Control has warned that drinking tap water could be fatal to Americans with weakened immune systems, which the center estimates could number as many as 6 million Americans.

The city of Milwaukee itself now notifies at-risk populations of detections of cryptosporidium in municipal water, contacting hospitals, AIDS care facilities, institutions that service the metropolitan area's elderly, informing all those with fragile immune systems, so they may be able to protect themselves.

The city of Milwaukee is engaged in a multitier approach to investigating whether cryptosporidium is present in the drinking water: Testing occurs at the facility for the parasite, particulates, and turbidity of the water are used as indicators, and the city has established a network to monitor disease outbreaks that suggest individuals have been exposed to cryptosporidium.

However, it is not only those with fragile immune systems that experience health problems when exposed to cryptosporidium. As I said, over 400,000 people of all states of health became ill in Milwaukee itself. That is a very significant percentage of the population. And over 100 died following the city's cryptosporidium outbreak in April 1993. So I have observed firsthand the lingering health problems Milwaukee citizens continue to face.

Solutions to the problem of cryptosporidium will have to address nonpoint sources of pollution, and both the new $50 million threshold contained in the original draft of this legislation or the $100 million, and the assumptions that are made about risk characterization may impair our abilities to address this problem and sufficiently protect our water supply.

It is problems such as this that illustrate the consequences—sometimes fatal consequences—that are in store for the American people if a stranglehold is applied to the regulatory process.

We should also remember that there are scores of other regulations that go through without controversy and should not be caught in a big net that would require needless scientific evaluation and analysis that would impede their promulgation.

Indeed, sometimes Government regulations can be deregulatory in nature, such as those regulations that would clarify and simplify the Federal Tax Code, or regulations that might be associated with Federal legislation to reduce paperwork burdens for small businesses. That is the direction of many of our regulations today.

Last year, the Federal Election Commission promulgated a regulation that prohibits Members of Congress from converting campaign contributions into their own personal rainy day slush funds. That is a good regulation and the sort that should not be impeded by unnecessary cost-benefit analyses and risk assessments.

The Department of Veterans Affairs will soon be issuing guidelines for determining eligibility for certain benefits for veterans of the Gulf war who have experienced symptoms of the mysterious illness known as the Persian Gulf syndrome. Again, this is a regulation that I do not think anyone would want to be slowed by new process requirements.

The Consumer Product Safety Commission has thankfully kept thousands of dangerous toys off the market that could be harmful to children. The Department of Agriculture is considering long overdue regulations to improve and modernize the Federal meat inspection system.

I think such changes are crucial if we are to improve the level of protection provided to the American people from bacterial food-borne diseases that can in the worst cases result in death for our most vulnerable population.

There are clearly a large number of regulations that need to be implemented and should be implemented in a relatively quick and efficient manner. Such regulations are critical for protecting the health and safety of this Nation.

As others have correctly pointed out, this issue has a tradition of being handled in a bipartisan fashion in the U.S. Senate. In 1982, the Senate approved S. 1080, the Leahy-Laxalt legislation by a 94 to zero margin.

Then, just 3 months ago, the Government Affairs approved a bill by a margin of 15 to zero that the senior Senator from Maine, Senator COHEN, referred to as a restoration of common sense.

Unfortunately, the bill that was considered by the committee I serve on, the Judiciary Committee, was much more than any sort of reform bill. I had the feeling it was not a reform bill—it was a dismantling bill. A dismantling of our regulatory framework. It is not the sort of bill that I believe the American people would support if they knew all the details.

I am pleased that some of the excessive provisions of that legislation have been dropped and are not a part of the latest Dole-Johnston package. Unfortunately, the Dole-Johnston proposal, as I understand how it currently stands, does contain several provisions that I believe could hamstring the ability of Government agencies to adequately protect the health and safety of the American people. I know the Senator from Louisiana has strong feelings about this, but let me just mention a couple of my concerns. I will certainly listen to any responses he has, as the days goes on.

I think the issue of judicial review and how it has been addressed in different proposals best illustrates the difference between how you can improve the regulatory process and how you can paralyze the regulatory process.

Let me say at the outset that I support the ability of a person subject to a government regulation to ask a court to review the rulemaking record and determine if an agency has followed the proper procedures for issuing a regulation. I have always supported the concept of expanding an individual's access to our judicial system.

What I do not support is allowing a well-financed business interest with a legion of attorneys to file continuous lawsuits to paralyze an agency and prevent that agency from issuing a rule that will benefit the consumers, working people, children, and families of this country.

I find it interesting that just a couple of months ago this body found itself in a frenzy to clamp down on the supposed litigation explosion in product liability cases. So when we are talking about defective products that a manufacturer knowingly markets, those on the other side want to limit an injured consumer's access to the judicial system.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. FEINGOLD. I will be happy to yield.

Mr. JOHNSTON. I am glad my friend from Wisconsin raised the question of judicial review because, indeed, in the original Judiciary Committee bill, I believe it did open up areas to litigation on procedural matters on the question of compliance with the risk assessment protocol. And I think it did have the possibility of tying things up in court.

But the present Dole-Johnston bill provides that compliance with risk assessment and cost-benefit may be considered by the court, and I am quoting

now, ''solely for the purpose of determining whether the final agency action''—that is the rule itself—''is arbitrary and capricious or an abuse of discretion.'' The key words here are ''solely for the purpose of determining whether the final agency action is arbitrary and capricious or an abuse of discretion.''

The final agency action is appealable anyway, under the present law. This simply makes the risk assessment protocol part of the record which may be considered only in connection with the final agency action.

Mr. FEINGOLD. I thank the Senator from Louisiana. I know he truly has made a good-faith effort to improve these provisions.

I ask unanimous consent to have printed in the RECORD at this point a letter from the U.S. Department of Justice to the majority leader, dated July 11, 1995, from Mr. John Schmidt.

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

U.S. DEPARTMENT OF JUSTICE, OFFICE OF THE ASSOCIATE ATTORNEY GENERAL,

Washington, DC, July 11, 1995.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate, Washington, DC.

DEAR SENATOR DOLE: This letter provides the views of the Department of Justice on the judicial review provisions of the substitute amendment to S. 343, the Comprehensive Regulatory Reform Act of 1995.

As the agency with responsibility for representing the United States and its various agencies in the courts, the Department is obviously concerned whenever proposed legislation has the potential to result in a large number of new cases being introduced into the court system or in an expansion of issues required to be litigated in cases which are filed. Any proposal that covers nearly 100 pages of legislative text and imposes significant new requirements on every agency in the federal government, as S. 343 does, is bound to increase substantially the volume of federal litigation, and the complexity of cases which are litigated, unless judicial review of agency compliance is carefully delineated and controlled. Unfortunately, the numerous judicial review provisions contained in S. 343 provide a host of new opportunities for challenges to agency actions by regulated entities and other participants in the regulatory process. Because these provisions would increase the volume and complexity of federal litigation arising out of the regulatory process, adding burdens which are inconsistent with the fundamental goals of this legislation, the Department opposes the adoption of the Dole-Johnston-Hatch bill.

There are at least eight different provisions contained in the substitute amendment that provide separate statutory grounds for judicial review and which, in total, provide for the courts to review a wide range of decisions made by the agencies in the process of promulgating rules. The provisions are: section 625, establishing review of cost/benefit analyses and risk assessments as well as major rule determinations; section 5, amending 5 U.S.C. §706, establishing new standards under the Administrative Procedure Act for review; section 4(b), amending 5 U.S.C. §§604 and 611, establishing greater judicial review under the Regulatory Flexibility Act; section 3, amending 5 U.S.C. 553(m); section 623(e), establishing judicial review of compliance with agency regulatory review rules; section 623(g), establishing the right to petition the courts to extend the review period for a rule; section 623(h), providing that an agency decision not to modify a major rule is a final agency action and thus subject to judicial review; and section 623(j), providing that an agency decision to continue or repeal a major rule is a final agency action and thus subject to review. How these various provisions relate to each other provides an additional layer of complexity that will undoubtedly be raised in the courts as well.

There are three provisions that are particularly troublesome:

REVIEW OF COST/BENEFIT ANALYSES AND RISK ASSESSMENTS

Section 625 provides for judicial review of an agency's compliance with S. 343's subchapters on cost/benefit and risk analyses. The language in the substitute appears to be a significant improvement over that contained in the bill reported by the Judiciary Committee; however, it will continue to allow litigation over complex procedural requirements to be filed on every major rule.

There remain two basic problems which create the potential for litigation under section 625. First, section 625 provides that ''failure to comply with [the rules pertaining to cost/benefit and risk analyses] may be considered by the court solely for the purpose of determining whether the final agency action is arbitrary and capricious or an abuse of discretion.'' When this section is read in conjunction with the extraordinarily detailed and prescriptive requirements for risk assessments and cost/benefit analyses contained elsewhere in the bill, it is clear that the alleged failure to comply with any of those requirements will be the subject of litigation. Petitioners will surely argue that failure to comply with the extensive procedural requirements is itself arbitrary and capricious.

This concern is compounded by the second problem. The decisional criteria in section 624 generally prohibit promulgation of a rule unless the agency head finds that it adopts the least cost alternative of the alternatives meeting the applicable criteria in section 624(b) or (c). Thus, the agency's choice is limited to a single alternative, not a range of reasonable alternatives. And while the bill dictates this choice, it fails to acknowledge that the tools of risk assessment or cost-benefit analysis inevitably produce estimates which are subject to dispute between reasonable people. Given the premise that only a single outcome is legally permissible, any of the underlying estimates may be outcome determinative. Thus, the combination of strict decisional criteria and judicial review creates a situation in which non-compliance with any of the many procedural steps mandated by the legislation could well be challenged as constituting an abuse of discretion.

Another issue that should be noted is the provision in 625(e) permitting interlocutory review of agency determinations that a rule is not a major rule. By allowing interlocutory challenges, the bill will potentially allow entities to frustrate the regulatory process with piecemeal litigation.

The Department strongly recommends language for section 625 similar to that in §626 of the Glenn/Chafee alternative that would limit judicial review to whether a rule has been properly classified as a major rule and to whether a risk assessment or cost-benefit analysis has been conducted. Only with this type of provision for narrowly-circumscribed judicial review can we avoid the risk of embroiling every new rule in a complex new layer of litigation and judicial decision-making—thereby undermining the goal of simplifying and improving the regulatory process which is the fundamental objective of this legislation.

APA STANDARDS OF REVIEW

Section 5 of the Dole-Johnston-Hatch substitute would amend 5 U.S.C. §706 to alter the Administrative Procedure Act standards of judicial review. In particular, it would amend section 706(a)(2)(F) in a manner that could be read to replace the current ''arbitrary and capricious'' standard of review of agency finding of fact in informal rulemaking with a new requirement that there be ''substantial support in the rulemaking file, viewed as a whole, for the asserted or necessary factual basis.'' The practical effect of this change is unclear. However, we are concerned that it would make the informal rulemaking process slower and more burdensome, and increase the amount and complexity of litigation over agency rules, without significantly improving the quality of the rules. Furthermore, it simply is not necessary to amend these provisions of the APA in order to meet the goals of this legislation, i.e. to ensure the best available science is brought to the regulatory process and to ensure that regulatory agencies consider the costs and benefits of rules before they are imposed.

REVIEW OF REGULATORY FLEXIBILITY REQUIREMENTS

The Administration supports reasonable judicial review of compliance with regulatory flexibility requirements. However, section 4(b) of the substitute substantially rewrites the Regulatory Flexibility Act to impose a supermandate which will foster endless and needless litigation over whether a rule ''minimizes significant economic impact on small entities to the maximum extent possible.'' That provision, combined with the new standards for judicial review contained in section 4(b), will encourage even more litigation and open many rules to attack. We are particularly concerned that this provision also allows interlocutory challenges to proposed rules. In addition, the provision would expand review to situations in which the agency neither certified the rule nor prepared a preliminary or final analysis. This would arguably extend judicial review beyond the Regulatory Flexibility Act to general matters concerning compliance with the notice and public procedure requirements of the APA, for which judicial review already exists. Further, the one year period for seeking judicial review is too long and invites entities to layer challenges to regulations instead of bringing all such challenges by the time otherwise required for APA review.

We are also concerned by the provision which mandates that a rule be stayed if the agency has not completely complied, within 90 days, with a court order to prepare a regulatory flexibility analysis or take other corrective action. This would apply even to technical errors, to failure to comply with the deadline by just one day, and to situations where ninety days would simply be insufficient time to comply. This is inconsistent with APA practice which lodges discretion in the judiciary to determine whether a stay of a rule or, in the alternative, an extension of time to comply, would be appropriate under the particular circumstances.

For the reasons set forth above, the Department strongly opposes adoption of the Dole-Johnston-Hatch bill.

The Office of Management and Budget has advised that there is no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely,

JOHN R. SCHMIDT.

Mr. FEINGOLD. Mr. President, that does certainly acknowledge—in fact, I will read the language—the fact that

there is improvement but there are still complexities involved. The letter states, in part, on page 2, that:

Section 625 provides for judicial review of an agency's compliance with S. 343's subchapters on cost/benefit and risk analyses. The language in the substitute appears to be a significant improvement over that contained in the bill reported by the Judiciary Committee; however, it will continue to allow litigation over complex procedural requirements to be filed on every major rule.

So, Mr. President, I recognize the Senator from Louisiana is attempting to address this. I have not finally concluded that he has not addressed it completely. But the Department of Justice still believes the complexity involved here, I think it is fair to say, could invite a great deal of litigation and, I fear, give quite an advantage to the large interests that are more likely to have the attorneys and the wherewithal to fight these battles and jam up the regulatory process.

Mr. GLENN. Will the Senator yield?

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

Mr. GLENN. I want to be certain I understood, the Senator asked that the letter be printed in the RECORD; is that correct?

Mr. FEINGOLD. I did ask unanimous consent it be printed in the RECORD.

Mr. GLENN. I think that is good, because a moment ago the Senator from Louisiana was talking about how the judicial review requirements have been cut back, yet this letter from the Justice Department points out eight separate areas for judicial review, and lists them very specifically. They also list the areas that give them particular concern: Review of cost-benefit analysis and risk assessments, the APA standards of review, and the review of regulatory flexibility requirements.

I know this is a lengthy letter. They give it in detail. But to those who think we are not increasing judicial challenges with S. 343, I think they should read this.

This is a letter dated July 11 to the majority leader. It spells out in great detail the specific provisions in S. 343 that will result in unnecessary judicial review. That is the opinion of Department of Justice.

I am glad the Senator is putting that in the RECORD.

Mr. FEINGOLD. I thank the Senator from Ohio.

I recognize that the Senator from Louisiana made a real effort to improve this process. I think he made a fair comment earlier today. It is not a sufficient response to his effort to simply say this bill goes too far. You have to be able to point out where it may go too far. I agree with the Senator from Ohio. Perhaps the guidance of the Department of Justice identifies those areas of continuing concern that we have to address before we make a final judgment about whether this bill is in the right shape to be the vehicle for regulatory reform that we all wish.

Let me continue. I have noticed in the 104th Congress the tremendous desire in this body when it came to product liability to limit litigation, to unclog the courts. That was the real focus of that bill. That was the justification frankly for something I thought took away the rights of a lot of people to potentially sue for damages and get their fair return and being made whole after they have been hurt by a product.

I notice that those who support changing our habeas corpus laws believe that a prisoner awaiting execution should be given one shot and one shot only at having his case reviewed by a high court. So apparently when we are ready to take a person's life away—and in too many cases an innocent person's life—the other side wants to again limit access to courts.

But when corporate America and well-financed business interests are involved, those on the other side—I want to be cautious here—suddenly want to enable those interests to file lawsuit after lawsuit after lawsuit.

There is something wrong here. Do we try to unclog the courts or not?

When you take a close look at some of the judicial review proposals that are out there, you begin to wonder what the litigation departments of the Federal agencies are going to begin to look like should any of these proposals become law.

How many attorneys are the agencies going to have to hire as they find themselves becoming more familiar with a courtroom than they are with their own offices? How many attorneys and other staff are the agencies going to have to hire to deal with the mountain of petitions that will pour into the agencies should the wrong bill be passed?

We do not know the exact answers to these questions. But considering the tremendous effort that the Clinton administration has made to shrink the size of Government—the smallest it has been since the Kennedy administration—considering the tremendous gains made by the Vice President's reinventing Government effort and considering the legislation passed last year that will reduce the size of the Federal work force by 250,000 employees, I think we should be extremely careful not to pass legislation that will nullify the progress that has been made on cutting back on the size of the Government.

I do not want to make these Federal agencies bigger than they need to be. I do not want to have to vote on larger appropriation bills each year to finance new Government bureaucrats and all of these procedural requirements and scientific analyses they must complete to meet the requirements of this bill. And to get the work of the Government done. I do not think that is what the American people had in mind when they hear words such as ''reform'' and ''efficiency.''

I am also concerned about the several provisions in this bill that seem to have little to do with the notion of reforming the regulatory process.

In fact, S. 343, the Comprehensive Regulatory Reform Act of 1995, as introduced by the majority leader on February 2, was just 32 pages long. That bill contained what many believe are the key ingredients of a strong regulatory reform bill. It contained requirements for cost-benefit analyses, it contained requirements to perform risk assessments.

It had judicial review and it had a mechanism for those who are being regulated to petition an agency to review an existing regulation.

Interestingly enough, the underlying legislation we are considering today has bloated to nearly 100 pages. It still has cost-benefit analyses, risk assessment, judicial review, a petition process and many other provisions originally a part of S. 343 as it was first introduced. But a host of new provisions, many of which have little or nothing to do with reforming the regulatory process, have been thrown into this pot luck legislation that has tripled in length since originally introduced.

One example is the effective repeal of the Delaney clause in this legislation. The Delaney clause, as many observers agree, is no longer consistent with modern scientific methods of detecting residues of pesticides, fungicides and insecticides on processed foods.

The zero-risk standard prevents use of chemicals that have been used for many years simply because new technology allows us to more easily detect minute levels of residues.

It provides for an inconsistent standard for EPA to set tolerances for pesticide residues in processed foods versus raw foods.

The current law does not provide for consideration of actual consumption patterns of various foods nor does it take into account the dietary intakes of different segments of our population.

And it only addresses cancer risk, rather than other potential health effects of food additives. These are problems that should be addressed.

However, despite these problems with the Delaney clause, a stand alone repeal of the provision—as included in the Dole-Johnston legislation—will do nothing to improve the safety of our food supply and simply does not belong in legislation intended to address the inadequacies of the existing regulatory process.

The fact is that there are incredibly complex and important issues that should be considered as a package of pesticide reform legislation in the appropriate committees.

When I served on the Agriculture Committee, I had a change to hear very compelling testimony on the types of ranges of issues that should be included.

For example, farmers fear that more and more of their crop protection chemicals will be taken without adequate alternatives. This issue needs to be addressed. But repealing Delaney only allows some chemicals to remain on the market—it does nothing to address the environmental side of the

equation that farmers are faced with on a regular basis.

Farmers also want to know that so-called minor use pesticides will continue to be available—they want reregistration to be made less burdensome and yet consumers want to be assured that those chemicals are safe despite potentially expedited registration processes. Repealing Delaney does not address this so-called ''minor use'' issue.

Consumers also want to know that the way in which we set tolerances for chemicals used in food production takes into account the needs of our most vulnerable populations infants and children.

This is what we heard so much about in the Agriculture Committee. A lot of studies and flies are based on adult males, not necessarily on the tolerances that children can absorb of certain pesticides and substances. Again, repealing Delaney does not address that issue.

Consumers want to know that all health risks have been addressed in the process of setting tolerances for chemicals, reproductive and developmental impacts as well as carcinogenic risks. Repealing Delaney does not solve that problem.

The bottom line, Mr. President, is that there is a lot of work that needs to be done with respect to the regulation of chemicals used in food production and processing by the EPA and the FDA. But that sort of reform needs to be done as part of a comprehensive package that addresses the issues of importance to manufacturers, food processors, farmers and consumers.

It should not be inserted as a phantom paragraph in a hundred-page bill that seeks to reform the process by which regulations are issued.

In closing, I want to reiterate my sincere and spirited support for reforming the regulatory process that is currently in place. I do not believe that the current system is acceptable—the need for reform is clear and imperative.

I think what we need is to rededicate ourselves to finding that proper balance between needed health, safety and environmental safeguards, and granting greater relief to those who are being regulated by rules that have little or no rational basis.

I hope that as this bill is considered now and in the coming days, that Members from both sides of the aisle can get together, roll up our sleeves and find an alternative that really does achieve the balance that I think we can support.

I thank the Chair, and I yield the floor.

Mr. GLENN addressed the Chair.

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

Mr. GLENN. Mr. President, I wish to specifically address the Johnston substitute for the Daschle amendment that was proposed earlier today.

Let me say in starting out that I agree with Senator JOHNSTON's intent. I wish there was some other way to do this. I wish that what he is proposing was a freestanding amendment; I could probably vote for it. I do not want to commit to that at this point, but it would make it much more palatable if it was put in in the form of a freestanding amendment instead of trying to replace Senator DASCHLE's amendment.

I agree with Senator JOHNSTON completely that we want to cut down on a repeat of expensive procedures, and that is what he attempts to do with this amendment.

I also understand his concern that he put this in to replace the Daschle proposal because he is afraid that, if the Daschle proposal passes with specific reference to food pathogens such as E. coli, salmonella, and so on, and this passes, it opens the door to a lot of other rules—cryptosporidium and a lot of other proposals. There is almost no end to the number of things that could be brought up as exceptions to S. 343, so I appreciate that.

At the same time, having said that, I disagree with replacing the Daschle amendment and disagree specifically with the proposal by my colleague from Louisiana, Senator JOHNSTON, for the following reasons.

The first involves risk. The Department of Agriculture informs us that whether or not they have to do a second risk assessment at the final rule stage, they will not in any event be able to say that the risk assessment that they have already done, which the Senator from Louisiana refers to, complies with the requirements of S. 343 as it would be amended by the Dole-Johnston substitute. They would have to go back and comply with S. 343, such things as least-cost analysis, new procedures for cost-benefit analysis, and every one of these steps is subject to judicial challenge along the way. So it changes things dramatically.

The Department of Agriculture says they could not just use the old information that they already have developed because there are now new requirements in S. 343, so it just would not work. This part of Senator JOHNSTON's second-degree amendment does nothing to protect the issuance of USDA's meat inspection rule. It just would not do it. So that is the first point.

The second point. Moving the effective date to April 1 for new proposed rules is certainly an improvement from an across-the-board, immediate effective date. I agree with that. Unfortunately, I do not believe it is enough. The requirements of this bill cannot be met within a few weeks or even a few months because the new rulemaking procedures, new least-cost rule criteria, preparing for a new level of judicial review, these all require months and months and months of new extra work.

So this new proposed effective date will let already-issued proposed rules through the process without delay. It will, however, effectively stop all other new rules that are in the pipeline. Agencies will have to go back and start over with their proposals.

Now, this is not right. And it will delay a large number of health and safety rules and just waste agency resources.

Now, lest we think this is just my opinion and I am making this up, let me give a few examples that have come to us so far. This is not a complete listing by any means, but by setting April 1, which the Johnston proposal does now, we then cut out such things as some of the mammography regulations; we cut out some with regard to flammability standards for upholstered furniture; we cut out some regulations with regard to cables and lead wires that particularly protect children. These are just three examples here of rules that would not go into effect, would not be exempted by the April 1 deadline.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. GLENN. Yes.

Mr. JOHNSTON. Is the Senator requesting that I withdraw the second-degree amendment and vote up or down on the Daschle amendment?

Mr. GLENN. No. I said that I was sorry that the Senator's amendment was not proposed as a completely separate amendment, that we should let the Daschle amendment go and have a vote of its own, and that I might even be able to support the Senator's proposal. I favor the general proposal of trying to cut out unnecessary paperwork, unnecessary risk analysis, unnecessary cost-benefit analysis, to cut those out and to prevent duplicate paperwork. Now, I would have to go through and read your amendment to be specific.

Mr. JOHNSTON. Would the Senator rather go ahead and vote on Daschle right now and propose it as a separate amendment?

Mr. GLENN. I would have preferred that. I said that earlier this morning in our private conversation. What I objected to specifically was cutting Daschle out for what he proposed. This substitute for Daschle is not a second-degree amendment. It substitutes for Daschle.

Mr. JOHNSTON. Mr. President, if the Senator will further yield, I am inclined at this point to pull down the amendment. Frankly, it is likely that there will be another second-degree amendment which will not include the April 1 cutoff date. I am now advised that the April 1 cutoff date, even though agreed to by some on the other side of the aisle, has not been cleared, so in any event it would not pass. I think that is very unfortunate because I think it was a complete fix for this rule as well as other rules.

But if my colleague from Ohio wants it withdrawn and my colleagues on the other side of the aisle want it withdrawn, it is not going to pass anyway,

so if that is what I am being asked to do—I want to be sure that if I do this now, that is what everybody wants to do.

The Senator from Ohio would like that done?

Mr. GLENN. I have made my comments about it earlier. I am not advising the Senator what to do. I had my objections this morning that your amendment did away with Daschle. That has been my concern all the way through this, because I think his amendment is good. I think it corrects the inadequacy of the amendment that we passed yesterday.

I support the Daschle amendment for all the reasons I stated earlier in the Chamber today. If the Senator wants a vote on his amendment, we can have a vote on his amendment. I think there are some problems with it that I was about to go into in more detail. If he wishes to withdraw his amendment, then we could proceed with Daschle.

Mr. President, while the other conversations are going on, I will proceed with some of these examples of what would happen if we set the 1 April date that is proposed in the Johnston amendment.

Here is one on mammography that would not fit under the exemption; it would be held up; it would be delayed. Let me read this.

The Mammography Quality Standards Act—MQSA, as it is called—of 1992 requires the establishment of quality standards for mammography clinics, covering quality of films produced, training for clinic personnel, recordkeeping, and equipment. MQSA resulted from concerns about the quality of mammography services that women rely upon for early detection of breast cancer. FDA is planning to publish proposed regulations to implement the MQSA. The potential magnitude of these regulations is substantial. Improving the quality of mammography translates directly into early detection of breast cancer, and earlier detection of breast cancer increases the likelihood of successful treatment and survival.

An interim rule in this regard was published December 21, 1993, and publication of the proposed regulations is planned for October 1995. Under the Johnston amendment, the Johnston replacement for the Daschle amendment, this is well after the 1 April deadline so this would not be exempted. They would have to go back then and redo all of their previous analyses under the new guidelines, the new directions given in S. 343—unnecessary delays, and all the work that has been done already, unnecessarily so.

Let me bring up another one that is different: Flammability standard for upholstered furniture. The Commission is in the process of developing a proposed flammability standard for upholstered furniture. The purpose of the standard is to reduce the deaths and injuries that result from fire incidents involving upholstered furniture started by small open flames—matches, candles, lighters, so on.

The beneficiary of the rule: The potential victims of house fires would benefit from this rule. In 1992, there were an estimated 80 deaths, 490 injuries, $48.3 million worth of property damage associated with open-flame ignition of upholstered furniture. A substantial portion of these are believed to be related to small flame sources.

The impact of S. 343 would keep the Commission from doing the work necessary to develop this standard until after the moratorium period. The delay could result in additional fire-related injuries and deaths that could have been avoided.

Now the date: The Commission issued an advance notice of proposed rulemaking on June 15, 1994, and is working toward a proposed rule. When that would be put out would obviously be after the April 1 deadline.

Let me give another example: cables and lead wires. The Food and Drug Administration has proposed a regulation to require that cables which connect patients to a variety of monitoring and diagnostic devices be designed so that the cables cannot be plugged directly into a power source or electrical outlet.

The agency has received several reports of death and injury resulting from misuse of these devices, including one death and two cases of serious electrical burns when unsupervised children plugged cables from a home apnea monitor into outlets; one death in a hospital when electrocardiogram cables were plugged into an infusion pump power cord; and a death when a neonatal monitor's lead wires were plugged into a power cord for another device.

Advance notice of proposed rulemaking was issued on May 19, 1994. The proposed rule was published June 21, 1995, comments to be received by September 8, 1995. Obviously, that would not go into effect. It would not be permitted to go into effect without all the additional analyses provided in S. 343.

Mr. President, if we are going to have a reasonable effective date, I think we should do what we have in the Glenn-Chafee bill. We should put the effective date out 6 months beyond passage of the legislation to allow agencies some reasonable time to put into place the new requirements to administer the legislation.

The amendment proposed may let the meat inspection rule through; too many others will still be stopped, including these I just mentioned.

Another example. There are also some other problems with S. 343. There is a general problem illustrated by the debate today and yesterday. The amendments offered yesterday, and Senator JOHNSTON's second-degree amendment this morning, show without a doubt that the proponents of S. 343—and I think they know it—have a less than satisfactory bill. They know it is a bad bill. I think it goes too far, and I think they also know it goes too far, because each time we get close to raising issues or offering amendments, as happened yesterday, they leap up to modify their own bill to avoid the inevitable conclusion on the floor that their bill is flawed.

I think the bill they brought to the floor would harm public health and safety. They may not be willing to admit that, but I think they know it is true nevertheless, and the examples I gave this morning of what would happen to the change to it that is proposed by the Johnston amendment, which replaces the proposal made by Senator DASCHLE earlier today, would go further in that direction, as I see it.

Mr. President, I want to point out one other thing. We talk about these amendments and rules and regulations and what would be required of the agencies to comply with the requirements of this bill.

Let me start off by saying that in committee, we had testimony that the estimate is that for each major rule and regulation that is put out under the version of regulatory reform that passed the House, it would cost somewhere around $700,000 to put the rule out. That was questioned by some people when I brought that out on the floor yesterday, and we discussed it in private back here. But let me give an example.

The Clean Water Act was passed back in 1972. There was an amendment to it later in 1972. There was another amendment to the Clean Water Act in 1977, and another one in 1987. It has been 8 years from 1987 to the present time. Just one regulation put out pursuant to that Clean Water Act, and I do not have a listing of how many regs were put out overall. But one regulation, that pertaining to effluent limitation guidelines and standards for metal products and machinery put out under that act, has taken 8 years to do.

This thick document that I hold before you is just the index for it. It just went into effect April 1995. That is just the index. I wish we had time to go through all these pages. These are single-spaced pages, one after the other, all the requirements.

This is just the development document for how they were going to go about it. This is pursuant to laws that we passed. If we want to see who is at fault for a lot of this, look in the mirror.

This is just a development document for the proposed effluent guidelines and standards for the metal products and machinery phase I point source category. That is just one regulation.

Do you know how much shelf space is taken up with that one regulation, that one single regulation put out pursuant to what we passed here in the Clean Water Act? I stepped off the width of this Chamber a while ago, and it comes out to somewhere around 112 to 115 feet of pacing here. That one regulation has shelf space of 123 feet just for the documents involved with one regulation.

Yet, we passed yesterday afternoon a new requirement in this bill that would open it up for hundreds and hundreds of new regulations that would have to meet the requirements of S. 343.

Now, sometimes I do not think we know what we are doing around here. In other words, just the shelf space for this regulation would be about 10 feet longer than from that wall to this wall in the Senate Chamber. I know anybody that happens to be watching this discussion on TV does not have an idea of what this dimension is here. But it is about 45 paces across here to get that kind of distance, taking about a yard per pace. That is one regulation we are talking about, under the Clean Water Act.

I do not know how many regulations are required. I think there are probably several hundred. I do not know the exact number, but I am sure there are at least several hundred under the Clean Water Act that we passed right here. Can they cut back on that and can they get by with 60 feet of shelf space? I do not know. I know that what we are going to require with this legislation whole new requirements, a whole new cost-benefit analysis, whole new risk assessment, least cost analysis—that means agencies have to develop a number of additional options to see which one is least costly. You cannot make more judgment and say we go with the one we think is most likely to be successful and exercise some commonsense judgment. Now we are going to have to develop several options under each one of these things, and we will probably double that space across the Chamber that would be needed to hold all these analyses.

That is just an example of what we are requiring here with some of this legislation. At the same time, we are talking about cutting down the agencies, cutting back on their budget, cutting people, getting people out of Government. Through our actions here, we are loading on additional requirements that are almost unbelievable. Can you imagine one regulation that requires 123 feet of shelf space and requires documents like I held up here just for the index?

That is just one under the Clean Water Act of 1972. And the subsequent amendments, and the final amendment that requires this was put out 8 years ago, and the final rule is coming out in 1995.

So, Mr. President, I am very concerned about where we go with this. I think we take a much more logical approach with S. 1001, the Glenn-Chafee bill. We would not leave out certain things, such as I mentioned here on mammography; flammability regulations, which protect families in homes; on the cables and lead wires; medical machinery, and so on. Those would all be left out in S. 1001. They would have to go back and go through this whole process over again if we passed the amendment submitted by the Senator from Louisiana to S. 343.

So, for all these reasons I have just given, I oppose this. I hope we can have, but I do not know whether the Senator from Louisiana still wants, a vote on his amendment. He talked about possibly withdrawing it so we can get on with a vote on the Daschle amendment.

Mr. President, I ask unanimous consent that an article from the July 17, 1995 Business Week be printed in the RECORD.

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

ARE REGS BLEEDING THE ECONOMY?

To the Republican Congress, regulations are like a red cape waved in front of a raging bull. ''Our regulatory process is out of control,'' says House Science Committee Chairman Robert S. Walker (R-Pa.). He and other GOP leaders charge that nonsensical federal rules cripple the economy, kill jobs, and sap innovation. That's often true: Companies must spend enormous sums making toxic-waste sites' soil clean enough to eat or extracting tiny pockets of asbestos from behind thick walls.

That's why GOP lawmakers on Capitol Hill want to impose a seemingly simple test. In a House bill passed earlier this year and a Senate measure scheduled for a floor vote in July, legislators demand that no major regulation be issued unless bureaucrats can show that the benefits justify the costs. ''The regulatory state imposes $500 billion of burdensome costs on the economy each year, and it is simply common sense to call for some consideration of costs when regulations are issued,'' says Senate Majority Leader Bob Dole (R-Kan.).

That sounds eminently reasonable. But there's a serious flaw, according to most experts in cost-benefit calculations. ''The lesson from doing this kind of analysis is that it's hard to get it right,'' explains economist Dale Hattis of Clark University. It's so hard, in fact, that estimates of costs and benefits may vary by factors of a hundred or even a thousand. That's enough to make the same regulation appear to be a tremendous bargain in one study and a grievous burden in the next. ''If lawmakers think cost-benefit analysis will give the right answers, they are deluding themselves,'' says Dr. Philip J. Landrigan, chairman of the community medicine department at Mount Sinai Medical Center in New York.

There's a greater problem: The results from these analyses typically make regulations look far more menacing than they are in practice. Costs figured when a regulation is issued ''almost without exception are a profound overestimate of the final costs,'' says Nicholas A. Ashford, a technology policy expert at Massachusetts Institute of Technology. For one thing, there's a tendency by the affected industry to exaggerate the regulatory hardship, thereby overstating the costs.

More important, Ashford and others say, flexibly written regulations can stimulate companies to find efficient solutions. Even critics of federal regulation, such as Murray L. Weidenbaum of Washington University, point to this effect. ''If it really comes out of your profits, you will rack your brains to reduce the cost,'' he explains. That's why many experts say the $500 billion cost of regulation, bandied about by Dole and others, is way too high.

Take foundries that use resins as binders in mold-making. When the Occupational Safety & Health Administration issued a new standard for worker exposure to the toxic chemical formaldehyde in 1987, costs to the industry were pegged at $10 million per year. The assumption was that factories would have to install ventilation systems to waft away the offending fumes, says MIT economist Robert Stone, who studied the regulation's impact for a forthcoming report of the congressional Office of Technology Assessment (OTA).

BOTTOM LINES

Instead, foundry suppliers modified the resins, slashing the amount of formaldehyde. In the end, ''the costs were negligible for most firms,'' says Stone. What's more, the changes boosted the global competitiveness of the U.S. foundry supply and equipment industry, making the regulation a large net plus, he argues.

While federal rules that improve bottom lines are rare, regulatory costs turn out to be far lower than estimated in case after case (table). In 1990, the price tag for reducing emissions of sulfur dioxide—the cause of acid rain—was pegged at $1,000 per ton by utilities, the Environmental Protection Agency, and Congress. Yet today the cost is $140 per ton, judging from the open-market, price for the alternative, the right to emit a ton of the gas. Robert J. McWhorter, senior vice-president for generation and transmission at Ohio Edison Co., says the expense could rise to $250 when the next round of controls kicks in, ''but no one expects to get to $1,000.'' The reason: Low-sulfur coal got cheaper, enabling utilities to avoid costly scrubbers for dirty coal.

Likewise, meeting 1975 worker-exposure standards for vinyl chloride, a major ingredient of plastics, ''was nothing like the catastrophe the industry predicted,'' says Clark University's Hattis. He found in a study he did while at MIT that companies developed technology that boosted productivity while lowering worker exposure.

Of course, it's possible to find examples of underestimated regulatory costs. And even critics of the GOP regulatory reform bills aren't suggesting that cost-benefit analysis is worthless. ''We should use it as a tool'' to get a general sense of a rule's range of possible effects, says Joan Claybrook, president of the Ralph Nader-founded group Public Citizen. But she and other critics strongly oppose the Republican scheme to kill all regs that can't be justified by a cost-benefit exercise. As a litmus test for regulation, ''the uncertainties are too broad to make it terribly useful,'' says Harvard University environmental-health professor Joel Schwartz.

What is useful is moving away from a command-and-control approach to regulation. There's widespread agreement among companies and academic experts that bureaucrats should not specify what technology companies must install. It's far better simply to set a goal, then give industry enough time to come up with clever solutions. ''We need the freedom to choose the most economical way to meet the standard,'' explains Alex Knauer, chairman of Ciba-Geigy Ltd. Krauer, for example, points to new, cleaner, processes for producing chemicals that end up being far cheaper than installing expensive control technology at the end of the effluent pipe.

DUMB THINGS

But when goals are being set for industry, the proposed cost benefit analysis approach could have a perverse effect. That's because agencies are rarely able to foresee the low-pollution processes industries may concoct. Smoke-stack scrubbers are a good example. The bean-counters will use the known price of expensive scrubbers in their analyses. Their cost-benefit calculations will then argue for less stringent standards. And those won't help spark cheaper technology. The result can be the worst of both worlds: costlier

regulation without significant pollution reductions. ''It's a vicious circle,'' explains Stone, ''If you predict that the costs are high, then you stimulate less of the innovation that can bring costs down.''

There's no doubt reform is needed. ''Frankly, we have a lot of dumb environmental regulations,'' says Harvard's Schwartz. But he puts much of the blame on Congress for ordering agencies to do dumb things. Now, Congress is tackling an enormously complex issue without fully understanding the ramifications, Schwartz and other critics worry. Overreliance on cost-benefit analysis could make things worse for business, workers and the environment.

REGULATION ISN'T ALWAYS A COSTLY BURDEN

Many regulations cost much less than expected because industry finds cheap ways to comply with them.

COTTON DUST

1978 regulations aimed at reducing brown lung disease helped speed up modernization and automation and boost productivity in the textile industry, making the cost of meeting the standard far less than predicted.

VINYL CHLORIDE

Reducing worker exposure to this carcinogen was predicted to put a big chunk of the U.S. plastics industry out of business. But automated technology cut exposures and boosted productivity at a much lower cost.

ACID RAIN

Efficiencies in coal mining and shipping cut prices of low-sulfer coal, reducing the need to clean up dirty coal with costly scrubbers. So utilities spend just $140 per ton to remove sulfur dioxide, vs,. the predicted $1,000.

Mr. GLENN. I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I will speak on the floor later on the entire regulatory reform bill and its affect on the American public.

I rise today to speak specifically to the Daschle amendment because it affects me personally and I feel very strongly about it. The underlying Daschle amendment on the floor for debate right now takes us a step closer to protecting a particularly vulnerable segment of our population—our children—from the most American of foods, the hamburger.

The Center for Disease Control estimates that thousands of people become ill each year due to E. coli-contaminated meat. In fact, one of the first tough issues I had to deal with upon my election to the U.S. Senate was visiting young children in hospitals in my hometown of Seattle and in Tacoma who had innocently eaten Jack in the Box hamburgers and then found themselves in critical condition after being infected by E. coli. Three of those children died in that outbreak. All I could do was stand there and assure those families that I would try to do all I could to make sure that this would not happen to any other child in our State or in this country.

Since that outbreak in the Pacific Northwest, this country has suffered 50 outbreaks of E. coli in 23 other States. E. coli repeatedly appears in ground beef that has been inspected under current meat inspection methods.

But help is finally on the way. This past January, USDA proposed a new meat inspection system that requires modern food handling techniques, safe storage, and scientific testing at slaughter houses and meatpacking plants. I think we all know that such a revised regulatory system is long overdue. But I am afraid that even with the amendment adopted yesterday by this body, this meat inspection regulation will be delayed because its opponents may—and very likely will—petition and subject this rule to the cumbersome review required by this bill. And any delay in this vital regulation's implementation will allow more children to become ill. Consequently, this Congress could become responsible for the illness and perhaps the death of thousands of children in this country.

I do not pretend to be an expert on the intricacies of this regulatory reform bill. I do know, however, that I have given my word to families who have lost children due to our current regulatory system's failure. I promised them I would work to protect children from lethal food products. So I strongly support the Daschle amendment ensuring the most expeditious implementation possible of E. coli regulations.

Mr. President, I intend to keep my word to the families who lost children in my State, who ate hamburgers that were tainted by E. coli. I intend to do it by voting for other amendments to S. 343 that will ensure that the Government works efficiently and cost effectively and that it will encourage general protection of human health and our environment.

We have to remember that it is our responsibility as the Nation's leaders to have commonsense protections in place and to ensure that those are there for all of our constituents. So I urge all of my colleagues to vote for the Daschle amendment.

I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I thank the distinguished Chair.

Mr. President, I have listened with some interest, as I am sure other people have, while the distinguished Senator from Utah has come to the floor with a list of egregious regulatory excesses, which I think he has called his top 10 list of silly regulations. And as one listens to those silly regulations, it is pretty easy to sit back and say, hey, that is pretty silly. Why is my Government doing silly things like that? It builds up resentment to regulations, and people say, wow, that is what this bill is all about. This bill will get rid of those silly regulations.

Now, the Senator from North Dakota is going to be here at some point in time, and he is going to discuss a few of the silly designations from the Senator from Utah. I would like to take on a couple, if I can, and I would like to try to substitute reality for the quick hit, easy perception. I begin that, Mr. President, by saying, as a number of us have said on this side of the aisle for a number of days, there are excesses in our regulatory process. And nobody in this Chamber denies that, and nobody in this Chamber is going to deny the need to have regulatory reform. There are stupid things that happen, and when we find them, we ought to get rid of them.

But what disturbs me, Mr. President, is to see an opportunity taken to label as sort of the top 10 silly items, items which when you look at them are not actually so silly after all or do not even fit or belong in that kind of category.

Now, I would like to go through a couple of those and set the record straight and factually look at some of the supposedly silly regulations, and perhaps my colleague from Utah would be willing to look at the real language and acknowledge that there may be a rationale there that has not been properly characterized in his top 10 silly list.

I am reading from the CONGRESSIONAL RECORD of June 28 when the Senator from Utah talked about the Head Start Program. He pointed to a church in Harlem, the Abyssinian Baptist Church, that struggled ''for 4 years to get approval for a Head Start program in a newly renovated building. Most of those 4 long years was spent arguing with Federal bureaucrats concerning the dimensions of the rooms.''

Mr. President, that is the Senator's rhetoric. Here is the reality: According to the New York City Agency for Child Development, there are not any Federal ordinances or regulations that apply to that building or to the rooms. None. Zero. In fact, it was local regulations—not Federal regulations—with which they were dealing and which were responsible for the delays.

According to Richard Gonzalez, the Assistant Deputy Commissioner responsible for running Head Start, ''The Federal Government did nothing to hold up this project.'' Yes, it took 4 years for the program to become operational, but the 4 years were not spent arguing about the dimensions of the rooms, they were spent finding sponsorship for the program; obtaining a lease agreement between the church, the owner of the property, and the city of New York; and completing the license process with the various city agencies.

So we have rhetoric and we have reality. This is the reality, Mr. President. I submit that that greatly changes the perspective of the way in which we ought to approach this debate.

On the same day, June 28, the Senator from Utah cited the use of Braille on drive-through cash machines. Now, that is pretty silly on its face, is it not? It is nice to come to the floor of the Senate and make fun of the notion that Braille is required on anything to

do with a drive-through machine because, obviously, blind people are not driving.

That is basically the thrust of the comments that were made on the floor. It sounds absurd and the rhetoric can make it pretty laughable, and people can get angry at regulations.

But what is the reality, Mr. President? The reality is that the banking industry itself recognized the need for these machines for passengers and for walk-up users. There are plenty of places in America where you have just one machine at a facility and you have a walk-up/drive-in teller, and people walk to the teller machine, just as they drive up to it.

In point of fact, because many blind people or visually impaired people do not want to be required to give up their privacy, they may be riding in a car and the car drives them to the automatic teller machine [ATM]. But they do not want to give their personal identification number to a stranger, so they get out of the car and they walk up and they use the ATM machine.

What happened here on the floor is almost insulting to those who are visually impaired, who have won the right which the banking industry has suggested is necessary.

In discussing the regulation, this is what the American Banking Association said:

> It is entirely conceivable and not unexpected that a passenger may exit the automobile to use the drive-up ATM, and this passenger may be an individual who is visually impaired.

The American Foundation for the Blind brought to my attention that despite what appears to be an obvious conclusion, blind or visually impaired people do use drive-up ATM machines. They may take a cab to the bank. They may ask a friend or a relative to drive them. But bank transactions are very personal and they clearly want to contain their pin number to themselves, so they say many times drive-up ATM machines are the only ones available after regular banking hours.

Now, the regulation that applies to this, Mr. President, only requires one machine of several available to have the Braille. If that machine is indoors, that satisfies the requirement. So there is no requirement that a machine that is drive-up must have the Braille. The only requirement is that one machine be available to the visually impaired. Is that a silly requirement? Not quite as silly as the Senator seemed to want to make it out to be.

Another example of rhetoric versus reality: The Senator from Utah said that Government regulations on the sale of cabbage total almost 30,000 words.

Mr. President, I ask unanimous consent that the Government regulations on cabbage be printed in the RECORD.

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

AGRICULTURAL MARKETING SERVICE, USDA

GENERAL

§ 51.4120. General.

(a) The accompanying grades for cabbage are intended to facilitate transactions between growers and processors who may wish to use a purchasing system based upon the quality of cabbage delivered. These grades are an out-growth of the widely accepted principle that price should be directly proportional to quality. The grower who delivers high quality cabbage deserves a premium price because such cabbage enables the processor to pack a better quality proudct.

(b) In the application of these standards it is assumed that in most instances sellers will not sort their cabbage into separate lots of U.S. No. 1 and U.S. No. 2 grades before delivery to the buyer, and that the buyer will pay a certain price for the percentage of each in the lot as determined by inspection. Upon delivery, the inspector will simply sort representative samples taken from each lot, and determine the percentage of each grade. Final settlement would then be made by applying the percentage of each grade to the total weight of the lot, and then applying the contract prices established for each grade. Under such a procedure, there is no need for tolerances.

(c) It will be noted, however, that the standards provide tolerances but these apply only when a grower or shipper has actually sorted his cabbage into separate lots of U.S. No. 1 and U.S. No. 2 grades before delivery to the buyer.

GRADES

§ 51.4121. U.S. No. 1.

''U.S. No. 1'' consists of heads of cabbage which are firm, and well trimmed; which are free from soft rot, seedstems, and from damage caused by bursting, discoloration, freezing, disease, birds, insects, mechanical or other means. Unless otherwise specified, the weight of each head of cabbage shall be not less than 3 pounds. (See § 51.4124.)

§ 51.4122. U.S. No. 2.

''U.S. No. 2'' consists of heads of cabbage which are not soft; which are fairly well trimmed, free from soft rot, seedstems, and from serious damage caused by bursting, discoloration, freezing, disease, birds, insects, mechanical or other means. Unless otherwise specified, the weight of each head shall be not less than 2 pounds. (See § 51.4124.)

CULLS

§ 51.4123 Culls.

''Culls'' are heads of cabbage which do not meet the requirements of either of the foregoing grades.

TOLERANCES

§ 51.424 Tolerances.

(a) For the purpose of determining compliance with one of the foregoing grades the following tolerances, by weight, are provided in order to allow for variations incident to proper grading and handling:

(1) For defects. Ten percent for cabbage in any lot which fails to meet the requirements of the grade, including therein not more than 3 percent for cabbage which is affected by soft rot and including in this latter amount not more than 1 percent for cabbage which is seriously damaged by soft rot.

(2) For size. Ten percent for cabbage in any lot which fails to meet the specified minimum size.

(b) In the application of these standards to determine the percentages of cabbage in any lot which meet the requirements of the respective grades no tolerances apply.

DEFINITIONS

§ 51.4125 Well trimmed.

Well trimmed means that the head shall be free from loose leaves and the stems shall be not longer than one-half inch. Loose leaves shall be considered those leaves which do not closely enfold the head. Heads of cabbage which show evidence of having been well trimmed in the field shall be considered as meeting the trimming requirements although they may have some leaves which have become loose in the process of ordinary handling.

§ 51.4126 Seedstems.

Seedstems means those heads which have seed stalks showing or in which the formation of seed stalks has plainly begun.

§ 51.4127 Damage.

Damage means any defect, or any combination of defects, which materially detracts from the processing quality of the cabbage, or which cannot be removed in the ordinary process of trimming without a loss of more than 5 percent, by weight, in excess of that which would occur if the head of cabbage were perfect.

§ 51.4128 Soft.

Soft means loosely formed or lacking compactness.

§ 51.4129 Serious damage.

Serious damage means any defect, or any combination of defects, which seriously detracts from the processing quality of the cabbage, or which cannot be removed in the ordinary process of trimming without a loss of more than 15 percent, by weight, in excess of that which would occur if the head of cabbage were perfect.

Mr. KERRY. The Government regulations on cabbage, Mr. President, are 1,808 words—only 208 words more than it took the Senator from Utah on June 28 to describe the problems with the 30,000 words and other silly regulations that do not exist.

The truth is, according to the San Diego Union-Tribune:

> That cabbage quote has been kicking around for years. . . It cropped up as a Reader's Digest filler years ago. That is where Ronald Reagan admitted finding it . . . and the thing has obtained a life of its own.

I ask the Senator from Utah if he has actually read the regulations, the 30,000 words, because here are 1,800 words, and what these 1,800 words do, Mr. President, is establish a capacity for the Federal Government to guarantee that those who grow cabbage get the highest price possible for the best cabbage by defining what will be the Grade No. 1 of cabbage and defining subsequently what is Grade No. 2 of cabbage.

Farmers all across this country have appreciated and applauded the fact that a very precise definition of that standard exists, so that high-quality cabbage can command an appropriate price.

I would suggest, Mr. President, that this really frames the debate here, in a sense. There is a rush to try to characterize very legitimate regulations as somehow excessive or unwanted when, in fact, if we stop and take a look at them, there are a number of examples of how these regulations assist people and make a difference to the lives of Americans.

I repeat, there are some silly regulations. Every Member knows that. We ought to be engaged in a process here that allows Members to legislate in a

way that tries to get rid of those that are legitimately silly but also allows us to improve this bill and to eliminate provisions which seeks to do things that I do not think any American wants to do.

Let me give an example, Mr. President. There is a provision in this bill that weakens the toxics release inventory [TRI]. The TRI program originated in 1986. This important sunshine law is the most successful voluntary environmental program Congress has ever enacted. Yet all that the toxics release inventory requires is a right-to-know. Because of TRI, emissions from facilities have decreased 42 percent nationwide since 1988; a reduction of 2 billion pounds.

If you are a citizen living in your community, and you have a large chemical plant or a small chemical plant or some business entity, and it is discharging toxins into the environment, the current law does not require them to stop discharging; the current law does not require them to stop using chemicals. It does not require them to stop producing chemicals. It does not require them to stop selling chemicals. This sunshine law does not require anyone to reduce their use of chemicals in any way; TRI only requires that companies that use over 10,000 pounds or produce over 25,000 pounds—a significant amount—of chemicals report the discharges from that usage on the TRI for everyone to see. It just requires them to tell the people in the community what they are emitting.

I just came from a press conference where the head of the Firefighters Union, representing 200,000 firefighters in America, said if you get rid of this, you will cost firefighters lives and the lives of the citizens who they are trying to save. Fire departments need to be able to plan, to know what kind of fire they are fighting in a particular community. Under today's law, if you have a fire in a community, because of the toxics release inventory, they just punch up the information on the computer, and they can look at the business where they are going to fight the fire. They see precisely the kind of chemicals that are contained at that facility, and they know whether they need gas masks, whether they need full chemical enclosures, whether to expect an explosion, whether to evacuate. They know a whole series of things in the public interest, Mr. President.

Since 1988, when the first reporting information was available, we have reduced the chemical emissions in this country by 42 percent voluntarily.

Some 2 billion pounds of chemicals have been taken out of the exposure stream to American citizens. We did not require it. There is no law that made it happen. But, because these companies were required to tell people what they were emitting, they began to better understand themselves what the consequences were and they began to make some different judgments; judgments about how best to prevent pollution, how to better use and conserve their raw materials in order to waste less; how to make their processes more efficient and by so doing save money.

There is no rationale, there is no scientific argument, there is no acceptable health standard argument, there is no environmental argument for coming in here in the Dole-Johnston bill and just throwing this out and creating a new risk-based standard that will require the 280 chemicals that were put on the list in November 1994 to suddenly be available for review again, and for many of them to jump over a whole series of tougher hurdles as to whether or not they will ever get back on the list.

So I hope my colleagues will take a hard, hard look at the reality of some of the provisions in this bill. I repeat, I would like to vote for a regulatory reform bill. I know the Senator from Ohio would. We appreciate the opportunity to be able to legislate and make changes that could improve this bill so we can do so. I am prepared to accept a cost-benefit evaluation and risk assessment standard in the analysis. I think that is fair. I think it is important.

But we should not make it a standard which somehow precludes the capacity of the rulemakers to make some rules, and of people to continue programs of good common sense.

Another example of what this bill is, it essentially eliminates the Delaney clause. The Delaney clause protects our citizens from being exposed to carcinogens in their food. The Dole-Johnston bill does not come in and suggest a responsible fix. It does not come in and suggest we can improve this in a thoughtful way that protects the health of children while reforming the Food, Drug and Cosmetic Act. This bill legislates changes preferred by one set of special interests and I hope the U.S. Senate does not embrace this provision.

So, my hope is that we are going to keep our eye on the ball here, as we listen to people denigrate—easily denigrate—regulations. I hope that our approach to reform will be done with accuracy and reflect the reality of the benefits that accrue to Americans because many of these efforts will be used to guarantee standards by which products will be sold and Americans will live.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. Mr. President, we had hoped to set aside the underlying Daschle amendment, which would set aside with it the Johnston substitute amendment. But I understand the minority leader wishes to go ahead with his amendment, so I regret to say the state of play is this.

I proposed a second-degree amendment which I believe totally and completely solves the problem and I have said to my colleagues, Why do you not take ''yes'' for an answer? My colleagues on this side of the aisle do not seem to want that ''yes'' for an answer. In the meantime, the proposal that I had, which I thought was suitable on the Republican side of the aisle, apparently has some major problems there. And we cannot bring the bill down at this point.

So I suggest we go ahead and vote on the Johnston amendment, which I guess will be voted down by Republicans because it goes too far. It will be voted down by Democrats because it does not go far enough. But I will vote for it because it solves the problem and I think that is what we want here.

In any event, I think we ought to go ahead and vote and get on with the business so we can deal with some other amendments. Apparently the successful ability to deal with this amendment is eluding us as we speak.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, I think the decision expressed by Senator JOHNSTON to go ahead is one I concur with. I think we have had enough debate on this, all parts of this—the Daschle proposal and the substitute Johnston amendment. We have gone through all of these issues this morning. There have been a number of people who have come to the floor and debated this.

I think we are ready for a vote. And I checked with Senator DASCHLE and he does prefer to have a vote on his. So we will just go ahead and vote through on both of them and see where we go.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative 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.

Mr. DASCHLE. Mr. President, we have had a good debate now over the last several hours on this issue. I think there are probably four points that need to be made.

First of all, we all recognize that the legislation we passed yesterday—the Dole amendment—really does not go far enough in addressing the concern that many of us have raised, that simply delaying the implementation of the language for 180 days does not cut it. The Secretary has stated that. I think by and large most of our colleagues now have come to that conclusion.

Point No. 2: The passive process is one that has moved to a point where implementation is necessary. We do not want to encumber the Secretary of Agriculture in attempting to address a very serious concern having to do with meat inspection. We want the freest hand to enable him to do all that he

ought to be able to do, given all of the time that has already been invested in this issue, to do so in a way that is meaningful, in a way that ought to be accomplished as a result of the tremendous work done by the Department of Agriculture now in two administrations to reach the point that we are today.

Point No. 3: There is a realization that the current language will encumber the Secretary's effort unless something happens, unless we address through an amendment his ability to deal with all of the complexities of the passive system and to recognize that progress has been made, and that, indeed, we ought to give him the opportunity to do so regardless of what happens on this bill.

No. 4: In my view, the only way to do it, the only way to do it cleanly and without any equivocation, the only way to ensure that we can do it without legal misinterpretation, without the regulation being subjected to a good deal of litigation at some point in the future, is to pass the Daschle amendment, simply to exempt passive completely from the bill.

Were we to do that, the Secretary would have the ability to move ahead to do all that he needs to do to ensure that this rule can be promulgated now in a reasonable period of time. We can do so without any fear of litigation or bureaucratic complexity. We can do so with the knowledge that the work that they have invested, all of the effort put forth now over at least the last 24 months, will not be for naught, that we will actually accomplish what we all know we must do—protect food safety, give the Department of Agriculture the tools that they need to get the job done, ensure that this particular rule which has come as far as it has can be promulgated without the fear at some point in the future of a new challenge, a new complexity that would encumber the Secretary's opportunity to ensure that this rule is promulgated at some point in the future.

So, Mr. President, for all of those reasons, it just seems to me that as well intended as the effort of the distinguished Senator from Louisiana is, I am very concerned that at some point in the future the Department of Agriculture could be intimidated once again, could be encumbered in a number of different ways that were certainly not intended by the Senator from Louisiana or anybody else who indeed wants to resolve this problem. The best way to do it is to defeat the Johnston amendment, pass the Daschle amendment, and then move on to a number of other amendments that have been pending. There are a number of other Senators that have expressed to the Senator from Ohio an interest in coming to the floor and offering their amendments.

We want to expedite consideration of this legislation. I think the best way to ensure that we get on to some of these other amendments is to finally dispose of the Johnston amendment, pass the Daschle amendment, and move on to these other proposals.

We are ready to go. We do not want to prolong this debate any longer than it has to be, and certainly the best way to ensure that we do not prolong it is to dispose of it and to move on.

There has been some talk I know of yet another second-degree on the Daschle amendment. I hope that we can avoid that. I think after the good debate that we have had we deserve an up-or-down vote. We have acted in good faith. We have not in any way attempted to obfuscate the issue or prolong the debate any longer than necessary. I think it has been an enlightened and educational effort.

So I think now having done all that we have in the last 5 hours, it is imperative that we simply finish this and move on to other issues. Let us do that. Let us have a vote on Johnston. Let us have a vote on Daschle. Let us get on with the other amendments that are ready to go. That is the way I think we can ultimately finish this bill. The sooner we get on with it, the better.

With that, I yield the floor.

Mr. JOHNSTON. Mr. President, let me be clear. The Johnston amendment fixes the problem of passive. It simply fixes it. Reasonable minds can disagree about many things about this bill. There is no problem with passive going forward.

What the Johnston amendment says is that if you have already done a cost-benefit analysis and the rule has not changed, you do not have to redo it. And if you have promulgated your notice of proposed rulemaking prior to April 1 of this year, then you are exempted from cost-benefit or from risk assessment—very simple, very clear, very clear-cut. It fixes this problem.

We have had a lot of debate here about whether some woman who went to the Jack-in-the-Box and ate some hamburgers and died, and all of this is going to kill her.

Mr. President, it fixes the problem. Now, unfortunately, the amendment which was put forth on my behalf and with Senators HATCH and ROTH and had a majority of support for a while, now, after having hung out there for a few hours, my friends on the other side of the aisle have changed their minds, apparently some of them at least, with respect to the April 1 date. They are concerned that now there will be this flood of regulations which will be exempt from cost-benefit and risk assessment.

It is very unfortunate, Mr. President, that both sides could not stick together; that on our side of the aisle we could not recognize the fix which this is, and that the other side could not stick with what we thought was a deal. I fear what happens now is this whole bipartisan effort begins to come apart piece by piece—Democrats put forth a substitute and get 30-something votes, and the Republicans put forth their bill and it gets filibustered, and there we go.

We have to be able to come together, Mr. President, if we are going to pass this difficult legislation. We have to be able to come together in some sort of reasonable middle ground that solves the problem and stick to a deal. This is complicated enough. I found myself accepting amendments from our side of the aisle, and then come back and be met from our side of the aisle with that amendment which we accepted on their behalf as being a fault of the legislation. That has happened not once but several times.

We had a fix proposed from the other side of the aisle, and now they thought about it and that is not good enough.

That is not going to pass this bill. This is a very important bill. We have people strung out all over the philosophical spectrum on this bill, and when we start putting forth amendments and then withdrawing them, I fear the whole thing is going to come apart.

Mr. President, as I speak, there is still hope, and so I will yield the floor at this point and hope we can pull this amendment back together and the coalition for reasonable regulatory reform will reform.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I see both the distinguished leaders in the Chamber.

Mr. DOLE. Will the Senator yield to me?

Mr. LEAHY. Mr. President, I ask if I might be able to yield without losing my right to the floor.

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

Mr. DOLE. I think both leaders are trying to determine how we can get to a vote. The Senator from South Dakota had an agreement where we would by consent vote on the Johnston amendment, followed by a vote on the Daschle amendment if Johnston was defeated; otherwise, it would be as amended, I assume.

I am not able to get that agreement, but I would be prepared to vote on the Johnston amendment at this time.

The PRESIDING OFFICER. The Senator from Vermont still retains the floor.

Mr. LEAHY. Mr. President, I yield further, if I could do so without losing my right to the floor. I do not intend to hold the floor very long.

Mr. DASCHLE. Mr. President, if the Senator will yield for me to respond, I have no objection to having a vote on the Johnston amendment, but at some point I think it would be fair to say that we would like to have an up-or-down vote on the Daschle amendment. I do not know if others may have second-degree or substitute amendments that they wish to offer to this one. Obviously, that is anyone's right. But I think at some point it would be helpful if we could get a time certain for an up-or-down vote so we could move on to other amendments.

I know the distinguished majority leader has urged us to try to move this process along. In that interest, I think we have a few other amendments that could be offered maybe even with some time limits. So to accommodate everyone it would be helpful if we could get a time certain for a final vote on this one and move on to other amendments.

Mr. DOLE. If the Senator from Vermont will yield to me to respond to the Democratic leader, I understand the suggestion. I think the Senator from South Dakota probably knows that if the Johnston amendment is accepted—I guess I could say first, would there be any objection to just accepting the Johnston amendment?

Mr. DASCHLE. Accepting the Johnston amendment? We would be opposed to accepting the Johnston amendment. We want a rollcall on that.

Mr. DOLE. Right. So if it were adopted, then we could vote immediately then on the Daschle amendment, as modified. But if it were defeated, there would be probably another second-degree amendment. I think that is the only protection we would like to keep. There would be another second-degree amendment to the Daschle amendment which might be something that the Senator from South Dakota could agree with, maybe not. I am not certain.

Mr. DASCHLE. If the Senator from Vermont will yield again, let me just say we have been working in good faith on both sides to try to resolve this issue, and I especially commend the two managers for their efforts in trying to accommodate everyone. I do not understand, frankly, why it would not be in everyone's best interests just to have, even accept a tabling motion if that were the only option. But this process of second-degreeing all the amendments being offered precludes really an opportunity to have a vote on an issue that is quite simple.

So I understand and again accept the right of any Senator to offer second-degrees, but we would hope on this one, given the debate we have had, given the fact that we have had a good debate yesterday on the Dole amendment—the Senator was protected with second-degrees on that one—we could simply resolve this matter and go on to other amendments. I hope we would not have to have a second-degree on this one, too.

Mr. DOLE. I just want to be certain the Senator understands there could be a second-degree amendment.

Mr. DASCHLE. I understand that.

Mr. DOLE. I would not want to mislead the Senator. But could we then proceed, after the Senator from New Jersey and the Senator from new Vermont finish their statements, to vote on the Johnston amendment?

Mr. DASCHLE. My point is that we could agree to that if we could also agree at some point to have an up-or-down vote on the Daschle amendment.

Mr. DOLE. If the Johnston amendment is accepted, then the question is moot, of course,

Mr. DASCHLE. That is correct.

Mr. DOLE. So it would be hard to make an agreement until after we dispose of the Johnston amendment.

Mr. DASCHLE. If the Johnston amendment were not to pass, it would seem to me then the pending issue would be the Daschle amendment. And if that circumstance were to present itself, it would be helpful I think if we could then have an agreement that that would be the next vote followed without any intervening debate, we would go right to that vote and resolve this issue. If we could do that, I think we would be prepared to go to the vote on the Johnston amendment.

Mr. DOLE. I would have to check with other Members on this side before I could make that agreement. So maybe while they are debating, we can make some determination.

The PRESIDING OFFICER. The Senator from Vermont still retains the floor.

Mr. LEAHY. Mr. President, I do. And I will speak only briefly, as I know the leaders of this legislation want to go forward.

Mr. President, we have many, many issues on this bill, as we know, many issues now and many to come. But we have one issue that we ought to understand, and that is, will our food here in the United States continue to be the safest in the world, which I believe it now is. I believe it now is the safest in the world and it should continue that way. I believe this is important to every American. It is not an issue of whether you are a Democrat or a Republican. You want to have safe food. It is important certainly to every parent as it is to me as a parent because we know that children are uniquely vulnerable to contaminated food. Many times the things that might just cause an adult to get sick can cause a child to die.

Safe food is important to our farmers and ranchers. It is how they make their livelihood. They have to assume the consumers have confidence that the food they raise will be the safest in the world. Our consumers need to have confidence in the safety of the meat they buy or we can all understand how quickly they will stop buying that meat.

In Vermont, meat is the real food that real people eat. It is not just some abstract question. In the United States, half of all farm revenues come from livestock production. Ranchers and farmers cannot afford to have their incomes hit by another food scare. Beef prices, believe me, are low enough already. They will sink through the floor if we have another scare, and that is why I am here.

In the last 10 years, we have been pushing the Agriculture Act to protect the safety of our food supplies. As the past chairman of the Senate Agriculture Committee I tried to pass legislation to reform our food safety laws. Indeed, the legislation I proposed are very similar to the Department's proposed food safety rules.

If you look at the meat inspection laws we have now, they were put in place after the Upton Sinclair book ''The Jungle'' that warned the public of a threat to their food supply. That was decades and decades ago.

Again, American people assume they walk into the grocery stores and buy meat that is safe. We have built a whole industry. Our ranchers, our livestock, people, farmers, all assume this is in there, this sense of safety. Those who own the stores and distribute them, our restaurants, fast food outlets, have to go on the assumption they are passing out safe food, and the American people assume that. And now we know that we can do much better and that we should allow the American people to have what is much better.

It is not an academic issue because, in spite of the best efforts of thousands of meat inspectors, there have been serious outbreaks of foodborne disease. In 1986, an outbreak caused by the E. coli pathogen killed two elderly women, sickened 37 persons in Washington State. Twenty-seven of them had eaten at the Taco Time restaurant in Walla Walla, WA. Two years ago another outbreak occurred in a Jack in the Box Restaurant. This foodborne illness outbreak, which began January 17, 1993, made over 300 persons ill, resulting in the death of three children. At least one child, a 4-year-old girl, had a stroke caused by hemolytic uremic syndrome caused by the outbreak.

Now, these are serious matters. My full statement will put out a number of things on it. But it is why I support the underlying amendment. I want to make sure that people have safe food, that our farmers and ranchers, producers, and distributors are protected. That is why I support the Daschle amendment. I think the second-degree amendment, with all due respect to my friend from Louisiana, I believe that this really creates only a figleaf. It just says that any risk assessment previously done will continue to be valid.

That does not solve our problem. It does not solve the problem of the people who have suffered from E. coli. It completely eliminates the Daschle amendment. The Daschle amendment, instead, says let us get rid of the roadblocks and protect the American people. We ought, as Senators, to be prepared to support the Daschle amendment. That is not Republican and Democrat. That is saying we want safe food that we buy and safe food our children eat and we want safe food sold. And we want to be able to tell ranchers and livestock owners and farmers that if you put your food in the chain, it is going to be protected and safe.

Now, I think that otherwise you are going to be voting on an effort to stop the real protection of the American people. I believe that the amendment we are soon to vote on means more delay and more sickness. We still have to have another cost-benefit analysis. There still will have to be a new peer

review panel and a number of new issues litigated. It becomes a lawyer's dream. I think we ought to stand up for safety and approve the amendment from the Senator from South Dakota, Senator DASCHLE.

Mr. BRADLEY addressed the Chair.

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

Mr. BRADLEY. Mr. President, I would like to share with the Senate the story of a young woman named Katie O'Connell. She was 2 years old and she died from eating hamburger at a fast food restaurant. Unknown to anyone, her meal was contaminated with E. coli, the deadly pathogen that really is the subject of this amendment. Sadly, the meat that Katie ate had been declared safe by inspectors from the U.S. Department of Agriculture. Katie died from a disease that should have been detected through our Federal meat inspection system. Katie is no longer alive because that system failed her and her family and has failed thousands of others across this country.

Diseases caused by foodborne illnesses often strike those who are most vulnerable in our society, our children. Last summer health officials in my home State of New Jersey, where Katie lived, found another outbreak of the disease that killed Katie just a short time before. One family, the McCormicks in Newton, NJ, had two of their children, ages 2 and 3, hospitalized. Their lives were endangered because they, too, ate meat that was declared safe by Federal inspectors at the Department of Agriculture.

These cases are far from isolated, unfortunately. The Centers for Disease Control estimates that there are over 9,000 people who die and another 6.5 million people who get sick every year from foodborne illnesses.

The USDA regulations proposed last February as an effort to meet this crisis would require daily testing for salmonella at meat and poultry processing plants across America. Additionally, each of the Nation's 6,000 slaughterhouses and processing plants would have to develop operating plans designed to minimize possible sources of contamination; in other words, to design systems to avoid contamination in advance instead of fighting it after it breaks out.

Mr. President, I think this proposal offered by the Department of Agriculture represents a significant improvement over the current system, which has remained in place remarkably unchanged for over 90 years, since reforms were put in place in the wake of, as the Senator from Vermont says, Upton Sinclair's great book, ''The Jungle.''

Ironically, a cost-benefit analysis was done of these proposed rules. And what did the cost-benefit analysis show? Well, the costs would be $250 million per year, lowering to $200 million after the first 3 years. And the benefits from these regulations would be at least $1 billion per year. In other words, almost a 5-to-1 ratio in terms of benefit over cost. That does not even really count the other fact here, Mr. President, that the Department of Agriculture used a relatively low number of $1 million, for the value of each human life. Contrast these cost with the savings to consumers of $1 to $3.7 billion per year attributable to lost wages and medical costs for sickness caused by foodborne disease that would be paid out without this rule.

Mr. President, what would be the cost to consumers if every penny of this system's cost were passed along? If every penny of the cost of these proposed regulations were passed along to consumers, the cost would be two-tenths of 1 cent per pound. That is right, two-tenths of 1 cent per pound. So a consumer would have to buy 5 pounds of hamburger before incurring any cost at all. Surely, the typical American family would be more than willing to pay this modest price to make sure that when they buy meat or go down to the fast food franchise and buy a cheeseburger for their child, that it will be safe meat.

Mr. President, I know some of my colleagues will say, ''Why eliminate these regulations? Why exempt these regulations from the coverage of this regulatory reform bill?''

Why single out this particular issue? Well, I think there is an answer to that. It is pretty simple. I do not want any more children to die. According to the USDA, the summer months are the prime time for foodborne diseases. In fact, last month alone, there were at least four more disease outbreaks. How many more will have to die before we take action, before we allow the regulations that have been proposed to go into effect and to assure families across this country that their children are not going to eat contaminated meat at a fast food franchise?

Mr. President, the National Academy of Sciences recommended that the USDA use this new kind of system that was proposed last February. They recommended it first 10 years ago. Yet, these proposed regulations have been the subject of countless hearings, roundtable meetings with industry and consumers, and on and on.

At one point, the industry even claimed that the E. coli organism was not technically an adulterant under the food safety law, clearly an attempt to deny the agency the ability to regulate E. coli. Mr. President, do we really need to waste years, lives and money redoing all the old analyses and creating new ones in an effort to stall or even defeat these regulations?

Senator DOLE's amendment that he offered yesterday modified the bill slightly regarding the effects of S. 343 on E. coli regulations. Senator JOHNSTON's second-degree amendment to the Daschle amendment would modify it further, but unfortunately not enough to ensure that the regulations would not be caught up in a revolving door of petitions and sunset provisions which could plunge the regulations into a swamp of uncertainty and litigation. The resulting delay would cause even more cases of sickness and death, and the delay is unnecessary.

I am very concerned that these regulations are already a target of Members in the other body who would try to delay them further through appropriations riders and other techniques. Instead of delay, I urge my colleagues to stop interfering with these regulations. They are exactly the kinds of regulations that we claim to want. We have them. They are here. They are cost-effective. They deal with a serious problem, and they have been subjected to close scrutiny by a wide variety of interests.

So, Mr. President, I urge that we reject the amendment by the Senator from Louisiana and adopt the amendment offered by the distinguished Senator from South Dakota and take a giant step toward protecting our families from outbreaks of E. coli on our next visit to a fast food franchise to buy a cheeseburger for our son or daughter.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I might ask in the next few moments if the Senator from New Jersey will remain and we can visit about this issue only briefly because I express the same kind of urgency and the concern that the Senator has just expressed as it relates to a new inspection food safety process that the U.S. Department of Agriculture has begun to put in place, known as HACCP.

Let me also suggest that it was the meat industry of this country that brought this process and concept to USDA and suggest that this be the process that come forward. Why has it not come since 1906 until today? Why have we not been able to change the process? Everybody skirts the issue, but nobody talks about it. Has the industry wanted to change? Not always. The Senator is right. Guess who else has not wanted to change? The thousands of unionized meat inspectors who did not want to lose their jobs, even though—it is very important this be said in the totality of the discussion—even though it might have meant a safer product coming to the market.

In my State of Idaho and in the President's State of Idaho where the beef industry is critically important, 2 years ago something else happened. A child, not unlike the child that the Senator from New Jersey spoke of, went to a fast food restaurant to buy a hamburger and became critically ill. She did not die, but she was near death. It was the result of having ingested an E. coli bacterial-contaminated meat patty. We are all concerned about that.

But the fundamental question is simply: Does what we are doing here today or what we did yesterday stop the process that is currently under way in the

U.S. Department of Agriculture? The answer is no.

But there is another side to this story that is very important to discuss, beyond the politics and the rhetoric and the headlines that we have seen over the last 2 weeks that even the Senator from New Jersey would probably argue are not all fact.

When they argue that S. 343 will poison the food chain of America, that is not only not fact—and that is what they argued—that is a fabrication. Here is the reason it is, here is why the Senate ought to know this before they vote on the Daschle amendment.

Is it possible in the producing and the processing of food through to the consumer, be it the restaurant or the home dinner table, to produce a zero-risk food? The answer is, absolutely it is not possible to do. Even though America has the safest food in the world, and even though in the last couple of months in consumer reports from Europe, American meat products are preferred 5 to 1 over any other meat product of the world, and the answer is, because it is the safest in the world; the answer is, it is not zero-proof safe. Why? Because it is not possible to create a zero-safe environment.

Why? Because the Centers for Disease Control in a survey started in 1973 and concluded in 1989, in analyzing the pathogenic-borne food illnesses and deaths, answered the question this way: 97 percent of all deaths occur because of the way the food was prepared for the table, not the way it was processed in the plant.

It is fundamentally important for this Senate to know and for us to understand that the Daschle amendment changes not one iota of that equation. It is false rhetoric on the floor of the Senate to argue that somehow this will make meat safer. It is already 99.9 percent safe, and that is as safe as we can get it, and the institution of HACCP by USDA is an effort to make it 100 percent.

But we must face reality, and there are two very prevalent realities out there: One, we have to expect the preparer of the food to have a responsibility, and we cannot exempt them from that.

Second, something else is happening in America today. As we all become busier people—and we have—the bottom line is we cannot regulate a perfect world. We have to expect the consumer to have a responsibility in the preparation. So does S. 343 change the temperature of the grill in the fast food restaurant? It does not. It has absolutely nothing to do with it.

Here is the problem, though, with what we want to do to create the flexibility. Does the Daschle amendment create lookback so that if HACCP is not working well, we can adjust it? It does not. Do we want to lock in a process that is already one put upon the other, the other one being the old one that is not working anymore, because this administration has tried to bind all two together and you cannot do that and get a product that creates an efficiency in the market. No, it does not. In fact, it may lock us into an imperfect process that we are trying to institute to be a better one.

I hope, as someone from a State that is a major producer of meat products and from a State that is a major consumer of meat products and someone who worked with Mike Espy from day one to create a better process, that we deny the Daschle amendment because we do not want to lock in the forming of a process that may, to date, be imperfect. And staff tells me—and I believe they are accurate—that this may do just that. It may deny us the opportunity to adjust and change in our pursuit of the perfect, because the Senator from New Jersey knows, as I have seen him nod his head, we cannot get to the perfect because perfect is impossible; we can only create the best. Then we must say to the consumer of America that you, too, have a responsibility, whether it is the chef of a local fast food restaurant, or whoever, to make sure that the center of that hamburger patty has reached the temperature that might kill bacteria if it is present, and to say to the preparer in the family home that you, too, have a responsibility because 97 percent of the E. coli deaths in America occur because of the latter and not the former.

Mr. GLENN. Will the Senator yield?

Mr. BRADLEY. Well, I think he wanted to engage me in a colloquy for a question, the answer to which is yes.

Mr. CRAIG. Thank you.

(Mr. GRAMS assumed the chair.)

Mr. BRADLEY. I would like to respond briefly, if I could. I think the Senator makes a number of very good points. There is no question that many of the illnesses with regard to meat come about because the meat is not cooked properly, not cooked well done. Many of us like our meat raw, red. If you do, you increase your chances of E. coli pathogens.

Mr. CRAIG. Only reconstituted meat. Not the steak, but the hamburger.

Mr. BRADLEY. My point is that, after Katie died, I remember giving all kinds of speeches, urging that people insist that all hamburgers be well done, be cooked fully, urging owners of fast food franchises to take that as a responsibility. Some responded, some did not. So let me agree with the Senator on that point.

As to the real reason that has prevented the new regulations from going into effect over many years, well if it was the union, in that case I am against the union. I don't know the reason. I am for the consumer. Let us get the thing done.

Mr. CRAIG. Let me regain my time to say this. From the day that this administration began to work on this process of food inspection, there is no reason to accuse anybody. Everybody worked as quickly as they could to bring the new process on line. My only argument there is, why did it take us from the year 1906 to today to improve a process that we knew 30 years ago ought to be improved?

My point is simply this, relating to the Daschle amendment: The process we are putting in place is not yet complete. The administration knows that. So let us not lock ourselves once again in time and place. Let us be able to look back and make sure that it works, that it is an integrated, evolving process to make a safer meat product than, in my opinion, what the Daschle amendment does free standing, because it happens to fit the political debate of the day. That is not right.

Mr. GLENN. If the Senator will yield for 1 minute, the Daschle amendment——

Mr. BRADLEY. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. GLENN. When did it get off the Senator from New Jersey?

Mr. CRAIG. I regained my time. But I will yield to the Senator from Ohio.

Mr. GLENN. The Daschle amendment permits USDA to go ahead, without going back and going through the hoops and the new things that would delay the regulations being put out that would be required under S. 343. That is what he does.

Recent surveys have shown that about 4 percent of the ground beef in supermarkets is tainted with E. coli. I do not know what else. That is 1 out of 25 hamburgers, if you want to put it on a percentage basis.

Mr. CRAIG. That is why they should be cooked thoroughly.

Mr. GLENN. Contamination of meat and poultry products sickens 5 million Americans a year and kills 3,500 to 4,000 people every year.

Mr. CRAIG. But 97 percent is as a result of preparation at the home, not at the factory.

Mr. GLENN. Maybe some are. If we prevent deaths with this legislation, what is wrong with going ahead where we know there is a clear and present danger?

Mr. CRAIG. That is not the issue.

Mr. GLENN. That is what Daschle does, whether you think so or not.

Mr. CRAIG. That is what Dole did yesterday.

Mr. GLENN. No, that is not what Dole did yesterday. You have not been listening to the debate on the floor.

Mr. CRAIG. I was here for 3 hours yesterday.

Mr. GLENN. And we went through some of that this morning.

Mr. CRAIG. Mr. President, let me at this point yield the floor. My concern is, of course, is the Daschle amendment creating the flexibility to allow the HACCP process for food inspection to go forward and to be changed and adjusted, as we do for the sake of a better product and program.

I yield the floor.

Mr. BRADLEY. Mr. President, I will not be long, but I would like to continue what I was saying before in response to the statements made by the distinguished Senator from Idaho.

I am all for cooking the meat. Let us cook the meat. But before the meat is cooked, 1 out of 25 hamburgers has E. coli bacteria in it. That is not produced by the person who is preparing it. That exists because it has not been caught earlier; 1 out of 25. So if the distinguished Senator is so concerned about the health of our children—and I believe he is, and I believe the industry is, if for no other reason than self-interest—then we need a new system of inspection, a system that will increase our chances of detecting E. coli before it reaches the unsuccessful preparation process.

So all the Daschle amendment says is, exempt E. coli from the potential of further delays, further petitions, further litigation, and a much longer time before it will ever be in place to capture and prevent the E. coli from being passed on to consumers.

Mr. JOHNSTON. Will my friend yield?

Mr. BRADLEY. No, I will not yield. And so all the Daschle amendment says is exempt E. coli regulations from this bill. If the distinguished Senator does not want E. coli to be in the meat of children in this country, in 1 in 25 hamburgers before preparation, then he should exempt it. Now, I believe that he does not, and I know that he has worked faithfully and diligently with the Department of Agriculture in an attempt to get an agreement among all parties. He is, in a very real sense, somebody who likes to build consensus. And I believe that what we have in the new amendments, as he said, is a much better job—a much better job—than current law. The Senator would admit that.

Is the regulation regime projected to be perfect? No. Is it much better than the current situation? Yes. All we are saying is, allow it to be put in place and do not make the very, very best the enemy of the very, very good, with the hope that at some distant moment, we will have the perfect set of regulations. Or 15 years from now, when we get to that point, there will have been 9,000 more people every year dying and more kids like Katie O'Connell dying.

Put it in place now, and revisit it later. That is what the Daschle amendment says by exempting E. coli from this regulatory reform bill.

Mr. JOHNSTON. Will the Senator now yield?

Mr. BRADLEY. I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. JOHNSTON. I am disappointed that my colleague would not yield for a question, because I wanted to ask him, did he not admit that the Johnston amendment allows this E. coli regulation to go forward? It does, and he has left the incorrect impression that the Johnston amendment somehow stops this regulation, and it does not.

Let us be candid, Mr. President, about our representations out here. Let us not give the impression that the Johnston amendment somehow is going to allow this hamburger to be tainted and go forward because it stops the E. coli regulation.

It does not. It solves the problem. It is clear that it does. There is no argument that it solves the problem.

Mr. President, I hope my colleagues understand that.

Mr. HATCH. Mr. President, I think we have debated this long enough. I think we have gone on and on here. Frankly, these are important considerations. We need to move on, on this bill.

I think Senator DASCHLE's amendment goes way too far. Exempting the Department of Agriculture's HACCP rule in its entirety is unnecessary.

The distinguished Senator from Louisiana is absolutely correct in the way he has characterized his amendment. Frankly, there is no reason to go to that extent.

There would be arguments—do we not exempt everything else, too, which is, of course, one of the ploys of those who want to defeat this bill. Sooner or later if we want to do something about overregulatory conduct in this society, we will have to pass this bill.

I commend the distinguished Senator from Louisiana for his ingenuity in coming up with this amendment. I support Senator JOHNSTON's approach. It leaves it to the agency head's discretion to determine whether a new risk assessment is necessary for final rules, where one has already been conducted for proposed rules.

This solves the problems for all rules. When an agency has done a risk assessment for a proposed rule before the effective day of this act, if the risk assessment has been properly done, why would we want to force them to do it over again? It just makes sense—again, commonsense approach to commonsense problems.

The Johnston amendment solves the problem, and it does it in a reasonable way without sharing any preference to industry, any group of people, any particular agency. It allows this bill to work to try and resolve the overregulatory aspects of our society.

As for the effective date provision, I think the April date is fair and will significantly prevent extra costs to the agencies which have already performed good cost-benefit analysis—and risk assessments, I should add—for proposed rules. Not to have them redo them, over again, just to comply with certain procedural requirements. It makes sense. It just makes sense.

The Daschle amendment is totally unnecessary. Any emergency situation is already exempted under S. 343. We take care of it. The language is clear. If a rule needs to be promulgated quickly to protect health, safety, and the environment, S. 343 allows prompt promulgation of those rules.

Concern that S. 343 will not allow rules to protect against E. coli bacteria to go forward is nothing but sheer hype.

The Johnston amendment allows for the proposed rules in the guidelines, in the pipeline, where money has been spent on studies, risk assessment, or cost-benefit analysis, not to have to go through these analyses again. It just makes sense.

Thus, the E. coli and food safety regulations will go forward under the Johnston amendment.

I hope our colleagues will support the Johnston amendment, because I believe that it is a reasonable approach to try and resolve these problems.

It is no secret that there are some who do not like the Johnston amendment, also. For some reason, there are some people who want to go back 50 years, if they could, and revoke everything.

Well, I want to go forward and start doing what we have to do to get this overregulatory burden off our backs in this country so this country can compete and be more competitive with the rest of the world, so that we can have our citizens treated more decently, so that the costs are not eating Americans alive, so that people do not die because of the overregulatory aspects of our society, which is happening today, and so that we have some reasonable, decent, honorable way of trying to get regulation and overregulation under control.

I think we need to go to a vote on this. I am prepared to go to a vote on the Johnston amendment, and we will see where we go from there.

If the Johnston amendment passes, it ends this issue as far as I am concerned. If it does not pass, we will have to look at it at that point.

I have to say that I do not think the Johnston amendment solves every problem. There are some legitimate concerns on our side that people have. Legislation cannot always be perfect—just like food safety cannot be zero risk. We have to do the best we can under the circumstances. This is the best we can do under the circumstances.

I commend the distinguished Senator from Louisiana for being willing to try and resolve this issue. I think his amendment does resolve it, at least on the issue of E. coli and other meat and poultry matters.

Frankly, if all agencies, in the sense of the agency head's discretion, so they did not have to do unnecessary, duplicative efforts on risk assessment and cost-benefit analysis—it makes sense. I think anybody with brains has to consider it makes sense, and I hope we vote this amendment up and get on with the rest of the amendments on this bill. I yield the floor.

Mr. BRADLEY. Mr. President, I would like to make sure that the record is absolutely clear in this debate.

I heard my distinguished colleague from Louisiana take umbrage at my

characterization of his amendment. I would like the RECORD to state that, yes, indeed, he allows the E. coli regulation to be placed into effect. He exempts any regulation promulgated before April 1, and the RECORD should show that; that it is the other amendment, the underlying amendment, that has the biggest problem.

I think the distinguished Senator from Louisiana offers an amendment that is a vast improvement over the amendment offered by the distinguished Senator from Kansas—a vast improvement. I salute him for offering this amendment and moving the Senate forward.

However, unfortunately, it is not enough. It is not as much as I think we need. It allows endless petitions. It allows sunsets to be placed on the regulation.

I believe we should simply exempt E. coli and let the Department of Agriculture do what they are going to do, without any kind of back-door or unforeseen event, and strengthen this regulation, to protect the food and meat for people in this country. I yield the floor.

Mr. GLENN. Mr. President, I, too, want to get on with the vote on this. I will be very brief and take just a couple of minutes.

In summary and in response to the Senator from Utah, the manager on the other side, I, too, wish that we had a separate vote on this Johnston amendment. We might be able to vote for it, but not if it replaces Senator DASCHLE's amendment.

The Department of Agriculture informed us whether they have to do a second risk assessment in the final rule stage, they are not going to be able to say that they are already doing risk assessment, complies with the requirements of S. 343, as it would be amended by the Dole-Johnston substitute. In other words, they would have to go back to least-cost, new procedures—all subject to judicial challenge and so on.

Mr. JOHNSTON. Will the Senator yield?

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

Mr. JOHNSTON. The Senator recognizes that since the notice of proposed regulation was put out prior to April 1, 1995, that it would be exempt totally from risk assessment and cost-benefit, under that part of the amendment as well as the other part, am I correct?

Mr. GLENN. Yes.

Mr. President, this brings up the second point. That is, moving the effective date to April 1 for new proposed rules. While it may be an improvement from an across-the-board immediate effective date, unfortunately I do not think that goes far enough.

This bill cannot be met within a few weeks or even a few months.

The new rulemaking procedures, the new least-cost, all the rest of these things that go into this thing are something that is going to take some time to do.

April 1, as an example, setting that as the cutoff time, means that regulations on mammography would be cut off. Regulations on the educational title I, help for the disadvantaged, where they are planning to implement those regulations this fall, in school this fall—those would be cut out.

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

Mr. GLENN. Yes.

Mr. JOHNSTON. Under the Johnston amendment, each one of those rules, having had a notice of proposed rulemaking prior to April 1, is exempt from this bill.

Mr. GLENN. I believe on all these the notice of proposed rulemaking was April 1.

Mr. JOHNSTON. On mammography? If the notice of proposed rulemaking was after April 1, how is it scheduled to go into operation right away? Most of these rulemakings, the Senator told me, take a long time.

Mr. GLENN. An interim rule was published on mammography on December 21, 1993, and publication of proposed regulations is planned for October 1995.

Mr. JOHNSTON. The April 1 date, under the Johnston amendment, is a notice of proposed rulemaking. So this notice has been out for years.

Mr. GLENN. Publication of proposed regulations is planned for October, 1995.

Mr. JOHNSTON. I know, but when was the notice of proposed rulemaking? That has been in operation—that has been out there for years.

Mr. GLENN. I do not have a particular date on that. It was my understanding, and the people that administer this have interpreted the Senator's proposal, his amendment, as cutting them off.

Mr. JOHNSTON. Mr. President, did the Senator not just tell me the notice of proposed rulemaking was 1993 or something?

Mr. GLENN. No, I said publication of the proposed regulations was planned for 1995.

Mr. JOHNSTON. You gave me a date in 1993 there?

Mr. GLENN. That was an interim rule published in 1993.

Mr. JOHNSTON. There had to be a notice of proposed rulemaking prior to the interim rule.

Mr. GLENN. I am told these are covered at different dates. I would have to go back and correct this. But the people administering this have looked at what the Senator is proposing and they say it would cut them off.

Mr. JOHNSTON. Mr. President, I tell my dear friend, that cannot be. It just cannot be.

Mr. GLENN. Mr. President, I will go on with this and then I propose we get on with the vote on this as soon as we can.

I was talking about the Elementary and Secondary Education Act. That would be held up because the dates on that—the final rule is coming out by July 1, 1995. That would be knocked out. The flammability standards for upholstered furniture would be knocked out. Cable lead wires used on medical equipment—that has caused considerable problems. There is a new rule coming out that would be held up.

This April 1 deadline, whether we argue about proposed rulemaking or specific dates, a couple of things that came to our attention this morning would be held up.

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

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

Mr. EXON. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for no longer than 6 minutes.

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

LIES THAT PORNOGRAPHERS TELL

Mr. EXON. Mr. President, I am going to be asking unanimous consent for publication of a letter in the RECORD at the appropriate point, and I would like to ask unanimous consent that the heading of this letter, when it appears in the RECORD, be entitled ''Lies That Pornographers Tell.''

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

Mr. EXON. Mr. President, the letter that I referenced is a letter from attorney Bruce Taylor, of the National Law Center for Families and Children, dated July 10, 1995, and I ask unanimous consent that that letter, and an introductory memorandum, be printed in the RECORD.

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

NATIONAL LAW CENTER FOR CHILDREN & FAMILIES

MEMORANDUM OF OPINION IN SUPPORT OF THE COMMUNICATIONS DECENCY AMENDMENT AS ADOPTED BY THE U.S. SENATE ON JUNE 14, 1995

The National Law Center for Children and Families (''NLC'')[1] is of the opinion that the Communications Decency Amendment (''CDA'') is both effective and constitutional, as adopted by the United States Senate on June 14, 1995, by a vote of 84–16 in favor of Amendment 1288 to Title IV of S. 652, The Telecommunications Competition and Deregulation Act of 1995.

The CDA would clearly extend the historical proscriptions against the knowing distribution of obscenity to the burgeoning computer service networks, such as the ''Internet'', ''Use Net'', and ''World Wide Web''. The amendment also forbids the knowing dissemination of ''indecent'' material to minor children. Both provisions cover non-commercial, as well as commercial,

Footnotes at the end of article.

transmissions. These are critically needed updates in federal law. Present law does not prohibit providing indecency to minors over computer-phone modem facilities, since children are protected from indecency only in commercial dial-porn messages over the phone lines, 47 U.S.C. §223(b)(2) and (c), or when broadcast over TV and radio communications, 18 U.S.C. §1464. Likewise, the CDA would clearly cover all distributions of hard-core obscenity over the computer networks, whereas existing law has been applied only to commercial sales of obscenity by computer bulletin board use of phone facilities, 18 U.S.C. §1465.[2]

''This much has been categorically settled by the Court, that obscene material is unprotected by the First Amendment.''—*Miller* v. *California*, 413 U.S. 15, at 23 (1973)

''A requirement that indecent language be avoided will have its primary effect on the form, rather than the content, of serious communication. There are few, if any, thoughts that cannot be expressed by the use of less offensive language.''—*F.C.C.* v. *Pacifica Foundation*, 438 U.S. 726, at 743 n.18 (1978)

In *Miller* v. *California*, 413 U.S. at 24–25, the Court announced it's ''*Miller* Test'' and held, at 29, that its three part test constituted ''concrete guidelines to isolate 'hard core' pornography from expression protected by the First Amendment''. The Court has consistently upheld federal and state obscenity laws which prohibit the public and commercial dissemination of such unprotected hard-core obscenity. The United States Government and the States have long banned the use of the mails for transporting obscenity. See: *Rosen* v. *United States*, 161 U.S. 29, 41–42 (1896); *Roth* v. *United States*, *Alberts* v. *California*, 354 U.S. 476, 493–94 (1957). The use of common carriers has also been banned for the transportation of obscenity, even for private use. See: *United States* v. *Orito*, 413 U.S. 139, 141–44 (1973). The Court has held that telephone companies are ''communication common carriers'' subject to federal jurisdiction. See: *United States* v. *RCA*, 358 U.S. 334, 348–49 (1959); *F.C.C.* v. *Sanders Bros. Radio Station*, 309 U.S. 470, 474 (1940). In 1988, Congress amended 18 U.S.C. §1465 to include new technologies, such as computer-phone modem systems, by adding the words ''uses a facility or means of interstate commerce'' to the prohibitions on commercial shipments of obscenity across state lines. (See: H.R. 3889, The Child Protection and Obscenity Enforcement Act of 1988, 100th Cong., 2nd Sess.)[3] By that 1988 Act, Congress also criminalized the use of cable, subscription, and satellite TV to distribute obscenity, 18 U.S.C. §1468.

Congress also spent several years developing a valid dial-porn statute, resulting in the present, constitutionally valid, version of 47 U.S.C. §223 (b) and (c), as amended in 1988–89. The Supreme Court upheld the power to completely ban obscenity from the phone systems. *Sable Communications of Calif., Inc.* v. *F.C.C.*, 492 U.S. 115, 124–26 (1989). In the *Sable* case, the Court struck down a total ban on indecent dial-porn to adults, but discussed with approval the reasonableness of the F.C.C.'s ''least restrictive'' practical methods to screen out minors, such as credit cards, access code-pin numbers, and scrambling. Id. at 121–22, 128–31. This blueprint for a valid statutory-F.C.C. scheme was adopted by Congress and upheld by the courts as a valid means to prohibit the distribution of indecency to minors by these ''least restrictive means'' that allow adult access while providing adequate safeguards to protect all but ''the most enterprising and disobedient young people''. Information Providers' Coalition v. F.C.C., 928 F.2d 866 (9th Cir. 1991); Dial Information Services v. Thornburgh, 938 F.2d 1535 (2nd Cir. 1991), cert. denied, 112 S.Ct. 966 (1992).

The Senate version of the Communications Decency Amendments, as sponsored by Senators Exon and Coats, amends 47 U.S.C. §223 in a way that is consistent with and follows the Court's pronouncements on First Amendment requirements discussed in the cases cited above. Such an extension of the valid dial-porn law to computer porn would prohibit only illegal obscenity and restrict indecency only to minors, while allowing adults access to non-obscene indecent communications when the F.C.C.'s technical screening devices are used, or when similarly effective practical means are developed by the users or service or access providers themselves, even if beyond those of the present F.C.C. regulations. The ''Exon-Coats'' amendment is, thus, more protective of legitimate rights than the existing dial-porn scheme.

It is not a valid argument that ''consenting adults'' should be allowed to use the computer BBS and ''Internet'' systems to receive whatever they want. If the materials are obscene, the law can forbid the use of means and facilities of interstate commerce and common carriers to ship or disseminate the obscenity. See: Paris Adult Theatre I v. Slaton, 413 U.S. 49, 57 (1973). The Supreme Court has forbidden the criminalization of the mere possession of obscenity in the privacy of one's own home, Stanley v. Georgia, 394 U.S. 557, 568 (1969), but has rejected any ''correlative right to receive it, transport it, or distribute it'' since there is no ''zone of constitutionally protected privacy [that] follows such material when it is moved outside the home area protected by Stanley''. Orito, supra, 413 U.S. at 141–42. To the contrary, the Court has held that there is ''a long-recognized legitimate interest in regulating the use of obscene material in local commerce and in all places of public accommodation''. Paris Adult Theatre, supra, 413 U.S. at 58. The Court also held that Stanley ''does not extend to one who is seeking . . . to distribute obscene material to the public, nor does it extend to one seeking to import obscene materials from abroad, whether for private use or public distribution''. United States v. Thirty-Seven Photographs, 402 U.S. 363 376–77 (1971) (adding that ''Congress may declare it contraband''). Perhaps the best defense for the CDA was summarized by the Court in Orito, supra at 143–44, where it held that Section 1462 could not be used to ship obscenity from San Francisco to Milwaukee by a common carrier, the airlines, stating:

''Given (a) that obscene material is not protected under the First Amendment . . . (b) that the Government has a legitimate interest in protecting the public commercial environment by preventing such material from entering the stream of commerce . . . and (c) that no constitutionally protected privacy is involved . . . we cannot say that the Constitution forbids comprehensive federal regulation of interstate transportation of obscene material merely because such transport may be by private carriage, or because the material is intended for the private use of the transporter. . . . Congress may regulate on the basis of the natural tendency of the material in the home being kept private and the contrary tendency once material leaves that area, regardless of a transporter's professed intent. Congress could reasonably determine such regulation to be necessary to effect permissible federal control of interstate commerce in obscene material, based as that regulation is on a legislatively determined risk of ultimate exposure to juveniles or to the public and the harm that exposure could cause.'' [Citations omitted.]

As the late Chief Justice Burger stated in Paris Adult Theatre, supra at 69: ''The States have the power to make a morally neutral judgment that public exhibition of obscene material, or commerce in such material, has a tendency to injure the community as a whole, to endanger the public safety, or to jeopardize, in Mr. Chief Justice Warren's words, the states' [and the Nation's] 'right . . . to maintain a decent society.'' The Court has also recognized that legislatures ''must be allowed a reasonable opportunity to experiment with solutions to admittedly serious problems'', Young v. American Mini Theatres, 427 U.S. 50, 71 (1976), and Congress has taken up such challenges by updating the various federal obscenity, child pornography and exploitation, and telephone and broadcasting statutes to cover new ways that people invent from time to time to traffic in unprotected obscenity and the provision of indecency to minors. The overlap of some criminal acts by inclusion in two or more federal statutes, like the corresponding prohibitions of the various state laws, is a testament to the need to keep all federal statutes comprehensive and paying their individual roles in deterring harmful, unprotected conduct and allowing prosecution under various circumstances. Shortly after World War II, the Court upheld application of the common carrier laws to cover the new technology of phonograph records, recognizing the power and intent of Congress to legislate comprehensively to prohibit traffic in obscenity. United States v. Alpers, 338 U.S. 680682–83 (1950). Congress later amended Section 1462 to specifically include phonographs, so as to clarify and give undeniable notice to all what the law prohibits. Such a task is now before the Congress and the Communications Decency Amendment serves this dual and noble purpose. (Congress should likewise consider updating and clarifying Section 1462 to plainly prohibit commercial and non-commercial use of any and all common carriers, including telephone, wire, cable, microwave, satellite, computers, etc., for carriage of obscenity for private and public use in interstate, intrastate, and foreign commerce and travel. Times are changing, technology is advancing, but obscenity is till obscene, unprotected, and harmful.)

Much of the hard-core obscenity on the BBS and ''Internet-World Wide Web'' networks is placed there for sale or advertisement by members of the pornography syndicates and by fledgling pornographers. However, the vast amount of hard-core pornography on today's computer bulletin boards and interactive nets is placed there indiscriminately by individual ''porn pirates'' who post freely available pictures of violence, rape, bestiality, torture, excretory functions, group sex, and other forms of hard and soft core pornography which are as available to teenage computer users as to men who are addicted to pornography. A tough federal law is needed to deter such unprotected and viciously harmful activity and the CDA does just that, making such activity a felony in order to deter those who would violate such federally protected interests and public decency and safety concerns. This proposed law would remove hard-core obscenity from most of the generally available computer boards and sites and isolate those who continue so that the remaining obscenity distributors may be identified and prosecuted or deterred by their own lack of anonymity. Present law is not successfully serving its intended deterrence and apprehension roles, obviously.

The CDA would also channel indecent speech and pictures that are not obscene away from the general access public boards and sites where minors and non-consenting adults could take advantage of the serious

uses and benefits of this new computer technology. The service and access providers could and would set up consensual access ''adult'' boards and sites where adults could subscribe or provide credit cards and/or access-pin codes and engage in all the ''adult'' (pornographic) speech they wish to consent to. This is no more burdensome than obtaining dial-porn, or cable television's pay-per-view or premium channels, or asking for ''men's sophisticate magazines'' at the convenience stores, or going to hard-core ''adult'' bookstores or into the ''adult'' porn section of video stores, etc., etc., etc. The hysterical arguments about indecency laws banning serious works of literature or library art, so cleverly but hypocritically pandered by the porn user's advocates, are no more real than they would have been under existing laws or in past enforcement actions by the F.C.C. The generations of law enforcement and judicial supervision have narrowly tailored the application of obscenity laws to ''hard-core pornography'' and indecency laws to intentional patterns of patently offensive sex, graphic sexual nudity, and four-letter ''Seven Dirty Words''. As the Court said in Pacifica, sura, 438 U.S. at 743, ''the Commission's definition of indecency will deter only the broadcasting of patently offensive references to excretory and sexual organs and activities''. The Court in Pacifica, at 742, also stressed that ''indecency is largely a function of context'' and that speech is not indecent unless it is so patently offensive for the time, place, and manner of its utterance that the community would universally disapprove of its open availability in those circumstances.

A review of the decisions of the Supreme Court and other federal and state courts shows that a slip of a four letter word of showing nudity for legitimate reasons has never been, nor would it be, found indecent under the F.C.C.'s, the Court's, or the Justice Department's interpretation of the term ''indecent''. Those in the ACLU and EFF who sound the screeching alarm are merely trying to deafen the gullible to drown out the screams of the children and parents who are being screamed off the modern age's most promising tool for education and global communications. They don't seek in earnest to ''empower'' parents to protect children, they want to force parents by the power of their arrogance to kick the kids off the system so they can trade dirty words and pictures. The Internet does not belong to the most obscene and indecent characters of this world, it was created and should be available to everyone, like radio, television, and telephone services, like the mails, common carriers, and other public interstate facilities. To these concerns should Congress turn in this critical time. The recent study of computer porn by the prestigious Carnegie Mellon University, as reported in the venerable Georgetown University law review provides ample reality to the real alarm being heard by the public and responsible public officials. The obscenity and indecency is totally out of control and the law is behind the times. The CDA merely modernizes existing federal law so that the old maxim that ''the law is presumed to know what everyone knows'' can be fulfilled.

The CDA as adopted by the Senate is both fair and reasonable. It intentionally safeguarded legitimate corporate and private rights. Some provisions of the CDA have even been criticized by pro-family groups as too lenient and providing too many defenses for pornographers, as well as too much exemption and good-faith defense for the online computer service access providers, such as Prodigy, CompuServe, NETCOM, and America On Line. The present version of the Amendment would, indeed, exempt the phone company carriers and computer access providers only to the extent that they provide mere access for users to connect to the services and boards of other companies and individuals beyond their control. This would not make the law ineffectual, however, it would simply channel the blame to those who deserve it and enlist the responsible corporations into taking good-faith efforts to avoid and block hard-core pornography and channel indecent speech to adults. To the extent any phone or computer access company would offer obscenity in their own boards, they would be as liable as anyone else. Likewise for making indecent material available to minors under age 18, if they do it-they are liable, but if they don't do it-they aren't liable if someone else does it. This puts the primary criminal liability on those who distribute obscenity to anyone and on those who make indecency available to minors without taking reasonable steps to limit it to adults. Although some people and groups may feel that the phone and computer access providers should bear responsibility for the traffic in obscenity and indecency that is available to minors, but the law need not extend the strictness of its liability to those who act in good faith or merely provide carriage to the illegal materials of others. Existing Section 1462 does not criminalize the act of the common carrier in merely carrying illegal materials. It prohibits the user from using the carrier to transport the obscenity. The carrier would be liable only if it acted beyond its role as a carrier and conspired with, or intentionally aided and abetted, the misuse of company facilities for illegal purposes. The same type of knowledge and criminal involvement would be required under the CDA and could be applied to such conduct.[4] The CDA's restrictions to protect minors from indecent speech are the ''least restrictive means'' to protect minors while allowing adults access to non-obscene speech. This is all the public can demand of its laws. The law cannot impose strict liability, but the CDA is designed to provide a serious criminal deterrent to those who would put obscenity onto the computer nets or who would publicly post indecent materials within easy reach of children.

Consistent with this aim, the Amendment contains ''good faith'' defenses that would allow any company, carrier, Internet connector, or private individual to create reasonable and effective ways to screen children out of adult conversations and allow adults to use indecent, non-obscene, speech among adults. This would encourage, and enable (or ''empower''), the access providers to take steps to enforce corporate responsibility and family friendly policies and monitor their systems against abuse. When they do take such steps, the good faith defense would protect them from becoming liable for unfound or unknown abuses by others, and that is all we think the law can ask of them at this point. There is only so much that can be done in a way that is ''technically feasible'' at any point in time (as the Court reminded us in Sable), and the CDA would not require anyone to take steps that are not technically feasible and does not, and should not, expect anyone to take all steps that may be technically possible.

This bill would also allow the States to enforce their own obscenity and ''harmful to minors'' laws against the pornographers and porn pirates. If they chose to regulate the carriers and connectors, they would be bound by the Supremacy Clause of the Constitution and the First Amendment to using consistent measures. This ''pre-emption clause'', subsection (g), is not intended to be inconsistent with existing requirements for the States to meet under any criminal law. The joint role of federal and state prosecution of those who distribute the obscenity, and indecency to minors, is intended to be a specifically preserved.[5]

The good faith defense also allows responsible users and providers to utilize the existing regulations from the F.C.C. for dial-porn systems, until such time as the F.C.C. makes new regulations specifically for the computer networks. This means that a company or individual who takes a credit card, pin number, or access code would be protected under present F.C.C. rules if a minor stole his parent's Visa card or dad's porn pin number. In other words, some responsibility still resides with parents to watch what their kids are watching on the computer. This is serious business and there is a lot of very harmful pornography on the ''Internet'', so parents better take an interest in what their children have access to, and cannot rely on the law or the businesses to solve the entire problem for them. Federal law can make it a crime to post hard-core obscenity on the computer boards, but many people are willing to break the law. The porn pirates are posting the kind of porn that hasn't been sold by the pornography syndicates in their ''adult'' bookstores in nearly 20 years. This law should deter them for doing that any longer and it would allow federal prosecutors to charge them for it now.

The defenses to indecency are available to every one, so that every one has a chance to act responsibly as adults in protecting children from indecency. This is what the Supreme Court will require for the indecency provisions to be upheld as ''least restrictive'' under the First Amendment. Conversely, no one has a defense to obscenity when they distribute or make obscenity available. The only exception to this is for the carriers and connectors in their role as mere access connectors, only then would they be exempt from the obscenity traffic of others. However, if the on-line service providers go beyond solely providing access, and attempt to pander or conspire with pornographers, for instance, then they would lose their obscenity exemption and be liable along with every one else. This is a limited remedy to prevent the bill from causing a ''prior restraint'' on First Amendment rights. This bill would be nothing at all if it were struck down or enjoined before it could be used against those who are posting, selling, and disseminating all the pornography on the computer networks.

There has been some criticism that this bill in adopting good faith defenses would make it ineffectual and that this would weaken the bill in the same way that the existing dial-porn law is not completely effective. We disagree. The defenses in the dial-porn law were necessary to having that law upheld by the courts. Without them, it was struck down by the Supreme Court. Only after the F.C.C. provided its technical screening defenses was the law upheld by the federal appeals courts. This law adopts those constitutionally required measures for indecency and for obscenity only for the mere access providers. The dial-porn law has removed the pre-recorded message services from the phone lines. The pornographers have gone to live credit card calls. To the extent they are still obscene, they can and should be prosecuted by the Department of Justice, with the help of the F.B.I. That is what it will take to remove the rest of the illegal dial-porn services. The most ineffective part of the dial-porn law is not the F.C.C. defenses, they are fine. What is broken is the phone company defense in the statute, 47 U.S.C. §223(c)(2)(B), that allows the bell companies to rely on ''the lack of any representation by a provider'' of dial-porn that the provider is offering illegal messages. This means that if the dial-porn company does

not tell the phone company that the messages are obscene or going to children as indecency, then the phone company doesn't have to block all the dial-porn lines until an adult subscribes in writing. This is not workable and should be fixed by Congress. The dial-porn law should also be amended to give good faith reliance only of a false representation by a dial-porn provider. If the phone company doesn't know about a dial-porn service, then they should not be responsible. However, the phone company should block all the dial-porn lines and only unblock them on adult request. This is the provision that is causing the phone companies not to act, not the F.C.C. defenses. There is no such provision in the CDA that would allow the carriers or connectors to wait for the pornographers to confess guilt before they must act. If they know, they must act in good faith. No more, no less. This computer porn law is, therefore, better than the existing dial-porn law in that respect.

This amendment would allow federal prosecutions against the pornographers and porn pirates immediately, thus removing much of the hard-core material from the networks that the carriers would be providing access to. A more perfect solution, if any there could be, cannot wait several months or years. If Congress has to exempt the connectors as long as they merely carry the signal and otherwise act in good faith, then so be it. If they abuse it, then Congress can take that break away when it is shown that they don't deserve it. In the meantime, the CDA will give federal law enforcement agencies a tool to get at those who are responsible for distributing the obscenity that is at the heart of the complaints at present. It is a good and constitutional law and arguments that it is too much Government involvement, or not enough, are not true, not realistic, and should not lead Congress to bypass this opportunity to enact an effective remedy to protect the public and our children from this insidious problem.

Bruce A. Taylor, June 29, 1995.

FOOTNOTES

[1]The National Law Center for Children and Families (''NLC'') is a non-profit legal advice organization which supports law enforcement and governmental agencies in the prosecution and improvement of federal and state laws dealing with obscenity and the protection of children.

The author of this Memorandum, NLC's Chief Counsel, Bruce Taylor, has been prosecuting obscenity and child pornography cases since 1973, presenting over 85 cases to juries and numerous oral arguments on appeal, as: Senior Trial Attorney, Child Exploitation and Obscenity Section, Criminal Division, U.S. Department of Justice (1989–94); Assistant Attorney General of Arizona (1989); General Counsel, Citizens for Decency through Law, Inc. (1979–89); Associate in Bertsch, Fludine, Millican & O'Malley, L.P.A. (1978–79); Assistant Director of Law, City of Cleveland (1977–78); Assistant Prosecutor, City of Cleveland (175–77); Chief Law Clerk to the Cleveland Prosecutor (1973–75) (see attached Resume of Bruce A. Taylor).

[2]The CDA and existing Section 223 are attached hereto.

[3]It was under Section 1465 that the Government convicted the operators of Amateur Action BBS in the Western District of Tennessee for shipping hardcore obscenity, depicting rape, incest, torture, children, excretory functions, etc, etc., from Milpitas, Cal., to Memphis by computer-phone modern facilities. The case is U.S. v. Thomas and is presently pending in the U.S. Court of Appeals for the Sixth Circuit. Interestingly, the A.C.L.U. and the Electronic Frontier Foundation, and some interactive computer service and access providers argued, as amici curiae in support of the Defendants, that present law did not apply to the computer systems, BBS and Internet networks, and that the material should be judged according to the ''cyberspace'' community standards of the customers of such pornographic distributors. This alone should illustrate the need to clarify and update all federal laws on this subject.

[4]In this regard, the Senate version of the CDA would be more clear if it were amended to add the words: ''or who aids, abets, or advertises for,'' after the phrase ''or a conspirator with'' in subsection (f)(1).

[5]In this regard, the CDA would be more clear by replacing the words ''this section'' at the end of the pre-emption clause, subsection (g); with: ''subsections (a)(2), (d)(2), or (e)(2)''. As we pointed out in Senate colloquies, this is intended to preserve the right and ability of the states to enforce this obscenity and harmful to minors statutes, consistent with the decision of the Court in Roth-Alberts, supra, 354 U.S. at 493–94.

LIES THAT PORNOGRAPHERS TELL

NATIONAL LAW CENTER
FOR CHILDREN AND FAMILIES,
July 10, 1995.

Re Cox-Wyden bill on the Internet connectors as consistent with Exon-Coats Senate CDA.

Hon. CHRISTOPHER COX,
House of Representatives, Cannon House Office Building, Washington, DC.

Hon. RON WYDEN,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVES COX AND WYDEN: Please excuse the length of this letter, but much misinformation needs to be corrected and this is an issue of utmost importance to America's children and families. You have been lied to. I'd like to give you my views on the pornographer's propaganda and offer an explanation of the true meaning of the Exon-Coats amendment dealing with computer assisted obscenity and the problem of indecency being made available to minors.

A review of your proposed legislation to protect the computer information service providers shows that you are trying to accomplish the same objectives as the Senate version of the Communications Decency Amendment (''CDA''). Whatever you may have been led to believe about the ''Exon-Coats Amendment'' is obviously incorrect. The Senate bill accomplishes the same benefits and protections your proposed bill seeks to provide. However, I feel your bill, in giving immunity and a defense without a corresponding offense, will have the opposite effect to that which you seek.

Your bill imposes no obligations or prohibitions on either the computer or phone companies, nor on the pornographers. No one would be required to remove or restrict obscenity from the Internet or any BBS bulletin board systems, or to restrict indecency from minors. If any company wishes to take responsible corporate policy measures, your bill would only seek to protect them from civil liability. Under the Senate CDA, every company must clean up its own facilities, could not assist other persons to violate the law, and would be protected from both civil and criminal liability for good faith steps to enforce a responsible policy and restrict obscenity from everyone and indecency from minors.

Your explanatory statement for the Cox-Wyden Bill to protect the access provider Internet connectors (Prodigy, AOL, etc.) expressed a genuine concern for the unfairness of holding these connectors liable civilly for acts they may take in good faith to restrict or prevent the transmission of offensive materials over their facilities and services.

I think that your proposed measure is consistent with and intends a like result as the Communications Decency Amendment (CDA) of Senators Coats and Exon. The defense-immunity in your proposal, and the exemption and defenses in the CDA, as passed by the Senate, are co-extensive, not different. It is apparent to me that your purpose would be furthered by supporting the Senate's CDA (and even adding some additional provisions to the House version of the CDA, as discussed below and in my attached Memorandum of Opinion in Support of the CDA).

The New York decision against Prodigy, to which you referred, is a lawsuit result to which we also disagree. In fact, the Exon-Coats amendment recognized the same concern by granting those access providers and phone carriers an exemption from criminal liability for crimes committed by others over the facilities of others beyond their control, in (f)(1). The CDA also provides a good faith defense to offenses committed over one of their own facilities, if they take steps to restrict or prevent such offensive or unlawful communications, in (f)(3). Then, the CDA provided a civil hold-harmless provision to protect users and providers from liability for lawful acts taken in good faith to avoid liability for the offenses specified in 47 U.S.C. §223, as amended, in (f)(4).

The Senate CDA does not exempt access providers ''if they exercise 'no control' over the information their customers get'', as your release states. Just the opposite is true. A phone carrier or access connector is only exempt, under (f)(1), from crimes committed over facilities over which that company ''has no control''. If they have control, they must act (such as over their own boards and chat lines and over services with which they enter contracts or carriage agreements). If they truly have no control, they are not strictly liable for another's offenses (such as over a university or pornographer's board existing independently on the Internet or Use Net or World Wide Web to which they ''solely'' provide unassisted access.

To the extent the phone and access companies learn of other people abusing their systems with unlawful activities, they can and must act in good faith to prevent or restrict access to the offensive and unlawful materials, under (f)(3). The phone carriers and access providers are liable for all unlawful activity they know of on their own facilities, under (d)(1) and (e)(1). They are also liable for knowingly allowing others to use their facilities for unlawful acts, under (d)(2) and (e)(2).

The key to responsible action, to taking ''good samaritan'' policy measures, therefore, is in the operation of the good faith defenses. If a bill provided strict liability on a carrier or connector for all unlawful acts they know of on their systems, then their only avoidance of liability would be to pull the plug or to maintain complete ignorance (not to know is not to act ''knowingly'', so they won't look for what would give them guilty knowledge). A strict liability law, without good faith defenses, would have the effect of making the phone and computer companies turn a blind eye. The Senate version requires responsible action and empowers them to use technically feasible software and hard-ware measures and protects them from liability in doing so. Your bill seeks the effect of the Senate version, and the opposite effect of a ''no defense'' bill.

Your bill provides a similar exemption from liability for good faith acts to restrict access to objectionable material, in (c) of IFFEA. Without the exemption in (f)(1) and the defenses in (f)(3) of the CDA, the telephone-computer porn statute would provide near strict liability for the carriers and connectors without any incentive to protect themselves except to avoid all knowledge of the offensive materials.

Ignorance would be their best defense if the good faith defenses are removed from the Senate version and they would be criminally, as well as civilly, liable if they knew there were unlawful materials on other facilities over which they had no control but to which they knew one could gain access by using their facilities to reach the Internet and get

to those other boards and web sites. The unfairness of this result is the reason the Exon-Coats amendment was structured the way it is and your bill shows a like interest in having a fair application of the law without extending undue liability to those who take responsible action.

Here's how the Senate's CDA really works:

No substantive changes are made to existing ''dial-a-porn'' provisions in 47 U.S.C. §223 (b) and (c). Subsection 223(a) is clarified only to codify that subsection's historic interpretation as applying to unconsented harassing and obscene calls for annoyance or threat. This merely codifies present law and prevents subsection (a) from any argument that it would ban all ''indecent'' or ''obscene'' phone or computer conversations.

The CDA adds four new offenses, two in each of the new subsections (d) and (e), which are subdivisions (d)(1) and (d)(2) and then (e)(1) and (e)(2):

(d)(1) knowingly make or make available obscenity;

(d)(2) knowingly allow one's own facility to be used by others to make or make obscenity available;

(e)(1) knowingly make or make available indecency to minors;

(e)(2) knowingly allow one's own facility to be used by others to make or make indecency available to minors.

The (d)(1) and (e)(1) offenses apply to everyone, the pornographers, and the persons who post or sell it on a bulletin board or chat line or web site, and any board or site owner-operator who knowingly conspires with them or aids & abets them. They also apply to phone carriers and computer connectors who would provide such unlawful materials as one of their own services.

The (d)(2) and (e)(2) offenses are ''carriers'' crimes and apply only to phone carriers and access connectors who own-operate telecom. facilities used by others to make computer-modem connections to the Internet, Use Net, World Wide Web, or private BBS boards. To the extent a computer connector acts as a mere conduit, they act like carriers when they connect someone to the facilities of others on the nets or boards. To that extent, only, they are and should be treated as carriers are treated for the same activity.

Legally, the access provider-connectors (Prodigy, America On Line, CompuServe, NETCOM, etc.) are not ''common carriers'' like the telephone companies (ATT, MCI, Sprint, and the Bell companies). The Senate CDA specifically recognizes this in the last sentence of (f)(3), thus precluding FCC jurisdiction over the operation of those ''enhanced information services''. (Your bill, conversely, merely states, in (d), that nothing in your bill gives FCC jurisdiction. Nothing prevents FCC jurisdiction from another source or act, just that your bill doesn't confer it.) The Senate's CDA allow the FCC only to develop defenses and technical methods to screen out children from indecency and allow adults to have reasonable access to indecent material among themselves, like it did for dial-a-porn. The FCC's technical screening devices (credit cards, access-pin codes, and blocking) were cited by the Supreme Court as effective ''least restrictive means'' to screen out minors without affecting adult's rights to non-obscene but indecent communications among adults. Allowing these FCC regulations, along with any present or future soft or hard-ware solutions to restrict indecency to adults, makes the indecency provisions of subsection (e) of the CDA constitutional and effective.

Since existing federal law (18 U.S.C. §1462 and 47 U.S.C. §223) treats common carriers differently, because of their role as public access carriers, the CDA treated the access connectors in like fashion when they act as common carriers by merely providing access to the facilities of others beyond their control. To the extent a connector gives one access to its own facilities or services, like its own boards and chat sites that are within its control, it is liable like anyone else and must police its own operations. This is like dial-a-porn, where Mountain Bell (which does not provide lines to dial-porn providers) would not be liable for a call from a customer in Arizona who calls through Mountain Bell, then is carried from Mountain Bell by ATT to NYNEX, and reaches a dial-porn company in New York with which NYNEX has a contract. NYNEX can and should be liable if it is culpable, but Mountain Bell should not. The CDA apportions the same criminal liability on those who share the same criminal blame.

The CDA's (f)(1) only exempts the phone carriers and access connectors when they ''solely'' give one mere access to others' facilities over which they have ''no control''. As to their own boards and sites, they are liable for the offenses when they knowingly and intentionally allow users to transmit obscenity, or indecency to minors, through their systems. In that regard, however, they have the good faith defense in (f)(3) if they monitor, block, screen, etc., all the offensive material they know about and someone still gets unlawful material through. If they've done all they could to police their own boards, they would be protected. If they do nothing and they know their facilities are being so used for unlawful purposes, they would be liable under (d)(2) and (e)(2).

The incentive is therefore mandated (f)(3) that they do their own corporate responsible actions to restrict or prevent such transmissions or access. It is obvious, however, that Prodigy cannot police what is posted on a CompuServe board or on an independently operated board on the Internet (such as a university, pornographer, or private company board). They can, and would, delete such boards from their index and directory listings, and they could block the drive paths to known offending sites and porn pictures (known as ''GIF'' files-Graphic Interchange Format), to the extent technically feasible. If they advertised for such sites or GIF files of others, then they would not be ''solely'' providing access as exempted under (f)(1).

There is one change to the Senate CDA that could be made to specify some things that an access provider could not do to assist a pornographer on another's service, like listings and advertising porn sites and GIF files. To accomplish this result more clearly, I suggest that the House CDA add the words: ''or who aids, abets, or advertises for,'' after the phrase ''or a conspirator with'' in (f)(1). This would mean that the access connectors would be responsible for policing their own boards and services and could not assist or aid the unlawful activities of others that they cannot otherwise control.

Another change I would like to see in the CDA is to correct the last clause of the preemption clause, subsection (g), to make it clear and consistent with the first sentence. I suggest the words ''this section'' be replaced with: ''subsections (a)(2), (d)(2), or (e)(2)''.

Finally, I believe Congress has been betrayed by some telephone companies by not blocking all their dial-a-porn numbers unless they receive a written request from the customer for access to those numbers, as intended and provided in 47 U.S.C. §223(c)(1). The problem lies with the immunity granted by subsection 223(c)(2)(B)(i), which allows the phone carriers to avoid their blocking duties by relying ''upon the lack of any representation'' from a dial-porn provider that the provider is selling illegal messages. In other words, if the phone-sex company does not confess guilt to the phone company, the phone company need do nothing. Since the dial-pornographers don't admit anything, some phone companies don't block anything. This loophole has become a sink hole that Congress should plug. This can be remedied to its original intent by removing the immunity from reliance on silence and giving them immunity only if they were lied to or unknowingly misled. Two changes to that clause, §223(c)(2)(B)(i), would remedy this unjust result, as follows: (i) in good faith reliance upon the representation by a provider of communications that communications provided by that provider are not communications specified in subsection (b) of this section, or

Other than the two suggested clarifications to the CDA, and the one suggested correction to the dial-a-porn law, the Senate version of the CDA is eminently fair and as constitutional and effective as the law will allow.

I hope that, when you consider the Senate version in its entirety and as it would be applied and followed in reality, you will agree that the CDA provides the same protections you seek for the legitimate interests of the computer and phone companies, while outlawing illegal obscenity from the computer networks and allowing minor children to take advantage of the educational and growing benefits of the computer without being bombarded with so-called ''adult'' materials. The Internet need not be the ''adult bookstore'' of cyberspace. The Senate bill would put the ''adult'' books in the back room and have adults show ID to get in. Just like in every day life in the rest of the country. This is the least restrictive means to protect children, and they are entitled to at least ''the least'' the law will allow them under the First Amendment.

As for obscenity, the Senate version only prohibits that which is already illegal to distribute by any other federal means. Existing laws in Title 18 of the U.S. Code prohibit: the sale of obscenity on federal property or in Indian Country (§1460); all mailings of any obscenity (§1461); use of a common carrier to ship any obscenity in interstate or foreign commerce or smuggle it into the U.S.A. (§1462); broadcasting obscenity or indecency by radio or TV (§1464); transporting it across state lines by any method, or using an interstate commerce facility such as computer phone-modems, to ship or transit it for sale or distribution (§1465); selling obscenity at retail that was shipped through interstate commerce (§1466); and using cable, subscription, or satellite TV systems to distribute obscenity (§1468).

The Communications Decency Amendment is a good, fair, and constitutional proposal. You and your colleagues have been lied to about what it would do and what it provides. I trust that you seek a proper blend of law and private action and I trust in your instincts to see through the smoke. Without a law, the computer nets will continue to be abused by the purveyors of hard-core obscenity and it will continue to be a place in which responsible adults should fear to let their children play. A law that does not prohibit unlawful materials is no law at all to the pornography syndicates, their associates, and the addicted customers. An overly strict law would not be tolerated by the courts, for fear of an unconstitutional prior restraint.

There is no reasonable doubt that only a carefully worded and First Amendment sensitive statute will survive the legal challenges that the ACLU, Center for Democracy and Technology, Electronic Frontier Foundation, and some commercial pornography companies will mount. The CDA can withstand the tests to be applied, no other proposal can make that claim. This is a serious

problem and needs a serious and lawful solution. The CDA would be a valid extension of federal obscenity law to the computer networks and a valid extension of dial-a-porn protections for children from indecent adult material.

Our hope is that you sponsor and support the CDA as passed by the Senate. Your leadership would probably insure its passage. The country, all us parents and grandparents, all of our children, our neighbors, even the addicted customers need your help and that of your fellow Members of the House of Representatives. Please reconsider and look at the Communications Decency Amendment in a new light. It is a good bill. Look for yourself. It won't lie to you like porn advocates have.

Please let us know if we can help you in this regard.

Sincerely yours,

BRUCE A. TAYLOR,
President & Chief Counsel.

Mr. EXON. Mr. President, this letter is by a distinguished lawyer, who has, I guess, as much experience with the prosecution of pornographers as most lawyers in the United States would recognize as a real authority on the subject.

The letter of July 10 is addressed to the Honorable CHRISTOPHER COX of the House of Representatives and the Honorable RON WYDEN of the House of Representatives. The subject is the Cox-Wyden bill on Internet connectors as consistent with the Exon-Coats Senate decency amendment. And I quote:

DEAR REPRESENTATIVES COX AND WYDEN: Please excuse the length of this letter, but much misinformation needs to be corrected and this is an issue of utmost importance to America's children and families. You have been lied to. I'd like to give you my views on the pornographer's propaganda and offer an explanation of the true meaning of the Exon-Coats amendment dealing with computer assisted obscenity and the problem of indecency being made available to minors.

A review of your proposed legislation to protect the computer information service providers shows that you are trying to accomplish the same objectives as the Senate version of the communications decency amendment (''CDA''). Whatever you may have been led to believe about the ''Exon-Coats amendment'' is obviously incorrect. The Senate bill accomplishes the same benefits and protections your proposed bill seeks to provide. However, I feel your bill, in giving immunity and a defense without a corresponding offense, will have the opposite effect to that which you seek.

Mr. President, although the letter has been printed in the RECORD, I would like at this time to quote from the last two or three paragraphs:

The communications decency amendment is a good, fair, and constitutional proposal. You and your colleagues have been lied to about what it would do and what it provides. I trust that you seek a proper blend of law and private action and I trust in your instincts to see through the smoke. Without a law, the computer nets will continue to be abused by the purveyors of hard-core obscenity and it will continue to be a place in which responsible adults should fear to let their children play. A law that does not prohibit unlawful materials is no law at all to the pornography syndicates, their associates, and the addicted customers. An overly strict law would not be tolerated by the courts, for fear of an unconstitutional prior restraint.

There is no reasonable doubt that only a carefully worded and first amendment sensitive statute will survive the legal challenges of the ACLU, Center for Democracy and Technology, Electronic Frontier Foundation, and some commercial pornographic companies will mount. The CDA can withstand the tests to be applied, no other proposal can make that claim. This is a serious problem and needs a serious and lawful solution. The CDA would be a valid extension of Federal obscenity law to the computer networks and a valid extension of dial-a-porn protections for children from indecent adult material.

Our hope is that you sponsor and support the CDA as passed by the Senate. Your leadership would probably insure its passage. The country, all us parents and grandparents, all of our children, our neighbors, even the addicted customers need your help and that of your fellow Members of the House of Representatives. Please reconsider and look at the communications decency amendment in a new light. It is a good bill. Look for yourself. It won't lie to you like porn advocates have.

Please let me know if we can be of help in this regard.

Sincerely yours,

BRUCE A. TAYLOR,
President and Chief Counsel for the National Law Center for Children and Families

Mr. President, since the Exon-Coats measure passed with a 84 to 16 majority, the Senate of the United States sent a very loud and clear signal that something has to be done about obscenity. Something has to be done with regard to material that is being used promiscuously on the Internet today. This is a wonderful new system for the distribution of information. But if we are to sit idly by and listen to some of the opponents, who do not want to do anything about this problem, the American people are being convinced and are now being told by national publications, including Time magazine, who last week had an indepth story with a front-page cover showing a child.

This is a carefully crafted piece of legislation. It is obviously necessary, as has become evident to most people who have taken the time to either see this smut—and I use that word very advisedly because it does not begin to describe the bestiality and the sexual perverts that have invaded this system, primarily to make money.

The courts have continually held that we have the right to do something in the courts when we have this kind of material in full swing. We had a hearing in the Commerce Committee today, primarily on violence on television. The people are justifiably upset about that. We also talked today about the large amount of sex and suggested sex that is being thrown at our children today. The Exon-Coats proposal with regard to our Internet system is an important step in the right direction. And as more and more people look at it, and as more and more people recognize all of the lies that are being told about this piece of legislation—simply untruths designed and planted in many publications by those who want the pornographers to run at will and be available at will to our children on the Internet.

Mr. President, I think this is a step in the right direction. I have personally hand delivered a copy of this letter that I had printed in the RECORD to the Attorney General of the United States, Janet Reno. I have had a personal conversation with the Vice President of the United States about this today. He was very much interested in this letter. I faxed the letter to him. In addition thereto, I have had delivered today to the White House itself, to the attention of the President, this well-thought-out letter that adequately and honestly describes the well-thought-out Exon-Coats amendment. I only hope that the Members of the House of Representatives will awaken. I think too many of them have been misled and lied to about the communications decency amendment. I hope it becomes law.

I thank the Chair and yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

COMPREHENSIVE REGULATORY REFORM ACT

The Senate continued with the consideration of the bill.

Mr. COHEN. Mr. President, I would like to offer a few comments this afternoon about the need for regulatory reform and then more specifically about a substitute amendment that I anticipate will be offered, if not today then sometime during the course of the debate on this bill.

At the outset, I would like to make clear that I believe that we need to have regulatory reform in this country. We now have what is fairly described as a cumbersome regulatory morass. I think it is the result of over 40 years of having a very activist Government. The number of executive branch and independent regulatory agencies has been steadily increasing since the New Deal. This increase in the size of Government has been compounded by the fact that Congress passes hundreds of new laws every year, while statutes are rarely taken off the books. With each new law comes an ever-expanding set of detailed rules and regulations. So, while we cannot deny the fact that those faceless Federal bureaucrats do compound the problem, we also ought to look right here at home in the U.S. Senate and House of Representatives, because we, too, have responsibility for this trend of more and more laws which require more and more regulations.

This regulatory burden that Congress has created, I think everyone recognizes, is daunting even for the largest

of corporations that can hire a whole spate of attorneys to advise them in complying with the regulations that are imposed. But I think the burden is clearly overwhelming for most of the small businesses in this country that are bombarded with reams of technical legalese and ordered to comply with regulations they do not understand. These are the very small businesses which happen to be the backbone of this country's economy. I think the overwhelming burden they are required to measure up to, and many cannot do so, has contributed in large part to the disenchantment with Government we are seeing in recent years.

We have heard a lot about bringing common sense into the regulatory process. My colleague from Utah has spoken about this. But I would like to point out the fact it was Senator GLENN, of Ohio, whom I recall first holding up the book, ''The Death of Common Sense,'' in one of our hearings in the Governmental Affairs Committee. We can all quote from this book and others, giving anecdotes which lay a foundation for the need for change in this country.

One anecdote from that book discusses an OSHA regulation that requires manufacturers to describe the possible harmful effects of a hazardous substance on every package or container of the product. In 1991, OSHA decided that packages of everyday bricks must contain a hazardous substance notice because a small amount of silica is released when the bricks are sawed in half. But OSHA did not consider the fact that bricks are rarely sawed in half, and that when they are only trace amounts of silica would be released. Nonetheless, the agency imposed this useless paperwork requirement on the Nation's brick manufacturers. Clearly, in that case, common sense did not prevail.

I recently held a field hearing in Maine on Government regulations. I heard of another case where Federal regulators appeared to lose their common sense. A number of years ago, the Food and Drug Administration, the FDA, demanded that McCurdy Fish Co., of Lubec, ME, change its production method to protect the public from the threat of botulism. The FDA's extensive testing, however, never found any contamination in McCurdy's product. In addition, the FDA was applying a safety standard for freshwater fish even though McCurdy sold small ocean herring, a totally different type of fish. Nonetheless, FDA insisted that this small company purchase $75,000 worth of equipment to eliminate a hazard that had never arisen in the past and that was unlikely to ever arise in the future. Yet, with only $250,000 of annual revenue, McCurdy simply could not comply. As a result, it was forced to close its doors back in 1991, eliminating 22 jobs in an industry that had been part of that small community since the early 1800's.

Twenty-two jobs may not sound like a lot to many of my colleagues here in the Senate, but 22 jobs in a small town like Lubec, on the coast of Maine, has a major impact upon the local economy. That is another case where common sense did not prevail. It is another case where we saw regulations proposed and imposed by the so-called faceless bureaucrats which really produced an inequitable result.

Even though all of us can point to these types of horror stories and we can all agree that we need to reform our regulatory system, I think there is substantial difference of opinion about what is the correct solution.

First of all, I do not think we can accomplish reform in a one-shot proposition. It cannot be accomplished on one piece of legislation; it cannot be accomplished overnight. As impatient as we might be to remove these excessive layers of regulation that have been accumulating over the past 40 years, we cannot succumb to the temptation to look for a quick fix that is going to cause many more problems than it hopes to resolve. Real regulatory reform requires Congress to review each and every piece of Federal legislation, to repeal the laws that are no longer working or serving a useful purpose, and fix those that are unnecessarily causing an undue burden on our economy.

Mr. President, I am prepared to do that. That is what needs to be done. We should not try to pass some sort of regulatory reformation here that is going to deal on a procedural level with what needs to be focused on in terms of substantive issues.

The bill before the Senate seeks regulatory reform through procedural reform rather than substantive changes in the law, and it focuses on reforming the process for implementing and reviewing these Federal regulations. The Governmental Affairs Committee, on which I sit, has been struggling with this issue for decades. Some 20 years ago the committee first issued a comprehensive report, concluding that the regulatory system was too costly and the process for developing the regulations too often ignored the costs that those regulations imposed on the economy. And the problems have only worsened since that time. The annual cost of Federal regulation was recently estimated to be approximately $560 billion for 1992 and projected to reach the staggering level of $660 billion by the year 2000.

The remedy for this ill is twofold. First, Congress has to stop passing laws without considering the huge costs we are imposing on the economy in comparison to the benefits that are going to be derived. Second, after Congress does pass a law, the executive branch agencies need to make every effort to interpret and enforce the laws in the least costly manner possible.

I believe that S. 291, which is the bill that was unanimously reported out of the Governmental Affairs Committee this past March, represented a balanced approach toward reforming the regulatory process. A version of that bill is going to be introduced as a substitute by Senator GLENN and Senator CHAFEE later on during the course of the debate on this measure. It requires the agencies to perform cost-benefit analysis and risk assessment for major rules. It authorizes sufficiently rigorous judicial review to ensure that the agencies take this responsibility very seriously. And it mandates that agencies review their existing regulations of cost effectiveness.

I believe this approach is clearly superior to the one that we are currently considering.

These provisions, combined with the congressional review process already passed by the Senate, would represent a marked improvement in our current regulatory system. I am a cosponsor of the Glenn-Chafee substitute and hope it gains the support of my colleagues.

The Glenn-Chafee substitute is also commendable because it does not alter substantive statutes that are currently in effect and does not delegated to unelected Federal judges the authority to second-guess Congress' judgments about the costs and benefits of public policies.

I frankly do not believe it is appropriate to attempt to alter carefully crafted legislation, some of which has enjoyed the support of Congresses over the years, through a statute which is designed to improve Federal rulemaking. If we do not like the Clean Water Act, if we do not like the Clean Air Act, if we do not like the Superfund Act, we ought to change them. But what we are doing is calling upon the regulators to change the substantive law that we have the responsibility to modify and to change if we are dissatisfied with it.

I also believe it is inappropriate for a Congress which is concerned about litigation, about lawyers, about judges, about judicial activism, to suddenly hand them our laws and say, ''Here, you take care of this. You decide whether the agencies have exceeded their mandate. You decide whether or not their cost-benefit analysis was correct or inaccurate. You decide whether or not the least possible cost is involved here, as opposed to another regulatory alternative.''

I do not believe that judges are well-equipped to evaluate whether the social and economic benefits of a policy justify its costs. The balancing of costs and benefits is essentially a political judgment, not a legal one. If a law passed by Congress requires agencies to implement inefficient regulations, then the responsibility for reversing those regulations rests with Congress. The Glenn-Chafee alternative accomplishes this by requiring the agencies to notify Congress when a regulation fails a cost-benefit test and by giving Congress the power to void any such regulation through expedited procedures.

Mr. President, I think, for a Congress which is concerned about too much litigation taking place in this country, this bill is really inviting more litigation, and more lawyers and judges to now start interpreting what is taking place in the agencies, rather than the Congress measuring up to its own responsibility.

So I think that the pending bill before us certainly can be improved upon. If the goal of regulatory reform is to make Government work better, we should not be overloading the Government with so many analytical requirements that it does not work at all. We cannot on the one hand bog agencies down with analytical requirements and expose them to additional litigation, and at the same time demand that they be able to meet the public's demand for prompt action.

One thing is for sure. We know this. If another bacteria infects the city water system, the public is going to want to know, ''Where is the EPA?'' If workers are trapped in a factory fire, the public is going to want to know, ''Where was OSHA at the time to prevent this incident from taking place?'' If there is an outbreak of contaminated meat, people will look to the Department of Agriculture for answers. The public wants smaller and less intrusive Government. It also expects the Government to perform a core set of functions promptly and effectively.

So these are the issues that are of concern to me: The effect of the bill on existing law, the role of the courts, and the cumulative burden on the agencies.

I believe the Glenn-Chafee substitute is superior to the bill we are considering. I do not know if it will gain a majority. But I hope it receives sufficient support to force some needed changes to S. 343.

Over the past week of debate, progress has been made on a number of fronts and some improvements have been made to the bill. The Johnston amendment raising the threshold for major rules from $50 to $100 million was a step in the right direction.

I would like to see the process of negotiation and compromise continue so a regulatory reform bill passes the Senate by a substantial margin and a bill emerges from conference that will be signed into law by the President. A truly bipartisan regulatory reform bill that could be enthusiastically supported by both parties would go a long way to restoring some of the confidence in our government that unfortunately has eroded over the past years.

I see both of the authors of the bill on the floor. I want to commend them for being open to making changes. I think some real progress has been made during the last several days to improve the legislation now pending.

I am hopeful that we will see even more changes to make sure that a strong bipartisan group of Senators supports the legislation.

For that reason, I would like to urge very strong consideration of the Glenn-Chafee substitute when it is proposed.

Mr. GLENN. Mr. President, I want to respond briefly to the remarks by the senior Senator from Maine because on our committee, the Governmental Affairs Committee, he has been one of the stalwarts on the Republican side in working on these matters of regulatory reform, and he deserves a lot of credit for that.

I particularly appreciate his remarks. He is a cosponsor of the Glenn-Chafee approach to this whole matter of regulatory reform. We worked with him through the years. And I know how devoted he is to bringing some reform in this particular area.

So I appreciate his remarks very, very much.

I yield the floor.

Mr. HATCH. Mr. President, I ask unanimous consent that amendments numbered 1502 and 1503 be withdrawn.

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

So the amendments (Nos. 1502 and 1503) were withdrawn.

Mr. HATCH. Mr. President, I ask unanimous consent that Senator Johnston be recognized to offer a first-degree amendment, the text of which is the pending Johnston amendment, and that a vote occur on the first-degree amendment with no second-degree amendments in order.

Mr. JOHNSTON. Mr. President, will the Senator withhold that? It is a similar text but since it strikes in a different part of the bill, it will not be an identical text to that now pending.

Mr. HATCH. With that understanding.

Mr. GLENN. Mr. President, reserving the right to object, it was our opinion that we knew exactly what we were going to vote on at 5 o'clock. Now I do understand that is liable to be changed?

Mr. JOHNSTON. Under the rules, in order to accomplish what we wanted to accomplish, we had to amend a different page and section of the bill. The guts of this would be identical with a couple of really stylistic changes. The way it would read is: Any rulemaking pending on July 12, 1995, for which a notice of proposed rulemaking or a proposed rulemaking has been published in the Federal Register before April 1, 1995—et cetera.

Mr. GLENN. Mr. President, I would like to see it first so we can consider it with staff and look at it. We will put in a quorum call. I do not know what this does to our 5 o'clock time that was planned. I think we can probably resolve it between now and 5 o'clock. If we do, I will have no objection.

Mr. HATCH. 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. WELLSTONE. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. WELLSTONE. Thank you, Mr. President.

I ask unanimous consent that I be able to speak for 5 minutes as in morning business.

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

RESCISSIONS BILL

Mr. WELLSTONE. Thank you, Mr. President.

Mr. President, I was on the floor earlier today trying to just present some clarity about the rescissions bill. I will not go over my remarks I made earlier, but, Mr. President, the simple point I made was that Senator MOSELEY-BRAUN and I, Friday and today, always made it clear that we had several amendments, altogether four amendments, and we agreed to 50 minutes on each amendment, to be in the evening and the stacked votes the next day, and equally divided for summary, 50 minutes equally divided. That seemed an eminently reasonable proposal, especially for a bill where there were changes from what we had done in the Senate and wanted a chance to make some changes in this piece of legislation.

That was rejected by the majority leader, Mr. President, which amazed me. I mean, to argue that Senators cannot come out and have some amendments and some discussion about a peace of legislation so people know what is in there, it seems to me to go against the grain of what we are about and what representative democracy is about.

Now I see something put out by the Republican Policy Committee, ''The Cost of Delay: The Filibuster * * *.'' So, Mr. President, could I just read from the dictionary about what a filibuster is? ''The Cost of Delay: The Filibuster * * *.'' Here is the definition of ''filibuster'' right out of the dictionary. ''The use of obstructionist tactics such as the making of prolonged speeches or the introduction of irrelevant material for the purpose of delaying legislative action.''

Our amendments are hardly irrelevant. They deal exactly with these cuts. We wanted to have some offsets. We agreed to a time limit on the amendments; less than an hour for each one. And now I see this accusation of the filibuster.

Mr. HATCH. Will the Senator yield on that?

Mr. WELLSTONE. I would be pleased to, if I could read one more time the definition of ''filibuster.'' Maybe my colleague could further explain what the filibuster is, although I——

Mr. HATCH. I would be happy to.

Mr. WELLSTONE. I cannot think of a better colleague to do that for me. One more time before we get into these kinds of accusations and this kind of attack politics, ''The Cost of Delay:

The Filibuster * * *.'' ''Filibuster. The use of obstructionist tactics such as the making of prolonged speeches or the introduction of irrelevant material for the purpose of delaying legislative action; an instance of the use of such tactics, especially in the United States Senate.''

Again, when Senators have amendments to a piece of legislation, very relevant, and agree to a time limit, and make it very clear that all we want is an opportunity to have a debate and discussion so people know what the priorities are of this rescission bill and some opportunities to improve it as we see it and better represent our constituents, that is hardly a filibuster.

My second point, by the way, Mr. President, is there is no delay on our part. The delay is on the part of the majority leader who will not accept an eminently reasonable proposal. There is probably not a Senator in the U.S. Senate, Democrat or Republican, I say to my colleague from Utah, who does not believe that it is important for us, especially if we do not block a motion to proceed and especially if we have a time agreement, to have an opportunity to improve a piece of legislation.

I would be pleased to yield to the Senator.

Mr. HATCH. If the Senator would yield, I just enjoyed the Senator's remarks. And as someone who has seen filibusters on both sides, it is a little more than long, interminable speeches and irrelevant materials being brought up. The fact of the matter is that we have now been on this E. coli matter for 2 solid days when the original bill took care of that problem. Then to resolve it even further, to make it more explicit, Senator DOLE brought his amendment forth yesterday, and it passed and solved it again.

Now we are talking about exempting all of the HACCP rules, basically everything that the Department of Agriculture wants to do. To be honest with you, we know that this amendment is an amendment just plain geared to try to stop this bill, because if you exempt one agency, then we will see 50 people in here arguing to exempt other agencies or other agency particulars or other special interests. And we would like to just see them all covered.

Now, the E. coli is taken care of. The meat problems are taken care of in this bill. They were taken care of before we got into this amendment process. We have been tied in knots for 2 days over this E. coli problem that was taken care of in the original bill. We have tried to solve the problem for the other side by restating it. We have put new language in this bill. And, frankly, there is a belief on the part of many—I think some on both sides of the aisle, many—that there is delay for delay's sake here.

Now, whether that is true or not, I am not going to say this early in this stage of the bill. But it looks to me like it is starting to smell like it is true. And it is no secret that this is a bill that many on the other side and some on our side do not want to pass. But the vast majority here in the Senate do. And I think it is time to go ahead.

Now, we do not have a time agreement. I have tried to get a time agreement. It has been objected to or at least they have asked me to withhold until the amendment of the distinguished Senator from Louisiana can be thoroughly examined by the other side.

Mr. WELLSTONE. Would the Senator yield?

Mr. HATCH. I might also add that the Senator from Louisiana could have modified his amendment at a whim, as it sat on the desk up here before we talked about a unanimous consent agreement. And he modified it. And in a very innocuous—

Mr. WELLSTONE. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. HATCH. I thought he yielded the floor. I apologize. I thought he yielded the floor.

Mr. WELLSTONE. Mr. President, just so the Senator would—I will let the Senator from Ohio respond, but just for a moment, I want the Senator from Utah to know, I was actually not referring to this piece of legislation at all.

Mr. HATCH. You were referring to something else?

Mr. WELLSTONE. That is correct. I just want to make it clear that when I see a piece of literature coming out on a rescissions bill titled ''The Cost of Delay: The Filibuster * * *,'' I just wanted to read for some of my colleagues who make these accusations the definition of ''filibuster.'' It seems to me when Senators are going to be engaged in these kinds of attacks, we ought to be clear what a filibuster is. So, I read the definition of ''filibuster.'' And I will do it one more time. Dictionary definition: ''The use of obstructionist tactics such as the making of prolonged speeches or the introduction of irrelevant material for the purpose of delaying legislative action.''

Our proposed amendments are not irrelevant. They are directly relevant to this bill. We have offsets. We have agreed to amendments. We have agreed to time limits on those amendments. That is in no way, shape or form a filibuster.

I do not want to interrupt the flow of discussion about this bill, but I must say that if this goes on, I am going to have to come out here and start reading definitions of democracy and other such terms that are important to the way we conduct our business.

But, Mr. President, before I yield the floor, let me just make it clear one more time. I did this morning, and I want to say it one more time. Senator MOSELEY-BRAUN and I have been very clear. We were clear Friday; we are clear now. The bill comes over, changes are made, changes are made late Thursday night, changes that are made that we think make this rescissions bill not the bill that was passed out of the Senate.

We think it could use improvement. We think the people in the country do not know about some of these changes. We are not at all sure that some people's priorities are to cut low-income home energy assistance, summer jobs training, job training for dislocated workers, or counseling programs for seniors when it comes to consumer protection on health policies that they purchase. Therefore, we wanted the opportunity and desired the opportunity and made it clear to have some discussion. I do not know why my colleagues are afraid of some limited discussion about this so people in the country know what is in it. But it certainly is not a filibuster. We are ready to proceed as soon as there is no longer any delay, and I certainly hope the majority leader will be willing to let us go forward.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, let me clarify this. There was an agreement worked out between the leaders. Senator HATCH was in the process of reading that. There was disagreement with it from Senator JOHNSTON, who is a coauthor of S. 343, the Dole-Johnston bill. He wanted to change his amendment in some respects in the middle of the unanimous-consent request. I wanted to see what the changes were, which I do not think is at all unreasonable. If they were innocuous, fine, we would go ahead with it. It turned out they are a bit more substantive than I anticipated—dates changed, wording changed. So we have had staff working on it as fast as we can, checking with people who are more familiar with this than some of us.

So that is what is going on right now. There was no intention to delay on our part whatsoever. It is just that in the middle of a unanimous-consent which we thought we had agreement on, changes were made in what we were about to vote on supposedly at 5 o'clock. I do not think it is unreasonable at all to know what it is we are voting on when something is being changed. That is the problem.

They are in the cloakroom right now. I think we are going to have agreement on this shortly, but I am not willing to agree to a unanimous-consent request until we know what the vote is going to be on. We thought it was going to be on the amendment that we debated all day. The amendment has changed somewhat. As soon as this is worked out, we can set the vote.

There is no attempt to delay. The change is made not in favor of the Glenn-Chafee bill, but one of the coauthors of the Dole-Johnston bill. That is the reason we are where we are with this delay.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. I thank the Chair.

Mr. President, I have been following the debate in an effort to understand exactly what the ramifications are of the amendment offered by the Senator from South Dakota [Mr. DASCHLE] and the second-degree amendment offered by the Senator from Louisiana [Mr. JOHNSTON].

The manager of the bill, the Senator from Utah, has discussed the matter with me, and in order to try to obtain some clarification, I called the Secretary of Agriculture to try to understand the specifics as to what is involved here on the inspection of meat and poultry.

I favor regulatory reform and, in the course of the debate and amendments for consideration, I have supported amendments which will reform the regulatory process to try to eliminate some of the red tape which is now present. But I do believe that when it comes to matters of health and safety, we have to be very, very careful about how the reform measures impact the regulatory process. Furthermore, the regulatory process has to be reasonable so business can proceed without undue regulations.

There is general agreement today that there is excessive governmental regulation, and it is not easy to find the appropriate balance. In my judgment, it depends upon the specifics.

The Secretary of Agriculture pointed out to me the problems which have been discussed at some length regarding E. coli bacteria and salmonella. He said that for some 10 years, there has been an interest in the scientific community in moving beyond the traditional touching and smelling; that from the E. coli and salmonella, some 4,000 people die each year and several hundred thousand are made ill; that the proposed rulemaking, which was submitted in January, has brought comments from many, many people, thousands of comments, and they are in the process of considering those comments.

The Secretary says there will be appropriate consideration so that there will not be an undue regulatory burden. He has received many complaints from the small packers who complained, understandably, about the cost in the testing, and there have been some complaints that they have not had enough of an input in the process. Secretary Glickman says that there will not be a final rule until there has been very substantial input from small business.

The second-degree amendment which has been offered by Senator JOHNSTON would exempt, as I understand it, the rulemaking process which Secretary Glickman is concerned about here but would not stop at a later time somebody going back and insisting on the kind of cost analysis which might invalidate the rule which the Department of Agriculture is considering at the present time.

A question which is on my mind is whether there should not be some input from the Secretary of Agriculture who could make recommendations so that we could have legislative language which would protect the small packers, the small business people and have some guarantees against excessive regulations, but which would not tie the Secretary's hands on taking the steps which are necessary to guarantee the safety of meat and poultry.

On this date of the record, it is my view at the moment, and I am prepared to listen to further argument, while the amendment by Senator JOHNSTON is a significant step forward in exempting the current regulatory process at least for the time being, that it is not a guarantee that there will not be some revision at a later time which would jeopardize the sanitary condition of meat and poultry.

My colleague from Utah, the distinguished chairman of the Judiciary Committee, asked me to review it to try to give him my thinking, because there is a vote count going on now. As I see it at the moment, I would support the Johnston amendment, but similarly I would support the Daschle amendment. I told my colleague from Utah it might be useful to have a discussion on the record.

Mr. HATCH. I appreciate my colleague's candor. Actually, the Dole amendment yesterday solved the problem. Johnston solves it even further. What apparently the Secretary of Agriculture does not like is the petition process provided in this bill. I just suggest that if, 5 years from now, science dictates there is a need for a change, what is wrong with having the petition process to help to effectuate that change? That is what is provided for here.

The fact of the matter is that the Daschle amendment exempts the Department of Agriculture rules asserting hazard analysis and critical control point systems from S. 343. Those are the systems that deal with E. coli in meat and poultry. Now, it is not necessary because yesterday the Senate, by a large margin, accepted Senator DOLE's amendment that makes it absolutely clear what was already present in S. 343, that the bill contains emergency exemptions from cost-benefit analysis and risk assessment requirements of the bill. Consequently, where an emergency exists, where food safety from E. coli bacteria exists, S. 343 would permit and allow for a prompt promulgation of the HACCP rules.

Mr. SPECTER. Will the Senator yield for a question?

Mr. HATCH. First, I will add one other thing. The Johnston amendment takes care of the problem without exempting a rule from the bill, which is a very bad precedent. If we exempt one rule, everybody will be in here with their own special rules. We think all of the agencies should have the obligation under this bill to pass reasonable regulations.

The Johnston amendment makes clear that the proposed rules in the pipeline as of April 1, 1995, will not have to redo cost-benefit analysis and risk assessment. This applies to the E. coli and food safety USDA-proposed rules, as well.

Now, as I understand it—and I think it is a silly argument—those arguments for the Daschle amendment want a complete exemption for the Department of Agriculture rules because that would mean there would be no costly petition pursuant to section 633 of S. 343, and the petition need not be done. I call that silly because the petition process should lie for proposed rules prior to April 1, 1995. If it turns out that scientific assumptions underlying the bill are erroneous, or the rule turns out to be burdensome, why not allow for the petition and the agency rule? The rule would still be in effect if the petition is filed, so one can argue that safety will not be harmed.

So we do not think that is essential. We think JOHNSTON covers the problem and DOLE does. We do not think there should be an exception for one aspect of regulation that would open the bill for all kinds of arguments that other aspects should be accepted at all. The petition process guarantees that we have the best science, and that petition process goes on for years.

Mr. SPECTER. If my colleague will yield for a question, there are a number of questions I would like to discuss with the Senator from Utah, but I will start with the core question. When you talk about not wanting to have an exception because then you would have other exceptions, is not the issue of safety and health as it relates to meat and poultry a very, very unique circumstance which justifies an exception for that very important category? What other categories would the Senator from Utah anticipate seeking exemptions? Because if there are other categories where an exemption is accorded on a case-by-case basis, I think that is something the Senate ought to consider.

Mr. JOHNSTON. If the Senator would allow me, Mr. President, I will answer. The unique circumstance of meat and poultry inspection is not unique, but it is an unusual circumstance, in that you have a rulemaking that is already mature, that has been out there for a couple of years, and they have already done a cost-benefit analysis and it is ready to go into operation, I think, later this year or early next year. In other words, it is ready to go, and the unusual circumstance is that you do not want to have to go back and redo that. And under the Johnston amendment, that would be exempted from the provisions of this bill, so that the rule can go into effect.

Now, with respect to future rulemakings, 2 years from now or 5 years from now, we are saying this activity, even though it deals with public health, ought to have to go through the same scientific evaluation as any rules,

because almost all of this bill is concerned either with safety, with health, or with the environment. If we are going to exempt this, then why not product safety? You know, automobiles kill a lot of people. Why not the Clean Air Act? The Clean Air Act kills more people than E. coli by factors of hundreds. Hundreds of people die because of asthma, or whatever, because of unclean air. There is no problem with emergency rules. We have that taken care of, and we have a further amendment, even better, to take care of that.

But the point is, you do not want to exempt future rules from scientific evaluation, from risk assessment, and from cost-benefit just because they deal with health, because almost everything deals with either health, safety, or the environment. We do want to exempt this rulemaking, which is ready to go forward and which will protect the public. We do not want to delay that.

The Secretary of Agriculture has a very legitimate concern there. But we do not want to come along on a case-by-case basis and exempt anything that relates to health or safety or the environment, which is important, too, because then you have no bill left.

Mr. SPECTER. Has there been an effort made to seek any exemption beyond this one on the Department of Agriculture?

Mr. JOHNSTON. As part of the unanimous consent, we had requested that there be an agreement that there be no other amendments once we vote on the Daschle amendment with respect to health or safety. That was not agreed to on this side.

Frankly, I have been asking around about what is next on that, and I have heard, well, there might be one on mammography, there might be one on cryptosporidium. Who knows? It is health and it is important, sure; everything is important. But under the Johnston amendment, any ongoing rulemaking is not going to be stopped. That is going to be allowed to go into operation. And if any emergency situation beyond that comes up, the bill will allow you to take care of the emergency situation. But if you have a new rulemaking, even though it relates to health, or safety, or the environment, that ought to pass scientific muster just like everything else because, look, great wrongs are committed in the name of health. In fact, most of the problems have been committed in the name of health.

Mr. SPECTER. Both ways.

Mr. JOHNSTON. Both ways. But we are correcting that with the Johnston amendment. And then, other than that, we subject all rules to good science. That is what this bill is basically about.

Mr. SPECTER. If I may reply for a moment to what the Senator from Louisiana has commented about. I would be interested to see in the unanimous consent request if the issue is just limited to the Department of Agriculture. That would be very weighing on my mind on how I vote on the Daschle amendment.

I support the Johnston amendment. I think it is a decisive step forward. I discussed this earlier today off the floor with the Senator from Louisiana. I think it is a step forward. But I want to know what other specific situations might rise to the level of the problem of the E. coli and the salmonella.

Is it not true, if I may ask, whether there is not a lookback procedure, as the expression is used, even with passage of the Johnston amendment, that would open the door to reevaluation of this regulatory process that the Secretary of Agriculture is now engaged in?

Mr. JOHNSTON. What it provides is that a year after the effective date, the Secretary or the agency shall list all rules which he or she thinks should be reviewed and that he or she thinks cannot pass muster under the bill; that is, where the benefits do not justify the costs.

So that the Secretary himself or herself, if they want to review one of these rules, they can. They can do that anyway, today.

In addition to that, if someone out there feels aggrieved, they can file a petition for a review. That is the lookback the Senator is talking about. But it is a high threshold.

They have to show a substantial likelihood that they could not meet the test. The basic test is that the benefits justify the cost.

Mr. SPECTER. To what extent does the Daschle amendment change that?

Mr. JOHNSTON. It would exempt it from any scientific evaluation as provided for in this bill whatever.

For the future, or lookback or anything else, this would be it. No questions asked. It would be business as usual with respect to this activity.

Mr. HATCH. If I could just add to my colleague from Pennsylvania, we do not believe anything should be exempt from S. 343, because what S. 343 requires is that we consistently push for the best science available.

Frankly, the problem the Johnston amendment does deal with is what you do with proposed rules before the effective date. The amendment would set the date of April 1, 1995, as the cutoff date. Anything before that date, including E. coli rules, will not have to redo already done risk assessments and cost-benefit analysis—if, in the discretion of the head of that agency, they have already done that.

We do not want to have to do unnecessary, duplicative risk assessments and cost-benefit analysis. That is what his amendment does.

Frankly, safety is not the issue in this matter. Safety is taken care of through the Johnston amendment. Money is really the issue. Frankly, there is little or no reason for the Daschle amendment, once we have the Johnston amendment.

Mr. SPECTER. I thank my colleagues. I will confer further with the Secretary and further study the matter.

Mr. JOHNSTON. Mr. President, I was going to suggest as a way to handle this unanimous consent that I send an amendment to the desk at this time, and that the unanimous consent refer to the amendment at the desk. I will not do so until Senator GLENN or the representative of the minority leader comes out.

I suggest if we do that, we send a Johnston amendment to the desk, have the unanimous consent refer to the Johnston amendment and to the Daschle amendment in the way that it is now stated.

Mr. President, I see Senator GLENN. I was going to suggest I send an amendment to the desk, and that the unanimous consent refer, then, to the amendment at the desk.

Mr. GLENN. Reserving the right to object, and I do object right now, we are spelling out what the changes are that have been made so we can comment on them briefly before we go to the unanimous consent request. That is being prepared. It should be ready within 4 or 5 minutes. I would rather do that and then send it to the desk.

Mr. JOHNSTON. The Senator could refer to it in the unanimous-consent.

Mr. HATCH. I do not see a problem of sending it to the desk.

Mr. GLENN. Mr. President, I still object until we have a chance to look at this.

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

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

The Chair, in his capacity as a Senator from the State of Wyoming, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. 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. HATCH. Mr. President, I ask unanimous consent that Senator JOHNSTON be recognized to offer a first-degree amendment, the text of which both sides are acquainted with, and a vote occur on the first-degree amendment with no second-degree amendments in order after 5 minutes of debate, divided equally between Senators JOHNSTON and GLENN.

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

Mr. HATCH. I further ask that following the vote on the Johnston amendment, Senator DASCHLE be recognized to offer a first-degree amendment, the text of which is the pending Daschle amendment, with no second-degree amendments in order, and a vote occur immediately on the amendment without any intervening debate or action.

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

Mr. HATCH. Finally, I ask unanimous consent that following the disposition of the Daschle amendment, no other amendments regarding the USDA HACCP rules proposed on February 3, 1995, be in order during the pendency of S. 343.

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

AMENDMENT NO. 1504 TO AMENDMENT NO. 1487

(Purpose: To provide that risk assessments conducted to support proposed rules may be used to support final rules that are not substantially different with respect to the risk being addressed)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Louisiana [Mr. JOHNSTON], for himself, Mr. HATCH, and Mr. ROTH, proposes an amendment numbered 1504 to amendment No. 1487.

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

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

The amendment is as follows:

On page 50, between lines 15 and 16, insert the following new paragraph:

''(4) If the agency head determines that—

(A) a final major rule subject to this subchapter is substantially similar to the proposed major rule with respect to the risk being addressed;

(B) a risk assessment for the proposed major rule has been carried out in substantial accordance with section 633; and

(C) a new risk assessment for the final rule is not required in order to respond to comments received during the period for comment on the proposed rule; the head of the agency may publish such determination along with the final rule in lieu of preparing a new risk assessment for the final rule.''

1. On page 19 strike out lines 11 through 13 and the words ''than 30 days after such date of enactment),''.

2. On page 20, line 9 strike out the words ''(or, in the case of a notice of proposed rulemaking'' and strike out lines 10 through 12.

3. On page 43, amend line 11 to read ''agency after the effective date of this subchapter''; strike out lines 12 and 13; and strike out ''section 623'' on line 14.

4. On page 48 amend lines 4 and 5 to read ''effective date of this subchapter, the head of each''.

5. On page 97 relable subsection (b) as subsection (c) and insert a new subsection (b) as follows:

''(b) Any rulemaking pending on July 12, 1995 for which a notice of proposed rulemaking or a proposed rulemake has been published in the Federal register before April 1, 1995 shall not be subject to the provisions of subchapter II or subchapter III of chapter 6 of title 5 U.S. Code except for section 623 (relating to review of rules).''

Mr. JOHNSTON. Mr. President, I think it is fair to say that the Johnston amendment will not be opposed because the Johnston amendment is not now a substitute to the Daschle amendment; the Johnston amendment is a freestanding amendment which exempts the inspection of meat provisions from this subchapter. In other words, it allows that rule to go forward without any delay at all. I believe everyone is for that.

The controversial amendment will be the Daschle amendment which will follow this because, if and when we adopt the Johnston amendment, it will solve the problem of the rulemaking. But what it will do is exempt totally the whole area from future rulemaking. If we do that with respect to inspection of meat and poultry, then what is next? Cryptosporidium, clean water, the Clean Air Act, car seats for kids, radioactivity? It sets a precedent to exempt everything from this bill and, if health is the standard by which you exempt matters from scientific determination, then why do a risk assessment at all because almost everything in this bill—almost everything—has to do with health, safety, or the environment.

So, Mr. President, I ask my colleagues to vote for the Johnston amendment. I expect that almost everyone will. I urge that they vote against the Daschle amendment, as that undermines this whole bill because it sets a precedent for taking everything out of risk assessment and cost-benefit analysis and scientific determination.

I reserve the remainder of my time.

Mr. GLENN. Mr. President, the Johnston amendment, as revised, will exempt from the cost-benefit and risk assessment provisions of this bill any pending rules proposed before April 1 of this year. However, Senator JOHNSTON's amendment does not solve the E. coli problem, since it would continue to subject the HHCCP rule to a petition and look-back process, as well as judicial review. That is of considerable concern. These procedures could expose this important public health rule to unnecessary and potentially life-threatening delay.

In addition, Senator JOHNSTON's amendment would continue to apply the requirements of this bill to many rules now in the pipeline which were proposed after April 1. Those rules would be subject to all of the requirements of the bill—cost-benefit analysis, risk assessment petitions, and look-back.

This amendment would continue to allow the bill to delay rules that are currently in the pipeline, such as protections against cryptosporidium, unsafe mammography standards, and other important rules.

For that reason, I urge my colleagues to vote no on the Johnston amendment and yes on the Daschle amendment, which would clearly permit the HHCCP rule, a rule that would protect the public from tainted meat, to go forward without change.

I reserve the remainder of my time.

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

The PRESIDING OFFICER. The Senator has 20 seconds.

Mr. JOHNSTON. Mr. President, I am surprised that Senator GLENN is now opposing the Johnston amendment because earlier today he said if the Johnston amendment were freestanding, he would support it. It is still a good amendment. It takes care of the problem. It prevents any delay in any pending rule now, and I urge my colleagues to vote for it.

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

The PRESIDING OFFICER. The Senator has 1 minute and 6 seconds.

Mr. GLENN. Earlier today, I said I might. I wanted to see the language. I think it was good that I said that earlier. We have had a couple of changes here in the middle of the unanimous-consent request that changed the nature of this.

So I did not make a commitment to vote for this in whatever form it might come up. I am for the general principle being proposed, but not the way this was developed today.

So I yield the remainder of my time, and I am ready to go to a vote.

Mr. JOHNSTON. I ask for the yeas and nays.

Mr. HATCH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GLENN. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 69, nays 31, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—69

Abraham	Exon	Lugar
Ashcroft	Faircloth	Mack
Baucus	Ford	McCain
Bennett	Frist	McConnell
Bingaman	Gorton	Murkowski
Bond	Gramm	Nickles
Breaux	Grams	Nunn
Brown	Grassley	Packwood
Bumpers	Gregg	Pressler
Burns	Harkin	Pryor
Byrd	Hatch	Robb
Campbell	Hatfield	Roth
Chafee	Heflin	Santorum
Coats	Helms	Shelby
Cochran	Hollings	Simpson
Cohen	Hutchison	Smith
Conrad	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Johnston	Stevens
D'Amato	Kassebaum	Thomas
DeWine	Kempthorne	Thompson
Dole	Kyl	Thurmond
Domenici	Lott	Warner

NAYS—31

Akaka	Feinstein	Leahy
Biden	Glenn	Levin
Boxer	Graham	Lieberman
Bradley	Inouye	Mikulski
Bryan	Kennedy	Moseley-Braun
Daschle	Kerrey	Moynihan
Dodd	Kerry	Murray
Dorgan	Kohl	
Feingold	Lautenberg	

Pell	Rockefeller	Simon
Reid	Sarbanes	Wellstone

So the amendment (No. 1504) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I ask for the yeas and nays on the Daschle amendment.

The PRESIDING OFFICER. Has the amendment been proposed?

AMENDMENT NO. 1505 TO AMENDMENT NO. 1487

(Purpose: To protect public health by ensuring timely completion of the United States Department of Agriculture's rulemaking on ''Pathogen Reduction: Hazard Analysis and Critical Control Point (HACCP) Systems'' (proposed rule, 60 Fed. Reg. 6774, et al., February 3, 1995)

Mr. DASCHLE. Mr. President, I call up the amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 1505 to amendment No. 1487.

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

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

The amendment is as follows:

On page 19, line 5, stike out ''or''.

On page 19, line 7, strike out the period and insert in lieu thereof a semicolon and ''or''.

On page 19, add after line 7, the following new subparagraph:

''(xiii) the rule proposed by the United States Department of Agriculture on February 3, 1995, entitled ''Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems'' (proposed rule, 60 Fed. Reg. 6774, et al.).''.

Mr. HATCH. Madam President, I ask for the yeas and nays on the Daschle amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second

The yeas and nays were ordered.

Mr. DOLE. Madam President, I will just say, we are not making much progress on this bill. We hope to have votes on into the evening. So I hope we will have some volunteers ready to offer amendments right after this vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1505. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

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

The result was announced—yeas 49, nays 51, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—49

Akaka	Bradley	Cohen
Baucus	Bryan	Conrad
Biden	Bumpers	Daschle
Bingaman	Byrd	Dodd
Boxer	Chafee	Dorgan
Exon	Kerry	Pryor
Feingold	Kohl	Reid
Feinstein	Lautenberg	Robb
Ford	Leahy	Rockefeller
Glenn	Levin	Sarbanes
Graham	Lieberman	Simon
Harkin	Mikulski	Snowe
Hollings	Moseley-Braun	Specter
Inouye	Moynihan	Thompson
Jeffords	Murray	Wellstone
Kennedy	Nunn	
Kerrey	Pell	

NAYS—51

Abraham	Frist	Lugar
Ashcroft	Gorton	Mack
Bennett	Gramm	McCain
Bond	Grams	McConnell
Breaux	Grassley	Murkowski
Brown	Gregg	Nickles
Burns	Hatch	Packwood
Campbell	Hatfield	Pressler
Coats	Heflin	Roth
Cochran	Helms	Santorum
Coverdell	Hutchison	Shelby
Craig	Inhofe	Simpson
D'Amato	Johnston	Smith
DeWine	Kassebaum	Stevens
Dole	Kempthorne	Thomas
Domenici	Kyl	Thurmond
Faircloth	Lott	Warner

So the amendment (No. 1505) was rejected.

Mr. JOHNSTON. Madam President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senate majority leader.

Mr. DOLE. Madam President, I understand—if I could have the attention of my colleagues—I understand the Senator from Wisconsin has an amendment on which he is willing to accept a time agreement of 30 minutes. We were going to propose 30 minutes and any second-degree amendment be limited to 20 minutes equally divided and must be relevant to the first-degree amendment.

I do not have a copy of the second-degree amendment. There may be one or more second-degree amendments. But if we could start off on the premise that the Senator from Wisconsin had 30 minutes, maybe by the time he finishes, we will have a copy of the second-degree amendment. Will that be OK?

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senate minority leader.

Mr. DASCHLE. Madam President, we would certainly want to accommodate some time agreement, but I think in order to accommodate any specific time agreement, we would want to see the second-degree amendment. If we could do that, just as soon as we see it and have a chance to look at it, I think we could lock into a time certain. But I would be reluctant to lock into any time until we had a chance to look at it.

Mr. DOLE. In the meantime, the Senator from Wisconsin will proceed on the basis we hope to have a time agreement?

Mr. DASCHLE. That will be all right.

Mr. DOLE. So any of my colleagues who would like to eat, I think it is safe to say there will be no votes until 8 p.m.

Mr. JOHNSTON. Madam President, how long did the majority leader wish to proceed?

Mr. DOLE. Hopefully for a while. I understand the Senator from Delaware will have an amendment following disposition of the amendment of the Senator from Wisconsin. We are not moving too quickly. There are still, as I understand it, numerous amendments. We have not had the major amendment from the other side, the Glenn amendment.

So, we will be here for a while yet this evening.

Mr. JOHNSTON. Madam President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. We have had some delays on both sides.

Mr. DOLE. Right.

Mr. JOHNSTON. We have a number of amendments we are sort of waiting to get cleared on the other side having to do with the problem Senator GLENN pointed out on 180 days within which to perform a risk assessment. We want to extend that to a year. That is something on which we are just waiting for an answer. It is a very simple, straightforward amendment.

There is another one having to do with Superfund. Those are really big amendments. If we got those adopted, I think it might change the sort of mood, our procedure.

They are not, apparently, ready, so I do not insist on it. But I hope we could get a procedure for clearing these amendments on the other side as well as on our side.

Mr. DOLE. Right. I do not know if we have had any cleared on either side, but I think we should try to cooperate where we can. As far as I know, nothing has been cleared.

Mr. KERRY. Will the majority leader yield for a moment? Madam President, I ask the majority leader. We have a list, a series of sort of major items, and then some less major, that have been presented some time ago. We did, in the day before we departed for the recess, have a negotiating process that at least had just begun. That broke up with the notion that at some point we might hear from people whether we could get back and see if we could make more progress.

It is my sense the Senator from Utah has, in good faith, offered to sit down. The Senator from Louisiana has. The difficulty is both of them have also had a requirement to be on the floor for a significant period of time, so it is very hard to try to accomplish what I think might be possible, which is to have progress in the negotiating effort.

I do not know if that means, therefore, it might make sense to have a prolonged quorum call in the morning, or maybe come in a little later and give us time to get together and see if we could find some commonality. But we are still waiting for a response with

some specificity to those things that have been submitted.

Mr. HATCH. If I could answer the distinguished Senator?

Mr. DOLE. I will be happy to yield to the Senator from Utah for that purpose.

Mr. HATCH. If I could answer the distinguished Senator, it is my understanding that both sides are pretty well aware of what we can agree to and what we cannot agree to. But I would be happy to sit down in the morning and go over every detail and see what we can do.

But we have given responses to that. It is my understanding staff has been informed of what our positions are.

Mr. KERRY. Well, Senator——

Mr. HATCH. If that is not so, I will be happy—I would be happy to sit down anyway, because there may be things we can work out.

Mr. KERRY. It was my understanding, in conversations a few moments ago with the Senator from Louisiana, that he thought we had the capacity to accommodate a particular concern on the decisional criteria which we had some colloquy on yesterday on the floor and some further conversation on today.

Mr. HATCH. Let us sit down and see if we can.

Mr. KERRY. But we still do not actually have language or an agreement to do so, so we are in this sort of nebulous area. I think it would be helpful if we could find the time to work through those critical areas. At that point, a lot of our people who would like to vote for this bill if we can fix these things will have the ability to decide whether we are close to that, whether that is a reality or not. I think it would help determine what the course will be on this legislation.

Mr. DOLE. We had a brief discussion last night, I guess before we adjourned, with the Senator from Louisiana because the Senator from Ohio raised a question last evening about 9 major areas of difference and 23 minor areas of difference which consumed—I do not know—25 or 30 pages of suggestions, or a number of pages.

I think we are in the process—at least I understand Senator HATCH and Senator JOHNSTON may be in the process—of going through those one by one trying to get some response to the Senator from Ohio. But that does not mean we should not meet and see if we cannot make further progress.

Mr. JOHNSTON. Mr. President, if the leader will yield, I have completed that process and given answers for those. But we will be happy to meet as well and talk about what the answers are.

Mr. LEVIN. If the leader will also yield for that, I understand from the Senator from Utah that the responses that we now have that we can take a look at overnight are also reflecting his own views and the views of others on that side of the aisle.

Is that fair?

Mr. HATCH. I think that is fair. I think it is correct. Of course, we are going to continue this dialog throughout this process. There will be an attempt to accommodate folks on both sides of the aisle. We are getting down to where we are going to have to battle out some of these issues.

Mr. DOLE. We have, I might add, requests for morning business for about an hour and a half in the morning. That might accommodate concerns, and give Senators time to sit down and at least go over each of the items.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. It is my understanding that the Senator from Wisconsin will be recognized to offer his amendment.

The PRESIDING OFFICER. That is correct.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

AMENDMENT NO. 1506 TO AMENDMENT NO. 1487

(Purpose: To protect the public from the dangers of Cryptosporidium and other drinking water hazards by ensuring timely completion of rulemaking to protect the safety of drinking water from microbial and other risks)

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

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. KOHL], for himself, Mr. DASCHLE, Mr. GLENN, Mr. FEINGOLD, Mr. LAUTENBERG, and Mrs. BOXER, proposes an amendment numbered 1506 to amendment numbered 1487.

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

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

The amendment is as follows:

On page 19, line 5, strike out ''or''.

On page 19, line 7, strike out the period and insert in lieu thereof a semicolon and ''or''.

On page 19, add after line 7 the following new subparagraph:

''(xiii) any rule proposed or promulgated by the Environmental Protection Agency that relates to the control of microbial and disinfection byproduct risks to human health in drinking water supplies.''

Mr. KOHL. Madam President, we have heard the arguments made by proponents of S. 343 stating that the emergency exemption section of this bill will protect urgent health and safety regulations in the pipeline. However, a careful reading of the legislation reveals that many essential regulations would not be protected under this section or the bill as a whole. My amendment will address a particularly serious omission: namely regulations to protect the public from the dangers of cryptosporidium and other drinking water hazards.

Simply, what my amendment does is exempt pending EPA regulations regarding cryptosporidium and related waterborne parasites from the strictures of this bill.

Unfortunately, I am all too familiar with the cryptosporidium parasite because of the recent outbreak of this waterborne disease in my State of Wisconsin. As many may recall, the water supply in Milwaukee was contaminated with this parasite in 1993, and 104 people died. Let me repeat, 104 people died. And more than 400,000 became severely ill as a result of drinking ordinary tap water.

As we continue this debate, I urge my colleagues to keep in mind, this bill is not just about how many forms businesses should be required to fill out, this bill is about peoples' lives.

Over the years, we have come to take for granted the safety of our drinking water. We have done much to protect American water consumers from devastating waterborne disease and death that plagues so many other countries in the world. But we have become complacent about the safety of our drinking water—perhaps too complacent.

In the aftermath of the Milwaukee cryptosporidium outbreak, EPA, water utility organizations, local government officials, and public interest groups have worked together to agree upon a plan of action. All parties agree that the cryptosporidium problem must be addressed. And now all parties have agreed on the way to fix this problem. EPA is in the process of issuing three regulations to implement this agreement, in order to prevent the devastation that crippled Milwaukee from occurring again. But S. 343 threatens to stop the process dead in its tracks. While that may not be the intention, I believe that that will be the outcome.

In cooperation with the regulated industry and public interest groups, EPA is moving forward on three regulations:

First, the information collection rule, which requires water utilities to collect data about the contaminants, like cryptosporidium, in their water. Based on the information collected, the next two regulations will be finalized.

Second, the enhanced surface water treatment rule, which, based on the information collected, will require new treatment and filtration methods to protect against cryptosporidium and related parasites, and

Third, the disinfectants/disinfection byproducts rule, which will propose standards on certain harmful byproducts that are created as a result of using chemical disinfectants to treat drinking water.

This is not an example of a Federal agency issuing ridiculous regulations in a vacuum. Instead, this is an example of the Federal Government finally addressing a problem that should have been addressed long ago. And it is an example of a cooperative effort with all involved parties.

Given the overwhelming need and support for these regulations, we should not be subjecting these regulations to the time consuming and extremely complicated labyrinth of S. 343.

I would like to briefly mention just a few of the problems that S. 343 poses for the pending cryptosporidium protection regulations.

First, S. 343 would stop EPA from gathering information on cryptosporidium. One of the first things EPA is doing, even before setting drinking water standards, is to gather information from water utilities to gain a better understanding of the problem. This is a common sense approach. The information gathered will help the agency and the water utilities gain a better understanding of the nature of the cryptosporidium problem and other less-known waterborne parasites. The rules cost would make this information collection rule subject to the strictures of the bill. But this creates a catch–22: The whole purpose of this rule is to gather information to be able to judge the costs and benefits of creating new standards to protect against waterborne diseases. So it would be impossible to do a cost benefit analysis on the effort to gather data. This makes no sense.

A second problem with S. 343 is that it could stop EPA from issuing stronger drinking water rules altogether. Without the information collection EPA has proposed, it will be impossible for EPA to conduct a full risk assessment as required under S. 343. Further, S. 343 makes it nearly impossible for EPA to specify the technology needed to adequately treat water to address cryptosporidium. Instead, the bill requires use of least cost alternatives, and establishment of vague performance goals that make it difficult to protect consumers.

It is highly unlikely that these regulations would be covered by the emergency exemption in the bill. How could the EPA possibly win a court challenge—and I am certain there would be a court challenge—on whether this rule is responding to an emergency? The information collection rule, which starts the whole process, is to determine the extent to which there is an emergency. Certainly for those of us who have watched the human devastation in Milwaukee, there is no question that an emergency exists. And I know that my colleagues from Texas, Georgia, Oregon, Nevada, and other States that have had recent outbreaks view this as an emergency, as well. But we still must determine the extent of the problem nationwide. And that's a time consuming process. Can you imagine the opponents saying, ''Well, if you're planning to spend 18 months collecting information it can't really be an 'emergency.'''

One final note on the emergency exemption we have been hearing so much about. The emergency exemption just delays the cost benefit analysis requirement by 180 days. It does not waive the cost benefit analysis. Having to do a risk benefit analysis mid stream would disrupt the data collection process.

Madam President, I urge my colleagues to support this amendment to protect the drinking water rules which are in the works. More than 45 million Americans use tap water from systems that have been found to have cryptosporidium. Everyone agrees that we have a problem here. And, everyone agrees on the solution. My reading of the Dole-Johnston bill is that it would certainly delay and even stop this solution. My amendment would ensure that does not happen.

Madam President, S. 343 is intended to streamline the regulatory process and bring common sense to government. However, there are times when lack of action on the part of the Federal Government does not make sense. If we had stricter water treatment standards in place, maybe the tragedy in Milwaukee would not have happened.

I yield the floor.

The PRESIDING OFFICER (Mr. DEWINE). Is there further debate on the amendment?

Mr. FEINGOLD. Mr. President, I rise today in full support of the amendment proposed by my colleague from Wisconsin [Mr. KOHL]. I cannot express to my colleagues in the Senate the significant urgency with which regulations on cryptosporidium, other waterborne parasites, and disinfection byproducts, need to move forward. EPA has negotiated a series of regulations with the cooperation of water utilities and public interest groups to require public water systems to test for cryptosporidium and other parasites and issued them as a proposed rule package. Using information from these negotiations, the EPA has also indicated its intent to prescribe particular treatment and filtration techniques to prevent waterborne disease outbreaks. Mr. President, this regulatory reform bill should support, not hinder, the results of negotiated rulemaking. Bringing the potentially regulated community together with the regulatory agency to discuss in a constructive way the content and scope of governmental requirements in negotiated rulemaking is the type of process that helps to ensure our objectives in regulatory reform.

Lest anyone in this body think that cryptosporidium is either just Milwaukee's problem, or an unfortunately vogue parasite brought into the limelight 2 years ago, cryptosporidium has been widely detected in public water systems, including here in Washington, DC, in 1994. In a September 30, 1994, CONGRESSIONAL RECORD statement, I described the contents of a three-part NBC news ''Dateline'' series that ran on cryptosporidium. Though the news show time limits prohibited a listing of all the cases of concern, the program reported that between 1986 and 1992, the Centers for Disease Control reported a total of 102 drinking water disease outbreaks linked directly or indirectly to microscopic parasites, viruses, and bacterium striking 34,155 people in 35 States.

Concerns with cryptosporidium outbreaks continue. On June 15, 1995, the CDC and EPA issued additional guidance for people with weakened immune systems, such as people with HIV and AIDS, cancer and transplant patients taking immunosuppressive drugs, and people with genetically weakened immune systems, to take extra precautions in consuming municipal water such as boiling their water or using a cyst-certified water filter to protect against cryptosporidium.

Some 400,000 people, of all States of health, became ill in Milwaukee and my colleague from Wisconsin and I have seen firsthand the ongoing health problems and the significant institutional response and coordination challenges that Milwaukee citizens continue to face, in the absence of regulation.

I also remain concerned about the health risks posed by disinfection byproducts, rules that were proposed to control the amount of disinfectant byproducts allowed in drinking water at the same time that safeguards would be strengthened against disease-causing microorganisms such as cryptosporidium. According to the fall 1994 EPA Journal, chemicals used to disinfect drinking water, such as chlorine, form byproducts that can harm human health. For example, chronic exposure to excessive amounts of trihalomethanes, a class of byproducts, can cause cancer, liver and kidney damage, heart and neurological effects, and effects on fetuses. The proposed rule would lower the maximum contaminant level for total trihalomethanes from 100 micrograms per liter to 80 and address 6 other byproducts.

In conclusion, our efforts to reform the regulatory process should not thwart rules that are needed and consensus-based, such as the rules on cryptosporidium. The citizens of Milwaukee, and indeed the citizens of many other major cities, are asking for the Government to respond to this public health concern. I believe exempting these rules from this bill is both the responsible public policy course, and the right thing to do.

Mr. ROTH. Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KOHL. 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. KOHL. Mr. President, I would like to insert in the RECORD supporters of the Kohl amendment to exempt microbial and disinfection byproduct rules from S. 343. Those organizations are: American Oceans Campaign, Clean Water Action, Environmental Working Group, Friends of the Earth, National Association of People with AIDS, Natural Resources Defense Council, Physicians for Social Responsibility, Sierra Club, and U.S. Public Interest Research Group.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GLENN. 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. GLENN. Mr. President, let me congratulate the distinguished Senator from Wisconsin [Mr. KOHL] for taking the initiative on this matter. His constituents were hard hit in Milwaukee not long ago when they had some of these problems with cryptosporidium. It resulted in around 100 deaths and some 400,000 people ill. So he brings this to our attention. He certainly has the personal experience of knowing what happened back right where he lives with people he knows.

For that reason, I fully support the Senator from Wisconsin on this amendment to ensure the health and safety of our people. As I stated earlier when talking about the E. coli bacteria, this bill, S. 343, does not, in my opinion, provide that essential balance of regulatory relief and protection of the American people, and there does have to be that kind of a balance.

That is why I supported the minority leader's amendment on the USDA E. coli meat and poultry inspection rule. And that is why I support this amendment on rules addressing cryptosporidium. The current dangers to public health from contaminated drinking water were made clear by the outbreak of cryptosporidium in the water supply of Milwaukee, WI. As I said a moment ago, it resulted in an estimated 100 deaths and over 400,000 illnesses. I do not know the population of Milwaukee, but that means just about everybody around that area was sick for a while—400,000 people ill, and some ill enough that around 100 died from this—died.

So the amendment of the Senator from Wisconsin would exempt this critically important rule from the burdensome requirements of this bill. I support this amendment in order to show how important rules that are already underway will be delayed and can be stopped by the regulatory reform bill before us.

I stated earlier the situation with this rule reminds me of the regulatory moratorium we had before us not long ago except now we are calling it regulatory reform. Rules that are in the pipeline and will be final soon must still go back to square one all over again. Even with the emergency exemption that the proponents of S. 343 keep pointing to, this rule would still be subject to all the petition provisions, be subject to all the judicial review opportunities, the agency review of rules, and et cetera, all the things that are provided.

Also, the emergency exemption in S. 343 does not really exempt anything from the bill. It would be only temporary at best. It only provides for a 180-day grace period after issuance of the rule. That is, it gives an agency an additional 180 days to comply with the requirements of the bill and that is it.

Now, at the end of the 180 days, all of the onerous requirements of S. 343 kick in again. No exemption then. Just new opportunities for challenges, uncertainty, and delay.

Now, I guess the people who wrote this assume that 180 days was enough to do all the investigating that would have to be done. But some of these rules and regulations take years and years to finalize. Yet, we are saying, Do this within 180 days or you have to go back and start all this all over again. It is just a new opportunity for challenges, uncertainty and delay.

What will happen to the implementation of the rule when it faces those prospects? Well, regardless of the Senator from Wisconsin's amendment, the cryptosporidium rule will be caught in the vise of S. 343 and public health will suffer. The potential delays for this rule are very real. So there will be the additional deaths and sicknesses. They will be very real, too. Those sicknesses and deaths will be to those Americans who possibly assume wrongly that their water is safe to drink.

This amendment is certainly a step in the right direction to protect the health of the American people. But it certainly is not enough. S. 343 will catch other important rules, and overall it will make the jobs of the agencies to protect health, safety, and the environment much more difficult.

S. 343 simply does not fulfill my two principles for regulatory reform: regulatory relief and protection for the American people. And I repeat for the umpteenth time on the floor, there has to be a balance between those two. That is why I, along with Senator CHAFEE and many others, have introduced S. 1001, which we believe is a balanced regulatory reform proposal. It is a tough bill. It is not an easy bill. But our bill would not shut down these important rules that are already in the pipeline.

So I urge my colleagues to support this amendment. I strongly encourage them to take a hard look at our alternative proposal for regulatory reform, S. 1001. It makes amendments like this unnecessary.

Mr. President, I would like to also talk for a moment about problems for control of cryptosporidium with the amendment to exempt prior proposed rules, the Johnston amendment, so-called, that we just passed.

Now, the amendment we passed, which I voted against, would raise several problems for control of cryptosporidium, even apart from the likelihood that the continued application of the section 623 petition process would have the effect of nullifying the exemption.

First, the interim enhanced surface water treatment rule [IESWTR] to address waterborne microbial contamination, was proposed on July 29, 1994. This proposal did not actually contain a specific approach to control such contamination, but as an integral part of the negotiated agreement with stakeholders, including the drinking water industry, it set forth general control options that might be part of a final rule and request for other options. This was done because, per the agreement, the final rule was to be developed after and based on a large effort by the industry to gather scientific information on microbial and related drinking water contaminants. By being made very general as controls, as agreed, the proposal would expedite the regulatory process after the data collection.

Second, given how little of necessity that the proposed IESWTR told about the controls to be required in a final IESWTR, judges may conclude it would be irrational to apply the exemption to a proposed rule which arguably does not fulfill the normal function of a proposal—to describe the initially intended direction of the regulatory agency's approach to controls on the particular issue.

Now, given the general rule of legal interpretation that the legislative body not be presumed to have intended an irrational result and the concern elsewhere in the bill, and in this amendment, that notice in the Johnston amendment—that notice suggests final rules should be substantially similar—substantially similar to proposed rules, some judges might find this a basis for deciding that Congress could not have intended any proposal made before April 1, 1995, to include this proposal.

Further, as the word interim suggests, the regulatory negotiation left open the potential that further controls might be needed for cryptosporidium, and the IESWTR did not necessarily represent the full regulatory response appropriate for cryptosporidium. The concept for the interim rule to be promulgated as quickly as reasonably possible after the information collection was completed shows the intent of the reg neg to put in place—regulatory negotiation—to put in place whatever controls were quickly attainable but still solidly science based.

Thereafter, if implementation of the interim-enhanced surface water treatment rule left a substantial remaining risk to health from cryptosporidium, that risk could be addressed in an enhanced surface water treatment rule. Therefore, even if the proposed IESWTR did prove to be exempted under this amendment, any later enhanced surface water treatment rule clearly would not be exempted. I bring that up because it does apply to cryptosporidium and specifically with regard to the Johnston amendment that we passed just a short time ago.

So once again I urge my colleagues to support the amendment by the distinguished Senator from Wisconsin. He points out the dangers because there were dangers in his State that resulted in around 100 people dying and some

400,000 ill. I think knowing that the danger, knowing that that is what has already occurred, to say that we should take any chance at all or make any requirement for going back and doing new analysis, new risk assessment, we know the risk is there. Doing new cost-benefit ratios, doing new everything when we know what the danger is, I think would be a mistake.

So I fully support the distinguished Senator from Wisconsin, and I would urge my colleagues to support this amendment when we have a vote here in a half hour or so. And I hope that it will pass because it is something that is needed to protect the health and safety of this country so we do not have more outbreaks such as the disastrous one that happened in Milwaukee.

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. KOHL. I ask unanimous consent that the quorum call be rescinded.

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

Mr. KOHL. I would like to thank very much my colleague from Ohio for the kind words he said about this amendment and, of course, for the arguments most importantly that he has presented in support of this amendment.

In the aftermath of the Milwaukee incident, Mr. President, EPA negotiated a package of regulations to protect citizens against future outbreaks. All interested parties participated in this regulatory negotiation, people like water utilities, local officials, public interest groups, and others. And now all parties have agreed to these regulations. They feel strongly about moving ahead as quickly as possible.

I ask unanimous consent to have printed in the RECORD the very broad list of groups that have participated in the very cooperative, commonsense regulatory process.

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

REGULATORY NEGOTIATION COMMITTEE, DISINFECTANTS AND DISINFECTION BYPRODUCTS RULE, MEMBERSHIP LIST

Scott Bernstein, Center for Neighborhood Technology, Chicago, IL; David Bailey, Environmental Defense Fund, Washington, DC; James R. Elder, Director, Office of Groundwater and Drinking Water, U.S. Environmental Protection Agency, Washington, DC; Paul Foran, Illinois Commerce Commission, Danville, IL—representing National Association of Regulated Utilities Commissioners; Joe Glicker, Portland Water Bureau, Portland, OR—representing unfiltered surface water systems; Barker G. Hamill, Chief, Bureau of Safe Drinking Water, Dept. of Environmental Protection and Energy, New Jersey Department of Environmental Protection, Trenton, NJ—representing Association of State Drinking Water Administrators; George Haskew, President, Hackensack Water Company, Harrington Park, NJ—representing American Water Works Association; Robert J. Hirsch, Council Member, City of Myrtle Beach, Myrtle Beach, SC—representing National League of Cities; Donald Jackson, South Central Connecticut Regional Water Authority, Branford, CT—representing Association of Metropolitan Water Agencies; Edward G. Means, Director, Water Quality, Metropolitan Water District of Southern California, Los Angeles, CA—representing National Water Resources Association; Kim Mortensen, Chair, Bureau of Epidemiology and Toxicology, Ohio Department of Health, Columbus, OH—representing Association of State and Territorial Health Officials; Erik Olson, Senior Attorney, National Resources Defense Council, Washington, DC; David Ozonoff, School of Public Health, Boston University, Boston, MA—representing Conservation Law Foundation; Scott Rubin, Pennsylvania Office of the Consumer Advocate, Harrisburg, PA—representing National Association of State Utility Consumer Advocates; Margot F. Saunders, National Consumer Law Center, Washington, DC; Ronald Twillman, Manager of Laboratories, St. Louis County Water, St. Louis, MO—representing National Association of Water Companies; Chris Wiant, Director, Tri County Health Department, Englewood, CO—representing National Association of County Health Officials.

Mr. KOHL. 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. HATCH. 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. HATCH. Mr. President, here we go again. This is a very similar amendment my dear colleague from Wisconsin has brought up. It is quite similar to what we have been debating for the last 2 days.

Yesterday the adoption of Senator DOLE's amendment makes crystal clear that S. 343 contains several provisions that deal with health and safety emergencies.

Any rule, including any proposed EPA rule dealing with cryptosporidium, is not delayed by the Dole-Johnston bill. The bill waives the requirement for notice and comment procedures when emergencies occur. I do not know how much more clear we can make it than we have made it in this bill.

The bill waives the cost-benefit requirements when emergencies occur. The bill waives the risk assessment requirements when emergencies occur. Simply put, S. 343 will not—let me just emphasize that, will not—in any way delay the promulgation of a rule when health and safety emergencies require quick public action.

I understand my colleague from Wisconsin—and I know he is very sincere and he is literally trying to solve a problem that he thinks does exist, but we have solved that problem in the prior language that has been put in this bill.

In any event, rules to protect against cryptosporidium microbes are already in place. The public safety is protected today. As we stand on the Senate floor, the public safety is protected.

When EPA enforces a rule, it does so through an adjudicatory order, not a rule. This is important. When an inspector or EPA official shuts down a water processing plant or water reservoir by an order, they do so by an order, not a rule. Such orders, which are not rulemakings, are explicitly exempt from S. 343—explicitly exempt from S. 343.

So nothing will stop the EPA from issuing an order, not a rule, but an order shutting down a water plant or a water processing plant if they find that plant and that water not to be safe.

As to the petition process, it is true that a proposed rule, such as the cryptosporidium proposed rule, may be subject to S. 343's petition process. But this is a good thing.

Why is it a good thing? Years from now when perhaps new science requires a new standard, why should we not put into this bill—which we have—a provision that a petition should be granted to require an agency to look at the latest scientific data? That is what is involved here. We just want all decisions in the future to be made on the best available science so that the decisions will be right.

More important, we put protections in this bill to make sure that the rulemaking by the regulatory agencies is done in the highest form and in the best sense. If a rule becomes burdensome, why should not the rule be reviewed? If we find that there is a scientific change that merits reviewing the rule, why should we not use the best science to do so? That is what this bill does. It is a commonsense bill. It is pure and simple common sense.

The Dole-Johnston bill protects health and safety. The Dole-Johnston bill does not delay the promulgation of emergency rules or even apply at all to orders that enforce agency health and safety rules. And that is something that has not been brought out in our debates up to now, that orders are not covered. Orders can be issued by these agencies and, frankly, emergency rules can be obtained where an emergency exists. The bill is explicit on it. The bill makes it clear. The bill protects the American public, and the bill requires that the best science be used through the years in these areas.

So there is no need for this amendment and, frankly, it is the same issue as we had with regard to the E. coli issue. We have solved that problem. We have an emergency provision in this bill that will allow true emergencies to be taken care of without worrying about risk assessment or cost-benefit analysis until afterwards. And in this particular case, the EPA can issue an order to correct it, if there was a cryptosporidium problem, without any consideration at all and would accomplish exactly what the distinguished Senator from Wisconsin would like to accomplish.

So I hope my colleagues will recognize this and realize that we have to get serious about passing a bill that

literally makes a lot of sense, makes common sense, invokes the best science available, not only today but as science develops into the future and, basically, does everything that we really need to have done to force the bureaucracy to be more responsible with regard to the issuance of rules.

That is why this bill is so important, because we can get rid of a lot of the irresponsibility of the bureaucracies in this society, bureaucracies that are eating us all alive and many times without justification, while at the same time upholding rules that are truly drafted, that work, that make sense, that are in the best interest of health and safety and meet the highest scientific standards necessary to protect the American public.

So I hope, as much as I respect my colleague from Wisconsin—and I do, and we work together on the Judiciary Committee—I believe that this amendment is not needed. I know it is not needed. The bill covers these problems, and I hope our colleagues will be willing to vote it down.

I yield the floor.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. KOHL. Mr. President, I would like to make it clear that I believe this is an emergency, and I would like to think my colleague from Utah agrees we have an emergency situation here. But we also have to understand this is not a situation where there can, under any circumstances, be quick action. This is not a situation where there can be an immediate order. We understand in order to gather the information necessary to promulgate the rules and regulations some amount of time necessarily, if unhappily, but necessarily will take place, and that is why, first, we have to understand we have to gather information.

So I say to my colleague from Utah that if he believes that this situation is covered in the bill, then let us just make it clear. There is no sense getting involved in belaboring the point. Again, if, as my colleague from Utah says, this matter is already addressed in the bill—I do not believe it is—but if he believes that it is addressed in the bill, then there should be no harm in reiterating this point. What I am saying is, let us not leave it later on to lawyers to dispute and to decide, to argue whether or not the bill covers this particular cryptosporidium problem.

Let us simply make it clear with this amendment that it does insert it into the bill in any way in which my colleague from Utah wishes to do that, because I think I hear him saying that there is a problem with cryptosporidium that needs to be addressed. I think he has said that very clearly. He is saying that the bill addresses it.

What we are saying—and what many people would say—is that the bill does not address it. So I do not think it is too much to ask of my colleague from Utah to understand that people are terribly concerned that S. 343 will not derail the cryptosporidium problem and that we are asking for his assurance in the bill that the cryptosporidium problem will not be put off the tracks because of the way in which the bill is written and because of the way in which lawyers then will be able to bring all kinds of arguments against taking action on cryptosporidium.

So I think that is a reasonable request insofar as our colleague agrees that the cryptosporidium problem needs to be addressed and should not be set aside by S. 343.

Mr. HATCH. I believe the cryptosporidium problem is being addressed here and under current law. We even make it stronger under this bill. But the important thing is that we do not think anything should be exempted from this bill, because this bill, by not exempting these matters, requires that the best available science, as it evolves into the future, be applied to these types of issues.

If we exempt cryptosporidium, make an exception for it—as the minority leader wanted to do with the last amendment on the E. coli and meat and poultry inspection problems—then we are not guaranteeing that we will apply the best and finest science into the future. We provide for emergency relief here. We do provide that orders are not to be interfered with. So there is plenty of power in the law right now to resolve this problem. This bill will help to do it anyway. The emergency provisions, I think, are more than adequate and, I think, crystal clear.

Mr. BIDEN addressed the Chair.

Mr. KOHL. Mr. President, I yield to my friend from Delaware.

Mr. BIDEN. Mr. President, I will ask a question of my friend from Utah, or a generic question. It seems to me that what is happening here on the last amendment and this amendment is that we are allowing ourselves to be captives of a rule that we are setting out that makes no sense. This generalized notion, when one states it, that there should be no exemption sounds like a rule of equity. There should be no exemption. But when cryptosporidium—not a thing you take home in your lunch pail to feed to your children, not a thing that anyone can find any rational basis for thinking it could be beneficial in the food or water chain anywhere along the line. To suggest that you cannot take something that is of nothing but destructive capacity when ingested by human beings and explicitly exempt it from this process that is being put in place, seems to me to make one a victim of your own rule—a rule that is of no value in and of itself.

This generalized notion that everything is on the table, everything has to be considered, is a little bit like saying that when we do the Federal budget, everything is on the table, including whether or not we have an army, or everything is on the table, including whether or not we continue to have a Constitution. There are certain things that are not on the table, and there is no value in anything other than keeping them off the table. Other things that are of such clear, damaging consequences to the public at large should be taken out of the general rule we have here, and we should say flatout, no, flatout cannot—cannot. There is no tolerance level for certain things.

I think we are getting caught up, and we are acting like lawyers. I am a lawyer, and I do not accuse my friend from Wisconsin of being a lawyer. I know he is not. Everybody always says, ''Do not call me a lawyer.'' Many of us here are lawyers, and we are sounding like lawyers. We are setting up rules. It is almost a tautology that we are constructing here. We are penalizing ourselves by making ourselves subscribe to a generalized proposition that makes no sense.

And so I compliment my friend from Wisconsin in insisting that this change take place. And I think, to put it on the other side of the coin, what the Senator from Utah is saying—what damage is done to this legislation by doing what the Senator from Wisconsin wants? If we are going to err, does it not make sense to err on the side of seeing to it that there is not a repeat of the situation that occurred in the Senator's State? Does it not make sense to err on that side? What damage are we doing to a specific industry, a specific economic interest, a specific company by doing what the Senator wants? And even if we were, so what?

I find this to be getting to be a very tortured discussion. So I hope our colleagues—and I know the last thing in the world my colleague from Utah would want to happen would be to change the law in such a way that we increase the possibility of what the Senator from Wisconsin is trying to prevent from happening again. This bill requires the agency to conduct all of the analysis required by this bill within 180 days, even if there is an emergency.

I thought an emergency meant an emergency. I do not think the American people think that when they talk about emergency, they are talking about 180 days. Is that an emergency? How many people could we lose in 180 days? How much damage can be done? That is 6 months. We are not talking about an emergency where somebody says, I found this out today and tomorrow it stops. That is, I think, an unrealistic timeframe for conducting risk assessment and peer review and cost-benefit analysis, all of which is required.

Assuming those requirements can be met, the bill then allows regulated parties to come in and challenge whether the benefits justify the cause, or that the agency adopt the cheapest regulatory alternative, or whether any analysis that is conducted has been done properly, or any number of other

issues that can be litigated under this bill. The rule could be tied up in litigation. The parties could seek injunctions to prevent it from going into effect, based on the cumbersome requirements of the bill. And once the rule went into effect, industry could also petition to seek a repeal of the rule, or seek interpretation of the rule, or seek a waiver or an alternative method of compliance. If denied, they could then litigate these issues again in court.

This bill already recognizes that some types of rules should be exempted from the requirements. For example, the bill already exempts rules affecting the banking industry—deposit insurance funds, the farm credit insurance fund. It exempts rules relating to financial responsibility of brokers, dealers of futures, commission merchants, and safeguarding investor security. It exempts anything relating to the introduction of a product into the market. Some of these exemptions could well be sensible on precautions, given the complex, cumbersome, expensive process required by this legislation. But certainly a rule affecting, in this case, cryptosporidium, or in the case of the last amendment, meat inspection and safety, is at least as important as to whether or not those exemptions which I just mentioned, including the banking industry and financial transactions, should be exempt.

So we do have in this legislation, in essence, what the Senator from Wisconsin is seeking.

But guess what it is for? It is not for public health and safety. It is for what my Republican friends seem most concerned about, and they should be concerned, I agree with their concern. But it seems they are concerned about property. Property. Not people—property.

Banking industry, deposit insurance, farm credit insurance. We exempt that, why not exempt things that kill people? I am not arguing we should not exempt what they exempted.

What I do not understand is the generalized statement made that everything is on the table. It is not all on the table. The rules affecting banking are not on the table the same way as the rest. Deposit insurance funds are not on the table the same as everything else.

It is kind of funny. It reminds me—I have been here a long time. I remember when there was a move for the neutron bomb back in the 1970's when Carter was President. The virtue of the neutron bomb was that it killed only people and does not destroy property. That was a really great benefit of the neutron bomb.

We are going to make it very, very difficult under the version my Republican friends are offering, to be able to protect the public on matters relating to things like cryptosporidium or E. coli and many other things, but not difficult to protect the public interest when it comes to Federal deposit insurance.

Now, I think we should do what we have done as it relates to these economic interests, but what I do not understand is why is the thing the Senator is talking about, which literally, if not handled well, causes death, human life is lost, why is it not treated the same way?

I suggest to my friend from Wisconsin, keep at it. Do not buy on—which I know he does not—to the argument that everything is on the table. Everything is not on the table. Everything is not being treated the same way. Things affecting public health and safety are put in one category because business has interest in those things. Things that affect business in terms of potentially being exposed financially are exempted from this cumbersome process.

Do not let them kid you, Senator. These folks understand what they are doing. They understand what they are doing. They are making it easier to make a mistake when it comes to public health and safety and making it, as they should, difficult to make a regulatory mistake when it comes to financial transactions.

I do not think that is what the American people want. I think if you gave them a choice, would they take a risk on a Federal bureaucrat overstepping his or her bounds when it came to clean water, or take a risk at overstepping their bounds when it came to financial institutions, what do you think they would pick? I think they would say, ''I would run the risk of having an overzealous person take care of my water, an overzealous person taking care of my meat, an overzealous person taking care of the air I breathe.''

I know the Senator from Wisconsin. We have worked together too long. If anybody abhors bureaucracy, it is the man from Wisconsin. The Senator is the most no-nonsense businessman I have ever come across.

That is why the Senator has been such a successful businessman as well as such as successful Senator. The Senator is one of the few people on the floor of this Senate who knows how cumbersome bureaucracy can be, who is frustrated by it as a businessman, and worked his way through it to become an incredibly successful businessman, is on the floor here saying, hey, wait a minute, we are going too far here.

I hope the public understands what this is about because it is so complicated. We can get so caught up in this. What does peer review mean? What does it mean when we are talking about all of these various aspects of the bill?

It comes down to simple things. From my standpoint, when it comes to cryptosporidium, which I can hardly pronounce but I know full well what the consequences of its ingestion, I am not as worried about some feckless bureaucrat out there exercising unreasonable power. I do not like bureaucrats exercising unreasonable power. But I want to say this is the place I least worry about it, least worry about it.

Let me say, I would rather have some obnoxious bureaucrat making sure there is no E. coli in the hamburger my kid eats at McDonald's than I would worry about a bureaucrat overstepping their bounds in terms of telling banks what they can and cannot do.

Is it not funny how this debate goes when it comes to money, when it comes to dollars? We do not want to fool around too much. When it comes to human life, when it comes to public health and public safety, well, then, we know how the bureaucrats are.

This is not a defense of bureaucrats. I am a cosponsor of the Glenn bill. I want to remind everyone when the Glenn bill came out in another form—same substance but under another title several months ago—the environmentalists were against it.

The Senator from Wisconsin and the Senator from Delaware are not up here being purists. We realize that bureaucracy gets in the way of business. We realize bureaucracy increases costs unnecessarily for consumers. We realize that Washington does not know all the answers, have all the answers.

That is what the Glenn bill does. But this goes too far. It goes too far. As I said, I think I will go back to my home State, I will not speak for the Senator's State or any other State in the Nation, even presumptuous for me to speak of my own State, although I think I understand it as well as anyone.

I have listened as hard as anyone over the last 25 years I have been in office. I make a bet. Ask them whether or not they are worried about whether or not someone is being overzealous and protecting their water, someone is being overzealous and protecting contaminants in the meat, or feces in the meat that they ingest, and whether that is something they really think the Senate should be worried about right now, and my guess is they are going to say ''You know, Senator, I don't think you are doing enough to make sure my water is clean. I don't think you are doing enough to make sure that the meat, the fish and the poultry I ingest lacks contaminants. I don't think you are doing enough to make sure that the environment and the air I breathe and the water I swim in and the beaches I bathe on are clean.''

''I do think you are right, Senator, that worrying about pink flamingos and spotted owls and endangered species can be taken to a ridiculous extreme. Senator, when it comes to the water my kid drinks, when it comes to the hamburger my kid eats, when it comes to the beach my kid swims on, I do not think you are doing enough.''

Is that not the essence of what this debate is about? Which side can we err on? I think the Senator from Wisconsin is erring on the right side. I would suggest that this notion that everything is on the table, treated the same way, is not accurate.

I yield the floor.

Mr. KOHL. I thank the Senator from Delaware. I could not agree more with his comments. He is talking very clearly about the things that affect human health and safety, the things that the American people have repeatedly insisted that they care about, are concerned about, and do not want to see any mistakes made concerning their human health and safety.

What happened in Milwaukee, which has happened to a lesser extent in other communities, but what happened in Milwaukee, we lost 104 people because the water developed a parasite that was not protected.

What the EPA now is doing, I want to say again, the EPA is now in the process, along with water utilities and other concerned interest groups, without anybody disputing the process that is unfolding, the EPA is in the process of collecting information which will result, finally, in setting up rules and regulations regarding the treatment of drinking water.

Now, I would challenge any Senator, the Senator from Utah or any other Senator, to come to Milwaukee and tell the people that in this regulatory reform bill the Milwaukee situation and the EPA process which is now unfolding is or is not absolutely protected.

I think if we would have to tell them that we think it is protected but we cannot absolutely guarantee that the process that is unfolding is protective, I do not think that any public official could stand up in Milwaukee and make the case and satisfy people in Milwaukee that he or she was doing his job.

We had the outbreak. We lost 104 people. And 400,000 people got sick. There is a process of unfolding to see it does not happen again, not only in Milwaukee but all across the country. What we are simply asking is that this process be guaranteed to unfold, and that there not be any chance that S. 343 could impede that happening. It seems to me, I suggest to my colleague from Utah, that is a reasonable request to make, and a reasonable assurance to ask for, as we move ahead with S. 343.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Utah is recognized.

Mr. HATCH. Mr. President, we have reached a point where I really appreciate my colleague. I know they have had a particular problem. I know he is trying to solve it, as he always does. He is a sincere, dedicated Senator, and I appreciate it personally. And he is a friend.

But the point that I am making is that in this bill it is crystal clear that the regulators have every right to treat any cryptosporidium situation as an emergency and to pass the necessary rule or obtain the necessary orders to stop it. There is no reason to add anything else to this bill with regard to cryptosporidium.

The real point here is that there is nothing in the Dole-Johnston bill that delays, harms, impedes or hinders the promulgation of rules that protect health and safety of the American people—nothing. In fact, there is everything in this bill that would lead one to—and the bureaucracy—to meet the highest scientific standards of the time, not just of today, but as we go into the future.

These are some of the real reasons why this bill is so important and why we cannot exempt anything from the coverage of this bill that might be subject to regulation. The reason is because the bill's main emphasis is on using the highest form of science in order to resolve this. When you exempt something, you do not have to do that.

We have been putting up with really almost 40 years, now, since 1958, with the Delaney clause. The Delaney clause was enacted at a time when we only could determine scientifically parts per thousand—parts per million at the very most—in 1958. Today, because of the scientific advancements that we have had, and because of the scientific attainments that we have attained over these last 40 years, we can now ascertain through science parts per quintillion.

What that means is, parts per quintillion is like having a teaspoonful of water as part of all of the Great Lakes system. Yet we have this stupid, idiotic Delaney clause that requires zero risk with regards to anything that might be carcinogenic. And we have grandfathered foods that are carcinogenic because they have long been used, and we have barred foods that are not, where there is just a negligible risk, or no risk, really, of getting cancer from eating these foods. The fact of the matter is, that is what is wrong when you try to exempt something from what really are good, scientifically based legislative bits of language.

This bill will take care of cryptosporidium. The current law will, but this bill even does more. Because nobody is going to have any delay in any emergency where the bureaucracy would act anyway. Because they would not have to go through a risk assessment or a cost-benefit analysis in an emergency, pre-issuing the rule or order or whatever it may be. They would have to do the cost-benefit analysis and risk assessment afterwards. But they could act immediately on any emergency situation. Any cryptosporidium problem would be resolved.

But more important, because we will not exempt cryptosporidium, the best possible science will be applied through the upcoming years; unlike the Delaney clause, where the worst possible science generally is applied, and where we, like I say, we do not know where we are. And where the rule is used to keep out substances and foods that really have no carcinogenic effect, where there is very negligible or very minimal—de minimis risk of harm to any human being—where we keep those off the marketplace. We have seen that time after time.

What we want to do, and what we are trying to do in this bill, is have the very best science we possibly can. We like the rule of common sense. We have no doubt that, if there is a threat to health and safety of the American population, and it becomes an emergency, that our regulators will immediately attack those problems. But they will attack them by having thought through this bill, and it is requisite that they do it in the right way and that they do it in a non-onerous way. They will not have to go through a risk assessment or a cost-benefit analysis before they act, in the case of true emergencies. Anybody who does not understand that does not understand the bill. There is absolutely no reason, absolutely no reason for us to make exemptions for, really, anything of this nature in the bill.

By the way, Senator KOHL has mentioned that EPA has negotiated an information-gathering rule dealing with cryptosporidium data, scheduled to be released next December. The argument just made that S. 343 will delay or impede the information-gathering rule is simply not true. The information-gathering rule is not covered by the cost-benefit and risk requirement provisions of the bill, of this bill. Research is not covered by the bill's requirements. So that needs to be made clear.

Just to make the point one more time, we do not want to exempt anything from this bill because we have confidence that our regulators are going to go after anything that threatens the health or safety of American citizens. I have no doubt about that. I do not think anybody else does either. We have provided specific language in this bill that, if there is a true emergency, they do not have to go through any delay at all. They can handle that emergency immediately. And we also provide in this bill, once the emergency is handled, that well into the future the very finest science is going to have to be applied in these instances.

Frankly, to go beyond that and to exempt something where we might wind up with another Delaney clause—I admit, people could say that is a stretch, but it is not. We do that all the time in this country. I think it is a real mistake. If you really want to solve the problem of cryptosporidium, then do it with the bill's language, where we provide for emergency relief by those who are concerned about these type of problems as they arise. And since cryptosporidium is something that everybody is concerned about, I cannot imagine any bureaucrat not being willing to solve the health and safety aspects of that particular problem.

We are prepared to go to a vote. I am prepared to move to table.

Mr. BIDEN. Mr. President, if the Senator will withhold the tabling motion, I would like to make several brief comments.

Mr. HATCH. I will be happy to withhold. I would like to move on.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I will try to decode this in what I understand to be, to use the phrase we all use here, basic old common sense.

What the Senator from Wisconsin is saying is: Hey, look, if a bureaucrat oversteps his bounds and comes up with some preposterous ruling relating to pesticides or parasites in the water, and says that one—I did not even know the figure the Senator used, but one teaspoon—whatever the measurement was that would equal one teaspoon relative to the entire Great Lakes—and says you cannot put that in the water, that amount, if this is that ridiculous, there is emergency relief for the company which is doing that. It is called the Congress. That is the emergency relief. Come to Congress and say, ''That stupid bureaucrat just passed this rule saying you cannot have more than 1 part per hundred trillion of such and such in the water. We can pass a law. We can say no. It can be 5 million parts per trillion.'' That is the emergency relief I think we should have. But what is the emergency relief that he is suggesting for us, if in fact what is being done to the water system is damaging? It is this cumbersome procedure even under an emergency which is declared that takes months to occur.

So I think common sense dictates to me if a manufacturer—that is what we are talking about, a business, an economic interest—is in fact damaged because some silly bureaucrat comes up with a rule that makes it impossible for them to conduct business and does no harm to the water system, there is recourse, emergency recourse—the U.S. Congress.

What is the emergency recourse for the constituent in Wisconsin if in fact a pesticide is being put in the water that is causing serious damage? It takes time under this rule. The Senator says nothing is exempt. First of all, anything, any rule that does not affect $100 million worth of something is exempt from this process, this cost-benefit analysis, this risk assessment laid out in this thick piece of legislation in both the Glenn bill and the Hatch bill we are talking about. So that is one exemption.

There is a second exemption, a series of exemptions. If you turn to page 16 of the text of the bill, it says it does ''not include''—meaning that the cost-benefit analysis is not required for the following things: A rule that involves the internal revenue laws of the United States.

So what it says here is even if the IRS comes up with a stupid rule where a cost far outweighs the benefits, it is not reviewable under this law. Even if the rule of an agency that impedes an international trade agreement, and if in the implementation of it the cost far outweighs the benefit, it is not subject to this legislation. The list goes on. Just pick another one.

A rule or agency action that authorizes the introduction into commerce or recognizes a marketable status of a product. You would have the most damaging darned product in the world where the cost would far outweigh the benefit, and it is not reviewable.

So this idea that there is something sacrosanct here about not exempting anything, what the Senator is asking for is this incredible exception where his amendment would be the only thing out there. There are a raft of actions that mindless bureaucrats can take that are not subject to the cost-benefit analysis and risk assessment required in this bill.

Why? Why? Why should we somehow now impose a rule of legerdemain here in the Senate saying, ''Senator, what you are asking for is an exemption. You are asking for something to be treated differently than the rest of the bill. And we just cannot do that. It will open up the floodgates here.'' No one said that. But that is implicit.

I would say to the Senator there are lot of things that are not subject to a cost-benefit analysis that mindless bureaucrats can undertake. I might add I do not think most bureaucrats are mindless. But let us pick that mindless bureaucrat.

In law school we always talked about a ''reasonable man.'' No one could always find a reasonable man. But we always talked about the reasonable man. We have the mindless bureaucrat wandering the halls of Congress and the floor of this body. He or she is the person we are all after. Well, if we find that mindless bureaucrat and he or she is mindlessly engaged in regulations relating to the Internal Revenue Code, we say, ''You may continue to be mindless. This does not apply to you.'' If they are talking mindlessly interfering with a rule, interfering with the introduction of a product into commerce, you say, ''You can continue to be mindless.''

The list goes on for two pages:

''(iv) a rule exempt from notice and public procedure under section 553(a);

''(v) a rule or agency action relating to the public debt;

''(vi) a rule required to be promulgated at least annually pursuant to statute, or that provides relief, in whole or in part, from a statutory prohibition, other than a rule promulgated pursuant to subtitle C of title II of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.);

''(vii) a rule of particular applicability that approves or prescribes the future rates, wages, prices, services, corporate or financial structures, reorganizations, mergers, acquisitions, accounting practices, or disclosures bearing on any of the foregoing;

''(viii) a rule relating to monetary policy or to the safety or soundness of federally insured depository institutions or any affiliate of such an institution. . . .''

It goes on and on:

''(xi) a rule or order relating to the financial responsibility of brokers and dealers or futures commission merchants, the safeguarding of investor securities and funds or commodity future or options customer securities and funds, the clearance and settlement of securities, futures, or options transactions, or the suspension of trading under the Securities Exchange Act of 1934.

''(xii) a rule that involves the international trade laws of the United States.''

They are all exceptions. There is not a cost-benefit analysis required for those; no requirement to do anything like any of this legislation we are about to pass. We can do that. Why cannot we do it for cryptosporidium or E. coli? What is the problem? Because there is emergency relief for an aggrieved party, if a mindless bureaucrat sets out a rule that has no relationship to science, and it is called the Congress. It can change the law. The bureaucrats can only make laws we authorize them to make.

Why provide this kind of hurdle for an agency attempting to protect the water supply of the Nation? Why provide this hurdle to catch the occasional overzealous bureaucrat overreaching and damaging the property owner, or damaging a business interest? Why not provide it with the 535 Members of the Congress?

If there is one side I would err on, I would err on the side of the Congress. But there are already significant portions of our commerce in this Nation that are legitimately and reasonably exempted from any cost-benefit analysis including any rule that does not have the impact of $100 million.

I yield the floor.

Mr. KOHL. Mr. President, I will take a minute to summarize again what my amendment is all about.

We have a problem of cryptosporidium in this country. We had an outbreak in Milwaukee, and we lost 104 people, leaving 400,000 people seriously ill. We had outbreaks in a dozen other communities in the country. I will not enumerate all of those communities. But San Antonio, Jackson County, OR, Las Vegas, and we had something here in Washington, DC, recently. There is no question about the need to promulgate rules and regulations.

As I said, the involved water utilities—and other interest groups—all of them have agreed that we must set in motion the process we have to collect information and then promulgate rules to protect our water supply in this country from another outbreak of cryptosporidium. No disagreement. And that process is now under way.

Now, people who have looked at S. 343, lawyers and other people—I am not a lawyer—have assured me that there is a real danger that under S. 343 as it is written the EPA process that is underway will be sidetracked, may very well be sidetracked. Some believe that it will. Some believe that it may be.

What we are asking for in S. 343 is assurance that the process now underway and agreed to by EPA and water utilities and other interest groups will not be sidetracked. That is all this amendment says. Let us see to it that the process is not sidetracked.

So I ask my colleagues to consider that simple consideration when they

decide how to vote on whether or not to table this amendment which, as I understand, is going to be asked for by the opposition.

I yield the floor.

The PRESIDING OFFICER. Is there other debate on the Kohl amendment? If not, the question is on agreeing to the amendment of the Senator from Wisconsin.

All those in favor of the amendment—the Senator from Utah is recognized.

Mr. KOHL. I ask for the yeas and nays.

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

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The result was announced—yeas 50, nays 48, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—50

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

NAYS—48

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

NOT VOTING—2

Helms	Inouye

So the motion to table the amendment (No. 1506) was agreed to.

Mr. JOHNSTON. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I am going to propound a unanimous consent request. I am going to ask consent that the Senator from Delaware be recognized next to offer an amendment concerning risk-based priorities; that there be 30 minutes for debate to be equally divided in the usual form; that any second-degree amendment be limited to 15 minutes to be equally divided and must be relevant to the first-degree. I do not know if any second-degree amendments are going to come from that side or not. Since it will not come from this side, maybe it will not be necessary that they be seen ahead of time.

Mr. GLENN. Mr. President, reserving the right to object. I know the majority leader wants to speed this along, and I agree with that. We have been moving along pretty well. But I think without knowing what amendments might even be put forward and how serious they might be, I would not want to agree on time limits unless we had the amendments in advance and could look at them and decide how important they are. I will have to object.

Mr. DOLE. As I understand, the amendment of the Senator from Delaware is available.

Mr. ROTH. I ask the distinguished Senator from Ohio whether it might not be possible on my amendment, which has been cosponsored by Senator BIDEN, that we might not reach a time agreement on that.

Mr. GLENN. I thought the unanimous consent request was on all the—

Mr. DOLE. Thirty minutes on the Roth amendment equally divided and then any second-degree amendment 15 minutes.

Mr. ROTH. Can we agree there will be no second-degree amendments on this amendment?

Mr. GLENN. On this particular amendment, I probably would accept the amendment. I think there would be objection on our side to accepting the amendment.

Mr. JOHNSTON. Mr. President, we want to accommodate the Senator from Delaware. The problem is it takes the National Academy of Sciences out of the picture at least in part, and it is highly controversial, as I understand it, with the National Academy of Sciences. I confess, I have been working on these other amendments and have not had the time. It is not one of the most important issues, and we do want to try to work with the Senator from Delaware. I wish we had a little time to try to focus on it, because we want to try to find a way to accommodate.

Mr. ROTH. We will just lay it down tonight.

Mr. JOHNSTON. That would be good.

Mr. GLENN. We can lay it down tonight and discuss the time limit tomorrow. I would not want to agree to a time limit tonight.

Mr. DOLE. I understand. The Senator from Ohio is not prepared to consent to any agreement. I do not quarrel with that. The amendment will be laid down tonight, and then maybe tomorrow we can work out a time agreement.

There will be no more votes this evening, unless someone wants to have another vote; no more votes.

Tomorrow morning, there will be, as I understand it, a meeting with Senator KERRY, Senator LEVIN, Senator JOHNSTON, Senator GLENN, Senator HATCH, Senator ROTH and others.

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

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

AMENDMENT NO. 1507 TO AMENDMENT NO. 1487

(Purpose: To strengthen the agency prioritization and comparative risk analysis section of S. 343)

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

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. ROTH], for himself and Mr. BIDEN, proposes an amendment numbered 1507 to Amendment No. 1487.

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

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

The amendment is as follows:

Delete all of section 635 (page 61, line 1 through page 64, line 14 and add in its place the following new section 635:

SEC. 635. RISK-BASED PRIORITIES.

(a) PURPOSE.—The purposes of this section are to—

(1) encourage Federal agencies engaged in regulating risks to human health, safety, and the environment to achieve the greatest risk reduction at the least cost practical;

(2) promote the coordination of policies and programs to reduce risks to human health, safety, and the environment; and

(3) promote open communication among Federal agencies, the public, the President, and Congress regarding environmental, health, and safety risks, and the prevention and management of those risks.

(b) DEFINITIONS.—For the purpose of this section:

(1) COMPARATIVE RISK ANALYSIS.—The term ''comparative risk analysis'' means a process to systematically estimate, compare, and rank the size and severity of risks to provide a common basis for evaluating strategies for reducing or preventing those risks.

(2) COVERED AGENCY.—The term ''covered agency'' means each of the following:

(A) The Environmental Protection Agency.

(B) The Department of Labor.

(C) The Department of Transportation.

(D) The Food and Drug Administration.

(E) The Department of Energy.

(F) The Department of the Interior.

(G) The Department of Agriculture.

(H) The Consumer Product Safety Commission.

(I) The National Oceanic and Atmospheric Administration.

(J) The United States Army Corps of Engineers.

(K) The Nuclear Regulatory Commission.

(3) EFFECT.—The term ''effect'' means a deleterious change in the condition of—

(A) a human or other living thing (including death, cancer, or other chronic illness, decreased reproductive capacity, or disfigurement); or

(B) an inanimate thing important to human welfare (including destruction, degeneration, the loss of intended function, and increased costs for maintenance).

(4) IRREVERSIBILITY.—The term ''irreversibility'' means the extent to which a return to conditions before the occurrence of an effect are either very slow or will never occur.

(5) LIKELIHOOD.—The term ''likelihood'' means the estimated probability that an effect will occur.

(6) MAGNITUDE.—The term ''magnitude'' means the number of individuals or the quantity of ecological resources or other resources that contribute to human welfare that are affected by exposure to a stressor.

(7) SERIOUSNESS.—The term ''seriousness'' means the intensity of effect, the likelihood, the irreversibility, and the magnitude.

(c) DEPARTMENT AND AGENCY PROGRAM GOALS.—

(1) SETTING PRIORITIES.—In exercising authority under applicable laws protecting human health, safety, or the environment, the head of each covered agency should set priorities and use the resources available under those laws to address those risks to human health, safety, and the environment that—

(A) the covered agency determines to be the most serious; and

(B) can be addressed in a cost-effective manner, with the goal of achieving the greatest overall net reduction in risks with the public and private sector resources expended.

(2) DETERMINING THE MOST SERIOUS RISKS.—In identifying the greatest risks under paragraph (1) of this subsection, each covered agency shall consider, at a minimum—

(A) the likelihood, irreversibility, and severity of the effect; and

(B) the number and classes of individuals potentially affected, and shall explicitly take into account the results of the comparative risk analysis conducted under subsection (d) of this section.

(3) OMB REVIEW.—The covered agency's determinations of the most serious risks for purposes of setting priorities shall be reviewed and approved by the Director of the Office of Management and Budget before submission of the covered agency's annual budget requests to Congress.

(4) INCORPORATING RISK-BASED PRIORITIES INTO BUDGET AND PLANNING.—The head of each covered agency shall incorporate the priorities identified under paragraph (1) into the agency budget, strategic, planning, regulatory agenda, enforcement, and research activities. When submitting its budget request to Congress and when announcing its regulatory agenda in the Federal Register, each covered agency shall identify the risks that the covered agency head has determined are the most serious and can be addressed in a cost-effective manner under paragraph (1), the basis for that determination, and explicitly identify how the covered agency's requested budget and regulatory agenda reflect those priorities.

(5) EFFECTIVE DATE.—This subsection shall take effect 12 months after the date of enactment of this Act.

(d) COMPARATIVE RISK ANALYSIS.—

(1) REQUIREMENT.—(A)(i) No later than 6 months after the effective date of this Act, the Director of the Office of Management and Budget shall enter into appropriate arrangements with an accredited scientific body—

(I) to conduct a study of the methodologies for using comparative risk to rank dissimilar human health, safety, and environmental risks; and

(II) to conduct a comparative risk analysis.

(ii) The comparative risk analysis shall compare and rank, to the extent feasible, human health, safety, and environmental risks potentially regulated across the spectrum of programs administered by all covered agencies.

(B) The Director shall consult with the Office of Science and Technology Policy regarding the scope of the study and the conduct of the comparative risk analysis.

(2) CRITERIA.—In arranging for the comparative risk analysis referred to in paragraph (1) of this subsection, the Director shall ensure that—

(A) the scope and specificity of the analysis are sufficient to provide the President and agency heads guidance is allocating resources across agencies and among programs in agencies to achieve the greatest degree of risk prevention and reduction for the public and private resources expended;

(B) the analysis is conducted through an open process, by individuals with relevant expertise, including toxicologists, biologists, engineers and experts in medicine, industrial hygiene and environmental effects;

(C) the analysis is conducted, to the extent feasible, consistent with the risk assessment and risk characterization principles in section 633 of this title;

(D) the methodologies and principal scientific determinations made in the analysis are subjected to independent and external peer review consistent with section 633(g), and the conclusions of the peer review are made publicly available as part of the final report required under subsection (e);

(E) there is an opportunity for public comment on the results before making them final; and

(F) the result are presented in a manner that distinguishes between the scientific conclusions and any policy or value judgments embodied in the comparisons.

(3) COMPLETION AND REVIEW.—No later than 3 years after the effective date of this Act, the comparative risk analysis required under paragraph (1) shall be completed. The comparative risk analysis shall be reviewed and revised at least every 5 years thereafter for a minimum of 15 years following the release of the first analysis. The Director shall arrange for such review and revision with an accredited scientific body in the same manner as provided under paragraphs (1) and (2).

(4) STUDY.—The study of methodologies provided under paragraph (1) shall be conducted as part of the first comparative risk analysis and shall be completed no later than 180 days after the completion of that analysis. The goal of the study shall be to develop and rigorously test methods of comparative risk analysis. The study shall have sufficient scope and breadth to test approaches for improving comparative risk analysis and its use in setting priorities for human health, safety, and environmental risk prevention and reduction.

(5) TECHNICAL GUIDANCE.—No later than 180 days after the effective date of this Act, the Director, in collaboration with other heads of covered agencies, shall enter into a contract with the National Research Council to provide technical guidance to agencies on approaches to using comparative risk analysis in setting human health, safety, and environmental priorities to assist agencies in complying with subsection (c) of this section.

(e) REPORTS AND RECOMMENDATIONS TO CONGRESS AND THE PRESIDENT.—No later than 24 months after the effective date of this Act, each covered agency shall submit a report to Congress and the President—

(1) detailing how the agency has complied with subsection (c) and describing the reasons for any departure from the requirement to establish priorities to achieve the greatest overall net reduction in risk;

(2) recommending—

(A) modification, repeal, or enactment of laws to reform, eliminate, or enhance programs or mandates relating to human health, safety, or the environment; and

(B) modification or elimination of statutorily or judicially mandated deadlines,

that would assist the covered agency to set priorities in activities to address the risks to human health, safety, or the environment in a manner consistent with the requirements of subsection (c)(1);

(3) evaluating the categories of policy and value judgments used in risk assessment, risk characterization, or cost-benefit analysis; and

(4) discussing risk assessment research and training needs, and the agency's strategy and schedule for meeting those needs.

(f) SAVINGS PROVISION AND JUDICIAL REVIEW.—

(1) IN GENERAL.—Nothing in this section shall be construed to modify any statutory standard or requirement designed to protect human health, safety, or the environment.

(2) JUDICIAL REVIEW.—Compliance or noncompliance by an agency with the provisions of this section shall not be subject to judicial review.

(3) AGENCY ANALYSIS.—Any analysis prepared under this section shall not be subject to judicial consideration separate or apart from the requirement, rule, program, or law to which it relates. When an action for judicial review of a covered agency action is instituted, any analysis for, or relating to, the action shall constitute part of the whole record of agency action for the purpose of judicial review of the action and shall, to the extent relevant, be considered by a court in determining the legality of the covered agency action.

Mr. ROTH. Mr. President, as I understand it, the intent is that I only lay down the amendment at the present time.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. DEWINE. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMERICA'S HEMOPHILIA COMMUNITY

Mr. DEWINE. Mr. President, tomorrow the Institute of Medicine will release the findings of a major investigation into how America's hemophilia community came to be decimated by the HIV virus.

Even before this report is released, some of the tragic facts are very well

known. In the early 1980's, America's blood supply was contaminated by HIV-infected donors. Many Americans have become HIV positive by transfusions of the HIV-tainted blood.

Mr. President, Americans who contract HIV through a single blood transfusion know they can point to the specific blood supplier and therefore seek redress. But this is not the case with people who suffer from hemophilia. Those individuals have to undergo blood treatment too often and receive blood products from too many sources for this recourse to be open to them. They simply cannot identify the blood supplier that is culpable.

Mr. President, this community has been extremely hard hit by the spread of HIV. Mr. President, this story is one of the great tragedies of the last decade. It is a sad, tragic, and shocking story.

Mr. President, today there are approximately 20,000 Americans who require lifelong treatment for hemophilia, a genetic condition that impairs the ability of blood to clot effectively. In the early 1980's, more than 90 percent of the Americans suffering from severe hemophilia were infected by the HIV virus.

Think of it—more than 90 percent. I think everyone knows someone who suffers from hemophilia. Mr. President, 90 percent of those individuals in this entire country have been affected by HIV.

Mr. President, people with hemophilia have to receive treatment on a regular basis, treatment that requires the use of blood products from many sources.

The danger to this population is and was immense. Their ability to get health insurance and life insurance has been severely limited. They also have very little chance of legal redress for the tainted blood they have received.

Mr. President, in America's past, a challenge of some public health disasters, disasters in which the Federal Government has played a contributing role, has, in fact, been met with a Federal response. I believe, Mr. President, that the U.S. Senate needs to tackle the question of whether the Federal Government should play a similar role in the crisis now taking place in America's hemophilia communities.

The report scheduled to be released tomorrow will be very helpful, as we discuss this problem. It is my hope, it is my expectation, that the report will address three very important questions: First, did the Federal agencies responsible for blood safety show the appropriate level of diligence in screening the blood supply? Second, did the Federal agencies move as quickly as they should have to approve blood products that were potentially safer? Third, did the Federal Government fail to warn the hemophilia community when the government knew or should have known that there were legitimate concerns that the blood supply might not be safe?

Said in another way, what did the government know? When did it know it? What did it do about it? Whom did it inform? Mr. President, if the answer to any of these three questions is no, it is clear to me, and I would hope to other Americans, that the Federal Government has not met its responsibility—has simply not met its responsibility in this area.

As a result, the Federal Government would have a clear duty to provide some measure of relief to the people with hemophilia who have been infected with the HIV virus.

Mr. President, there is reason to suspect that the answer to all three of these questions is, tragically, ''No.'' No to each of the questions.

Beginning in 1982, an investigation by the Centers for Disease Control suggested that aids was being transferred by blood-borne agents, but the public health service of this country did not call for precautionary measures to protect the blood supply until March 1983.

Mr. President, on January 4, 1983, the Centers for Disease Control recommended the testing of new viral inactivation methodologies—essentially, new strategies to stop the spread of HIV virus in the blood supply.

The public health service did not—I repeat, did not—act on this recommendation. Neither, Mr. President, did the Food and Drug Administration.

Furthermore, we know that Federal agencies assured the American people that it was safe to go ahead and use these blood products. Now we know the products were, in fact, not safe.

Mr. President, I will be examining this report that will be issued tomorrow with great care, as I think all Americans should.

I believe the story this report is going to tell will not be a reassuring story, that the picture that this story will paint will not be a pretty one.

Therefore, I expect to come back to this floor before this Senate to discuss appropriate steps for the Congress to take in response to this very great human tragedy.

I thank the Chair. I yield the floor.

TRIBUTE TO RABBI JUDEA MILLER

Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to a great man, Rabbi Judea Miller. He passed away July 9, 1995, and the loss of his presence is already felt by all those who knew him.

A much respected fixture in the city of Rochester, NY, Rabbi Miller led an exciting life in which he continually challenged the status quo and injustice in society. Born in New York City in the early 1930's, Rabbi Miller first served as a rabbi in the U.S. Army at Fort Riley, KS. After completion of his service, he moved to Temple Emanu-El in Witchita, KS and then to a temple in Malden, MA before settling at Temple B'rith Kodesh in 1973. Yet throughout his geographic moves, the rabbi held dear the notions of equality and acceptance. In 1962, he traveled south to Mississippi to assist in the voter registration drives. There, he and a local minister dined at a Woolworth's lunch counter, marking that restaurant's first integrated meal.

He continued this fight for justice taking stands against slumlords and poor education and capital punishment. He was a defender of faith in the largest sense and he reached out to other religions. Said the Reverend Dwight Cook of Mt. Olivet Baptist Church, ''Rabbi Miller was about bringing people of different races and different religions together.''

He will be remembered dearly by his friends, his congregation, and the city of Rochester. He will be remembered, the Rochester Chronicle and Democrat said, as, ''a voice of dignity, reason and compassion, speaking always on behalf of justice and peace.'' Those who knew him already miss him dearly.

Rabbi Miller is survived by his wife, Anita; his son, Rabbi Jonathan Miller; his daughter, Rebecca Gottesman; his mother, Yetta Waxman; and five grandchildren.

Mr. President, I ask unanimous consent that the following article from the Rochester Democrat and Chronicle be placed in the RECORD.

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

[From the Rochester Democrat and Chronicle, July 11, 1995]

A VOICE FOR PEACE

Regular readers of the Democrat and Chronicle editorial pages knew Rabbi Judea Miller well. He was a frequent contributor, a voice of dignity, reason and compassion, speaking always on behalf of justice and peace. His writings consistently revealed his sense of scholarship and history; and his empathy for peoples of every race and religion.

His death Sunday is a loss to us all.

He wrote often of his wish for security for the Jewish state of Israel, but he often ran into criticism from those who saw him too ready to make peace with the Palestinians. In 1989, for example, he wrote of his visit to the Palestinian refugees at Ramallah, and described in moving terms the conditions he found there. In 1992, he compared Serbian attacks on the Bosnian Muslims to the Nazi attacks on Jews.

Miller was full of intellectual curiosity, and he went where his restless mind took him. In 1987 he journeyed to visit the Russian dissident, Andrei Sakharov, who had only recently been released from his exile. In 1990 he defended the writer Issac Bashevis Singer against Yiddish critics who, Miller said, were so wounded by the pain of the Holocaust that they could not see the uncomfortable truths that Singer was writing.

Hundreds of Rochesterians knew Miller personally, through his unceasing efforts to bridge the racial and religious gaps that divide blacks, whites, Protestants, Catholics and Jews in our community.

In April, when he announced his retirement from Temple B'rith Kodesh, he assured a reporter: ''I will still be around to make trouble.'' The only trouble he ever made was for those whose prejudice or ignorance stood in the way of the world of peace and justice that he envisioned.

THE ARMED SERVICES COMMITTEE NATIONAL DEFENSE AUTHORIZATION BILL FOR FY 1996

Mr. THURMOND. Mr. President, as chairman of the Senate Armed Services Committee I am reporting on behalf of the committee an original bill entitled ''The National Defense Authorization Act of Fiscal Year 1996,'' along with the committee report. I anticipate that the bill and its report will be available in the document room in the next few days.

I would like to extend my sincere appreciation for the fine work of the members of the committee as well as the outstanding efforts and long hours provided by all the committee's staff.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

COMPREHENSIVE REGULATORY REFORM ACT

The Senate continued with the consideration of the bill.

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the substitute amendment to S. 343, the regulatory reform bill.

Bob Dole, Bill Roth, Fred Thompson, Spencer Abraham, Kay Bailey Hutchison, Jon Kyl, Chuck Grassley, Craig Thomas, Orrin Hatch, Larry E. Craig, Mitch McConnell, Conrad Burns, Bob Smith, Jesse Helms, Jim Inhofe, and Judd Gregg.

Mr. LOTT. Mr. President, I would like to just comment on the cloture motion that was just sent to the desk.

I note on behalf of the leader that we have spent a lot of time today and did not cover a lot of territory. There is real concern we are not making good progress on this regulatory reform package. We have a long way to go, maybe a lot of amendments. We just need to be making a lot more progress.

The leader wanted us to go ahead and file this cloture motion and take a look at what happens tomorrow and on Friday. If good progress is being made, then it would not be necessary, or if some agreements could be reached, it would not be necessary to have this cloture vote. But in order for there to be one this week, it was necessary we go ahead and file a cloture motion. If no agreement is reached, or if progress is not being made, we could expect a vote on this to occur on Friday morning.

So I think it is important to note we are hopeful it will not be necessary to go forward with that, but we had to go ahead and file it in view of the time considerations.

ORDERS FOR THURSDAY, JULY 13, 1995

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Thursday, July 13, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and there then be a period for the transaction of morning business until the hour of 10:45 a.m., with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator THOMAS, 25 minutes; Senator KASSEBAUM, 10 minutes; Senator KENNEDY, 10 minutes; Senator DORGAN, 15 minutes; Senator SIMPSON, 10 minutes; Senator BINGAMAN, 10 minutes; Senator SPECTER, 15 minutes; Senator MOSELEY-BRAUN, for 10 minutes.

Further, that at the hour of 10:45 a.m., the Senate resume consideration of S. 343, the regulatory reform bill, and the pending Roth amendment No. 1507 on risk-based priorities.

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

PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will resume consideration of the regulatory reform bill tomorrow at 10:45. Pending is the Roth amendment on risk-based priorities. Senators should therefore expect rollcall votes throughout the day.

Mr. President, I see the distinguished manager of the bill for the minority here, seeking recognition. We were prepared to go to close business for the day, but in view of his seeking recognition, I yield the floor at this time.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

COMPREHENSIVE REGULATORY REFORM ACT

Mr. GLENN. Mr. President, I rise now with a sense of real disappointment because I thought we were moving along very well. We were doing this in good faith, moving as fast as we can. There has not been delay on our side. We have not submitted a lot of amendments. The amendments have taken some time to discuss, but that discussion has been as much on the Republican side as it has on the Democratic side. I think any fair analysis of the record over the last 2 days would show that. In fact, on the bill we are considering, S. 343, it is the Dole-Johnston bill, and I think one of the coauthors of that bill has been responsible for as much time on the floor—more time on the floor being spent than have those of us who have opposed some of that.

I do not know why it is necessary to try to make this point with cloture, which means there seems to be a feeling that we have been delaying things on our side so we have to be cut off with cloture. I do not think that is fair. I really do not.

I think anybody who has watched these proceedings or been involved on the floor here knows we have been going ahead in good faith. We have been trying to move things. We have not delayed things. The only delay I can think of, out of the last 2 days, where any time was taken on our side that might be looked at as unnecessary on the other side, was the time this afternoon when we were trying to work out this agreement for whether the Johnson amendment and the Daschle amendment were going to be taken up in what order. There was a period of maybe an hour this afternoon where we wasted time on that, that is true. But that is the only time.

Outside of that, we have been operating in good faith that we were moving ahead on these things. I think this puts a whole different cast on this thing.

I do not know whether this fits the same pattern as some of the patterns a little earlier a month or so ago when we were laying down a bill and putting down the cloture the same day before we even got started. But this is just an unfair castigation, as I see it, of the way we have proceeded on this bill.

So I must say I am disappointed. Obviously, I cannot do anything about it. But I am disappointed that the other side views this with such lack of faith in our good efforts to move forward on this that they think it is necessary to file cloture.

I yield the floor.

Mr. LOTT. Mr. President, if I might respond to the comments of the distinguished Senator, first of all, there has been no castigation in the way this legislation has been handled. As far as laying down cloture the same time bills are offered, I recall that was done an awful lot in the previous 2 years. This cloture was not laid down the same time the bill was brought up for consideration. We have been on this bill now for parts of 4 or 5 days.

Perhaps the Senator from Ohio did not hear my comments when I sent this cloture motion to the desk. If I could have the Senator's attention, I direct his attention to the fact that I said when I sent it to the desk that it was hoped that it will not be necessary to have a vote on the cloture motion. But we did not make a whole lot of progress today in terms of numbers of amendments considered. It may not be necessary to go through with the vote

on the cloture motion. But if one is not filed tonight, there would be no way for one to be brought to fruition before next Monday.

It is the clear hope of the leader, and I think the leaders, that this legislation be completed early next week because we do have a long list of very important legislation pending which we hope to be able to consider in a timely fashion and with fair and full debate before we go out for the August recess. I know the Members are looking forward to that opportunity to be with their families, their children, their new brides. And in order to be able to achieve that, we are going to have to make some progress on a long list of legislation that is necessary before we go out. We need to start taking up appropriations bills. We need to get two or three appropriations bills done next week. We need to get several—seven or eight—of the appropriations bills completed before we go out for the August work period.

So all I am saying to the distinguished Senator from Ohio is that I know he is working hard. I know he is working in good faith. We hope that will continue to be the case. We hope tomorrow that we will be able to take up and dispose of a lot of serious, relevant amendments. Then I think the leader would have the option of talking with the distinguished floor managers of the bill, Senator HATCH and Senator GLENN, and see where we are, make a decision as to how much progress is being made, seeing if there is any possibility at that point to get some finite list of amendments and get some idea of when we might be able to bring this legislation to a conclusion.

So I just want to respond, first of all, that there has been no castigation of his efforts or intentions. I think there has been good faith on both sides of the aisle. There has been a bipartisan effort underway. It is not intended to cut off debate, but it is intended by the leader as a signal to let us keep working, let us keep moving, and let us not let it get bogged down between now and Friday afternoon.

Mr. GLENN. Mr. President, talking about castigation, I think the very fact of filing cloture indicates a castigation of how we have been operating on this side. It indicates that something has to be cut off to move us forward and that we have not been doing an adequate job here. I do not think that is the case at all. That is what I referred to by castigation.

As far as the schedule, I do not believe there will be a more important piece of business before this Senate this year than this legislation. It may be dry, it may be arcane, it may be hard to understand, and it may be complicated. But this stuff affects every person here in this room. It affects every person in this city, and across this land, and in major, major ways.

I just do not see that we are going to be able to rush through something like this and do the job that should be done for the people of this country.

Since Monday, I am told by staff there have been 16 amendments; 11 of those were put in by Republicans; 6 of those were withdrawn; there were 5 of the Democratic proposals, I believe, that have been voted on. So that is an indication of what we have done since Monday. This is Wednesday evening. I do not think that is taking too long on what is one of the most important pieces of business that this body will take up this year.

The appropriations bills may be more important. But I do not think any other legislation is going to affect as many people directly in this whole Nation as what we do on this. To now have to go under a 30-hour time limit and say, ''If cloture is invoked, that is it. No matter how important it is for the people of the country, no matter how complex, how complicated, yes, we are going to rush through because we have some other stuff we have to get on to.''

We all have to get out for that August break, for sure. I agree. I want to go out on the August break. But to rush through this thing and indicate that we have to meet some schedule, I think, is unwarranted because this is a very important piece of legislation.

I say once again that since Monday, 16 amendments, 11 of them Republicans, 6 of those withdrawn, 5 Democrats, and we have had votes. I think we have moved along pretty well since Monday, and so I must say it disappoints me greatly, obviously, when we felt we had to file cloture, or the leader felt he had to file cloture on us when we have been operating in good faith, moving along, spending long hours on this. So I am disappointed, that is all.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader.

Mr. DASCHLE. Let me just associate myself with the remarks of the distinguished manager of the bill on our side, Senator GLENN. I was hoping we could avoid this. I had the opportunity throughout the last couple of days to talk to the distinguished majority leader about our desire to continue to work in good faith. I think we have done that.

Obviously, today was a good example of what has happened. I laid down an amendment this morning, and by far the bulk of the debate has been on an amendment offered by the distinguished Senator from Louisiana, Senator JOHNSTON, and modified on several occasions throughout the day by Senator JOHNSTON.

It was only at the end of the day, after a great deal of prodding and pleading on our part, that we could finally agree to a time limit and an up-or-down vote on his amendment and then on mine.

So I think the distinguished Senator from Ohio said it very well—16 amendments, 11 Republican, 5 Democrat. We are here tonight. I would note that in the Chamber there is one Republican and four or five Democrats ready to continue to work. So I am disappointed that the cloture motion was filed. I think it is fair to say that we will not be precluded from offering amendments, from ensuring that this debate receives the full airing it deserves. This is one of the most important pieces of legislation to come before the Senate in this session of Congress, regardless of what else may be brought up before the end of the year.

So we will not be precluded from that. We will offer amendments. I think we will anticipate the unity that we have experienced on several occasions already this year when it has come to cloture in protecting Members' rights to offer amendments and have the full debate.

So while we may have a cloture vote, I have the feeling that we will be on this bill for a little while yet because we need to raise a number of issues that have yet to be addressed. We will have the alternative perhaps as early as tomorrow. Subject to however that may turn out, we may or may not want to protect our rights to deal with other issues. So it is unfortunate, and we will continue to work in good faith. Hopefully we can resolve these outstanding issues in whatever time it may take.

It is not our desire, as the Senator from Ohio has indicated, to prolong debate unnecessarily, to do anything other than work in good faith to resolve the outstanding differences and get on with final passage.

I yield the floor.

Mr. LOTT. Mr. President, if I could respond briefly to the distinguished Democratic leader's comments, first of all, just 20 minutes ago I am sure we probably had 90 or 100 Senators in the Chamber prepared to work. If there had not been agreement that we end the work for today, on both sides of the aisle, we would still all be here, and so I do not believe the RECORD reflecting there are only one or two Republicans here willing to work and four or five Democrats—it was already announced that business was over for the day, and basically we were in the process of shutting down.

I do want to say, secondly, to my distinguished friend from South Dakota that I think there has been a good-faith effort. I think he does want to try to bring this to a reasonable conclusion as far as time and the results, and we continue to hope that will be the case. Maybe we will make good progress tomorrow. Maybe we will make good progress Friday.

Maybe, with him working with the distinguished majority leader, we will find it is not necessary to have a cloture vote, or it may be necessary. I do not think that it is not allowing enough time when you spend 5, 6, 7, 8 days on one piece of legislation. It is very important, I agree on that, and we ought to have it fully discussed, which

I think it certainly is being and has been for quite some time.

I note also, though, that we have just had a meeting, bipartisan leadership meeting with the President, in which the President was saying please get together, move forward expeditiously. He was wondering about the rescissions bill. No conclusion has been reached on the rescissions bill. The President was saying he was in hopes that we could move through a long list of important items to him and the country—welfare reform. We would like to work on that. Appropriations bills and reconciliation. So the President is also asking that we move things right along, and I think that we have an obligation to try to do that.

For instance, I was under the impression that there was going to be an alternative maybe available earlier—I thought Monday. We have not seen it. But maybe, as it was just indicated, there will be an alternative, or substitute that will be offered tomorrow and we can have full debate on that, and that will kind of settle the dust. And then we will be able to move on to an expeditious conclusion.

That is all that is done here, for the leader to preserve his options and to, quite frankly, keep pressure on all of us, both sides of the aisle, without being critical of the leaders because they are doing a very difficult and very important job, but to keep pressures on us, to serve notice that we need to keep moving forward, making progress. And if we are not, then he has this option. If we did not file it tonight, we would not have the option until next Monday or Tuesday, depending on when it was filed, for it to ripen for a cloture vote, if necessary. We hope it will not be necessary, but we are going to keep that option available.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I respect the ability of the Senator from Mississippi to be able to put a shiny note on almost anything. But I must say that the question still remains whether or not it is appropriate to file it today, Wednesday, or whether or not you could not preserve the option to file it on Friday, and it would ripen by Monday, or file it Monday and ripen by next Wednesday.

The question is, what signal is being sent. If you look back at the RECORD, this bill was laid down in the Chamber—excuse me, it was printed in the RECORD on a Wednesday night. Thursday it appeared prior to our departure for the July 4 recess.

It was then agreed upon that there would only be debate and no amendments offered. That was a suggestion, I might add, of the majority leader. So we departed on a Friday with everybody agreeing there was only debate.

We came back only this Monday, the mid part of the day. We had an agreement to have some votes in the afternoon. We then went into a recess the next morning for conferences. We recessed in the evening without any additional votes. Now we are back here on Wednesday.

So here we have one of the single most important pieces of legislation that will come before us—I think everybody agrees with that—and here we are with a cloture motion at the desk on Wednesday evening with only five Democratic amendments voted on.

Now, the Senator from Mississippi has suggested, well, this happened a great deal previously. I would say to the Senator, respectfully, that by June of the first session in the prior terms this never happened.

This happened in the second session. And it did begin to happen with some frequency because certain people here adopted a conscious policy of filibustering everything. And everybody knows that our efforts in the final months of the last session of the last term were literally governed by the policy of gridlock that was a calculated strategy to let nothing pass. Thereupon, Senator MITCHELL, who was truly the monument to patience and goodwill, came to the floor again and again and again without pressing the notion of late nights and cloture and order in our lives. So I think that really it does not send a good signal in the context of where we traveled in last few days.

Second, we entered into some negotiations in those days when the floor was open for debate. I thought we were making some progress. At the last meeting Senator NICKLES, who headed up the task force on the other side of the aisle, stood up and said, ''Well, we have gone just about as far as we can go today. I'll let you know when we can have the next meeting.'' Well, it is now Wednesday, 9:30 at night. We still have not been notified about another meeting. There has been no serious effort to reengage in negotiations. So this filing has to be placed also in the context of that fact, that if this was serious, we might indeed have met.

Now, I want to have what I call a press alert here tonight because the reason this cloture motion has been filed is basically to empower a certain political strategy to take place, which is to try to put those who want to legislate a good piece of legislation on the defensive with the notion that they are somehow delaying the Holy Grail of regulatory reform. And so we now have hanging over our heads the specter of disappearing for a weekend with a cloture vote where we have to assert our right to legislate under the cloud of being accused of standing in the way of regulatory reform. That is the game here. And my hope is that as more and more of these amendments come to the floor and Americans are given a chance to measure what is happening here with an attempt to take away the right to know and supplant it with the right to hide and the right to pollute, or to take away the ability of regulators to issue reasonable rules, or even to approach a standard of reasonableness here, I think people are going to understand.

Now, I would say for myself, I am running this year. It does not matter to me if we have to vote cloture five, six, seven, eight times to preserve the right to protect those things that 25 years have made a difference in people's lives. And you know, I think that we ought to get about the business of trying to figure out how we are going to lift stupid rules and legitimately irrelevant, excessive agency regulations, but at the same time not take something like the Delaney clause that keeps carcinogens out of the food that our kids eat and our fellow citizens eat, and somehow just throw it out, which is what this bill does.

So I do not think most Americans have yet come to realize the full measure of what is at stake in this legislation. But this Senator certainly is happy to debate it for some period of time to help them do so.

Mr. LEVIN addressed the Chair.

Mr. LOTT. Mr. President, if I could, if the Senator would yield, I would like to respond to that. First of all, there is some degree of trepidation, I would say. Maybe there is going to be another meeting in the morning at 9:30. Maybe he had not—the Senator from Massachusetts and others—had not received that information. But I understand there is an attempt to meet and to discuss and negotiate further. And I say with some degree of trepidation because, you know, this is regulatory reform. I do think that the American people want that. I do think that the American people and the economy and the people that have lost their jobs because of the overbearing burden of the bureaucrats and the mandates and the regulations spewing out of this city, hundreds of thousands of pages annually going out and being dumped on the private citizens and small businesses and people who are trying to make a living in this country, want regulatory reform. They want regulatory relief.

Mr. KERRY. Would the Senator like me to——

Mr. LOTT. I have to say, I frankly have been shocked at all of the discussion and the concerns and ''we must get rid of this, and we must get rid of this portion of the bill.'' What are we going to wind up doing here, striking out all after the enacting clause and sending it to conference? We did a lot of work that has been done on this, a lot of negotiations.

A lot of compromises, but at some point we have to make up our minds if we want real regulatory reform or not. And I am not questioning there are probably other amendments that are deserving to be considered and we can take up and vote on. We have got time to do that, and we will be doing that tomorrow. But, you know, a lot of negotiations have already gone on. A lot of good portions of the original bill have already been jettisoned, in my opinion. A lot of critical portions have

already been weakened that I think are—we are going to regret later on, without getting into specifics at this late hour.

But, you know, I really am concerned that the appearance is beginning to go out that we are going to nitpick a very important piece of legislation. I agree with that, to the degree we will not wind up with very much. I will be glad to yield.

Mr. KERRY. Let me say to my friend, you see, it seems to me that the Senator from Mississippi is now doing exactly the kind of characterization that I just issued a press alert on, suggesting that we are tearing apart a bill that is, in fact, the nirvana of regulatory reform. But what the Senator neglects to tell the American people is that by a vote of 15–0, the committee that has spent years working on this issue sent a bill to the floor. It is the Roth-Glenn bill. It is the heart of what we will vote on as an alternative. And I say again to my friend, 15–0. If that bill were on the floor today, without the Dole-Johnston substitute in the mix, as the only ingredient of legislation, I submit to my friend we would pass it 100–0. Maybe 98–2. But now that we have got the new mix, a contentiousness has entered the entire equation.

I might add, there are two other committees that have jurisdiction here. The Environment Committee, of which the Senator from Rhode Island is the chairman, was bypassed altogether. Now, that may be because he is noted for his reasonableness on these issues. And then the Judiciary Committee, which also has jurisdiction, was not allowed to legislate one amendment. Not one amendment. So what happened is that the three committees with jurisdiction were taken completely out, and this bill was essentially written by the majority leader, by a cabal of people involving a lot of interests that have been specially served here. Take out the Delaney clause. Take out the toxic release. Have a special fix here and a special fix there.

Mr. LOTT. If I could ask the Senator to allow me to reclaim my time.

Mr. KERRY. That is your right.

Mr. LOTT. I think there are 4 committees that have jurisdiction in this area. They had some jurisdiction. Judiciary has jurisdiction. I believe Energy and Natural Resources had a bill that Senator MURKOWSKI and Senator JOHNSTON and others had worked on for a long time, as well as the bill out of the committee chaired by Senator ROTH. Senator ROTH, as a matter of fact, the chairman of the Government Affairs Committee, sent out a letter today saying this is in his opinion a better bill than what was reported out of his committee.

As a matter of fact, what happened with this bill is exactly what I think the Senator from Massachusetts is calling for. This is an amalgamation that has some of the better parts of the Judiciary Committee bill in it, some of the better parts of Government Affairs. It is not some mongrel hybrid; it is an amalgamation of good bills.

So that was point No. 1, that everybody had a jurisdiction here. And to say, Oh, well, only Government Affairs can have the lead call, I do not think that is very fair. Other very important committees had a very important part. But beyond that there were a lot of discussions and negotiations that went on between the distinguished majority leader and Members on your side of the aisle—a lot of discussions, a lot of give and take, a lot of changes, a lot of compromises, many of which this Senator did not agree with. But in an effort to try to come up with a bipartisan bill, those changes were made.

We are going to have to do more of that around here.

Mr. BROWN. Will the Senator yield?

Mr. LOTT. I will be glad to yield.

Mr. BROWN. I simply, as a member of the Judiciary Committee, want to comment on the point raised by the Senator from Massachusetts. The bill was considered over a period of months in the Judiciary Committee. I must say, in the 5 years I have been in the Senate and the 10 years I spent in the House of Representatives, and the 4 years I spent in the Colorado State Senate, it is the first and the only bill I have seen filibustered in committee, and that is exactly what happened.

The reason amendments were not offered by committee Democrats is that, when the floor was open to them to offer amendments, members choose instead to filibuster. I offered an amendment, which was added to the bill, so, clearly amendments were added in our process in the Judiciary Committee. My amendment was not included in the Roth bill that came out of that committee. My amendment simply points out there are times when Federal Government agencies will develop conflicting regulations. My amendment provides a safe harbor for working people who find themselves subjected to conflicting regulations and are put at risk by when Government agencies' regulations require opposite actions.

So the statement that no amendments were considered in the Judiciary Committee is not accurate. Amendments were considered and amendments were added. The fact that Democratic amendments were not acted on in the last few days came from the fact that members choose to filibuster the bill rather than respond to it.

Finally, I do not want to delay your deliberations in winding up the session, but let me simply add, one of the problems with this bill and one of the problems with this area is that so few Members of the House and the Senate have had a chance to work with their hands and work in business and be subjected to regulation. We passed last year and this Government sent out over 60,000 pages of new regulations.

Let me repeat that, because I do not think Members focused on it. Over 60,000 pages of new regulations, not counting the hundreds of thousands of regulations that exist already. The Federal Government promulgated so many regulations that people who work in this country do not even have time to read the regulations that affect their lives. I suggest to any Senator who is concerned, work in an industry that is subjected to Federal regulations. You cannot even read what you are subjected to. You cannot even get people who work for a living to even read what they are liable for, what they are at risk for that this Government pumps out.

Before we pursue this effort, you ought to place yourself in the position of the people who have to work for a living, who have to live with these regulations and find themselves subjected to fines and penalties for insane regulations they do not have a chance to read.

If you sat down today and read solidly for a year, 8 hours a day, no coffee breaks, no time off, no holidays, read 52 weeks a year without any vacations and you read at 300 words per minute, you would still not read the regulations, the new ones that came out this year. You would probably read a little over half of the pages of the new regulations that came out.

Now we have a problem. We are strangling this economy with redtape and regulations, and I just would say to my good friends that have raised objection about this, honestly talk to some of the people who have to live under these regulations. See what they are subjected to.

This is a burden that is crushing. It is crushing to our competitiveness and the people who operate under this burden. I have talked to contractors who make their living trying to build houses. They find themselves in the position of having somebody who has never built a house in their life come out and tell them how to build a house. They never built a house in their life, do not know anything about it, but if you do not do it the way they tell you, you can be fined and lose your entire business.

What we have done is set up a system to micromanage this economy. The bill that is before us is a joke. Some improvement it is, but to say the only regulations you are going to subject this test to are ones that have the threshold that is included in this bill is absurd. That is the problem.

I do not think what has been voiced on this floor has reflected the impact these regulations have on the working people in this country. We are strangling this economy and working people of this country with needless regulations. What we need is a lick of common sense. So we can fight over this bill, but the fact is the threshold is already so high that you have denied relief to most of the American people that desperately need it.

If we are going to be competitive in the world economy, if we intend to give

people good livelihoods, if we are concerned about the wage of working men and women, we better figure out a way to have more of the people pull the wagon and less regulating where it goes. If you are talking about a business, you have to get more people out of the office and onto the assembly line where they do the work.

That is what this bill is all about, to find a way we can make America more competitive and more productive and more creative and spend less time on regulations. We need to do a lot more in this bill. I hope Members will take some time to look at what we have done to this economy, because it is devastating.

Mr. LOTT. Mr. President, if I could continue——

Mr. KERRY. I will not take long.

Mr. LOTT. I still want to respond a little more to your earlier question.

(Mr. BROWN assumed the chair.)

Mr. KERRY. Let me say to my friend from Colorado that when he got into that recitation about the coffee breaks and the amount of time and pages, I all of a sudden feared he might have been one of those people who had written some of these regulations. But knowing that he did not and would not, I just want to say, we agree with everything he just said, and the bill that Senator GLENN and Senator ROTH brought out of committee 15–0 would have, indeed, addressed almost everything that the Senator just said.

The problem is, if you take, for instance, the threshold argument the Senator just made, the threshold was set in 1975 by President Ford. One hundred million dollars is worth $35 million today, and if you lowered it to $50 million, you are talking about reality of a $17 million threshold.

As my friend knows, there is not a lawyer in America who cannot conjure up a threshold impact of $17 million in real value, $50 million, or otherwise. We lifted that to $100 million for a major rule, but we still have a $10 million threshold in here for Superfund. And under the Nunn amendment that was adopted, we brought in this extraordinary panoply of small business at a whole new threshold. So you have literally a 100- to 400-percent increase in EPA and other agency requirements here just to review the new rules you brought under it. I know the Senator is not going to add to the budget to provide personnel to do that. So you have an enormous gridlock problem.

I will just say to my friend from Mississippi, by having filed this cloture motion, I believe, if I am correct in the parliamentary procedure, amendments now have to be filed by 1 p.m. tomorrow; is that correct?

Mr. LOTT. That is correct.

Mr. KERRY. So if amendments have to be filed by 1 p.m. tomorrow, those of us who have to work tonight in preparation for a meeting have to disperse our staff in order to ensure all Democratic amendments can be brought together by 1 p.m. tomorrow. That is an example, I say respectfully, of how this breaches the process. There is, in effect, a chilling effect on our capacity to pull ourselves together for a meeting and negotiate. And second, there is a terribly unfair burden put on all of our colleagues who will arrive tomorrow morning to learn that they have about 2 or 3 hours to put in an amendment.

Mr. LOTT. Mr. President, first of all, I realize this is the Senate, unlike most legislative bodies, but I would be somewhat shocked if most Senators do not already know what amendments they want to offer and have already gotten them drafted.

This is not something that just drifted onto the floor of the Senate. This has been coming for weeks and months. Surely, most Senators have their amendments ready to go. Now, I realize maybe some of them would be affected by other amendments that may be offered during the next couple of days. I do not view it as a real burden. We are on this bill, and everybody knows what is in it supposedly and should have their amendments ready to go.

I want to go back to a point made earlier about how one committee reported out a bill unanimously. That committee was the only committee that considered the so-called original Roth bill. The Dole bill went to four committees—not only Judiciary, Energy, and Governmental Affairs, but Small Business.

Then there were negotiations to try to make it a genuinely bipartisan bill that went on between Senator DOLE and Senator JOHNSTON of Louisiana, who has worked so diligently in trying to find a compromise that could go through in a bipartisan way.

Then I remember there were subsequent negotiations. I went into a meeting in the distinguished Democratic leader's office one day, and there must have been 15 Senators in there. I was floored. I left pretty quickly because I said nothing good will come out of this because there were too many people involved.

There were more changes made. I know changes were made because there were changes made on sections I worked on, some that I certainly did not agree with. There has been a long, protracted effort to develop a compromise bill. There comes a point when you have to stop changing it and vote. We are hoping that point will come early next week.

One final point.

Mr. LEVIN. Will the Senator yield for 1 minute?

Mr. LOTT. One final point, and then I will be glad to yield to you.

There is something that the Senator from Colorado in his fine remarks just reminded me to comment on. We were all home during the Fourth of July recess. I was in my State. I met with some small business representatives, among other things. I remember a small businessman from Fulton, Mississippi. I met with the group and they told me that under a new rule promulgated, that they, for small technical violations in their company, could be fined up to $10,000 per day until the bureaucrat concluded that they had complied with this violation they had. I think probably this bill will help address that kind of problem. And they gave me the new regulations. This is one small business group in my State, although it is a nationwide group. The new regulation that could lead to a $10,000 fine per day, which would put most of them out of business in about 2 days, was that thick. We need to deal with that.

I know we are trying to do that. I hope we will, but I am beginning to really have my doubts about whether or not we can continue to water this bill down and have one that is worth going forward with.

With that, I will yield to the Senator from Michigan.

Mr. LEVIN. I thank the Senator from Mississippi for yielding. I will be very brief. I just want to add one chapter to the historical record here. Immediately prior to the recess, there was a suggestion that those of us that favored the so-called Glenn bill, or the Glenn-Chafee bill, that we put suggested changes——

Mr. LOTT. If the Senator will withhold, I was going to say something to the Senator from Massachusetts, but he may be gone. I will say it now if the Senators from Ohio and Michigan are concerned about the filing deadline of 1 o'clock. I am sure the leader—in fact, I understand he will be willing to get a unanimous-consent to delay that until 5 o'clock tomorrow afternoon. In furtherance of that, would that be helpful?

We will do that in the morning, then, after we have checked with others. I wanted to make that offer so they know we are perfectly willing to be helpful and cooperative if there is a time problem in getting those amendments drafted.

I yield once again.

Mr. LEVIN. As I was saying, there is one element which has not been spoken to, which is the fact that immediately prior to the recess, it was suggested to those of us that support the Glenn-Chafee bill that we put into specific language form suggested changes in the Dole-Johnston bill. And we did that. The staff, I think, probably stayed up all night to do that. Three pages of very specific proposed changes were delivered prior to the recess about two weeks ago. Nothing happened. There was no response to the suggested changes until today. And it is still a bit fragmentary, but at least now we think we understand what the response is on the part of the supporters of the pending Dole-Johnston legislation.

If we are talking about expediting the process here, it seems to me that those of us who support the Glenn-Chafee proposal have, for almost now two weeks, been waiting for a response to some very specific language suggestions. Instead, we raised this issue on

Monday, and then I think yesterday the Senator from Utah suggested, well, let us just go at it amendment by amendment. The tree was filled up a couple times, by the way, so that it was all controlled. Amendments could not frequently be offered without a gatekeeper okaying it. And then they were second-degreed. That is all part of the rules. There is nothing new about that.

But to suggest that there has been an effort on the part of the supporters of the Glenn proposal to, in any way, delay instead of to debate and hopefully approve the pending amendment, I think, is a misplaced suggestion. And that suggestion is implied when a cloture motion is filed. That is the implication of the filing of a cloture motion.

Somehow or other, people who are the supporters of the Glenn approach are in some way delaying the legislation that is pending before us, and there is not only no evidence of that, it is quite the contrary. There was an effort made in the last two weeks to get some very specific responses to some very specific proposals. Again, the first glimpse we had of a response was just today.

So I suggest to my good friend from Mississippi that the filing of cloture tonight is inappropriate. It is also, I believe, counterproductive because, just tonight, without any knowledge that a cloture motion might be filed, there was an understanding reached that there would be a meeting tomorrow morning, and I believe the time was set at 9:30. And then, having agreed to do that, suddenly there is a cloture motion filed. That is not the kind of signal which I think is a productive signal in terms of moving legislation.

As far as the legislation is concerned, I have to tell you that I think all of us in this body, hopefully, have seen a great deal of evidence of excessive regulation, of abuse, and of waste in this process.

I came to this town determined to get some kind of accountability in this process. I have been a strong supporter of legislative veto and executive oversight. I believe we ought to have cost-benefit analysis required by law. I believe in the various parts of both proposals.

So the speeches about regulatory overkill, I think, are very appropriate. There has been some. There has also been some very essential regulation that has made it possible for us to breathe cleaner air and to have cleaner water and to have safer vehicles, and other things. The question is the balance. We want both, a cleaner environment, a safer workplace, but not overkill in the regulatory process. We can have both. But the signal that was sent here tonight, when after there was an understanding about meeting tomorrow morning to try to make some more progress, and then to file a cloture motion, it seems to me, is a counterproductive act, and it tends to undermine the possibility of progress here rather than to promote it.

So that is why I think it was a mistake for that cloture motion to be filed. It prevents relevant amendments from being considered if cloture is invoked because they have to be technically germane, but they can be relevant and be prevented from being debated. I do not think it is in anybody's interest, as long as good progress is being made. And surely there has been some progress, and there is no effort to delay the consideration of this bill by anybody I know. I think cloture is not the appropriate signal which should have been sent tonight. I regret that it was.

Mr. LOTT. Mr. President, the only thing we have pending would be to close. Does Senator GLENN wish to make a comment?

Mr. GLENN. Yes, I do. Mr. President, I will not go on long because we have been on the floor a long time today.

I do not want to let the wrong impression go out to those who may be watching. The impression was left perhaps by the distinguished chair in his remarks a moment ago here, the distinguished Senator from Colorado, as though we were delaying and we are not interested—it could give that impression; it could be interpreted that way, at least—and that somehow those for the Dole bill are in favor of regulatory reform, and those of us who have some other views about how that can be accomplished are somehow not as much in favor of regulatory reform. Nothing could be further from the truth.

We have worked hard in committee, and the Senator from Michigan, Senator LEVIN, is maybe too modest. I have heard him say in committee that one of the major things he wanted to get into when he came here—having been president of the city council in Detroit, he knew the impact of regulations and what they did to the business people and the community and the city government of Detroit, and what they did to the surrounding communities of Detroit, and he was determined to do something about it.

I have heard on a number of occasions, both in committee and in private conversation with him, about his dedication to this, which is to his everlasting credit. I think we have worked on this specific legislation in committee for close to 3 years now.

So this is not something that we come at lightly. We are as dedicated on the Democratic side to regulatory reform as anybody on the Republican side. We have some different views about how to get to it, that is all, and what is workable and what is not. That is our difference on this. It is not any difference in dedication. When I spoke on the floor and we opened up on this bill, my earlier remarks were exactly along that line. We are a united Senate on one thing, and that is the need for regulatory reform. But we also, at the same time, know that we must hit a balance. We cannot just do away with all regulations.

I agree with the examples, and I can give a dozen more from Ohio that match those of the distinguished Senator from Colorado, on overregulation. That is what we have to correct.

However, at the time we are doing this, do not throw out the good that the regulations have done in the country along with throwing out the excesses.

We do have better health in this country because of regulations. Some have gone too far—yes. Do we have a better business climate in this country because of regulations? Yes, but there have been excesses in that area, too.

So we certainly do have to correct these things. We agree with that. We are as united with the Republicans as anybody can be in our dedication to seeing that regulatory reform is carried out. We get the same comments from our business people and our organization people, our school people, our local government people, that the Republicans get when we get back home. We are as dedicated to this as anybody can be.

Now I might say in committee, as was already referred to, we voted that out of our committee, the Governmental Affairs Committee, under Chairman ROTH, 15–0. Unanimous.

Now, there is a different approach that Senator DOLE has taken. I think our approach hits a better balance. That is all we are trying to do here, is make sure that balance is hit.

What we are trying to do now in filing cloture is force a restricted time on this legislation—one of the most important pieces of legislation we will have before the Senate—we are trying to take a complicated bill, and instead of saying how good we will make it, we are saying we will spend minimum time on it, force your hand. We will spend minimum time off the floor, will not give time for amendments, for balance, for fairness, for consideration of those things. We will have minimum time on it.

This will be a big concession on the Republican side apparently—big deal, we will have an extension from 1 o'clock to 5 o'clock to get everything that we want in this.

Everything has not been considered in this bill. All amendments have not been considered. These are very complicated pieces of legislation—both of the proposals.

I just want to address one other thing. I just cannot agree with my distinguished colleague from Mississippi when he says we have gotten down to nit-picking on this. That is the phrase that he used. Some 500 people a year die from E. coli. Cryptosporidium killed 104 people, and made 400,000 seriously ill in Milwaukee a couple years ago.

Senator ABRAHAM and Senator NUNN addressed small business interests, Senator DOLE addressed E. coli with his amendment, Senators JOHNSTON and

LEVIN put in the super mandates, so existing laws could not be superseded by something an agency does over here.

Now, I do not think of those as nitpicking. I think these are health and safety matters for the people of this country. Anybody that was fair in looking at what has happened on this floor can certainly not come to the conclusion that these things have been nit-picking concerns on the Democratic side.

Quite the opposite. These are life and death concerns, and it is the reason they were brought up, the reason we wanted to amend this. It is the reason I supported some of the amendments on this.

Now, there have been negotiations that have gone on on this legislation in the past, as Senator LEVIN says. We cannot help but wonder whether this was good faith negotiation when we now have cloture filed against Members at this hour of the evening, after we thought we were closing down the Senate, and all at once, staff came running out and said, ''Did you know they filed cloture?'' They filed cloture. I thought that could not be. I thought there was a mistake. It happens that it is true.

We want to work through this. Obviously we want to have a chance to do as good as we might otherwise have done. I want to disabuse anybody of the idea that we are not concerned about regulatory reform on this side of the aisle. We are as concerned and as dedicated to it as anybody, regardless of whatever political labels each may take. I yield the floor.

Mr. LOTT. Mr. President, I repeat, as the distinguished Senator from Ohio pointed out, this is not a new issue. It has been pending for years. It has been considered for the last 3 or 4 years and in the Governmental Affairs Committee. It has been considered for at least a couple years that I know of, Energy and Natural Resources Committee. There have been hours, days, spent bringing Members to this point.

This is a good bill. This is a bipartisan bill. The Dole-Johnston bill has been laboriously crafted and developed and changed—in some ways people would think improved. In my opinion it has been weakened.

I repeat, I believe we have an especially good bill now, one that is a balance, that is bipartisan. I just have to say, at some point, we have to just agree to disagree. How long can you negotiate? Forever?

This is the most, I think, probably the most negotiated bill that we have had this year. How many changes are we going to make? It reaches a point, I think, that we weaken it so much that then there will be some that have to start asking ourselves, is this still a strong regulatory reform bill.

There is still talk about taking major portions out of it. Talking about taking the Superfund part out of it. Boy, if that has not been a regulatory nightmare, a lawyer's dream. But there are those that say we should not have Superfund as part of regulatory reform. My goodness, I do not know any area where we probably need regulatory reform more than in Superfund.

We could go back and forth, on and on. This is a good bill. We need strong regulatory reform. We are talking about not only 60,000 pages of regulations just last year being promulgated, we are talking about estimates from as much as $300 to $600 billion a year cost to the economy for many regulations that are necessary.

I know many of the Senators here tonight, Senator LEVIN would like to have regulatory reform, but at some point, we just have to stop changing it and vote. Let the votes fall where they do and bring it to a conclusion.

I think we probably talked enough about this tonight. We will see what kind of progress we make tomorrow and the next day, and maybe we can reach agreement and conclude this legislation and go on to other very important pieces of legislation.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO LIBYA—MESSAGE FROM THE PRESIDENT—PM 64

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

I hereby report to the Congress on the developments since my last report of January 30, 1995, concerning the national emergency with respect to Libya that was declared in Executive Order No. 12543 of January 7, 1986. This report is submitted pursuant to section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c); section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c); and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa–9(c).

1. On December 22, 1994, I renewed for another year the national emergency with respect to Libya pursuant to IEEPA. This renewal extended the current comprehensive financial and trade embargo against Libya in effect since 1986. Under these sanctions, all trade with Libya is prohibited, and all assets owned or controlled by the Libyan government in the United States or in the possession or control of U.S. persons are blocked.

2. There has been one amendment to the Libyan Sanctions Regulations, 31 C.F.R. Part 550 (the ''Regulations''), administered by the Office of Foreign Assets Control (FAC) of the Department of the Treasury, since my last report on January 30, 1995. The amendment (60 *Fed. Reg.* 8300, February 14, 1995) added 144 entities to appendix A, Organizations Determined to Be Within the Term ''Government of Libya'' (Specially Designated Nationals (''SDNs'') of Libya). The amendment also added 19 individuals to appendix B, Individuals Determined to Be Specially Designated Nationals of the Government of Libya. A copy of the amendment is attached to this report.

Pursuant to section 550.304(a) of the Regulations, FAC has determined that these entities and individuals designated as SDNs are owned or controlled by, or acting or purporting to act directly or indirectly on behalf of, the Government of Libya, or are agencies, instrumentalities or entities or that government. By virtue of this determination, all property and interests in property of these entities or persons that are in the United States or in the possession or control of U.S. persons are blocked. Further, U.S. persons are prohibited from engaging in transactions with these individuals or entities unless the transactions are licensed by FAC. The designations were made in consultation with the Department of State and announced by FAC in notices issued on January 10 and January 24, 1995.

3. During the current 6-month period, FAC made numerous decisions with respect to applications for licenses to engage in transactions under the Regulations, issuing 119 licensing determinations—both approvals and denials. Consistent with FAC's ongoing scrutiny of banking transactions, the largest category of license approvals (83) concerned requests by Libyan and non-Libyan persons or entities to unblock bank accounts initially blocked because of an apparent Government of Libya interest. The largest category of denials (14) was for banking transactions in which FAC found a Government of Libya interest. One license was issued authorizing intellectual property protection in Libya and another for travel to Libya to visit close family members.

In addition, FAC issued one determination with respect to applications from attorneys to receive fees and reimbursement of expenses for provision of legal services to the Government of Libya in connection with wrongful death civil actions arising from the Pan Am 103 bombing. Civil suits have

been filed in the U.S. District Court for the District of Columbia and in the Southern District of New York. Representation of the Government of Libya when named as a defendant in or otherwise made a party to domestic U.S. legal proceedings is authorized by section 550.517(b)(2) of the Regulations under certain conditions.

4. During the current 6-month period, FAC continued to emphasize to the international banking community in the United States the importance of identifying and blocking payments made by or on behalf of Libya. The FAC worked closely with the banks to implement new interdiction software systems to identify such payments. As a result, during the reporting period, more than 171 transactions involving Libya, totaling more than $6.5 million, were blocked. As of May 25, 27 of these transactions had been licensed to be released, leaving a net amount of more than $5.2 million blocked.

Since my last report, FAC collected 37 civil monetary penalties totaling more than $354,700 for violations of the U.S. sanctions against Libya. Eleven of the violations involved the failure of banks to block funds transfers to Libyan-owned or -controlled banks. Two other penalties were received from companies for originating funds transfers to Libyan-owned or -controlled banks. Two corporations paid penalties for export violations. Twenty-two additional penalties were paid by U.S. citizens engaging in Libyan oilfield-related transactions while another 54 cases of similar violations are in active penalty processing.

Various enforcement actions carried over from previous reporting periods have continued to be aggressively pursued. The FAC has continued its efforts under the ''Operation Roadblock'' initiative. This ongoing program seeks to identify U.S. persons who travel to and/or work in Libya in violation of U.S. law.

Several new investigations of potentially significant violations of the Libyan sanctions have been initiated by FAC and cooperating U.S. law enforcement agencies, primarily the U.S. Customs Service. Many of these cases are believed to involve complex conspiracies to circumvent the various prohibitions of the Libyan sanctions, as well as the utilization of international diversionary shipping routes to and from Libya. The FAC has continued to work closely with the Departments of State and Justice to identify U.S. persons who enter into contracts or agreements with the Government of Libya, or other third-country parties, to lobby United States Government officials or to engage in public relations work on behalf of the Government of Libya without FAC authorization. In addition, during the period FAC attended several bilateral and multilateral meetings with foreign sanctions authorities, as well as with private foreign institutions, to consult on issues of mutual interest and to encourage strict adherence to the U.N.-mandated sanctions.

5. The expenses incurred by the Federal Government in the 6-month period from January 7 through July 6, 1995, that are directly attributable to the exercise of powers and authorities conferred by the declaration of the Libyan national emergency are estimated at approximately $830,000.00. Personnel costs were largely centered in the Department of the Treasury (particularly in the Office of Foreign Assets Control, the Office of the General Counsel, and the U.S. Customs Service), the Department of State, and the Department of Commerce.

6. The policies and actions of the Government of Libya continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. In adopting UNSCR 883 in November 1993, the Security Council determined that the continued failure of the Government of Libya to demonstrate by concrete actions its renunciation of terrorism, and in particular its continued failure to respond fully and effectively to the requests and decisions of the Security Council in UNSCRs 731 and 748, concerning the bombing of the Pan Am 103 and UTA 772 flights, constituted a threat to international peace and security. The United States continues to believe that still stronger international measures than those mandated by UNSCR 883, possibly including a worldwide oil embargo, should be imposed if Libya continues to defy the will of the international community as expressed in UNSCR 731. We remain determined to ensure that the perpetrators of the terrorist acts against Pan Am 103 and UTA 772 are brought to justice. The families of the victims in the murderous Lockerbie bombing and other acts of Libyan terrorism deserve nothing less. I shall continue to exercise the powers at my disposal to apply economic sanctions against Libya fully and effectively, so long as those measures are appropriate, and will continue to report periodically to the Congress on significant developments as required by law.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 12, 1995*.

MESSAGES FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 523. An act to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 82. Concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of S. 523.

The message further announced that the House has agreed to the following bills, in which it requests the concurrence of the Senate:

H.R. 1141. An act to amend the act popularly known as the ''Sikes Act'' to enhance fish and wildlife conservation and natural resources management programs.

H.R. 1642. An act to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of Cambodia, and for other purposes.

H.R. 1643. An act to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria.

H.R. 1868. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated.

H.R. 1141. An act to amend the act popularly known as the ''Sikes Act'' to enhance fish and wildlife conservation and natural resources management programs; to the Committee on Environment and Public Works.

H.R. 1642. An act to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of Cambodia, and for other purposes; to the Committee on Finance.

H.R. 1643. An act to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria; to the Committee on Finance.

H.R. 1868. An act making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 1996, and for other purposes; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 1023. An original bill to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes (Rept. No. 104–111).

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 1026. An original bill to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. No. 104–112).

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. CHAFEE:

S. 1023. An original bill to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes; from the Committee on Environment and Public Works; placed on the calendar.

By Mr. WELLSTONE:

S. 1024. A bill to amend title XVIII of the Social Security Act to assure fairness and choice to patients under the medicare program, and for other purposes; to the Committee on Finance.

By Mr. BUMPERS (for himself, Mr. NICKLES, Mr. PRYOR, and Mr. INHOFE):

S. 1025. A bill to provide for the exchange of certain Federally owned lands and mineral interests therein, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THURMOND:

S. 1026. An original bill to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; from the Committee on Armed Services; placed on the calendar.

By Mr. BROWN (for himself, Mr. BRADLEY, Mr. BRYAN, Mr. CHAFEE, and Mr. LAUTENBERG):

S. 1027. A bill to eliminate the quota and price support programs for peanuts, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA:

S. Res. 149. A resolution expressing the sense of the Senate regarding the recent announcement by the Republic of France that it intends to conduct a series of underground nuclear test explosions despite the current international moratorium on nuclear testing; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE:

S. 1024. A bill to amend title XVIII of the Social Security Act to assure fairness and choice to patients under the Medicare Program, and for other purposes; to the Committee on Finance.

THE MEDICARE HEALTH CARE QUALITY ACT OF 1995

• Mr. WELLSTONE. Mr. President, I am pleased to introduce the Medicare Health Care Quality Act of 1995 today to make certain that Medicare beneficiaries are protected and receive access to high-quality care when they enroll in health plans offered through the Medicare Program.

I am deeply concerned about the extreme cuts in the Medicare Program that would be necessitated by the recently adopted budget resolution. A careful examination of the program clearly shows that the increasing numbers of elderly, disabled, and end-stage-renal disease patients—changing demographics—and overall health care inflation account for most of the increased growth in spending. According to projections based on CBO numbers, the cuts contained in the Republican budget resolution will not allow the Medicare Program to even keep pace with the private sector on a per person basis. And the Medicare Program takes care of many of our society's sickest and frailest members.

We have heard a lot recently about Republican proposals to restructure Medicare by giving seniors a voucher and allowing them to purchase health coverage in the private market. This legislation would ensure that plans participating in such a program would be required to meet minimum standards of performance, and that access to needed care, and quality of that care are assured. Many health plans already meet the standards I have included in this legislation, but for those that do not, this legislation will provide a critical safety net for patients.

If a voucher system is created, it is likely that constraints on the amount of the voucher will force many seniors to choose managed care plans, as their most affordable alternative. Currently abut 3 million Medicare beneficiaries are enrolled in managed care plans through the Medicare Program. Most of these patients are satisfied with the care they receive. A significant fraction, however, primarily the frailest, the sick and disabled, are not satisfied, according to a recent report by the office of the inspector general of the Department of Health and Human Services. Serious problems identified with the program identified in this report included:

Compliance with Federal enrollment standards for health screening and informing beneficiaries of their appeal rights appeared to be problematic.

Perceived unmet service needs . . . led 22% of disenrollees and 7% of enrollees to seek out-of-plan care''

Some beneficiaries reported having difficulty making appointment for services in terms of the days waited for scheduled appointments. . .

Some beneficiaries reported they were refused referrals to specialists. . .

It is clear to me, however, when I look at the managed care plans in Minnesota, that managed care plans can provide access and quality in health care, while holding down the growth of costs. In a recent editorial on July 6, 1995, in the New England Journal of Medicine, the editor-in-chief, Dr. Jerome Kassirer stated:

Managed care itself is not the enemy. On the contrary, many of its effects are salutary. Patients stay in the hospital far fewer days, many surgical procedures that previously required hospitalization are now safely performed in day surgery, there is far more attention to preventive care, many medical practices have been standardized to produce better outcomes, and satisfying patients has become an explicit goal. There is, however, remarkable diversity among managed-care plans. Some, mostly older plans that were created when cost containment was an unexpected benefit rather than their central purpose, deliver high-quality care economically. Unfortunately, others cut costs by recruiting the healthiest patients, excluding the sickest, rationing care by making it inconvenient to obtain, and denying care by a variety of mechanisms.

The Medicare Health Care Quality Act of 1995 defines the standards that must be met by any health plan, including managed care plans, if they are to participate as a plan for Medicare patients. The major standards would include those for:

Information to be provided to enrollees on plan coverage, benefits, patient satisfaction, and quality indicators to assist consumers in making informed purchasing decisions.

Utilization review activities, credentialing of health professionals, and handling of grievances by consumers and providers to assure that all are treated fairly by the health plan.

Provision of adequate access to care, including specialty and emergency care without penalizing consumers.

Fair marketing of health plans to Medicare beneficiaries to be certain plans cannot selectively market, and enroll only the healthiest patients.

Mr. President, I have repeatedly stated that trying to restructure the Medicare Program without addressing the bigger question of overall health system reform is foolish, and likely to worsen the situation in the private sector. As Medicare cuts are put in place, providers will be forced to shift charges to private sector payers, insurance rates will rise, more people will be unable to afford coverage, and we will all end up paying more for our health care in the end. I believe that we must tackle health care reform in this Congress. Until that happens, however, and as Medicare beneficiaries continue to join private sector health plans, including managed care plans, in increasing numbers, it is critical to be certain that adequate patient protections are in place. The Medicare Health Care Quality Act of 1995 will go a long way toward doing that.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1024

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Medicare Health Care Quality Act of 1995''.

SEC. 2. REFERENCES IN ACT; TABLE OF CONTENTS.

(a) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment is expressed in terms of an amendment to or repeal of a section or other provision, the reference shall be considered to be made to that section or other provision of the Social Security Act.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. References in Act; table of contents.
Sec. 3. Requirements relating to health professionals.
Sec. 4. Grievance procedures.
Sec. 5. Discrimination.
Sec. 6. Requirement for utilization review program.
Sec. 7. Access.
Sec. 8. Requirements for organization service areas.
Sec. 9. Other enrollee protections.

Sec. 10. Information on eligible organization.
Sec. 11. Enrollment by mail.
Sec. 12. Waiver of certain medicare coinsurance and deductibles not remuneration.
Sec. 13. Effective date.

SEC. 3. REQUIREMENTS RELATING TO HEALTH PROFESSIONALS.

Section 1876(c) (42 U.S.C. 1395mm(c)) is amended by adding at the end the following new paragraph:

''(9)(A) The eligible organization shall credential health professionals furnishing health care services through the organization.

''(B)(i) The eligible organization shall establish a credentialing process. Such process shall ensure that a health professional is credentialed prior to that professional being listed as a health professional in the eligible organization's marketing materials, in accordance with recorded (written or otherwise) policies and procedures. The credentialing process shall provide for the review of an application for credentialing by the credentialing committee established under clause (iii).

''(ii) The medical director of the eligible organization, or another designated health professional, shall have responsibility for the credentialing of health professionals under the organization.

''(iii)(I) The eligible organization shall establish a credentialing committee that—

''(I) is composed of licensed physicians and other health professionals to review credentialing information and supporting documents;

''(II) provides input to the eligible organization on the credentialing process and procedures; and

''(III) appropriately represents the medical specialties of applicants for credentialing.

''(iv)(I) Credentialing decisions under the eligible organization shall be based on objective standards with input from providers of health services credentialed under the organization. Information concerning all application and credentialing policies and procedures shall be made available for review by the health professional involved upon written request.

''(II) The standards referred to in subclause (I) shall include determinations as to—

''(aa) whether the health professional has a current unrestricted valid license to practice the particular health profession involved;

''(bb) whether the health professional has clinical privileges in good standing at the hospital designated by the practitioner and the primary admitting facility, as applicable;

''(cc) whether the health professional has a valid DEA or CDS certificate, as applicable;

''(dd) whether the health professional has graduated from medical school (allopathic or osteopathic), completed a residency (accredited by the Accreditation Council on Graduate Medical Education or the American Osteopathic Association), or received Board certification (by medical specialty boards recognized by the American Board of Medical Specialties or the American Osteopathic Association), as applicable;

''(ee) the work history of the health professional;

''(ff) whether the health professional has current, adequate malpractice insurance in accordance with the policy of the eligible organization;

''(gg) the professional liability claims history of the health professional;

''(hh) whether the health professional has been convicted of a crime or cited by a licensing board for professional misconduct; and

''(ii) whether the health professional has any malpractice payments or disciplinary actions registered with the National Practitioner Data Bank under section 427(b) of the Health Care Quality Improvement Act (42 U.S.C. 11134(b)).

''(III) A health professional who undergoes the credentialing process shall have the right to review the basis information, including the sources of that information, that was used to meet the designated credentialing criteria.

''(C)(i) A health professional who is subject to credentialing under this paragraph shall, upon written request, receive from the eligible organization any information obtained by the organization during the credentialing process that, as determined by the credentialing committee, does not meet the credentialing standards of the organization, or that varies substantially from the information provided to the eligible organization by the health professional.

''(ii) The eligible organization shall have a formal, recorded (written or otherwise) process by which a health professional may submit supplemental information to the credentialing committee if the health professional determines that erroneous or misleading information has been previously submitted. The health professional may request that such information be reconsidered in the evaluation for credentialing purposes.

''(iii)(I) A health professional is not entitled to be selected or retained by the eligible organization as a participating or contracting provider whether or not such professional meets the credentialing standards established under this paragraph.

''(II) If economic considerations, including the health care professional's patterns of expenditure per patient, are part of a selection decision, objective criteria shall be used in examining such considerations and a written description of such criteria shall be provided to applicants, participating health professionals, and enrollees. Any economic profiling of health professionals must be adjusted to recognize case mix, severity of illness, and the age of patients of a health professional's practice that may account for higher or lower than expected costs, to the extent appropriate data in this regard is available to the eligible organization.

''(iv)(I) The eligible organization shall develop and implement procedures for the reporting, to appropriate authorities, of serious quality deficiencies that result in the suspension or termination of a contract with a health professional.

''(II) The eligible organization shall develop and implement policies and procedures under which the organization reviews the contract privileges of health professionals who—

''(aa) have seriously violated policies and procedures of the eligible organization;

''(bb) have lost their privilege to practice with a contracting institutional provider; or

''(cc) otherwise pose a threat to the quality of service and care provided to the enrollees of the eligible organization.

At a minimum, the policies and procedures implemented under this subparagraph shall meet the requirements of the Health Care Quality Improvement Act of 1986.

''(III) The policies and procedures implemented under subclause (II) shall include requirements for the timely notification of the affected health professional of the reasons for the reduction, withdrawal, or termination of privileges, and provide the health professional with the right to appeal the determination of reduction, withdrawal, or termination.

''(IV) A written copy of the policies and procedures implemented under this paragraph shall be made available to a health professional on request prior to the time at which the health professional contracts to provide services under the organization.

''(D) For purposes of this paragraph, the term 'health professional' means an individual who is licensed, credited, accredited, or otherwise credentialed to provide health care items and services as authorized under State law.''.

SEC. 4. GRIEVANCE PROCEDURES.

Section 1876(c)(5)(A) (42 U.S.C. 1395mm(c)(5)(A)) is amended—

(1) by adding ''(i)'' after ''(A)''; and

(2) by adding at the end the following new clause:

''(ii) The procedures described under clause (i) shall include—

''(I) recorded (written or otherwise) procedures for registering and responding to complaints and grievances in a timely manner;

''(II) documentation concerning the substance of complaints, grievances, and actions taken concerning such complaints and grievances, which shall be in writing.

''(III) procedures to ensure a resolution of a complaint or grievance;

''(IV) the compilation and analysis of complaint and grievance data;

''(V) procedures to expedite the complaint process if the complaint involves a dispute about the coverage of an immediately and urgently needed service; and

''(VI) procedures to ensure that if an enrollee orally notifies the eligible organization about a complaint, the organization (if requested) must send the enrollee a complaint form that includes the telephone numbers and addresses of member services, a description of the organization's grievance procedure.

''(iii) The eligible organization shall adopt an appeals process to enable covered individuals to appeal decisions that are adverse to the individuals. Such a process shall include—

''(I) the right to a review by a grievance panel;

''(II) the right to a second review with a different panel, independent from the eligible organization, or to a review through an impartial arbitration process which shall be described in writing by the organization; and

''(III) an expedited process for review in emergency cases.

The Secretary shall develop guidelines for the structure and requirements applicable to the independent review panel and impartial arbitration process described in subclause (II).

''(iv) With respect to the complaint, grievance, and appeals processes required under this paragraph, the eligible organization shall, upon the request of a covered individual, provide the individual a written decision concerning a complaint, grievance, or appeal in a timely fashion.

''(v) The complaint, grievance, and appeals processes established in accordance with this paragraph may not be used in any fashion to discourage or prevent a covered individual from receiving medically necessary care in a timely manner.''.

SEC. 5. DISCRIMINATION.

Section 1876(c) (42 U.S.C. 1395mm(c)), as amended by section 3, is amended by adding at the end the following new paragraph:

''(10)(A) The eligible organization may not discriminate or engage (directly or through contractual arrangements) in any activity, including the selection of service area, that has the effect of discriminating against an individual on the basis of race, national origin, gender, language, socio-economic status, age, disability, health status, or anticipated need for health services.

''(B) The eligible organization may not engage in marketing or other practices intended to discourage or limit the enrollment

of individuals on the basis of health condition, geographic area, industry, or other risk factors.

''(C) The eligible organization may not discriminate in the selection of members of the health professional or provider network (and in establishing the terms and conditions for membership in the network) of the organization based on—

''(i) the race, national origin, disability, gender, or age of the health professional;

''(ii) the socio-economic status, disability, health status, age, or anticipated need for health services of the patients of the health professional or provider; or

''(iii) the health professional or provider's lack of affiliation with, or admitting privileges at, a hospital.

''(D) The eligible organization may not discriminate in participation, reimbursement, or indemnification against a health professional who is acting within the scope of the license, training, or certification of the professional under applicable State law solely on the basis of the license, training, or certification of the health professional. The eligible organization may not discriminate in participation, reimbursement, or indemnification against a health provider that is providing services within the scope of services that it is authorized to perform under State law.''.

SEC. 6. REQUIREMENT FOR UTILIZATION REVIEW PROGRAM.

Section 1876(c) (42 U.S.C. 1395mm(c)), as amended by sections 3 and 5, is amended by adding at the end the following new paragraph:

''(11)(A) The eligible organization shall have in place a utilization review program that meets the requirements of this paragraph and that is certified by the Secretary.

''(B) The Secretary shall establish standards for the establishment, operation, and certification and periodic recertification of eligible organization utilization review programs.

''(C)(i) The Secretary may certify an eligible organization as meeting the standards established under subparagraph (B) if the Secretary determines that the eligible organization has met the utilization standards required for accreditation as applied by a nationally recognized, independent, nonprofit accreditation entity.

''(ii) The Secretary shall periodically review the standards used by the private accreditation entity to ensure that such standards meet or exceed the standards established by the Secretary under this paragraph.

''(D) The standards developed by the Secretary under subparagraph (B) shall require that utilization review programs comply with the following:

''(i) The eligible organization shall provide a written description of the utilization review program of the organization, including a description of—

''(I) the delegated and nondelegated activities under the program;

''(II) the policies and procedures used under the program to evaluate medical necessity; and

''(III) the clinical review criteria, information sources, and the process used to review and approve the provision of medical services under the program.

''(ii) With respect to the administration of the utilization review program, the eligible organization may not employ utilization reviewers or contract with a utilization management organization if the conditions of employment or the contract terms include financial incentives to reduce or limit the medically necessary or appropriate services provided to covered individuals.

''(iii) The eligible organization shall develop procedures for periodically reviewing and modifying the utilization review of the organization. Such procedures shall provide for the participation of providers in the eligible organization in the development and review of utilization review policies and procedures.

''(iv)(I) A utilization review program shall develop and apply recorded (written or otherwise) utilization review decision protocols. Such protocols shall be based on sound medical evidence.

''(II) The clinical review criteria used under the utilization review decision protocols to assess the appropriateness of medical services shall be clearly documented and available to participating health professionals upon request. Such protocols shall include a mechanism for assessing the consistency of the application of the criteria used under the protocols across reviewers, and a mechanism for periodically updating such criteria.

''(v)(I) The procedures applied under a utilization review program with respect to the preauthorization and concurrent review of the necessity and appropriateness of medical items, services or procedures, shall require that qualified medical professionals supervise review decisions. With respect to a decision to deny the provision of medical items, services or procedures, a provider licensed in the same field shall conduct a subsequent review to determine the medical appropriateness of such a denial. Physicians from the same medical branch (allopathic or osteopathic medicine) and specialty (recognized by the American Board of Medical Specialties or the American Osteopathic Association) shall be utilized in the review process as needed.

''(II) All utilization review decisions shall be made in a timely manner, as determined appropriate when considering the urgency of the situation.

''(III) With respect to utilization review, an adverse determination or noncertification of an admission, continued stay, or service shall be clearly documented, including the specific clinical or other reason for the adverse determination or noncertification, and be available to the covered individual or any individual acting on behalf of the covered individual and the affected provider or facility. The eligible organization may not deny or limit coverage with respect to a service that the enrollee has already received solely on the basis of lack of prior authorization or second opinion, to the extent that the service would have otherwise been covered by the organization had such prior authorization or a second opinion been obtained.

''(IV) The eligible organization shall provide a covered individual with timely notice of an adverse determination or noncertification of an admission, continued stay, or service. Such a notification shall include information concerning the utilization review program appeals procedure.

''(vi) An eligible organization utilization review program shall ensure that requests by covered individuals or physicians for prior authorization of a nonemergency service shall be answered in a timely manner after such request is received. If utilization review personnel are not available in a timely fashion, any medical services provided shall be considered approved.

''(vii) A utilization review program shall implement policies and procedures to evaluate the appropriate use of new medical technologies or new applications of established technologies, including medical procedures, drugs, and devices. The program shall ensure that appropriate professionals participate in the development of technology evaluation criteria.

''(viii) Where prior authorization for a service or other covered item is obtained under a program under this paragraph, the service shall be considered to be covered unless there was fraud or incorrect information provided at the time such prior authorization was obtained. If a provider supplied the incorrect information that led to the authorization of medically unnecessary care, the provider shall be prohibited from collecting payment directly from the enrollee, and shall reimburse the organization and subscriber for any payments or copayments the provider may have received.

''(E)(i) The eligible organization shall, with respect to any materials distributed to prospective covered individuals, include a summary of the utilization review procedures of the organization.

''(ii) The eligible organization shall, with respect to any materials distributed to newly covered individuals, include a clear and comprehensive description of utilization review procedures of the organization and a statement of patient rights and responsibilities with respect to such procedures.

''(iii) The eligible organization shall disclose to the Secretary of the eligible organization utilization review program policies, procedures, and reports required by the Secretary for certification.

''(iv) The eligible organization shall have a membership card which shall have printed on the card the toll-free telephone number that an enrollee should call for customer service issues.

''(v) The eligible organization shall establish mechanisms to evaluate the effects of the utilization review program of the organization through the use of member satisfaction data or through other appropriate means.''.

SEC. 7. ACCESS.

(a) IN GENERAL.—Section 1876(c) (42 U.S.C. 1395mm(c)), as amended by sections 3, 5, and 6, is amended by adding at the end the following new paragraph:

''(12)(A) The eligible organization shall demonstrate that the organization has a sufficient number, distribution, and variety of qualified health care providers to ensure that all covered health care services will be available and accessible in a timely manner to all individuals enrolled in the organization.

''(B) The eligible organization shall demonstrate that organization enrollees have access, when medically or clinically indicated in the judgment of the treating health professional, to specialized treatment expertise.

''(C)(i) Any process established by the eligible organization to coordinate care and control costs may not impose an undue burden on enrollees with chronic health conditions. The organization shall ensure a continuity of care and shall, when medically or clinically indicated in the judgment of the treating health professional, ensure direct access to relevant specialists for continued care.

''(ii) In the case of an enrollee who has a severe, complex, or chronic condition, the eligible organization shall determine, based on the judgment of the treating health professional, whether it is medically or clinically necessary or appropriate to use a care coordinator from an interdisciplinary team or a specialist to ensure continuity of care.

''(D)(i) The requirements of this paragraph may not be waived and shall be met in all areas where the eligible organization has enrollees, including rural areas.

''(ii) If the eligible organization fails to meet the requirements of this paragraph, the organization shall arrange for the provision of out-of-organization services to enrollees in a manner that provides enrollees with access to services in accordance with this paragraph.''.

(b) ACCESS TO EMERGENCY CARE SERVICES.—Section 1876(c)(4)(B) (42 U.S.C. 1395mm(c)(4)(B)) is amended—

(1) by inserting ''emergency'' before ''services'' the first place it appears;

(2) by striking '', if (i)'' and all that follows through ''the organization''; and

(3) by adding at the end the following new sentence: ''In such subparagraph, 'emergency services' are services provided to an individual after the sudden onset of a medical condition that manifests itself by symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected by a prudent layperson (possessing an average knowledge of health and medicine) to result in placing the individual's health in serious jeopardy, the serious impairment of a bodily function, or the serious dysfunction of any bodily organ or part, and includes services provided as a result of a call through the 911 emergency system.''.

SEC. 8. REQUIREMENTS FOR ORGANIZATION SERVICE AREAS.

(a) IN GENERAL.—Section 1876 (42 U.S.C. 1395mm) is amended by adding at the end the following new subsection:

''(k)(1) Except as provided in paragraph (2), for purposes of this section, if the eligible organization's service area includes any part of a metropolitan statistical area, the service area shall include the entire metropolitan statistical area (including any area designated by the Secretary as a health professional shortage area under section 332(a)(1)(A) of the Public Health Service Act within such metropolitan statistical area).

''(2) The Secretary may permit an organization's service area to exclude any portion of a metropolitan statistical area (other than the central county of such metropolitan statistical area) if—

''(A) the organization demonstrates that it lacks the financial or administrative capacity to serve the entire metropolitan statistical area; and

''(B) the Secretary finds that the composition of the organization's service area does not reduce the financial risk to the organization of providing services to enrollees because of the health status or other demographic characteristics of individuals residing in the service area (as compared to the health status or demographic characteristics of individuals residing in the portion of the metropolitan statistical area not included in the organization's service area).''.

(b) CONFORMING AMENDMENT.—Section 1876(c)(4)(A)(i) (42 U.S.C. 1395mm(c)(4)(A)(i)) is amended by striking ''the area served by the organization'' and inserting ''the organization's service area''.

SEC. 9. OTHER ENROLLEE PROTECTIONS.

(a) CLARIFICATION OF RESTRICTIONS ON CHARGES FOR OUT-OF-PLAN SERVICES.—

(1) INPATIENT HOSPITAL AND EXTENDED CARE SERVICES.—Section 1866(a)(1)(O) (42 U.S.C. 1395cc(a)(1)(O)) is amended in the matter preceding clause (i) by inserting after ''this title'' the following: ''(without regard to whether or not the services are furnished on an emergency basis)''.

(2) PHYSICIANS' SERVICES AND RENAL DIALYSIS SERVICES.—Section 1876(j)(2) (42 U.S.C. 1395mm(j)(2)) is amended by striking ''this setion'' and inserting ''this section (without regard to whether or not the services are furnished on an emergency basis)''.

(b) ARRANGEMENTS FOR DIALYSIS SERVICES.—Section 1876(c) (42 U.S.C. 1395mm(c)), as amended by sections 3, 5, 6, and 7 is amended by adding at the end the following new paragraph:

''(13) Each eligible organization shall assure that enrollees requiring renal dialysis services who are temporarily outside of the organization's service area (within the United States) have reasonable access to such services by—

''(A) making such arrangements with providers of services or renal dialysis facilities outside the service area for the coverage of and payment for such services furnished to enrollees as the Secretary determines necessary to assure reasonable access; or

''(B) providing for the reimbursement of any provider of services or renal dialysis facility outside the service area for the furnishing of such services to enrollees.''.

SEC. 10. INFORMATION ON ELIGIBLE ORGANIZATION.

Section 1876(c)(3)(C) (42 U.S.C. 1395mm(c)(3)(C)) is amended—

(1) by redesignating clauses (i) and (ii) as subclauses (I) and (II);

(2) by inserting ''(i)'' after ''(C)''; and

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

''(ii)(I) The eligible organization shall provide prospective covered individuals with written information concerning the terms and conditions of the eligible organization to enable such individuals to make informed decisions with respect to a certain system of health care delivery. Such information shall be standardized so that prospective covered individuals may compare the attributes of all such organizations offered within the coverage area.

''(II) Information provided under this section, whether written or oral shall be easily understandable, truthful, linguistically appropriate and objective with respect to the terms used. Descriptions provided in such information shall be consistent with standards developed for medicare supplemental policies under section 1882.

''(III) Information required under this clause shall include information specific to medicare beneficiaries concerning—

''(aa) coverage provisions, benefits, and any exclusions by category of service or product;

''(bb) plan loss ratios with an explanation that such ratios reflect the percentage of the premiums expended for health services;

''(cc) prior authorization or other review requirements including preauthorization review, concurrent review, post-service review, post-payment review, and procedures that may lead the patient to be denied coverage for, or not be provided, a particular service or product;

''(dd) an explanation of how organization design impacts enrollees, including information on the financial responsibility of covered individuals for payment for coinsurance or other out-of-plan services;

''(ee) covered individual satisfaction statistics, including disenrollment statistics;

''(ff) advance directives and organ donation;

''(gg) the characteristics and availability of health care professionals and institutions participating in the organization, including descriptions of the financial arrangements or contractual provisions with hospitals, utilization review organizations, physicians, or any other provider of health care services that would affect the services offered, referral or treatment options, or physician's fiduciary responsibility to patients, including financial incentives regarding the provision of medical or other services;

''(hh) quality indicators for the organization and for participating health professionals and providers under the organization, including population-based statistics such as immunization rates and other preventive care and health outcomes measures such as survival after surgery, adjusted for case mix; and

''(ii) an explanation of the appeals process and the grievance procedure.''.

SEC. 11. ENROLLMENT BY MAIL.

Section 1876(c)(3) (42 U.S.C. 1395mm(c)(3)) is amended by adding at the end the following new subparagraphs:

''(H) Each eligible organization that provides items and services pursuant to a contract under this section shall permit an individual entitled to benefits under part A to obtain enrollment forms and information and to enroll under this section by mail, and no agent of an eligible organization may visit the residence of such an individual for purposes of enrolling the individual under this section or providing enrollment information to the individual other than at the individual's request.

''(I)(i) Each eligible organization that provides items and services pursuant to a contract under this section shall include the information described in clause (ii) in any solicitation for enrollment in such organization sent by mail to an individual entitled to benefits under part A.

''(ii) The information described in this clause is—

''(I) the toll-free number of the health insurance advisory service program established under section 4359 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b–3); and

''(II) an appropriate explanation of the services provided by such program.

SEC. 12. WAIVER OF CERTAIN MEDICARE COINSURANCE AND DEDUCTIBLES NOT REMUNERATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall modify section 1001.952(k) of title 42, Code of Federal Regulations, to provide that the term ''remuneration'' as used in section 1128B of the Social Security Act (42 U.S.C. 1320a–7b) does not include any reduction or waiver of a coinsurance or deductible amount owed to a provider furnishing patient services covered under part B of the medicare program under title XVIII of such Act if such reduction or waiver is provided under a program that—

(1) facilitates access to health services for patients, who because of economic circumstances might otherwise refrain from seeking needed health care;

(2) initially and annually screens patients to determine financial need and eligibility for the program; and

(3) establishes financial need and eligibility on a case-by-case basis and grants such a reduction or waiver only if the beneficiary—

(A) has an annual gross income (including Social Security benefits, tax-exempt income, and income from any other source) of 200 percent or less of the Federal poverty level;

(B) does not have assets in excess of $30,300, excluding the homestead (as defined in State law) and one automobile;

(C) is not eligible for medical assistance under a State plan under title XIX of such Act; and

(D) is not enrolled in a prepaid health plan.

(b) ADDITIONAL EXCLUSION.—The modification described in subsection (a) shall be in addition to any exclusions contained in such section on the date of the enactment of this Act.

SEC. 13. EFFECTIVE DATE.

The amendments made by this Act shall apply with respect to contract years beginning on or after January 1, 1997.●

By Mr. BUMPERS (for himself, Mr. NICKLES, Mr. PRYOR, and Mr. INHOFE):

S. 1025. A bill to provide for the exchange of certain federally owned lands and mineral interests therein, and for other purposes; to the Committee on Energy and Natural Resources.

THE ARKANSAS-OKLAHOMA LAND EXCHANGE ACT OF 1995

Mr. BUMPERS. Mr. President, today I am pleased to introduce a piece of legislation that will begin a public process for a project of great importance. This legislation would allow for the exchange of lands between the Weyerhaeuser Co., the Forest Service, and the Fish and Wildlife Service. This land exchange could, in my view, achieve a number of worthy goals for the environment in my home State of Arkansas and for the State of Oklahoma. It is a bill that I have been working on, and will continue to work on, with the advice and assistance of Senators PRYOR, NICKLES, and INHOFE, as well as Congressman BREWSTER of Oklahoma and the entire Arkansas House delegation.

First, let me provide a bit of background on this exchange proposal. In 1985, I learned that the Weyerhaeuser Co. had informed the Forest Service that it had thousands of acres of land for sale in Arkansas. These lands included undeveloped timberland adjacent to Lake Ouachita. After a meeting that I had with representatives of the Weyerhaeuser Co., they agreed to withhold the sale to allow me time to work through the appropriations process and acquire environmentally significant lands through the land and water conservation fund for the Ouachita National Forest.

The acquisition of lands inside the Lake Ouachita Management Area presents opportunities for more dispersed recreation, wildlife enhancement work, and protection of visual and water quality of the lake. These acquisitions began in 1989 and have continued up through this year. As a result of these acquisitions, the Government has been able to acquire almost 40,000 acres of some of the best forest lands I have seen. Since the acquisition program started, the bald eagle has become established on Lake Ouachita. In addition, habitat is provided for the red-cockaded woodpecker, Southern lady slipper, and Arkansas fat mucket mussel. The area is popular for deer, turkey, and small game hunting.

While it would be nice to continue acquiring lands through the land and water conservation fund, that is just not a practical strategy. I know that some of my constituents do not like the concept of a land exchange because it means some lands leave Federal ownership and, under this proposal, would go to the Weyerhaeuser Co. However, reality is that this Government has a budget deficit, and funds for land acquisition have been decreasing for several years. In fact, the money that has been dedicated to land acquisition of the Weyerhaeuser property has fallen steadily since 1991. The decrease of funds has not resulted from my lack of interest in this area. It is due to the fact that Federal dollars are scarce for the kind of environmental enhancement I would like to see. Therefore, I believe it is incumbent upon Congress, the Federal Government, land owners and interest groups to be creative about how we can reach mutual goals for conservation. I challenged the Weyerhaeuser Co. to work with me in finding such an opportunity, and I believe they have taken a good step toward such an effort. I know Senator NICKLES offered the same challenge. As a result, for the past year, the Weyerhaeuser Co., the Forest Service and the Fish and Wildlife Service have been working to determine if a mutually agreed upon land exchange proposal could be achieved. The bill today represents the result of that preliminary effort.

Pursuant to this legislation, the State of Arkansas would gain approximately 25,000 acres for a national wildlife refuge. This unique bottomland forest called Pond Creek is located in the floodplain between the Cossatot River and the Little River. It is extremely rich and diverse in wetland habitat for wading birds, resident and migratory waterfowl, small mammals, deer, fish, alligators, and other wildlife. I understand that there are four bird rookeries there, used by herons, egrets, and other birds. This land would become part of the Cossatot National Wildlife Refuge.

Arkansas would also benefit by acquiring lands that would complement Lake Ouachita; the Little Missouri Wild and Scenic River; Flatside Wilderness, and parts of the Ouachita National Forest. These acquisitions would enhance recreational opportunities for hiking, rock climbing and mountain bicycling. It would protect watersheds, and help block up ownership that is currently intermingled between the Weyerhaeuser Co. and the Forest Service. In the State of Arkansas, approximately 30,000 acres would be added to the Ouachita National Forest.

In Oklahoma, the exchange would add more than 100,000 acres to the Ouachita National Forest through the addition of lands around Lake Broken Bow. This lake is similar to Lake Ouachita—very beautiful, and worthy of protection. I will work closely with my colleagues in the Senate and House from Oklahoma to ensure that this legislation fits with their goals for the area.

To summarize, through this exchange the Federal Government stands to receive almost 160,000 acres of land that is currently owned by the Weyerhaeuser Co. I want to emphasize that I have personally viewed this property and believe it is worthy for consideration in this land exchange bill.

Of course, Weyerhaeuser will also receive something in this exchange through the acquisition of approximately 28,000 acres of the Tiak district of the Ouachita National Forest in Oklahoma and approximately 20,000 acres in Arkansas. This is land currently under timber management, and would continue under timber management by the Weyerhaeuser Co. I have inquired into the company's forest practices and understand that these lands would be managed in conjunction with its recently adopted Forestry Resource Goals. These goals strengthen and reinforce the company's commitment to continue protecting water quality and fish habitat in carrying out forest management, providing habitat for wildlife associated with managed forests, using scientifically based practices to protect soil stability and ensuring long term soil productivity; and considering aesthetics in forest practices as they manage forestlands for sustainable production of wood and other forest products. I understand that the Weyerhaeuser practices go beyond the guidelines of State Best Management Practices [BMP's], and that it has a good neighbor policy that calls for carefully considering the concerns of adjacent landowners and host communities.

There are several issues I would like to address. First, is the concern that Weyerhaeuser is merely trading away cutover lands. I have toured the exchange area and seen first hand the quality of lands that the Forest Service has been receiving through the land and water conservation fund, as well as the lands that Weyerhaeuser would transfer to the Government. These are some of the best forests I have seen, and they deserve to be in Federal ownership.

Currently, the Arkansas Nature Conservancy has scientists conducting an ecological assessment of all of the Weyerhaeuser lands that would come into Federal ownership. I am anxious to see the result of this work, and it will be important for Congress to review this proposal as the bill moves ahead. I plan to hold hearings on this very topic so that we can all understand the environmental impact of the land exchange. While we know a great deal about the lands currently in Federal ownership that would go to Weyerhaeuser, this assessment will help us learn more information about the quality of lands owned by Weyerhaeuser that would go to the Ouachita National Forest for management. I understand that preliminary data show that this land provides habitat for a number of sensitive species and serves important watersheds.

A question has arisen about whether this exchange would be a value-for-value exchange. I can assure my colleagues that this exchange would be a value-for-value exchange. I understand that the Forest Service, Fish and Wildlife Service, and Weyerhaeuser Co., have contracted with an independent land appraiser to determine the values of the land and ensure that land is traded on a value-for-value basis. That is, the total value of the land, timber and other economic resources that the Federal Government would give up will equal the total value that it receives from Weyerhaeuser. Determining resource values will involve surveys, land appraisals, timber cruises, mineral and

geologic assessments. As with any other business transaction, evaluations would be based on such items as recent comparable sales and current market values. These will provide an economically sound basis for discussion and negotiation—even for areas where the highest and best land uses may be environmental, recreational, or aesthetic rather than economic. I plan to be sure that the land values will be established precisely before this legislation is enacted.

Concerns have also been raised about whether or not hunting and fishing will be allowed in the Cossatot National Wildlife Refuge. I believe that as long as hunting and fishing can be conducted in a manner that is compatible with sound wildlife management, then it makes sense to allow this and other forms of recreation.

One issue that I am committed to working on with my colleagues from Oklahoma is an issue regarding the school districts in McCurtain County. I understand that under the current land exchange proposal, two school districts—Haworth and Tom—would lose money they presently receive under current allocations from the timber receipt payments. I know these timber receipt payments are important to the operation of these school districts and look forward to finding an equitable solution to this situation.

Then there is the issue of minerals. Because of the acreage imbalance, the exchange would result in approximately 100,000 acres of Weyerhaeuser minerals being located under the lands to be conveyed to the Federal Government. At my request, Weyerhaeuser Co. has met with the Forest Service to come up with a recommendation that could be agreed to by all parties. The result of these discussions includes a proposal whereby Weyerhaeuser would trade all Forest Service mineral rights—approximately 50,000 acres—for an equivalent amount of acreage of Weyerhaeuser mineral rights when the surface is exchanged. The Weyerhaeuser hardrock minerals, which means all minerals except oil and gas, on all of the property Weyerhaeuser conveys to the Government, would be conveyed at the time of the surface exchange. However, Weyerhaeuser will reserve oil and gas rights on the acres for 45 years. Ownership by Weyerhaeuser of all oil and gas rights within any section containing a producing oil or gas well would extend beyond 45 years for as long as production continued. Weyerhaeuser would also reserve a proportionally reduced 6.25 percent of 8/8's overriding royalty interest in all oil and/or gas produced from any well located within the eight governmental sections immediately surrounding any section in which well is producing as of December 31, 2041.

Finally, let me say Mr. President that this proposal has a great deal of support. It is supported in concept by the Forest Service and the Fish and Wildlife Service. It has the support of the Arkansas Nature Conservancy and the Oklahoma Wildlife Federation to name but a few. I was particularly encouraged recently by the statement of the Department of Agriculture's Under Secretary for Natural Resources and Environment, James Lyons. When I asked him about the exchange in an Interior Appropriations Subcommittee hearing, he said ''I think it is a good exchange for the taxpayers and for Weyerhaeuser, and certainly for the State of Arkansas''. I would encourage anyone who has concerns about this proposal to contact Weyerhaeuser and the Forest Service and take the time to tour the proposed lands for exchange. It was time well spend for me, and I would highly recommend it.

I would emphasize that I want to hear from my constituents about this proposal. I want to hear about what they like and what they don't like so that I can be sure that the public process we are beginning today will benefit from their views.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 1025

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

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that:

(1) the Weyerhaeuser Company has offered to the United States Government an exchange of lands under which Weyerhaeuser would receive approximately 50,000 acres of Federal land in Arkansas and Oklahoma in return for conveying to the United States lands owned by Weyerhaeuser consisting of approximately 165,000 acres of forested wetlands and other forest land of public interest in Arkansas and Oklahoma, consisting of:

(A) certain Arkansas Ouachita lands located near Lake Ouachita, Little Missouri Wild and Scenic River, Flatside Wilderness and the Ouachita National Forest;

(B) certain lands in Oklahoma located near McCurtain County Wilderness, the Broken Bow Reservoir, the Glover River, and the Ouachita National Forest; and

(C) certain Arkansas Cossatot lands located on the Little and Cossatot Rivers and identified as the ''Pond Creek Bottoms'' in the Lower Mississippi River Delta section of the North American Waterfowl Management Plan;

(2) acquisition of the Arkansas Cossatot lands by the United States will remove the lands in the heart of a critical wetland ecosystem from sustained timber production and other development;

(3) the acquisition of the Arkansas Ouachita lands and the Oklahoma lands by the United States for administration by the Forest Service will provide an opportunity for enhancement of ecosystem management of the National Forest System lands and resources;

(4) the Arkansas Ouachita lands and the Oklahoma lands have outstanding wildlife habitat and important recreational values and should continue to be made available for activities such as public hunting, fishing, trapping, nature observation, enjoyment, education, and timber management;

(5) private use of the lands the United States will convey to Weyerhaeuser will not conflict with established management objectives on adjacent Federal lands;

(6) the lands the United States will convey to Weyerhaeuser as part of the exchange described in paragraph (1) do not contain comparable fish, wildlife, or wetlands values;

(7) the United States will convey all mineral interests and oil and gas interests to Weyerhaeuser on or under all surface acres designated to be exchanged pursuant to the exchange described in paragraph (1) in which the Federal Government owns such interests;

(8) pursuant to such exchange, Weyerhaeuser will convey to the United States all mineral interests and equivalent oil and gas interests on or under all surface acres designated to be exchanged pursuant to the exchange described in paragraph (1) in which Weyerhaeuser owns such interests;

(9) the United States and Weyerhaeuser have agreed to the values and boundaries of all lands, mineral interests, and oil and gas interests to be conveyed in the exchange and concur that the lands, mineral interests, and oil and gas interests to be conveyed by Weyerhaeuser and the lands, mineral interests, and oil and gas interests to be conveyed by the United States are approximately equal in value; and

(10) the exchange of lands, mineral interests, and oil and gas interests between Weyerhaeuser and the United States is in the public interest.

(b) PURPOSE.—The purpose of this Act is to authorize and direct the Secretary of the Interior and the Secretary of Agriculture to enter into an exchange of lands, mineral interests, and oil and gas interests that will provide environmental, land management, recreational, and economic benefits to the States of Arkansas and Oklahoma and to the United States.

SEC. 2. DEFINITIONS.

As used in this Act:

(a) LAND.—The terms ''land'' or ''lands'' mean the surface estate and any other interests therein except for mineral interests and oil and gas interests.

(b) MINERAL INTERESTS.—The term ''mineral interests'' means geothermal steam and heat and all metals, ores, and minerals of any nature whatsoever, except oil and gas interests, in or upon lands subject to this Act including, but not limited to, coal, lignite, peat, rock, sand, gravel, and quartz.

(c) OIL AND GAS INTERESTS.—The term ''oil and gas interests'' means all oil and gas of any nature whatsoever including carbon dioxide, helium, and gas taken from coal seams (collectively ''oil and gas'') together with the right to enter lands for the purpose of exploring the lands for oil and gas and drilling, opening, developing, and working wells on such lands and taking out and removing from such lands all such oil and gas together with the right to occupy and make use of as much of the surface of said lands as may reasonably be necessary for these purposes subject to the Secretary of Agriculture's rules and regulations set forth in section 251.15 of title 36, Code of Federal Regulations.

(d) SECRETARIES.—The term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture.

(c) WEYERHAEUSER.—The term ''Weyerhaeuser'' means Weyerhaeuser Company, a company incorporated in the State of Washington.

SEC. 3. EXCHANGE.

(a) EXCHANGE OF LANDS AND MINERAL INTERESTS.—

(1) IN GENERAL.—Subject to paragraph (a)(2), within 120 days after the date of the enactment of this Act, the Secretary of Agriculture shall convey to Weyerhaeuser, subject to any valid existing rights, approximately 20,000 acres of Federal lands and mineral interests in the State of Arkansas and

approximately 30,000 acres of Federal lands and mineral interests in the State of Oklahoma as depicted for exchange on maps entitled ''Arkansas-Oklahoma Land Exchange—Federal Arkansas and Oklahoma Lands,'' dated 1995 and available for public inspection in appropriate offices of the Secretaries.

(2) OFFER AND ACCEPTANCE OF LANDS.—The Secretary of Agriculture shall make the conveyance to Weyerhaeuser if Weyerhaeuser offers deeds of title, subject to limitations and the reservation described in subsection (b), acceptable to the Secretary of Agriculture that convey to the United States the following:

(A) approximately 110,000 acres of lands and mineral interests owned by Weyerhaeuser in the State of Oklahoma, as depicted for transfer to the United States upon a map entitled ''Arkansas-Oklahoma Land Exchange—Weyerhaeuser Oklahoma Lands,'' dated 1995 and available for public inspection in appropriate offices of the Secretaries;

(B) approximately 30,000 acres of lands and mineral interests owned by Weyerhaeuser in the State of Arkansas, as depicted for transfer to the United States upon a map entitled ''Arkansas-Oklahoma Land Exchange—Weyerhaeuser Arkansas Ouachita Lands,'' dated 1995 and available for public inspection in appropriate offices of the Secretaries; and

(C) approximately 25,000 acres of lands and mineral interests owned by Weyerhaeuser in the State of Arkansas, as depicted for transfer to the United States upon a map entitled ''Arkansas-Oklahoma Land Exhchange—Weyerhaeuser Arkansas Cassatot Lands,'' dated 1995 and available for public inspection in appropriate offices of the Secretaries.

(b) EXCHANGE OF OIL AND GAS INTERESTS.—(1) IN GENERAL.—Subject to paragraph (b)(2), at the same time as the land and mineral interests exchange is carried out pursuant to this Section, the Secretary of Agriculture shall exchange all Federal oil and gas interests, including existing leases and other agreements, in the lands described in paragraph (a)(1) for equivalent oil and gas interests, including existing leases and other agreements, owned by Weyerhaeuser in the lands described in paragraph (a)(2). Any exchange of oil and gas interests pursuant to this Act may be made without regard to the limitations requiring that exchanges be made within the same State under section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) RESERVATION.—In addition to exchanging oil and gas interests pursuant to paragraph (b)(1), to account for the acreage imbalance in the exchange required under this Act, there is hereby reserved to Weyerhaeuser, its successors, and assigns until December 31, 2041, and for so long thereafter that oil or gas is produced therefrom (''term reservation''), all oil and gas in and under the acreage imbalance lands depicted for reservation by Weyerhaeuser upon a map entitled ''Arkansas-Oklahoma Land Exchange—Weyerhaeuser Oil and Gas Interest Reservation Lands,'' dated 1995 and available for public inspection in appropriate offices of the Secretaries. Beginning January 1, 2042, there is hereby reserved to Weyerhaeuser, its successors and assigns, a proportionately reduced 6.25 percent of 8/8's overriding royalty interest in all oil and gas produced from any well in any governmental section adjacent to or cornering a section in which oil and gas is being produced at the expiration of the term reservation (''overriding royalty''). The overriding royalty will continue until either the producing well (a well producing on December 31, 2041) ceases production or until all federally leased wells to which the overriding royalty applies ceases production, whichever is later.

(c) GENERAL PROVISIONS.—(1) VALUATION.—The lands, mineral interests, and oil and gas interests exchanged pursuant to this Act shall be approximately equal in value, as determined by the Secretaries and agreed to by Weyerhaeuser. To ensure that the natural values of the area are not affected by the exchange, a formal appraisal based upon drilling or other surface disturbing activities shall not be required for any mineral interests or oil and gas interests exchanged.

(2) MAPS CONTROLLING.—The acreage cited in this Act is approximate. In the case of a discrepancy between the description of lands, mineral interests, and/or oil and gas interests to be exchanged pursuant to subsection (a) and the lands, mineral interests, and/or oil and gas interests depicted on a map referred to in such subsection, the map shall control. Subject to the notification required by paragraph (3), the maps referenced in this Act are subject to such minor corrections as may be agreed upon by the Secretaries and Weyerhaeuser.

(3) FINAL MAPS.—Not later than 180 days after the conclusion of the exchange required by subsection (a), the Secretaries shall transmit maps accurately depicting the lands and mineral interests conveyed and transferred pursuant to this Act and the acreage and boundary descriptions of such lands and mineral interests to the Committees on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(4) CANCELLATION.—If, before the exchange has been carried out putsuant to subsections (a) and (b), Weyerhaeuser provides written notification to the Secretaries that Weyerhaeuser no longer intends to complete the exchange, with respect to the lands, mineral interests, and oil and gas interests that would otherwise be subject to the exchange, the status of such lands, mineral interests, and oil and gas interests shall revert to the status of such lands, mineral interests, and oil and gas interests as of the day before the date of enactment of this Act and shall be managed in accordance with applicable management plans.

(5) WITHDRAWAL.—Subject to valid existing rights, the lands, mineral interests, and oil and gas interests depicted for conveyance to Weyerhaeuser for possible exchange on the maps referenced in subsections (a) and (b) are withdrawn from all forms of entry and appropriation under the public land laws (including the mining laws); and from the operation of mineral leasing and geothermal steam leasing laws effective upon the date of the enactment of this Act. Such withdrawal shall terminate 45 days after completion of the exchange provided for in subsections (a) and (b) or on the date of notification by Weyerhaeuser of a decision not to complete the exchange.

SEC. 4. DESIGNATION AND USE OF LANDS ACQUIRED BY THE UNITED STATES.

(a) NATIONAL FOREST SYSTEM.—(1) ADDITION TO THE SYSTEM.—Upon acceptance of title by the Secretary of Agriculture, the 140,000 acres of land conveyed to the United States pursuant to Section 3(a)(2)(A) and (B) of this Act shall be administered by the Secretary of Agriculture in accordance with the laws and regulations pertaining to the National Forest system.

(2) PLAN AMENDMENTS.—Within 36 months after the completion of the exchange required by this Act, the Secretary of Agriculture shall amend applicable land and resource management plans and accompanying documents pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976 (16 U.S.C. 1604).

(b) OTHER.—(1) ADDITION TO THE NATIONAL WILDLIFE REFUGE SYSTEM.—Once acquired by the United States, the 25,000 acres of land identified in section 3(a)(2)(A), the Cossatot lands, shall be managed by the Secretary of the Interior as a component of the Cossatot National Wildlife Refuge in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee).

(2) PLAN PREPARATION.—Within 24 months after the completion of the exchange required by this Act, the Secretary of the Interior shall prepare and implement a single refuge management plan for the Cossatot National Wildlife Refuge, as expanded by this Act. Such plans shall recognize the important public purposes served by the nonconsumptive activities, other recreational activities, and wildlife-related public use, including hunting, fishing, and trapping. The plan shall permit, to the maximum extent practicable, compatible uses to the extent that they are consistent with sound wildlife management and in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) and other applicable laws. Any regulations promulgated by the Secretary of the Interior with respect to hunting, fishing, and trapping on those lands shall, to the extent practicable, be consistent with State fish and wildlife laws and regulations. In preparing the management plan and regulations, the Secretary of the Interior shall consult with the Arkansas Game and Fish Commission.

(3) INTERIM USE OF LANDS.—(A) IN GENERAL.—Except as provided in paragraph (2), during the period beginning on the date of the completion of the exchange of lands required by this Act and ending on the first date of the implementation of the plan prepared under paragraph (2), the Secretary of the Interior shall administer all lands added to the Cossatot National Wildlife Refuge pursuant to this Act in accordance with the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) and other applicable laws.

(B) HUNTING SEASONS.—During the period described in subparagraph (A), the duration of any hunting season on the lands described in subsection (1) shall comport with the applicable State law.

SEC. 5. OUACHITA NATIONAL FOREST BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—Upon acceptance of title by the Secretary of Agriculture of the lands conveyed to the United States pursuant to Section 4(a)(2)(B) and (C), the boundaries of the Ouachita National Forest shall be adjusted to encompass those lands conveyed to the United States generally depicted on the maps entitled ''Arkansas-Oklahoma Land Exchange—Weyerhaeuser Oklahoma Lands'' and ''Arkansas-Oklahoma Land Exchange—Weyerhaeuser Arkansas Ouachita Lands'' dated 1995. For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundaries of the Ouachita National Forest, as adjusted by this Act, shall be considered to be the boundaries of the Forest as of January 1, 1965.

(b) MAPS AND BOUNDARY DESCRIPTIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall prepare a boundary description of the lands depicted on the maps referred to in Section 3(a)(2)(B) and (C). Such maps and boundary description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors.

• Mr. NICKLES. Mr. President, today I am introducing the Arkansas-Oklahoma Land Exchange Act of 1995. This

legislation represents several years of work on the part of the U.S. Forest Service, the Weyerhaeuser Co., the Oklahoma and Arkansas congressional delegations, State officials, and local communities. I firmly believe that this land exchange will benefit not only timber resource management, but also wildlife habitat, tourism, recreation, and the economic vitality of the region.

During the course of negotiations, I strongly held that any exchange of lands would have to serve the best interests of Oklahoma citizens and the taxpayer. With this in mind, we crafted a proposal that would represent no cost to the Federal Government and that would allow for an equitable exchange of land and resources between the U.S. Forest Service and the Weyerhaeuser Co.

Specifically, the public, through the U.S. Forest Service, will receive 105,000 acres in southeast Oklahoma adjacent to Broken Bow Lake and near the McCurtain County Wilderness Area, the lower Mountain Fork River, and the Glover River. These acres will become part of the Ouachita National Forest. The U.S. Forest Service will also receive approximately 28,000 acres located near Lake Ouachita in Arkansas and an additional 25,000 acres in Sevier County, AR, to become part of the Cossatot National Wildlife Refuge.

In exchange, the Weyerhaeuser Co. will receive 28,000 acres of land located in the Tiak District of the Ouachita National Forest in McCurtain County, OK. The Tiak District was hand planted in pine timber and has been managed commercially in large blocks by the U.S. Forest Service for many years. In Arkansas, Weyerhaeuser will receive approximately 20,000 acres of scattered tracts located in Garland, Yell, and Perry Counties.

I am committed to ensuring this proposal will not have an adverse impact on school district funding in southeastern Oklahoma. I am presently working with State and local officials, as well as the U.S. Forest Service and Weyerhaeuser, to guarantee an equitable and fair distribution of Forest Service timber receipt payments to local school districts. We are progressing positively and will attempt to reach an agreement before the exchange of lands is authorized to proceed.

I have confidence in Weyerhaeuser's sound forest management practices and its commitment to replanting trees and protecting wildlife. I also have confidence in the U.S. Forest Service's ability to manage the land surrounding Broken Bow Lake as it becomes part of the Ouachita National Forest. I appreciate their commitment to managing our natural resources for the benefit of all citizens, including the development of tourism and recreation in the area.

The Arkansas-Oklahoma Land Exchange Act of 1995 has the support of the Oklahoma Wildlife Federation, the Broken Bow Lake and Mountain Fork River Association, the Idabel Chamber of Commerce, the Broken Bow Chamber of Commerce, and the McCurtain County Chapter of Wild Turkey Federation.●

By Mr. BROWN (for himself, Mr. BRADLEY, Mr. BRYAN, Mr. CHAFEE, and Mr. LAUTENBERG):

S. 1027. A bill to eliminate the quota and price support programs for peanuts, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

PEANUTS LEGISLATION

● Mr. BROWN. Mr. President, later this year Congress will be considering a new farm bill. This bill will guide our farm program into the next century. As we look to the future, we must clean up outdated programs of the past. Senator BRADLEY and I are introducing a bill to eliminate the Federal peanut program.

The peanut program was established as part of the Agricultural Adjustment Act in 1938 when America was emerging from the Great Depression. Insuring a stable supply and price for agricultural commodities, including peanuts, was of great importance during the unstable economic times that followed the Great Depression. Today, however, the peanut program drives up the price for consumers and restricts the number of farmers that can take part in the program.

The peanut program was originally intended to stabilize prices for farmers. Now, it has become a cartel. A small number of farmers own licenses, issued by the USDA, that allow them to participate in the program. These licensed farmers are restricted by a set production quotas reminiscent of communistera central planning. How does someone obtain an allotment under the quota to grow peanuts? The right to participate in the program can be inherited, purchased, or rented. In fact in 1991, 68 percent of the peanuts produced under the peanut program were produced by farmers who rented the right to grow peanuts under the Federal program from licensed quota-owners. Those who rented collectively paid $208 million for the privilege of using someone else's quota.

Farmers who do not own and are not able to rent a quota allotment are shut out of the peanut cartel. They cannot sell their peanuts on the U.S. free market. Unlicensed peanut farmers have only two options. They can sell their peanuts on the international markets where they receive only about half what quota-owners are assured through the Federal program. They also could sell their peanuts to the Federal Government for one-fifth the price the quota-owners receive, which is below the cost to produce the peanuts.

While the peanut cartel benefits a small number of quota-owners, it gouges the American consumer. This program makes peanuts and peanut butter more expensive to Americans. In a 1993 report, the General Accounting Office estimated that the current program cost the U.S. peanut consumer between $314–$513 million per year in higher prices.

The peanut program differs significantly from other commodity programs. Commodity programs should provide a measure of stability to the agriculture industry and insure an abundant supply of food at a reasonable price. The peanut program does not accomplish this goal. The current peanut program prevents farmers who do not own or cannot rent a quota from selling on the U.S. market. The current program artificially raises the price of peanuts and peanut products to U.S. consumers.

Consumers do not benefit from the program. Most of the peanut growers do not benefit from the program. The peanut program only benefits a small number of people who own a quota license.

This program is simply a bad program that needs to be eliminated. The agriculture industry has under gone a significant change since its inception. America and the American farmer have outgrown the peanut program.●

● Mr. BRADLEY. Mr. President, today, Senator BROWN and I are introducing legislation to end the Federal peanut program, a system of production quotas, price support loans and import restrictions which benefit a privileged few at great cost to American taxpayers and consumers.

You do not have to be a peanut farmer to take advantage of the peanut program. In fact, you do not have to be farmer at all. You just have to be lucky enough to inherit—or rich enough to buy—a quota. Quota holders live all over the United States and in foreign countries as far away as Hong Kong and Great Britain.

The Federal peanut program has been in place since the 1930's. It places strict quotas on peanut production, which drive up the cost to consumers by as much as $500 million a year, according to the American Peanut Product Manufacturers.

Farmers who wish to grow peanuts for human consumption in the United States must own or lease a quota. And while quotas are assigned to particular farms, they can be rented or sold to someone else within the same county.

The GAO reports that 68 percent of all quota owners merely rent out their quotas to others. Even worse, fewer than 22 percent of all quota holders control 80 percent of the total U.S. peanut quota.

This program does nothing to help American farmers. It simply lines the pockets of what amounts to a Park Avenue peanut cartel.

Additionally, the Government provides Federal price support loans of $678 per ton for peanuts grown within the quota limits, despite the fact that the world price for peanuts is only $350 per ton. If a farmer cannot sell his crop, he can forfeit it to the Government in return for the Federal price support. These price supports will cost American taxpayers $119 million in 1995.

This program turns market capitalism on its head. It forces consumers to pay twice as much for peanuts than they otherwise would pay. Ironically, high peanut prices are shrinking the market for peanut products. At this rate, we're going to make peanut butter and jelly a delicacy.

For the dynasty of peanut quota holders, this program is the greatest thing since sliced bread. But for everyone else, it is a shell game you cannot win. The peanut program does not need overhauling, it needs to end now.●

ADDITIONAL COSPONSORS

S. 256

At the request of Mr. DOLE, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 256, a bill to amend title 10, United States Code, to establish procedures for determining the status of certain missing members of the Armed Forces and certain civilians, and for other purposes.

S. 332

At the request of Mr. CONRAD, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 332, a bill to provide means of limiting the exposure of children to violent programming on television, and for other purposes.

S. 394

At the request of Mr. D'AMATO, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 394, a bill to clarify the liability of banking and lending agencies, lenders, and fiduciaries, and for other purposes.

S. 620

At the request of Mr. CRAIG, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 620, a bill to direct the Secretary of the Interior to convey, upon request, certain property in Federal reclamation projects to beneficiaries of the projects and to set forth a distribution scheme for revenues from reclamation project lands.

S. 741

At the request of Mr. PRESSLER, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 741, a bill to require the Army Corps of Engineers to take such actions as are necessary to obtain and maintain a specified maximum high water level in Lake Traverse, South Dakota and Minnesota, and for other purposes.

S. 800

At the request of Mr. COCHRAN, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 800, a bill to provide for hearing care services by audiologists to Federal civilian employees.

S. 877

At the request of Mrs. HUTCHISON, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 877, a bill to amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section.

S. 917

At the request of Mr. DOMENICI, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 917, a bill to facilitate small business involvement in the regulatory development processes of the Environmental Protection Agency and the Occupational Safety and Health Administration, and for other purposes.

S. 942

At the request of Mr. BOND, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 942, a bill to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, to provide relief from excessive and arbitary regulatory enforcement actions against small entities, and for other purposes.

SENATE JOINT RESOLUTION 37

At the request of Mr. FEINGOLD, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Joint Resolution 37, a joint resolution disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China.

SENATE RESOLUTION 103

At the request of Mr. DOMENICI, the names of the Senator from Indiana [Mr. COATS], the Senator from Iowa [Mr. GRASSLEY], the Senator from Utah [Mr. HATCH], the Senator from Arizona [Mr. MCCAIN], the Senator from Nevada [Mr. REID], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Montana [Mr. BURNS], the Senator from Florida [Mr. GRAHAM], the Senator from Virginia [Mr. WARNER], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Resolution 103, a resolution to proclaim the week of October 15 through October 21, 1995, as National Character Counts Week, and for other purposes.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as ''National Family Week'', and for other purposes.

SENATE RESOLUTION 149—RELATIVE TO A SERIES OF UNDERGROUND NUCLEAR TEST EXPLOSIONS

Mr. AKAKA submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 149

Whereas the President of France stated on June 13, 1995, that the Republic of France plans to conduct 8 nuclear test explosions over the next several months;

Whereas the United States, France, Russia, and Great Britain have observed a moratorium on nuclear testing since 1992;

Whereas a resumption of testing by the Republic of France could result in the disintegration of the current testing moratorium and a renewal of underground testing by other nuclear weapon states;

Whereas a resumption of nuclear testing raises serious environmental and health concerns;

Whereas the United Nations Conference on Disarmament presently is meeting in Geneva, Switzerland, for the purpose of negotiating a Comprehensive Nuclear Test Ban Treaty (CTBT), which would halt permanently the practice of conducting nuclear test explosions; and

Whereas the announcement by the President of France severely undermines the efforts of the international community to conclude a CTBT by 1996, a goal endorsed by 175 nations, including France and the United States, at the recently completed NPT Extension and Review Conference (the conference for the extension and review of the Nuclear Non-Proliferation Treaty): Now, therefore, be it

Resolved, That it is the sense of the Senate that the Republic of France should abide by the current international moratorium on nuclear test explosions, refrain from proceeding with its announced intention of conducting a series of nuclear tests in advance of a Comprehensive Test Ban Treaty, and initiate preparations to close its underground test sites at the Mururoa and Fangataufa atolls.

● Mr. AKAKA. Mr. President, today I submit a resolution which expresses the sense of the Senate regarding the Republic of France's intention to conduct a series of underground nuclear test explosions despite the current international moratorium on nuclear testing.

On June 13, 1995, French President Jacques Chirac announced that the Republic of France planned to resume nuclear testing in the South Pacific. A series of eight underground tests are planned beginning September, 1995 and ending in May, 1996 at the Mururoa and Fangataufa atolls located in French Polynesia.

Following the French announcement, I contacted the White House to urge

President Clinton to convey the concerns of the United States and the Pacific island nations to France over its resumption of nuclear testing. We in the Pacific, more than any other region in the world, know the ramifications of nuclear testing. We only have to look at what happened to Bikini, Enewetak, or Rongelap Atolls in the Marshall Islands to understand the long-term damage to human lives and the environment that can occur as a result of nuclear testing. I have visited these atolls and I can attest to the plight of the native peoples in these areas. The U.S. nuclear testing between 1950 and 1960 resulted in epidemic-like outbreaks in these communities, including damage to the nervous system, paralysis, impaired vision, and increased rates of cancer. Even a half century later, the effects are still being felt. To this date, clean up efforts have been difficult and slow, and some residents have not been able to return to their homelands.

In May, the world's five nuclear powers—the United States, France, Russia, China, and Britain—persuaded the rest of the world to indefinitely extend the nuclear Non-Proliferation Treaty. To win that consensus, the five countries promised to sign a Comprehensive Test Ban Treaty by the end of next year. The resumption of French nuclear testing seriously undermines these international efforts to curb the proliferation of nuclear weapons.

We cannot ignore the resumption of nuclear testing by France. By adopting this resolution, the Senate will strongly encourage France to abide by the current international moratorium on nuclear testing and refrain from proceeding with its announced intention of conducting a series of nuclear tests in advance of a Comprehensive Test Ban Treaty.●

AMENDMENTS SUBMITTED

THE COMPREHENSIVE REGULATORY REFORM ACT OF 1995

HATCH AMENDMENT NO. 1498

Mr. HATCH proposed an amendment to amendment No. 1487 proposed by Mr. DOLE to the bill (S. 343) to reform the regulatory process, and for other purposes; as follows:

Delete all of section 635 (page 61, line 1 through page 64, line 14 and insert the following new section 635:

SECTION 635. RISK-BASED PRIORITIES.

(a) PURPOSES.—The purposes of this section are to—

(1) encourage Federal agencies engaged in regulating risks to human health, safety, and the environment to achieve the greatest risk reduction at the least cost practical;

(2) promote the coordination of policies and programs to reduce risks to human health, safety, and the environment; and

(3) promote open communication among Federal agencies, the public, the President, and Congress regarding environmental, health, and safety risks, and the prevention and management of those risks.

(b) DEFINITIONS.—For the purposes of this section:

(1) COMPARATIVE RISK ANALYSIS.—The term ''comparative risk analysis'' means a process to systematically estimate, compare, and rank the size and severity of risks to provide a common basis for evaluating strategies for reducing or preventing those risks.

(2) COVERED AGENCY.—The term ''covered agency'' means each of the following:

(A) The Environmental Protection Agency.

(B) The Department of Labor.

(C) The Department of Transportation.

(D) The Food and Drug Administration.

(E) The Department of Energy.

(F) The Department of the Interior.

(G) The Department of Agriculture.

(H) The Consumer Product Safety Commission.

(I) The National Oceanic and Atmospheric Administration.

(J) The United States Army Corps of Engineers.

(K) The Nuclear Regulatory Commission.

(3) EFFECT.—The term ''effect'' means a deleterious change in the condition of—

(A) a human or other living thing (including death, cancer, or other chronic illness, decreased reproductive capacity, or disfigurement); or

(B) an inanimate thing important to human welfare (including destruction, degeneration, the loss of intended function, and increased costs for maintenance).

(4) IRREVERSIBILITY.—The term ''irreversibility'' means the extent to which a return to conditions before the occurrence of an effect are either very slow or will never occur.

(5) LIKELIHOOD.—The term ''likelihood'' means the estimated probability that an effect will occur.

(6) MAGNITUDE.—The term ''magnitude'' means the number of individuals or the quantity of ecological resources or other resources that contribute to human welfare that are affected by exposure to a stressor.

(7) SERIOUSNESS.—The term ''seriousness'' means the intensity of effect, the likelihood, the irreversibility, and the magnitude.

(c) DEPARTMENT AND AGENCY PROGRAM GOALS.—

(1) SETTING PRIORITIES.—In exercising authority under applicable laws protecting human health, safety, or the environment, the head of each covered agency should set priorities and use the resources available under those laws to address those risks to human health, safety, and the environment that—

(A) the covered agency determines to be the most serious; and

(B) can be addressed in a cost-effective manner, with the goal of achieving the greatest overall net reduction in risks with the public and private sector resources expended.

(2) DETERMINING THE MOST SERIOUS RISKS.—In identifying the greatest risks under paragraph (1) of this subsection, each covered agency shall consider, at a minimum—

(A) the likelihood, irreversibility, and severity of the effect; and

(B) the number and classes of individuals potentially affected, and shall explicitly take into account the results of the comparative risk analysis conducted under subsection (d) of this section.

(3) OMB REVIEW.—The covered agency's determinations of the most serious risks for purposes of setting priorities shall be reviewed and approved by the Director of the Office of Management and Budget before submission of the covered agency's annual budget requests to Congress.

(4) INCORPORATING RISK-BASED PRIORITIES INTO BUDGET AND PLANNING.—The head of each covered agency shall incorporate the priorities identified under paragraph (1) into the agency budget, strategic planning, regulatory agenda, enforcement, and research activities. When submitting its budget request to Congress and when announcing its regulatory agenda in the Federal Register, each covered agency shall identify the risks that the covered agency head has determined are the most serious and can be addressed in a cost-effective manner under paragraph (1), the basis for that determination, and explicitly identify how the covered agency's requested budget and regulatory agenda reflect those priorities.

(5) EFFECTIVE DATE.—This subsection shall take effect 12 months after the date of enactment of this Act.

(d) COMPARATIVE RISK ANALYSIS.—

(1) REQUIREMENT.—(A)(i) No later than 6 months after the effective date of this Act, the Director of the Office of Management and Budget shall enter into appropriate arrangements with an accredited scientific body—

(I) to conduct a study of the methodologies for using comparative risk to rank dissimilar human health, safety, and environmental risks; and

(II) to conduct a comparative risk analysis.

(ii) The comparative risk analysis shall compare and rank, to the extent feasible, human health, safety, and environmental risks potentially regulated across the spectrum of programs administered by all covered agencies.

(B) The Director shall consult with the Office of Science and Technology Policy regarding the scope of the study and the conduct of the comparative risk analysis.

(2) CRITERIA.—In arranging for the comparative risk analysis referred to in paragraph (1) of this subsection, the Director shall ensure that—

(A) the scope and specificity of the analysis are sufficient to provide the President and agency heads guidance in allocating resources across agencies and among programs in agencies to achieve the greatest degree of risk prevention and reduction for the public and private resources expended;

(B) the analysis is conducted through an open process, by individuals with relevant expertise, including toxicologists, biologists, engineers and experts in medicine, industrial hygiene and environmental effects;

(C) the analysis is conducted, to the extent feasible, consistent with the risk assessment and risk characterization principles in sections 635 and 636 of this title;

(D) the methodologies and principle scientific determinations made in the analysis are subjected to independent and external peer review consistent with section 635, and the conclusions of the peer review are made publicly available as part of the final report required under subsection (e);

(E) there is an opportunity for public comment on the results before making them final; and

(F) the results are presented in a manner that distinguishes between the scientific conclusions and any policy or value judgments embodied in the comparisons.

(3) COMPLETION AND REVIEW.—No later than 3 years after the effective date of this Act, the comparative risk analysis required under paragraph (1) shall be completed. The comparative risk analysis shall be reviewed and revised at least every 5 years thereafter for a minimum of 15 years following the release of the first analysis. The Director shall arrange for such review and revision with an accredited scientific body in the same manner as provided under paragraphs (1) and (2).

(4) STUDY.—The study of methodologies provided under paragraph (1) shall be conducted as part of the first comparative risk

analysis and shall be completed no later than 180 days after the completion of that analysis. The goal of the study shall be to develop and rigorously test methods of comparative risk analysis. The study shall have sufficient scope and breadth to test approaches for improving comparative risk analysis and its use in setting priorities for human health, safety, and environmental risk prevention and reduction.

(5) TECHNICAL GUIDANCE.—No later than 180 days after the effective date of this Act, the Director, in collaboration with other heads of covered agencies shall enter into a contract with the National Research Council to provide technical guidance to agencies on approaches to using comparative risk analysis in setting human health, safety, and environmental priorities to assist in complying with subsection (c) of this section.

(e) REPORTS AND RECOMMENDATIONS TO CONGRESS AND THE PRESIDENT.—No later than 24 months after the effective date of this Act, each covered agency shall submit a report to Congress and the President—

(1) detailing how the agency has complied with subsection (c) and describing the reasons for any departure from the requirement to establish priorities to achieve the greatest overall net reduction in risk;

(2) recommending—

(A) modification, repeal, or enactment of laws reform, eliminate, or enhance programs or mandates relating to human health, safety, or the environment; and

(B) modification or elimination of statutorily or judicially mandated deadlines,

that would assist the covered agency to set priorities in activities to address the risks to human health, safety, or the environment in a manner consistent with the requirements of subsection (c)(1);

(3) evaluating the categories of policy and value judgments used in risk assessment, risk characterization, or cost-benefit analysis; and

(4) discussing risk assessment research and training needs, and the agency's strategy and schedule for meeting those needs.

(f) SAVINGS PROVISION AND JUDICIAL REVIEW.—

(1) IN GENERAL.—Nothing in this section shall be construed to modify any statutory standard or requirement designed to protect human health, safety, or the environment.

(2) JUDICAL REVIEW.—Compliance or noncompliance by an agency with the provisions of this section shall not be subject to judicial review.

(3) AGENCY ANALYSIS.—Any analysis prepared under this section shall not be subject to judicial consideration separate or apart from the requirement, rule, program, or law to which it relates. When an action for judicial review of a covered agency action is instituted, any analysis for, or relating to, the action shall constitute part of the whole record of agency action for the purpose of judicial review of the action and shall, to the extent relevant, be considered by a court in determining the legality of the covered agency action.

HATCH AMENDMENT NO. 1499

Mr. HATCH proposed an amendment to amendment No. 1498 proposed by him to the bill S. 343, supra; as follows:

In lieu of the language proposed to be inserted, insert:

SECTION 635. RISK-BASED PRIORITIES.

(a) PURPOSES.—The proposes of this section are to—

(1) encourage Federal agencies engaged in regulating risks to human health, safety, and the environment to achieve the greatest risk reduction at the least cost practical;

(2) promote the coordination of policies and programs to reduce risks to human health, safety, and the environment; and

(3) promote open communication among Federal agencies, the public, the President, and Congress regarding environmental, health, and safety risks, and the prevention and management of those risks.

(b) DEFINITIONS.—For the purposes of this section:

(1) COMPARATIVE RISK ANALYSIS.—The term ''comparative risk analysis'' means a process to systematically estimate, compare, and rank the size and severity of risks to provide a common basis for evaluating strategies for reducing or preventing those risks.

(2) COVERED AGENCY.—The term ''covered agency'' means each of the following:

(A) The Environmental Protection Agency.

(B) The Department of Labor.

(C) The Department of Transportation.

(D) The Food and Drug Administration.

(E) The Department of Energy.

(F) The Department of the Interior.

(G) The Department of Agriculture.

(H) The Consumer Product Safety Commission.

(I) The National Oceanic and Atmospheric Administration.

(J) The United States Army Corps of Engineers.

(K) The Nuclear Regulatory Commission.

(3) EFFECT.—The term ''effect'' means a deleterious change in the condition of—

(A) a human or other living thing (including death, cancer, or other chronic illness, decreased reproductive capacity, or disfigurement); or

(B) an inanimate thing important to human welfare (including destruction, degeneration, the loss of intended function, and increased costs for maintenance).

(4) IRREVERSIBILITY.—The term ''irreversibility'' means the extent to which a return to conditions before the occurrence of an effect are either very slow or will never occur.

(5) LIKELIHOOD.—The term ''likelihood'' means the estimated probability that an effect will occur.

(6) MAGNITUDE.—The term ''magnitude'' means the number of individuals or the quantity of ecological resources or other resources that contribute to human welfare that are affected by exposure to a stressor.

(7) SERIOUSNESS.—The term ''seriousness'' means the intensity of effect, the likelihood, the irreversibility, and the magnitude.

(c) DEPARTMENT AND AGENCY PROGRAM GOALS.—

(1) SETTING PRIORITIES.—In exercising authority under applicable laws protecting human health, safety, or the environment, the head of each covered agency should set priorities and use the resources available under those laws to address those risks to human health, safety, and the environment that—

(A) the covered agency determines to be the most serious, and

(B) can be addressed in a cost-effective manner, with the goal of achieving the greatest overall net reduction in risks with the public and private sector resources expended.

(2) DETERMINING THE MOST SERIOUS RISKS.—In identifying the greatest risks under paragraph (1) of this subsection, each covered agency shall consider, at a minimum—

(A) the likelihood, irreversibility, and severity of the effect; and

(B) the number and classes of individuals potentially affected, and shall explicitly take into account the results of the comparative risk analysis conducted under subsection (d) of this section.

(3) OMB REVIEW.—The covered agency's determinations of the most serious risks for purposes of setting priorities shall be reviewed and approved by the Director of the Office of Management and Budget before submission of the covered agency's annual budget requests to Congress.

(4) INCORPORATING RISK-BASED PRIORITIES INTO BUDGET AND PLANNING.—The head of each covered agency shall incorporate the priorities identified under paragraph (1) into the agency budget, strategic planning, regulatory agenda, enforcement, and research activities. When submitting its budget request to Congress and when announcing its regulatory agenda in the Federal Register, each covered agency shall identify the risks that the covered agency head has determined are the most serious and can be addressed in a cost-effective manner under paragraph (1), the basis for that determination, and explicitly identify how the covered agency's requested budget and regulatory agenda reflect those priorities.

(5) EFFECTIVE DATE.—This subsection shall take effect 12 months after the date of enactment of this Act.

(d) COMPARATIVE RISK ANALYSIS.—

(1) REQUIREMENT.—(A)(i) No later than 6 months after the effective date of this Act, the Director of the Office of Management and Budget shall enter into appropriate arrangements with an accredited scientific body—

(I) to conduct a study of the methodologies for using comparative risk to rank dissimilar human health, safety, and environmental risks; and

(II) to conduct a comparative risk analysis.

(ii) The comparative risk analysis shall compare and rank, to the extent feasible, human health, safety, and environmental risks potentially regulated across the spectrum of programs administered by all covered agencies.

(B) The Director shall consult with the Office of Science and Technology Policy regarding the scope of the study and the conduct of the comparative risk analysis.

(2) CRITERIA.—In arranging for the comparative risk analysis referred to in paragraph (1) of this subsection, the Director shall ensure that—

(A) the scope and specificity of the analysis are sufficient to provide the President and agency heads guidance in allocating resources across agencies and among programs in agencies to achieve the greatest degree of risk prevention and reduction for the public and private resources expended;

(B) the analysis is conducted through an open process, by individuals with relevant expertise, including toxicologists, biologists, engineers and experts in medicine, industrial hygiene and environmental effects;

(C) the analysis is conducted, to the extent feasible, consistent with the risk assessment and risk characterization principles in section 633 of this title;

(D) the methodologies and principal scientific determinations made in the analysis are subjected to independent and external peer review consistent with section 633(g), and the conclusions of the peer review are made publicly available as part of the final report required under subsection (e);

(E) there is an opportunity for public comment on the results before making them final; and

(F) the results are presented in a manner that distinguishes between the scientific conclusions and any policy or value judgments embodied in the comparisons.

(3) COMPLETION AND REVIEW.—No later than 3 years after the effective date of this Act, the comparative risk analysis required under paragraph (1) shall be completed. The comparative risk analysis shall be reviewed and revised at least every 5 years thereafter for a minimum of 15 years following the release of the first analysis. The Director shall arrange for such review and revision with an

accredited scientific body in the same manner as provided under paragraphs (1) and (2).

(4) STUDY.—The study of methodologies provided under paragraph (1) shall be conducted as part of the first comparative risk analysis and shall be completed no later than 180 days after the completion of that analysis. The goal of the study shall be to develop and rigorously test methods of comparative risk analysis. The study shall have sufficient scope and breadth to test approaches for improving comparative risk analysis and its use in setting priorities for human health, safety, and environmental risk prevention and reduction.

(5) TECHNICAL GUIDANCE.—No later than 180 days after the effective date of this Act, the Director, in collaboration with other heads of covered agencies shall enter into a contract with the National Research Council to provide technical guidance to agencies on approaches to using comparative risk analysis in setting human health, safety, and environmental priorities to assist agencies in complying with subsection (c) of this section.

(e) REPORTS AND RECOMMENDATIONS TO CONGRESS AND THE PRESIDENT.—No later than 24 months after the effective date of this Act, each covered agency shall submit a report to Congress and the President—

(1) detailing how the agency has complied with subsection (c) and describing the reasons for any departure from the requirement to establish priorities to achieve the greatest overall net reduction in risk;

(2) recommending—

(A) modification, repeal, or enactment of laws to reform, eliminate, or enhance programs or mandates relating to human health, safety, or the environment; and

(B) modification or elimination of statutorily or judicially mandated deadlines,

that would assist the covered agency to set priorities in activities to address the risks to human health, safety, or the environment in a manner consistent with the requirements of subsection (c)(1);

(3) evaluating the categories of policy and value judgments used in risk assessment, risk characterization, or cost-benefit analysis; and

(4) discussing risk assessment research and training needs, and the agency's strategy and schedule for meeting those needs.

(f) SAVINGS PROVISION AND JUDICIAL REVIEW.—

(1) IN GENERAL.—Nothing in this section shall be construed to modify any statutory standard or requirement designed to protect human health, safety, or the environment.

(2) JUDICIAL REVIEW.—Compliance or noncompliance by an agency with the provisions of this section shall not be subject to judicial review.

(3) AGENCY ANALYSIS.—Any analysis prepared under this section shall not be subject to judicial consideration separate or apart from the requirement, rule, program, or law to which it relates. When an action for judicial review of a covered agency action is instituted, any analysis for, or relating to, the action shall constitute part of the whole record of agency action for the purpose of judicial review of the action and shall, to the extent relevant, be considered by a court in determining the legality of the covered agency action.

ROTH AMENDMENT NO. 1500

Mr. HATCH (for Mr. ROTH) proposed an amendment to the bill S. 343, supra; as follows:

Strike the word ''analysis'' in the bill and insert the following:

''analysis.

''Section 635 is deemed to read as follows:

SEC. 635. RISK-BASED PRIORITIES.

(a) PURPOSES.—The purposes of this section are to—

(1) encourage Federal agencies engaged in regulating risks to human health, safety, and the environment to achieve the greatest risk reduction at the least cost practical;

(2) promote the coordination of policies and programs to reduce risks to human health, safety, and the environment; and

(3) promote open communication among Federal agencies, the public, the President, and Congress regarding environmental, health, and safety risks, and the prevention and management of those risks.

(b) DEFINITIONS.—For the purposes of this section:

(1) COMPARATIVE RISK ANALYSIS.—The term ''comparative risk analysis'' means a process to systematically estimate, compare, and rank the size and severity of risks to provide a common basis for evaluating strategies for reducing or preventing those risks.

(2) COVERED AGENCY.—the term ''covered agency'' means each of the following:

(A) The Environmental Protection Agency:

(B) The Department of Labor.

(C) The Department of Transportation.

(D) The Food and Drug Administration.

(E) The Department of Energy.

(F) The Department of the Interior.

(G) The Department of Agriculture.

(H) The Consumer Product Safety Commission.

(I) The National Oceanic and Atmospheric Administration.

(J) The United States Army Corps of Engineers.

(K) The Nuclear Regulatory Commission.

(3) EFFECT.—The term ''effect'' means a deleterious change in the condition of—

(A) a human or other living thing (including death, cancer, or other chronic illness, decreased reproductive capacity, or disfigurement); or

(B) an inanimate thing important to human welfare (including destruction, degeneration, the loss of intended function, and increased costs for maintenance).

(4) IRREVERSIBILITY.—The term ''irreversibility'' means the extent to which a return to conditions before the occurrence of an effect are either very slow or will never occur.

(5) LIKELIHOOD.—The term ''likelihood'' means the estimated probability that an effect will occur.

(6) MAGNITUDE.—The term ''magnitude'' means the number of individuals or the quantity of ecological resources or other resources that contribute to human welfare that are affected by exposure to a stressor.

(7) SERIOUSNESS.—The term ''seriousness'' means the intensity of effect, the likelihood, the irreversibility, and the magnitude.

(c) DEPARTMENT AND AGENCY PROGRAM GOALS.—

(1) SETTING PRIORITIES.—In exercising authority under applicable laws protecting human health, safety, or the environment, the head of each covered agency should set priorities and use the resources available under those laws to address those risks to human health, safety, and the environment that—

(A) the covered agency determines to be the most serious; and

(B) can be addressed in a cost-effective manner, with the goal of achieving the greatest overall net reduction in risks with the public and private sector resources expended.

(2) DETERMINING THE MOST SERIOUS RISKS.—In identifying the greatest risks under paragraph (1) of this subsection, each covered agency shall consider, at a minimum—

(A) the likelihood, irreversibility, and severity of the effect; and

(B) the number and classes of individuals potentially affected, and shall explicitly take into account the results of the comparative risk analysis conducted under subsection (d) of this section.

(3) OMB REVIEW.—The covered agency's determinations of the most serious risks for purposes of setting priorities shall be reviewed and approved by the Director of the Office of Management and Budget before submission of the covered agency's annual budget requests to Congress.

(4) INCORPORATING RISK-BASED PRIORITIES INTO BUDGET AND PLANNING.—The head of each covered agency shall incorporate the priorities identified under paragraph (1) into the agency budget, strategic planning, regulatory agenda, enforcement, and research activities. When submitting its budget request to Congress and when announcing its regulatory agenda in the Federal Register, each covered agency shall identify the risks that the covered agency head has determined are the most serious and can be addressed in a cost-effective manner under paragraph (1), the basis for that determination, and explicitly identify how the covered agency's requested budget and regulatory agenda reflect those priorities.

(5) EFFECTIVE DATE.—This subsection shall take effect 12 months after the date of enactment of this Act.

(d) COMPARATIVE RISK ANALYSIS.—

(1) REQUIREMENT.—(A)(i) No later than 6 months after the effective date of this Act, the Director of the Office of Management and Budget shall enter into appropriate arrangements with an accredited scientific body—

(I) to conduct a study of the methodologies for using comparative risk to rank dissimilar human health, safety, and environmental risks; and

(II) to conduct a comparative risk analysis.

(ii) The comparative risk analysis shall compare and rank, to the extent feasible, human health, safety, and environmental risks potentially regulated across the spectrum of programs administered by all covered agencies.

(B) The Director shall consult with the Office of Science and Technology Policy regarding the scope of the study and the conduct of the comparative risk analysis.

(2) CRITERIA.—In arranging for the comparative risk analysis referred to in paragraph (1) of this subsection, the Director shall ensure that—

(A) the scope and specificity of the analysis are sufficient to provide the President and agency heads guidance in allocating resources across agencies and among programs in agencies to achieve the greatest degree of risk prevention and reduction for the public and private resources expended;

(B) the analysis is conducted through an open process, by individuals with relevant expertise, including toxicologists, biologists, engineers and experts in medicine, industrial hygiene and environmental effects;

(C) the analysis is conducted, to the extent feasible, consistent with the risk assessment and risk characterization principles in sections 635 and 636 of this title;

(D) the methodologies and principal scientific determinations made in the analysis are subjected to independent and external peer review consistent with section 635, and the conclusions of the peer review are made publicly available as part of the final report required under subsection (e);

(E) there is an opportunity for public comment on the results before making them final; and

(F) the results are presented in a manner that distinguishes between the scientific

conclusions and any policy or value judgments embodied in the comparisons.

(3) COMPLETION AND REVIEW.—No later than 3 years after the effective date of this Act, the comparative risk analysis required under paragraph (1) shall be completed. The comparative risk analysis shall be reviewed and revised at least every 5 years thereafter for a minimum of 15 years following the release of the first analysis. The Director shall arrange for such review and revision with an accredited scientific body in the same manner as provided under paragraphs (1) and (2).

(4) STUDY.—The study of methodologies provided under paragraph (1) shall be conducted as part of the first comparative risk analysis and shall be completed no later than 180 days after the completion of that analysis. The goal of the study shall be to develop and rigorously test methods of comparative risk analysis. The study shall have sufficient scope and breadth to test approaches for improving comparative risk analysis and its use in setting priorities for human health, safety, and environmental risk prevention and reduction.

(5) TECHNICAL GUIDANCE.— No later than 180 days after the effective date of this Act, the Director, in collaboration with other heads of covered agencies shall enter into a contract with the National Research Council to provide technical guidance to agencies on approaches to using comparative risk analysis in setting human health, safety, and environmental priorities to assist agencies in complying with subsection (c) of this section.

(e) REPORTS AND RECOMMENDATIONS TO CONGRESS AND THE PRESIDENT.—No later than 24 months after the effective date of this Act, each covered agency shall submit a report to Congress and the President—

(1) detailing how the agency has complied with subsection (c) and describing the reasons for any departure from the requirement to establish priorities to achieve the greatest overall net reduction in risk;

(2) recommending—

(A) modification, repeal, or enactment of laws to reform, eliminate, or enhance programs or mandates relating to human health, safety, or the environment; and

(B) modification or elimination of statutorily or judicially mandated deadlines,

that would assist the covered agency to set priorities in activities to address the risks to human health, safety, or the environment in a manner consistent with the requirements of subsection (c)(1);

(3) evaluating the categories of policy and value judgments used in risk assessment, risk characterization, or cost-benefit analysis; and

(4) discussing risk assessment research and training needs, and the agency's strategy and schedule for meeting those needs.

(f) SAVINGS PROVISION AND JUDICIAL REVIEW.—

(1) IN GENERAL.—Nothing in this section shall be construed to modify any statutory standard or requirement designed to protect human health, safety, or the environment.

(2) JUDICIAL REVIEW.—Compliance or noncompliance by an agency with the provisions of this section shall not be subject to judicial review.

(3) AGENCY ANALYSIS.—Any analysis prepared under this section shall not be subject to judicial consideration separate or apart from the requirement, rule, program, or law to which it relates. When an action for judicial review of a covered agency action is instituted, any analysis for, or relating to, the action shall constitute part of the whole record of agency action for the purpose of judicial review of the action and shall, to the extent relevant, be considered by a court in determining the legality of the covered agency action.

ROTH AMENDMENT NO. 1501

Mr. HATCH (for Mr. ROTH) proposed an amendment No. 1500 proposed by Mr. ROTH to the bill S. 343, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

analysis.

SEC. 635. RISK-BASED PRIORITIES.

(a) PURPOSES.—The purposes of this section are to—

(1) encourage Federal agencies engaged in regulating risks to human health, safety, and the environment to achieve the greatest risk reduction at the least cost practical;

(2) promote the coordination of policies and programs to reduce risks to human health, safety, and the environment; and

(3) promote open communication among Federal agencies, the public, the President, and Congress regarding environmental, health, and safety risks, and the prevention and management of those risks.

(b) DEFINITIONS.—For the purposes of this section:

(1) COMPARATIVE RISK ANALYSIS.—The term ''comparative risk analysis'' means a process to systematically estimate, compare, and rank the size and severity of risks to provide a common basis for evaluating strategies for reducing or preventing those risks.

(2) COVERED AGENCY.—The term ''covered agency'' means each of the following:

(A) The Environmental Protection Agency.

(B) The Department of Labor.

(C) The Department of Transportation.

(D) The Food and Drug Administration.

(E) The Department of Energy.

(F) The Department of the Interior.

(G) The Department of Agriculture.

(H) The Consumer Product Safety Commission.

(I) The National Oceanic and Atmospheric Administration.

(J) The United States Army Corps of Engineers.

(K) The Nuclear Regulatory Commission.

(3) EFFECT.—The term ''effect'' means a deleterious change in the condition of—

(A) a human or other living thing (including death, cancer, or other chronic illness, decreased reproductive capacity, or disfigurement); or

(B) an inanimate thing important to human welfare (including destruction, degeneration, the loss of intended function, and increased costs for maintenance).

(4) IRREVERSIBILITY.—The term ''irreversibility'' means the extent to which a return to conditions before the occurrence of an effect are either very slow or will never occur.

(5) LIKELIHOOD.—The term ''likelihood'' means the estimated probability that an effect will occur.

(6) MAGNITUDE.—The term ''magnitude'' means the number of individuals or the quantity of ecological resources or other resources that contribute to human welfare that are affected by exposure to a stressor.

(7) SERIOUSNESS.—The term ''seriousness'' means the intensity of effect, the likelihood, the irreversibility, and the magnitude.

(c) DEPARTMENT AND AGENCY PROGRAM GOALS.—

(1) SETTING PRIORITIES.—In exercising authority under applicable laws protecting human health, safety, or the environment, the head of each covered agency should set priorities and use the resources available under those laws to address those risks to human health, safety, and the environment that—

(A) the covered agency determines to be the most serious; and

(B) can be addressed in a cost-effective manner, with the goal of achieving the greatest overall net reduction in risks with the public and private sector resources expended.

(2) DETERMINING THE MOST SERIOUS RISKS.—In identifying the greatest risks under paragraph (1) of this subsection, each covered agency shall consider, at a minimum—

(A) the likelihood, irreversibility, and severity of the effect; and

(B) the number and classes of individuals potentially affected, and shall explicitly take into account the results of the comparative risk analysis conducted under subsection (d) of this section.

(3) OMB REVIEW.—The covered agency's determinations of the most serious risks for purposes of setting priorities shall be reviewed and approved by the Director of the Office of Management and Budget before submission of the covered agency's annual budget requests to Congress.

(4) INCORPORATING RISK-BASED PRIORITIES INTO BUDGET AND PLANNING.—The head of each covered agency shall incorporate the priorities identified under paragraph (1) into the agency budget, strategic planning, regulatory agenda, enforcement, and research activities. When submitting its budget request to Congress and when announcing its regulatory agenda in the Federal Register, each covered agency shall identify the risks that the covered agency head has determined are the most serious and can be addressed in a cost-effective manner under paragraph (1), the basis for that determination, and explicitly identify how the covered agency's requested budget and regulatory agenda reflect those priorities.

(5) EFFECTIVE DATE.—This subsection shall take effect 12 months after the date of enactment of this Act.

(d) COMPARATIVE RISK ANALYSIS.—

(1) REQUIREMENT.—(A)(i) No later than 6 months after the effective date of this Act, the Director of the Office of Management and Budget shall enter into appropriate arrangements with an accredited scientific body—

(I) to conduct a study of the methodologies for using comparative risk to rank dissimilar human health, safety, and environmental risks; and

(II) to conduct a comparative risk analysis.

(ii) the comparative risk analysis shall compare and rank, to the extent feasible, human health, safety, and environmental risks potentially regulated across the spectrum of programs administered by all covered agencies.

(B) The Director shall consult with the Office of Science and Technology Policy regarding the scope of the study and the conduct of the comparative risk analysis.

(2) CRITERIA.—In arranging for the comparative risk analysis referred to in paragraph (1) of this subsection, the Director shall ensure that—

(A) the scope and specificity of the analysis are sufficient to provide the President and agency heads guidance in allocating resources across agencies and among programs in agencies to achieve the greatest degree of risk prevention and reduction for the public and private resources expended;

(B) the analysis is conducted through an open process, by individuals with relevant expertise, including toxicologists, biologists, engineers and experts in medicine, industrial hygiene and environmental effects;

(C) the analysis is conducted, to the extent feasible, consistent with the risk assessment and risk characterization principles in section 633 of this title;

(D) the methodologies and principal scientific determinations made in the analysis

are subjected to independent and external peer review consistent with section 633(g), and the conclusions of the peer review are made publicly available as part of the final report required under subsection (e);

(E) there is an opportunity for public comment on the results before making them final; and

(F) the results are presented in a manner that distinguishes between the scientific conclusions and any policy or value judgments embodied in the comparisons.

(3) COMPLETION AND REVIEW.—No later than 3 years after the effective date of this Act, the comparative risk analysis required under paragraph (1) shall be completed. The comparative risk analysis shall be reviewed and revised at least every 5 years thereafter for a minimum of 15 years following the release of the first analysis. The Director shall arrange for such review and revision with an accredited scientific body in the same manner as provided under paragraphs (1) and (2).

(4) STUDY.—The study of methodologies provided under paragraph (1) shall be conducted as part of the first comparative risk analysis and shall be completed no later than 180 days after the completion of that analysis. The goal of the study shall be to develop and rigorously test methods of comparative risk analysis. The study shall have sufficient scope and breadth to test approaches for improving comparative risk analysis and its use in setting priorities for human health, safety, and environmental risk prevention and reduction.

(5) TECHNICAL GUIDANCE.—No later than 180 days after the effective date of this Act, the Director, in collaboration with other heads of covered agencies shall enter into a contract with the National Research Council to provide technical guidance to agencies on approaches to using comparative risk analysis in setting human health, safety, and environmental priorities to assist agencies in complying with subsection (c) of this section.

(e) REPORTS AND RECOMMENDATIONS TO CONGRESS AND THE PRESIDENT.—No later than 24 months after the effective date of this Act, each covered agency shall submit a report to Congress and the President—

(1) detailing how the agency has complied with subsection (c) and describing the reasons for any departure from the requirement to establish priorities to achieve the greatest overall net reduction in risk;

(2) recommending—

(A) modification, repeal, or enactment of laws to reform, eliminate, or enhance programs or mandates relating to human health, safety, or the environment; and

(B) modification or elimination of statutorily or judicially mandated deadlines,

that would assist the covered agency to set priorities in activities to address the risks to human health, safety, or the environment in a manner consistent with the requirements of subsection (c)(1);

(3) evaluating the categories of policy and value judgments used in risk assessment, risk characterization, or cost-benefit analysis; and

(4) discussing risk assessment research and training needs, and the agency's strategy and schedule for meeting those needs.

(f) SAVINGS PROVISION AND JUDICIAL REVIEW.—

(1) IN GENERAL.—Nothing in this section shall be construed to modify any statutory standard or requirement designed to protect human health, safety, or the environment.

(2) JUDICIAL REVIEW.—Compliance or noncompliance by an agency with the provisions of this section shall not be subject to judicial review.

(3) AGENCY ANALYSIS.—Any analysis prepared under this section shall not be subject to judicial consideration separate or apart from the requirement, rule, program, or law to which it relates. When an action for judicial review of a covered agency action is instituted, any analysis for, or relating to, the action shall constitute part of the whole record of agency action for the purpose of judicial review of the action and shall, to the extent relevant, be considered by a court in determining the legality of the covered agency action.

DASCHLE (AND LAUTENBERG) AMENDMENT NO. 1502

Mr. DASCHLE (for himself and Mr. LAUTENBERG) proposed an amendment to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 19, line 5, strike out ''or''.

On page 19, line 7, strike out the period and insert in lieu thereof a semicolon and ''or''.

On page 19, add after line 7 the following new subparagraph:

''(xiii) the rule proposed by the United States Department of Agriculture on February 3, 1995, entitled 'Pathogen Reduction: Hazard Analysis and Critical Control Point (HACCP) Systems' (proposed rule, 60 Fed. Reg. 6774, et al.).''.

JOHNSTON (AND OTHERS) AMENDMENT NO. 1503

Mr. JOHNSTON (for himself, Mr. HATCH, and Mr. ROTH) proposed an amendment to amendment No. 1502 proposed by Mr. DASCHLE to the bill S. 343, supra; as follows:

In lieu of the language proposed on page 1, lines 5 through 9, insert the following:

''(10) Notwithstanding section 632, if the agency head determines that—

(A) a final major rule subject to this subchapter is substantially similar to the proposed major rule with respect to the risk being addressed;

(B) a risk assessment for the proposed major rule has been carried out in substantial accordance with section 633; and

(C) a new risk assessment for the final rule is not required in order to respond to comments received during the period for comment on the proposed rule; the head of the agency may publish such determination along with the final rule in lieu of preparing a new risk assessment for the final rule.

(11) Notwithstanding any provision of the Comprehensive Regulatory Reform Act of 1995 and the amendments made by such Act, including section 9 of such Act, any rule for which a notice of proposed rulemaking was filed before April 1, 1995 shall not be subject to the provision of this subchapter or subchapter III except for section 623 (relating to review of rules).''.

JOHNSTON (AND OTHERS) AMENDMENT NO. 1504

Mr. JOHNSTON (for himself, Mr. HATCH, and Mr. ROTH) proposed an amendment to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 50, between lines 15 and 16, insert the following new paragraph:

''(4) If the agency head determines that—

(A) a final major rule subject to this subchapter is substantially similar to the proposed major rule with respect to the risk being addressed;

(B) a risk assessment for the proposed major rule has been carried out in substantial accordance with section 633; and

(C) a new risk assessment for the final rule is not required in order to respond to comments received during the period for comment on the proposed rule;

the head of the agency may publish such determination along with the final rule in lieu of preparing a new risk assessment for the final rule.''

On page 19 strike out lines 11 through 13 and the words ''than 30 days after such date of enactment),''.

On page 20, line 9 strike out the words ''(or, in the case of a notice of proposed rulemaking'' and strike out lines 10 through 12.

On page 43, amend line 11 to read ''agency after the effective date of this subchapter''; strike out lines 12 and 13; and strike out ''section 623'' on line 14.

On page 48 amend lines 4 and 5 to read ''effective date of this subchapter, the head of each''.

On page 97 reliable subsection (b) as subsection (c) and insert a new subsection (b) as follows:

''(b) Any rulemaking pending on July 12, 1995 for which a notice of proposed rulemaking or a proposed rulemaking has been published in the Federal Register before April 1, 1995 shall not be subject to the provisions of subchapter II or subchapter III of chapter 6 of title 5 U.S. Code except for section 623 (relating to review of rules).''

DASCHLE AMENDMENT NO. 1505

Mr. DASCHLE proposed an amendment to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 19, line 5, strike out ''or''.

On page 19, line 7, strike out the period and insert in lieu thereof a semicolon and ''or''.

On page 19, add after line 7 the following new subparagraph:

''(xiii) the rule proposed by the United States Department of Agriculture on February 3, 1995, entitled 'Pathogen Reduction: Hazard Analysis and Critical Control Point (HACCP) Systems' (proposed rule, 60 Fed. Reg. 6774, et al.).''.

KOHL (AND OTHERS) AMENDMENT NO. 1506

Mr. KOHL (for himself, Mr. DASCHLE, Mr. GLENN, Mr. FEINGOLD, Mr. LAUTENBERG, and Mrs. BOXER) proposed an amendment to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 19, line 5, strike out ''or''.

On page 19, line 7, strike out the period and insert in lieu thereof a semicolon and ''or''.

On page 19, add after line 7 the following new subparagraph:

''(xiii) any rule proposed or promulgated by the Environmental Protection Agency that relates to the control of microbial and disinfection byproduct risks to human health in drinking water supplies.''

ROTH (AND BIDEN) AMENDMENT NO. 1507

Mr. ROTH (for himself and Mr. BIDEN) proposed an amendment to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

Delete all of section 635 (page 61, line 1 through page 64, line 14 and add in its place the following new section 635:

SEC. 635. RISK-BASED PRIORITIES.

(a) PURPOSE.—The purposes of this section are to—

(1) encourage Federal agencies engaged in regulating risks to human health, safety, and the environment to achieve the greatest risk reduction at the least cost practical;

(2) promote the coordination of policies and programs to reduce risks to human health, safety, and the environment; and

(3) promote open communication among Federal agencies, the public, the President, and Congress regarding environmental, health, and safety risks, and the prevention and management of those risks.

(b) DEFINITIONS.—For the purpose of this section:

(1) COMPARATIVE RISK ANALYSIS.—The term ''comparative risk analysis'' means a process to systematically estimate, compare, and rank the size and severity of risks to provide a common basis for evaluating strategies for reducing or preventing those risks.

(2) COVERED AGENCY.—The term ''covered agency'' means each of the following:

(A) The Environmental Protection Agency.

(B) The Department of Labor.

(C) The Department of Transportation.

(D) The Food and Drug Administration.

(E) The Department of Energy.

(F) The Department of the Interior.

(G) The Department of Agriculture.

(H) The Consumer Product Safety Commission.

(I) The National Oceanic and Atmospheric Administration.

(J) The United States Army Corps of Engineers.

(K) The Nuclear Regulatory Commission.

(3) EFFECT.—The term ''effect'' means a deleterious change in the condition of—

(A) a human or other living thing (including death, cancer, or other chronic illness, decreased reproductive capacity, or disfigurement); or

(B) an inanimate thing important to human welfare (including destruction, degeneration, the loss of intended function, and increased costs for maintenance).

(4) IRREVERSIBILITY.—The term ''irreversibility'' means the extent to which a return to conditions before the occurrence of an effect are either very slow or will never occur.

(5) LIKELIHOOD.—The term ''likelihood'' means the estimated probability that an effect will occur.

(6) MAGNITUDE.—The term ''magnitude'' means the number of individuals or the quantity of ecological resources or other resources that contribute to human welfare that are affected by exposure to a stressor.

(7) SERIOUSNESS.—The term ''seriousness'' means the intensity of effect, the likelihood, the irreversibility, and the magnitude.

(c) DEPARTMENT AND AGENCY PROGRAM GOALS.—

(1) SETTING PRIORITIES.—In exercising authority under applicable laws protecting human health, safety, or the environment, the head of each covered agency should set priorities and use the resources available under those laws to address those risks to human health, safety, and the environment that—

(A) the covered agency determines to be the most serious; and

(B) can be addressed in a cost-effective manner, with the goal of achieving the greatest overall net reduction in risks with the public and private sector resources expended.

(2) DETERMINING THE MOST SERIOUS RISKS.—In identifying the greatest risks under paragraph (1) of this subsection, each covered agency shall consider, at a minimum—

(A) the likelihood, irreversibility, and severity of the effect; and

(B) the number and classes of individuals potentially affected, and shall explicitly take into account the results of the comparative risk analysis conducted under subsection (d) of this section.

(3) OMB REVIEW.—The covered agency's determinations of the most serious risks for purposes of setting priorities shall be reviewed and approved by the Director of the Office of Management and Budget before submission of the covered agency's annual budget requests to Congress.

(4) INCORPORATING RISK-BASED PRIORITIES INTO BUDGET AND PLANNING.—The head of each covered agency shall incorporate the priorities identified under paragraph (1) into the agency budget, strategic planning, regulatory agenda, enforcement, and research activities. When submitting its budget request to Congress and when announcing its regulatory agenda in the Federal Register, each covered agency shall identify the risks that the covered agency head has determined are the most serious and can be addressed in a cost-effective manner under paragraph (1), the basis for that determination, and explicitly identify how the covered agency's requested budget and regulatory agenda reflect those priorities.

(5) EFFECTIVE DATE.—This subsection shall take effect 12 months after the date of enactment of this Act.

(d) COMPARATIVE RISK ANALYSIS.—

(1) REQUIREMENT.—(A)(i) No later than 6 months after the effective date of this Act, the Director of the Office of Management and Budget shall enter into appropriate arrangements with an accredited scientific body—

(I) to conduct a study of the methodologies for using comparative risk to rank dissimilar human health, safety, and environmental risks; and

(II) to conduct a comparative risk analysis.

(ii) The comparative risk analysis shall compare and rank, to the extent feasible, human health, safety, and environmental risks potentially regulated across the spectrum of programs administered by all covered agencies.

(B) The Director shall consult with the Office of Science and Technology Policy regarding the scope of the study and the conduct of the comparative risk analysis.

(2) CRITERIA.—In arranging for the comparative risk analysis referred to in paragraph (1) of this subsection, the Director shall ensure that—

(A) the scope and specificity of the analysis are sufficient to provide the President and agency heads guidance is allocating resources across agencies and among programs in agencies to achieve the greatest degree of risk prevention and reduction for the public and private resources expended;

(B) the analysis is conducted through an open process, by individuals with relevant expertise, including toxicologists, biologists, engineers and experts in medicine, industrial hygiene and environmental effects;

(C) the analysis is conducted, to the extent feasible, consistent with the risk assessment and risk characterization principles in section 633 of this title;

(D) the methodologies and principal scientific determinations made in the analysis are subjected to independent and external peer review consistent with section 633(g), and the conclusions of the peer review are made publicly available as part of the final report required under subsection (e);

(E) there is an opportunity for public comment on the results before making them final; and

(F) the results are presented in a manner that distinguishes between the scientific conclusions and any policy or value judgments embodied in the comparisons.

(3) COMPLETION AND REVIEW.—No later than 3 years after the effective date of this Act, the comparative risk analysis required under paragraph (1) shall be completed. The comparative risk analysis shall be reviewed and revised at least every 5 years thereafter for a minimum of 15 years following the release of the first analysis. The Director shall arrange for such review and revision with an accredited scientific body in the same manner as provided under paragraphs (1) and (2).

(4) STUDY.—The study of methodologies provided under paragraph (1) shall be conducted as part of the first comparative risk analysis and shall be completed no later than 180 days after the completion of that analysis. The goal of the study shall be to develop and rigorously test methods of comparative risk analysis. The study shall have sufficient scope and breadth to test approaches for improving comparative risk analysis and its use in setting priorities for human health, safety, and environmental risk prevention and reduction.

(5) TECHNICAL GUIDANCE.—No later than 180 days after the effective date of this Act, the Director, in collaboration with other heads of covered agencies, shall enter into a contract with the National Research Council to provide technical guidance to agencies on approaches to using comparative risk analysis in setting human health, safety, and environmental priorities to assist agencies in complying with subsection (c) of this section.

(e) REPORTS AND RECOMMENDATIONS TO CONGRESS AND THE PRESIDENT.—No later than 24 months after the effective date of this Act, each covered agency shall submit a report to Congress and the President—

(1) detailing how the agency has complied with subsection (c) and describing the reasons for any departure from the requirement to establish priorities to achieve the greatest overall net reduction in risk;

(2) recommending—

(A) modification, repeal, or enactment of laws to reform, eliminate, or enhance programs or mandates relating to human health, safety, or the environment; and

(B) modification or elimination of statutorily or judicially mandated deadlines,

that would assist the covered agency to set priorities in activities to address the risks to human health, safety, or the environment in a manner consistent with the requirements of subsection (c)(1);

(3) evaluating the categories of policy and value judgments used in risk assessment, risk characterization, or cost-benefit analysis; and

(4) discussing risk assessment research and training needs, and the agency's strategy and schedule for meeting those needs.

(f) SAVINGS PROVISION AND JUDICIAL REVIEW.—

(1) IN GENERAL.—Nothing in this section shall be construed to modify any statutory standard or requirement designed to protect human health, safety, or the environment.

(2) JUDICIAL REVIEW.—Compliance or noncompliance by an agency with the provisions of this section shall not be subject to judicial review.

(3) AGENCY ANALYSIS.—Any analysis prepared under this section shall not be subject to judicial consideration separate or apart from the requirement, rule, program, or law to which it relates. When an action for judicial review of a covered agency action is instituted, any analysis for, or relating to, the action shall constitute part of the whole record of agency action for the purpose of judicial review of the action and shall, to the extent relevant, be considered by a court in determining the legality of the covered agency action.

SNOWE AMENDMENT NO. 1508

(Ordered to lie on the table.)

Ms. SNOWE submitted an amendment intended to be proposed by her to

amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

At the appropriate place in the substitute amendment, insert the following new section:

SEC. . BOTTLED WATER STANDARDS.

Section 410 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 349) is amended—

(1) by striking ''Whenever'' and inserting ''(a) Except as provided in subsection (b), whenever''; and

(2) by adding at the end thereof the following new subsection:

''(b)(1)(A) Not later than 180 days after the Administrator of the Environmental Protection Agency promulgates a national primary drinking water regulation for a contaminant under section 1412 of the Public Health Service Act (42 U.S.C. 300g–1), the Secretary, after public notice and comment, shall issue a regulation under this subsection for that contaminant in bottled water or make a finding that the regulation is not necessary to protect the public health because the contaminant is contained in water in public water systems (as defined under section 1401(4) of such Act (42 U.S.C. 300f(4))) but not in water used for bottled drinking water.

''(B) In the case of contaminants for which national primary drinking water regulations were promulgated under section 1412 of the Public Health Service Act (42 U.S.C. 300g–1) before the date of enactment of the Comprehensive Regulatory Reform Act of 1995, the Secretary shall issue the regulation or publish the finding not later than 1 year after such date of enactment.

''(2) The regulation shall include any monitoring requirements that the Secretary determines appropriate for bottled water.

''(3) The regulation shall require the following:

''(A) In the case of contaminants for which a maximum contaminant level is established in a na tional primary drinking water regulation under section 1412 of the Public Health Service Act (42 U.S.C. 300g–1), the regulation under this subsection shall establish a maximum contaminant level for the contaminant in bottled water that is at least as stringent as the maximum contaminant level provided in the national primary drinking water regulation.

''(B) In the case of contaminants for which a treatment technique is established in a national primary drinking water regulation under section 1412 of the Public Health Service Act (42 U.S.C. 300g–1), the regulation under this subsection shall require that bottled water be subject to requirements no less protective of the public health than those applicable to water provided by public water systems using the treatment technique required by the national primary drinking water regulation.

''(4)(A) If the Secretary fails to establish a regulation within the 180-day period described in paragraph (1)(A) or the 1-year period described in paragraph (1)(B) (whichever is applicable), the national primary drinking water regulation described in subparagraph (A) or (B) of such paragraph (whichever is applicable) shall be considered, as of the date on which the Secretary is required to establish a regulation under such paragraph, as the regulation applicable under this subsection to bottled water.

''(B) Not later than 30 days after the end of the 180-day period, or the 1-year period (whichever is applicable), described in subparagraph (A) or (B) of paragraph (1), the Secretary shall, with respect to a national primary drinking water regulation that is considered applicable to bottled water as provided in subparagraph (A), publish a notice in the Federal Register that—

''(i) sets forth the requirements of the national primary drinking water regulation, including monitoring requirements, which shall be applicable to bottled water; and

''(ii) provides that—

''(I) in the case of a national primary drinking water regulation promulgated after the date of enactment of the Comprehensive Regulatory Reform Act of 1995, the requirements shall take effect on the date on which the national primary drinking water regulation for the contaminant takes effect under section 1412 of the Public Health Service Act (42 U.S.C. 300g–1); or

''(II) in the case of a national primary drinking water regulation promulgated before the date of enactment of the Comprehensive Regulatory Reform Act of 1995, the requirements shall take effect on the date that is 18 months after such date of the enactment.''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Wednesday, July 12, 1995, session of the Senate for the purpose of conducting a hearing on television violence.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, July 12, 1995, for purposes of conducting a Full Committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to review proposals with regard to disposition of Power Marketing Administrations.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be granted permission to conduct an oversight hearing Wednesday, July 12, 1995, at 9:30 a.m., on the effects of proposals to statutorily redefine the constitutional right to compensation for property owners, with particular emphasis on Federal environmental laws.

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

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Wednesday, July 12, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on Medicaid.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 12, 1995, at 2:00 p.m. to hold a closed hearing on intelligence matters.

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

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, July 12, 1994, to hold hearings on abuses in Federal student grant programs proprietary school abuses.

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

SUBCOMMITTEE ON WESTERN HEMISPHERE AND PEACE CORPS AFFAIRS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Western Hemisphere and Peace Corps Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 12, 1995, at 10 a.m. to hear testimony on the legislative and municipal elections in Haiti.

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

ADDITIONAL STATEMENTS

EUROPE VIEWS THE IVY LEAGUE

• Mr. SIMON. Mr. President, I do not ordinarily enter into the RECORD speeches that are 6 years old, but I came across a speech given by James Perkins, the distinguished former president of Cornell, to the Nassau Club in Princeton, NJ, on November 1, 1989.

It was titled ''Europe Views the Ivy League: With Astonishment and Jealousy.''

Because it contains so many insights into where we are and how we got where we are, I think it is worth reprinting in the CONGRESSIONAL RECORD, and I urge my colleague and their staffs to take the time to read it.

For example, he says: ''It is not uncommon for an Ivy League university to have a public relations office of a dozen or more people and a development office of 50 and sometime as many as 70 full-time persons at work on maintaining accurate and up-to-date files on the financial prospects of its important alumni. These files would be the envy of the CIA and the KGB.''

As a former Ivy League college president himself, he notes: ''that the presidents of Ivy League institutions spent at least 25 percent of their professional time on the financial needs of their universities and personal attention to both individuals and institutions which can provide financial resources to meet its needs.'' He finds a German observer, ''reminded his audience that in Japan, it was the public universities that restricted their enrollment and so expansion was taken care of by the proliferation of private institutions which had, of necessity, to live off their tuitions.

The result was the Ivy League experience in reverse. It is the universities of Tokyo and Kyoto that are the Harvards, Yales, and Princetons of Japan. The best students apply to the prestigious public institutions while the privates have to fight to maintain anything like the same quality of instruction. While in the United States 80 percent of undergraduates are in the public sector, in Japan almost 80 percent of students are in private institutions.''

Many of my colleagues will remember James Perkins as the person who headed the Commission on Foreign Language and International Studies appointed by President Carter.

It was one of the finest commissions ever to serve this Nation, and no small part of the reason was the leadership of Jim Perkins.

I ask that the text of his 1989 speech be printed in the RECORD.

The speech follows:

EUROPE VIEWS THE IVY LEAGUE WITH ASTONISHMENT AND JEALOUSY

(By James A. Perkins)

European higher education is suffering from three pressures. The first is new limits on public funds after three or four decades of increasing financial support. Consequently, there is a serious effort to secure funds from private sources. In educational systems that have almost been free of student charges, there has been the need to establish tuitions or, in those cases where they exist in small amounts, to increase them. These efforts have not been successful and have often led students to take to the streets. Support from wealthy individuals or corporations is practically non-existent because most European societies see business support as damaging to the intellectual integrity of the university.

A second pressure comes from the increasing demand to decentralize authority from the central government to regions on the one hand and to the universities on the other. The recognized need for flexibility and the capacity to innovate requires plural rather than uniform arrangements. But the legacy of Napoleon, who viewed higher education as a centralized public function, required equal treatment through a uniform curriculum which could only be installed and managed by a central authority. Efforts to decentralize have had extreme difficulties because local authorities have had little experience in managing educational institutions and the universities themselves do not have a system of governance that assures effective autonomy.

The two exceptions to this general rule are Western Germany, where the states preceded the establishment of the central government (although they did not create it), and Spain, where Catalonia and the Basque country have had a long history of considerable independence from the central government in Madrid. It is worthy of some note that the education reform law of 1984 in Spain does, in fact, provide for increased educational responsibility for the provinces, which only a half dozen of them have been able to accept.

A third pressure for change involves the educational consequences of the provision for a strong European community to be established in 1992. There is the possibility of a growing move towards something like the federal system in the United States where the individual countries of Europe are prepared to surrender some of their independence to community authorities.

On all three counts, the search for private funds, the decentralization of control from central governments and the prospects for a European community with federal overtones—all three of these pressures and prospects have led to serious soul-searching on the part of European public officials and educators. It is not surprising that their attention would turn to the experience of the United States which, in one way or another, has had to deal with maintaining a decentralized system, a successful effort to secure private funds for higher education, and a federal system that has acquired a reasonable balance between federal and local authorities, along with a substantial private sector.

It could be that four distinguished European educators decided to study one of the most successful examples of private institutions in the context of a decentralized system on the one hand and a network of connection between universities (both public and private) on the other. The four of them could have decided to make a special study of what we know as the Ivy League. Here are eight private institutions with the highest academic standards, with steady and high demand for admission (in spite of high tuition rates), and having secured what, to European eyes, seems like phenomenal amounts of money, both as endowments under their own control and annual gifts from all sources running into tens of millions of dollars. The question these four educators might have asked themselves was, ''how do they do it and what lessons can we draw from their obvious success?'' They visited the Ivy League universities, studied their governance and academic programs and their financial arrangements in considerable depth and reported on their findings to a large gathering of their colleagues.

The first critique was by a Swedish social psychologist from the University of Stockholm who reported somewhat as follows. The current success of these 8 institutions finds its roots in the origins of the country where 13 independent colonies became the original states which, on their own initiative, formed a federal government. The United States, he reported, did not have to face the extreme difficulties of decentralizing political power because political power started out decentralized. And each colony was determined to create institutions of higher education long before the successful revolutionary war, the only exception being Cornell which became a land grant university in the 1860s but inherited the academic traditions of its colonial predecessors.

A second historical fact of importance is, so he reported, that early higher education had powerful religious sponsors which, in turn, reflected the many sects of Protestantism as well as the presence of a Catholic interest in higher education. This diffuse religious background assured the plurality of university design and purpose on the one hand and gave the universities strong support in securing their independence from governments, both federal and state. There was, and is, no Church of England or Lutheran predominance as in Scandinavia, nor Catholic monopoly as in the southern half of Europe. Thus independence and differentiation soon led to competition and provided some of the historical basis for the flourishing of these private institutions.

Finally, because of their private initiation, they were almost completely dependent upon the tuitions they charged their students which was possible because only a very small fraction of an age group had any interest in higher education. The dependence on tuition meant that from the very earliest days these institutions were sensitive to student and family demand on the one hand and society's needs on the other for a diversity of trained citizenry with widely held democratic values. This market orientation helped assure that individual needs could have a priority over government prescription.

The Swedish educator ended his report by emphasizing that in the United States the states came first and they, in turn, supported the independence of the private college. Thus they never experienced the agony faced by European universities urging their government bureaucracies to let go some of their power and to build up their regions and universities and the capacity to exercise the responsibility that goes with decentralized power.

His summary point was that not only did the states come first but so did private universities supported almost entirely with private funds. With this background the development of the Ivy League institutions was almost a natural consequence of the early political and social arrangements of the United States.

The next reporter was a French professor from the University of Paris. He said he accepted the report of his Swedish friend and fully agreed that the processes by which the United States developed from states to a federal system and the fact that the private universities came first as a natural consequences surely described the favorable soil which nourished private institutions like the Ivy League. But he went on to report that this independence is, in modern times, secured by multiple sources of funds to carry on the work of these institutions. The early dependence on tuitions has already been noted, but today, they represent only a part of the needed income. Having carefully excluded government in early days, government has not been welcomed back as an important and, indeed, a decisive source of funds for the research enterprise that has given the university its substantial position in society. Tuitions continue to rise, but, in a concern for equal treatment and social justice, they are offset by the availability of scholarships, loans, and campus jobs that have kept these institutions from becoming intolerably elite. They are elite, but only in a meritocratic sense, and not in a social or economic sense.

A second source of funds has been gifts from various sources such as corporations, individuals, and particularly alumni of the various institutions involved. Private universities have relied on gifts for many years but now, it is astonishing to report, public universities are beginning to receive large sums of private money also. He said that it seemed to be deep in the American culture that people of wealth should give to charities, their churches, and their educational institutions. Some of the wealthiest donors to higher education, like Andrew Carnegie and John Rockefeller, really believed that a wealthy man had almost a religious duty to use his wealth for the good of society. It was as if they wished to atone for any sins that might have been committed in the acquisition of their wealth.

As has been mentioned, the third source of funds from government falls into two categories. State governments have been an almost negligible factor in the financing of Ivy League institutions. Once again, he mentioned that Cornell University is something of an exception because the State of New York finances four of its colleges by contracts that provide both its capital and its ongoing expenses. He also found it interesting that many States had now adopted a plan to provide public funds to its private institutions on a formula basis. This means they provide a specified amount of funds based upon the number of recent bachelor's and doctor's degrees granted by the institution in the previous year. This process effectively neutralizes the prospect of undue interference coming along with state money.

With respect to the federal government, the Ivy League institutions receive funds based on the programs they pursue that are of interest to the federal government. Thus, scientific research, undergraduate scholarships, and occasional fellowship programs come to these universities not based upon a judgment of the university as such but rather the value of the programs they pursue as part of the federal interest. It was not many years ago, he reported, that there was a large debate in the United States as to whether federal money should go directly to the institutions. However, this view did not prevail because it was felt that it would interfere with state responsibility on the one hand and the independence of the universities, both public and private, on the other.

Finally, he reported, that in the last 40 years there had been an astonishing increase in support of private universities in general and the Ivy League in particular from business corporations. In 1988 higher education had received over $2 billion of funds with a substantial fraction of this money paid to private universities in general and to the Ivy League in particular. He reported that universities had been able to receive this money, just as they had from government, through a process that effectively protected their independence from having the business interests exercise undue influence over its teaching programs. He stated, however, that in the area of research there was large debate in process in the United States as to whether the desire to acquire business corporations as partners in various research enterprises was not raising danger flags on the integrity of the research enterprise, compromising the primary university preoccupation with basic research, and forcing an imbalance in curricular interests in favor of the more short-run interests of profit-oriented commercial enterprises. He thought that this debate should be followed with interest by the European countries that were looking to business as a source of replacement funds for reduced government expenditures.

His main point was that these four sources of financial support—tuitions, gifts, government, and business—not only were important in themselves but, together, they helped assure the independence of the university by balancing both the funds and their interests in a way that would insure both the development and the independence of their institutions.

The next critique was presented by a Professor of the School of Architecture at the University of Rome. She said that she fully supported the presentations of her two colleagues that the educational quality and institutional success of the Ivy League schools had to be traced to their colonial origins and the current success in arranging for financial support from multiple sources. However, she said that to these two primary factors must be added the skillful development of institutional loyalty on the part of alumni and friends—especially alumni. Looking at the U.S. scene from Europe, the strong, emotional attachment and loyalty to their universities on the part of their graduates is a distinctive feature of the higher educational scene. Among all the institutions, it is the private ones which have been, of necessity, most successful since private contributions are a decisive part of their total income. And of private institutions, perhaps the Ivy League has developed the process of securing alumni support to the highest level of both art and governance.

She pointed out that this highly developed institutional loyalty has produced a continuing influx of funds for operating expenses, for capital buildings, and endowments. But this financial support has not come by chance. She was astonished to find that the development of institutional loyalty started soon after a student's original entry. Even the student newspapers carry reports of the latest benefactions. They also were likely to headline the achievements of its more distinguished, or at least more visible, alumni. Their football teams, whether they won or lost, receive continuous and vocal support from the university's alumni. And all of this adds to the central notions of pride in the university and encourages their interest to assure their university's financial health.

But all this requires hard and careful work by professionals to make sure that the university's activities continually appear in the press and on television. At the same time, every effort is made to encourage alumni to return to the campus, not only for athletic events, but also for lectures and public events of interest to alumni.

To assure the success of this activity, the university has a very substantial office concerned with constructive public relations on the one hand and having an up-to-date knowledge about the potential of key individuals for making financial contributions to the university. It is not uncommon for an Ivy League university to have a public relations office of a dozen or more people and a development office of 50 and sometimes as many as 70 full-time persons at work on maintaining accurate and up-to-date files on the financial prospects of its important alumni. These files would be the envy of the CIA and the KGB. Furthermore, these development offices work closely with university management and faculty leadership to see that these key individuals become members of important departmental advisory committees, leading members of the alumni council, and are promoted to membership on boards of trustees. She found that the presidents of Ivy League institutions spent at least 25% of their professional time on the financial needs of their universities and personal attention to both individuals and institutions which can provide financial resources to meet its needs.

In summary, she said, the business of raising money for private institutions, like the members of the Ivy League, is a big business, requiring many professionals, very hard work, and careful attention to matching needs and sources of funds over a long period of time. She could not fail to mention to her European colleagues, who may believe that securing private support was merely a matter of just asking for it, that it required considerable attention and substantial offices over a long period of time.

The fourth and final rapporteur was the German Director for Higher Education in the Ministry of Education and Science. He, also, reported on the importance of early history, multiple financial sources, and the sophisticated fundraising efforts of the Ivy League universities as decisive factors in their current success.

But he was astonished to discover how little the Ivy League institutions themselves recognized the role of public bodies in assuring this success. He reminded his audience that it was the privilege of the Ivy League schools to remain both selective and relatively small in their admissions which made it possible for them to concentrate on the quality of their education and research. He pointed out that in the great expansion of higher education in recent decades it was public institutions which took in almost 80% of this explosive demand for higher education. Without this expansion of pubic universities, the pressure on the Ivy League schools to double or even quadruple their numbers would have been irresistible. They would either have to have become much larger or there would have to have been 3 or 4 times as many, which could not possibly be of the same quality.

Diverting from the European scene for a moment, he reminded his audience that in Japan, it was the public universities that restricted their enrollment and so expansion was taken care of by the proliferation of private institutions which had, of necessity, to live off their tuitions. The result was the Ivy League experience in reverse. It is the universities of Tokyo and Kyoto that are the Harvards, Yales, and Princetons of Japan. The best students apply to the prestigious public institutions while the privates have to fight to maintain anything like the same quality of institution. While in the United States 80% of undergraduates are in the pubic sector, in Japan almost 80% of students are in private institutions

The German rapporteur ended by repeating that, in his judgment, the administrations and faculties of the Ivy League should recognize that Harvard must be grateful to the University of Massachusetts, Yale to the University of Connecticut, and Princeton to the public universities of Rutgers, Trenton State, and Mercer County Community College. They should view these institutions as their unsung friends, making it possible for them to be universities with world reputations for high quality and institutional success.

The final European report was by the former Vice Chancellor of Sussex University in England. He said it was his assignment to bring the discussion out of the euphoric clouds of astonishment and jealousy. In other words, he, speaking for the group, felt they should record some concerns they had about the future of the Ivy League universities.

They had been very successful in being able to continuously raise tuitions to meet their rising costs. But now these increases were going up faster than inflation and faster than the increase in personal incomes. They had already heard rumblings of discontent on the part of many who felt they could not afford these higher costs which available scholarship funds, particularly for middle income groups, could not fully compensate. They believed the time is not far off when there would be a strong reaction to these increases which would certainly come with any serious recession. In short, the golden age of the Ivy League may be here and now but perhaps not forever.

A second concern was the widely understood knowledge of the great wealth of these institutions with endowments, in some cases, of well over $1 billion and annual gifts in excess of $30 million a year. As the view persists and expands that the Ivy League universities are extremely well off, it will become more difficult to secure support in the face of the rising concerns of drug abuse, the deteriorating environment, and the obvious need to refurbish the physical infrastructure of the nation.

A third concern that must be on the list of these institutions is the rising quality of both instruction and research at the public universities and their recent successful efforts to raise private funds. Indeed, he reported, two of the five wealthiest educational systems, in terms of endowment, were public—Texas and California. And reports of large and successful endowment drives and annual fundraising on the part of the large public universities had become commonplace in the press. The private universities are obviously uneasy at the successful invasion of the private sector by the public universities. But they have no easy reply to the counter-complaint that public funds, both federal and now state, are finding their way into the private institutions.

To top off this report on the fragility of success, the Englishman said that perhaps the biggest difficulty he and his colleagues saw in the Ivy League was a tendency towards complacency. They felt they ''had it made'' and deserved support just because they were who they were. He was sensitive to this matter because he felt that some of the difficulties of Oxford and Cambridge in his own country was traceable to their belief that they had a right to public support which it was the government's duty to make good.

However, he concluded by saying that, as Europeans, they were jealous of Ivy League success, astonished at the way it was accomplished, but far from clear as to how far the U.S. experience could be transferred to Europe. He thought it was impossible to believe that anything like the Ivy League could be reproduced in Europe. The heavy hand of the Napoleonic belief that the university was a public utility, the faculty appropriately civil servants, and the chief administrators who reigned but did not rule would preclude any similar development. Their higher education would remain public, but he did see the real possibility that there would be an increase in private support of these public institutions and a closer relationship between them and the private sector that would take the form of tuitions providing a larger fraction of income and the business community a larger fraction of research as well as of general costs. On this last score, the hard work of the Ivy League universities over decades of time was a lesson that all European universities could well take to heart.●

FLY AND PROTECT OLD GLORY

● Mr. REID. Mr. President, Congress is again considering a constitutional amendment prohibiting the physical desecration of our flag. As always, I stand firm in my belief that this amendment is both a necessity and a salute to our country.

As our national symbol, the U.S. flag deserves to be honored and protected. Freedom of speech is one of the most cherished and defended rights of the American people; however, desecration of our flag goes beyond the premise of free speech.

As the time nears for this issue to once again come before Congress, a strong division of opinion remains. Constitutional scholars and editorialists have weighed in on both sides of this debate with some very thoughtful columns. One insightful article, in particular, was written by Mike O'Callaghan, a former two-term Governor of Nevada and the current executive editor of the Las Vegas Sun. I ask that this article be printed in the RECORD, and I encourage my colleagues to consider the interesting points raised in this column.

The article follows:

FLY AND PROTECT OLD GLORY

(By Mike O'Callaghan)

Today is Flag Day and time to honor Old Glory. Few, if any, Americans will dispute the honor we bestow upon our symbol of national unity today or any other day. There has been some strong disagreement about amending the U.S. Constitution to give Congress and the states power to make unlawful the physical desecration of our flag.

There is nothing wrong with disagreeing with any attempt to amend the document which spells out the strengths of our nation. The Constitution was written so it can be amended from time to time. Before it is amended, there should be long discussions about the content of any amendment before it is approved by Congress and/or the state legislatures. Those who argue against this latest suggested amendment are no less patriotic than are those who believe the amendment is a necessity.

Many people believe that this proposed amendment isn't necessary. I must agree with them to a point, but they must recognize that our own Supreme Court has made it necessary. Twice the justices have ruled that neither the states nor Congress has the power to make flag desecration illegal. Now that they have told Americans that such flag-protection laws are unconstitutional, the next move for many flag-loving Americans is to amend the Constitution. This is a very American response to what they believe is an illogical Supreme Court ruling.

The American Legion has taken the forefront in pushing for a ban on flag desecration. The American Civil Liberties Union has taken the opposite point of view because that organization views such an amendment as weakening the First Amendment's protection of free speech.

The ACLU isn't the only group that has taken a stand against the proposed amendment. Assistant Attorney General Walter Dellinger, speaking for the Clinton administration, warned that the amendment will ''create legislative power of uncertain dimensions to override the First Amendment and other constitutional guarantees.'' Also, Sen. Ted Kennedy sees it as a ''troubling and unprecedented effort to politicize the Constitution.''

In addition to Dellinger, Kennedy and the ACLU, the Los Angeles Times refers to the proposed amendment as one we don't need. The Times editorial writer asks, ''But should such contemptible disrespect be seen as imperiling the basic fabric of American life? Are we as a people so insecure in our love of country and esteem for its institutions that we let the childish behavior of a few justify the profoundly serious and worrying step of eroding one of the Constitution's most noble and vital protections?''

I find it necessary to disagree with the ACLU, the Clinton administration, Sen. Kennedy and the Los Angeles Times. This won't be the first or last time that I have or will disagree with this distinguished group of intellectuals. As for politicizing the Constitution, I can only shake my head in disbelief after reading Kennedy's worry about amending the Constitution. The entire amending process is a series of political actions provided for by the instrument being amended.

As I have written before, I'm more than a little insulted by the inane argument that such a constitutional change will be an infringement on our right of free speech. That argument, made by many who oppose an amendment to protect the flag, has little or nothing to do with damaging the First Amendment. A person can write and talk all day long and into the night about the shortcomings of our city, state and nation. That same person, if angry enough, can renounce his or her citizenship without being worried about being jailed. Millions of Americans believe public desecration of our nation's symbol is taking it one step beyond acceptable behavior and is an act beyond the bounds of free speech.

Today is Flag Day. Let's honor Old Glory and do our best to protect her from desecration by supporting an amendment to the Constitution. And let's not forget the words of my Navajo friend Thomas Begay who watched our flag unfurl over Mt. Surabachi on Iwo Jima 50 years ago. Recently, he wrote me and said, ''Passage of this amendment is but one small step toward restoring some accountability for one's actions. Responsibility for one's actions is part of being a citizen of this country. Responsibility, values, a sense of what's right and wrong are taught at a very early age here on the Navajo reservation. These values come from the family and are reinforced in our school. Respect for the flag is one of the basics that every Navajo child is taught before they even start school. Our nation as a whole could still learn a lot from its Native American population.''●

SPECIAL OLYMPICS

● Mr. BINGAMAN. Mr. President, we have all looked with awe and admiration toward the playing fields of Connecticut and the largest sporting event in world this year—the Special Olympics World Games.

We all know that this singular event is the product of a visionary mind and an energetic spirit, both in the person of Eunice Kennedy Shriver. It was she who dreamed the dream and did the hard work necessary to make that dream come true. Thousands are now involved, but it was Eunice Shriver who made Special Olympics a vital, reliable part of lives that otherwise would have lacked focus and achievement.

People from my State have come east to participate, and today I rise to honor Larenson Henderson and the basketball players of Team New Mexico from Shiprock. This is an all-Navajo team, Mr. President, the first completely American Indian team in any sport in the history of the Special Olympics.

The New York Times had a story on this outstanding group of young men, and quoted their coach as saying, '' 'They have heart,' '' and indeed they do. Heart is the tie that binds all Special Olympic athletes, and it is the driving force behind the Games themselves.

We've seen wonderful things happen in New Haven during these Special Olympics, but perhaps the best is yet to come. One of the Navajo players said, ''Losing these games doesn't bother me. We're playing with the best teams. It gives us more confidence just playing them.''

Mr. President, I'd say it makes us all proud that this excellent program has produced such an attitude through an atmosphere of healthy competition guided by the simple creed of doing one's best. Eunice Shriver and all associated with this fine effort deserve our warmest thanks and praise for helping these athletes win by simply giving them the means to try.●

NORMALIZATION OF RELATIONS WITH VIETNAM

● Mrs. FEINSTEIN. Mr. President, yesterday afternoon, President Clinton announced his decision to fully normalize relations with Vietnam. I rise today to offer my strong support for this initiative.

I believe it is time for the United States to close the final chapter on a

sad history with Vietnam, and open a new chapter with the optimism that a mutually beneficial relationship is now warranted, appropriate, and possible.

Mr. President, last year in response to Vietnam's heightened efforts to help account for the American servicemen lost in the war in Southeast Asia, President Clinton ended our economic embargo of Vietnam. At that time, many argued that ending the embargo would halt Vietnam's efforts to help us locate these men.

In fact, Mr. President, just the opposite has occurred, and Vietnam has actually strengthened its efforts to resolve POW/MIA cases.

By normalizing relations with Vietnam, we will continue on this path of mutual participation and strong efforts to account for these men, and increase our access to evidence in Vietnam.

The Veterans of Foreign Wars, which represents over 600,000 Vietnam veterans, now supports normalizing relations with Vietnam. They are optimistic that normalizing relations will in fact further progress on accounting for POW/MIAs in Southeast Asia.

A senior-level Presidential delegation, including Assistant Secretary of State Winston Lord and Deputy Secretary for Veterans Affairs Hershel Gober, visited Vietnam in May to review the four categories the President laid out for examining progress on the POW/MIA issue; their findings were highly reassuring.

The Vietnamese government provided them with valuable new information, including analyses, maps, and witness data, that will help in reaching the fullest possible accounting of POWs and MIAs.

Mr. President, we made a commitment to the Vietnamese government. The Bush administration laid out specific goals that the Vietnamese would have to meet as conditions for normalization, and the Vietnamese have worked diligently to meet them. We should keep our commitment.

A sad truth of war is that many who courageously fought and gave their lives for the sake of freedom will never be located. The distinguished Senators from Arizona and Massachusetts, who have provided outstanding leadership on this issue, have pointed out that efforts to account for MIAs in Vietnam have been far more extensive than similar efforts after any previous war:

They emphasize that of the approximately 2,000 Americans who remain technically classified as missing-in-action, only 55 cases still hold serious questions, and all of these cases have been investigated at least once.

Mr. President, we must remember that there are over 8,000 remaining MIA cases from the Korean war and 78,000 from World War II, as noted by the Wall Street Journal. And the Vietnamese, who have made great strides in accounting for our MIAs, must live with the knowledge that 300,000 of their own people remain unaccounted for, according to the Vietnam Veterans for Reconciliation, a group of veterans who, although now involved in an array of fields from law to public policy, volunteer their time to try and resolve MIA cases.

All United States military personnel who have been involved in efforts with Vietnam to account for MIAs and POWs, including General John Vessey, who has led these efforts, state unequivocally that Vietnam's cooperation has been extensive.

Of course, the families and loved ones of the missing deserve our strongest efforts to know what happened to these brave Americans. But I believe that, at this point in time, 22 years after the United States withdrew from Vietnam, to normalize relations will be the best way to reach whatever closure to these cases is realistically possible.

Mr. President, normalizing relations with Vietnam will not only further our interests in accounting for our missing servicemen, it will serve other important United States interests in the region as well, particularly by advancing U.S. commercial interests in Asia.

The Pacific Rim holds 60 percent of the world's population today. It is the fastest growing trade area of the world, with many strong and dynamic economies. The Vietnamese economy has been growing at a rate of 8 percent a year and foreign investment in this nation has been rapidly increasing, according to the Wall Street Journal.

Just last month, the European Union announced an expansive economic agreement with Vietnam, including providing Vietnam with most-favored-nation status. This agreement will give the EU a substantial edge in trading in one of the world's fastest growing markets. And the EU is not alone: a total of 160 countries, including all of our major trading partners, enjoy full diplomatic relations with Vietnam.

With a population of over 70 million and enormous economic potential, Vietnam could become a major market for American services and products. Already, dozens of major United States companies are establishing a presence in Vietnam. But until now, they have been unable to reach their full potential.

Some of the companies involved in setting up ventures in Vietnam are Caterpillar, Inc., Proctor and Gamble, Boeing, Eastman Kodak, IBM, Lockheed Martin, and McDonnell Douglas. And the list goes on and on: Citibank, Nike, General Electric. In fact, over 100 companies belong to the Coalition for U.S.-Vietnam Trade, which endorses fully normalized relations. These companies are awaiting the opportunity to invest in Vietnam's dynamic economy.

Mr. President, for Americans, these opportunities mean more jobs at home. One of the great benefits of this new chapter in United States-Vietnamese relations will be that ordinary Americans will benefit economically from the trade that will result.

There is an additional benefit that will flow from fully normalized relations with Vietnam. Greater contacts and expanded trade will put the United States in a better position to encourage respect for human rights and democracy in Vietnam. Increased cooperation and contact will lead to a more active exchange of ideas.

As we saw with the Soviet Union and Eastern Europe, when the barriers began to come down, Western ideas about democracy and freedom soon took hold. So too, with Vietnam: as the American and Vietnamese peoples come into greater contact with each other, the people of Vietnam will benefit by enjoying greater democratization.

Mr. President, today is a day of hope and optimism for the United States and Vietnam. Today, we put the tragedies of the past behind us and begin to work together to build a better relationship. Our children, and the children of Vietnam, will have a brighter future because of this decision. I commend President Clinton for taking this bold step.●

DRUG THERAPY IN PRISONS

● Mr. SIMON. Mr. President, recently the New York Times had a series of three articles on addiction.

The second of the three articles titled ''Drug Therapy: Powerful Tool Reaching Few Inside Prisons'' tells a tragic story of our failure to provide drug treatment for those in our prisons.

Those who serve on the Labor and Human Resources Committee with me know of my discouragement over our failure to pay more attention to drug treatment.

About a year ago, I visited Cook County Jail in Chicago, and in the process of going around a minimum security area where there were perhaps 40 men on cots in a large room similar to my old Army basic training barracks, I asked one of them what he would like to see to give him a better chance for the future. He told me he would like to get into the drug treatment program.

I turned to the jail official taking me around and asked why he could not. I was told they had 9,000 prisoners and places for only 200 in the drug treatment program. I asked for a show of hands among the other men in the dormitory who would like to get into drug treatment, and 25 or 30 raised their hands. Our failure to provide that opportunity for these men is as shortsighted as anything I can imagine.

As Mr. Treaster points out in his story: ''Only a fraction of inmates—about 2 percent—undergo the kind of serious rehabilitation that can change destructive behaviors that have been congealing for a lifetime.''

The article also accurately points out: ''Drug treatment is a glacial process. Powerful changes can occur, but they take months, not days.''

Many of the drug treatments are being cut back in time and, as a result, being cut back in effectiveness.

We should be listening to the practical words of experience that come forward from Joseph Treaster's article.

I ask that his article be printed in the RECORD and urge my colleagues and their staffs to read the article.

The article follows:

DRUG THERAPY: POWERFUL TOOL REACHING FEW INSIDE PRISONS

(By Joseph B. Treaster)

On a summer night as sweet and soft as any he had ever known, Pierre Mathurin and another young man pulled to the curb in a quiet section of Queens, snorted a couple of lines of cocaine and set out down the sidewalk. They had spotted a man and a woman strolling alone, and now they were going after them, Mr. Mathurin's fingers tightening on a chrome-plated .25-caliber pistol.

It was just a week shy of Mr. Mathurin's 20th birthday, and his career as a drug dealer and armed robber was gathering momentum nicely. But that evening did not go as expected. The woman screamed, and Mr. Mathurin, fleeing with a wallet and a gold chain, was chased down by neighbors with baseball bats, turned over to the police and eventually sent to a prison drug treatment program that transformed his life.

Now, more than four years later, Mr. Mathurin says he is a retired criminal and recovering cocaine addict, earning a living as a barber and a partner in a video shop, paying taxes and finding it hard to visualize the frightening predator who stalked the streets in his skin. An energetic fireplug of a man who has traded the excitement of the streets for the dreams of a budding entrepreneur, Mr. Mathurin seems to be living proof that drug treatment, long viewed by skeptics as just so much touchy-feely hokum, can have a powerful impact on the lives of those who sustain the drug culture.

With more than one million Americans now behind bars and up to 80 percent of them involved with powerful drugs like cocaine and heroin, rehabilitation programs, at their best, offer a potent weapon for decreasing addiction, crime and the spiraling costs of incarceration.

Yet only about one in six inmates receives any kind of treatment, and much of it amounts to little more than ''just say no'' admonishments. Only a fraction of inmates—about 2 percent—undergo the kind of serious rehabilitation that can change destructive behaviors that have been congealing for a lifetime.

A result is that prisons perpetuate a kind of pinwheel of failure among drug users, who return to the streets unchanged and end up back in prison, sometimes within weeks. The best programs drastically cut the rearrest rate of participants. And they seem to be economical. One study in California showed that every $1 invested in solid drug treatment saved $7 in future costs of crime and incarceration.

Abstinence alone would not end the longing for drugs, experts say, but abstinence is not even an issue at most prisons, where drugs are available for those willing to pay.

Drug treatment advocates say the country could be providing intense anti-drug therapy to everyone in prison who needs if for a tiny fraction of what is being spent on the most explosive prison-building spree in history. But the nation's political leaders have stuck with bricks and mortar. Last fall, the Democratic-controlled Congress authorized $8 billion to build new prisons over the next six years, and only $400 million for drug treatment in state and Federal prisons. This year, the new Republican majority in Congress increased the prison construction allotment to $10 billion, leaving the treatment money the same.

few states, like California and South Carolina, are expanding drug treatment for prisoners. Texas began a sweeping new program four years ago, but is now scaling it back. And in New York, one of the pioneers, Gov. George E. Pataki, has cut treatment for several thousand prisoners as part of his plan to reduce state spending.

Joseph A. Califano Jr., the former aide to President Lyndon B. Johnson who now heads the Center on Alcohol and Substance Abuse at Columbia University, said society has a warped image of the inmate population that works against greater allocations for drug treatment.

''The average American thinks we've got guys in jail like the ones Jimmy Cagney and Humphrey Bogart played in the 1930's,'' Mr. Califano said. ''In reality, the prisons are wall to wall with alcohol and drug abusers and the mentally ill. They're not hardened criminals; they're people who can change. But they can't change without help.''

But Representative Bill McCollum, a Florida Republican who heads the House subcommittee on crime, said he and many others remain skeptical about the rehabilitative powers of treatment and about its power to reduce prison populations.

''The priority is in taking violent criminal offenders off the street and locking them up for long periods of time,'' he said. ''That comes before drug treatment.''

RESHAPING PEOPLE

''My life started changing''

Prison is an ideal place to apply drug treatment, in large part because that is where the addicts are.

On the outside, heavy drug users are scattered through almost every community. It is often hard to locate them and even harder to persuade them to enter treatment. Inside prisons, most inmates are motivated to enter treatment not because they are concerned about their drug problems but because they have something else to gain: early release, in New York; a relief from boredom; a cell in a prison closer to home.

After months in a treatment program, however, many inmates find that they have been drawn into the process despite themselves. That was the case with Mr. Mathurin. ''It just started growing on me,'' he said. ''Stuff started happening and my life started changing.''

Keeping addicts from dropping out of treatment is almost as big a problem as coaxing them to enter in the first place. In prison, though, partly because the alternative is just another bunk in another cell block, the dropout rate is much lower.

Drug treatment programs, even the least intense ones, seem to bring tranquility to prisons. Administrators and officers say inmates in treatment programs fight less and give their keepers less of a hard time. John P. Erickson, who is in charge of substance abuse programs in the California prison system, said, ''There is a ripple effect in terms of the overall prison environment.''

The kind of treatment that has proved most effective with inmates is done in a so-called therapeutic community. Residents are housed together, and they eat, sleep and work on their drug problems together. They begin the day at the crack of dawn by cleaning up their cells and making their beds with military tucks. Then, after a peppy morning meeting, they march through a schedule of encounter groups and seminars that continues into the early evening. The structure itself is part of the treatment.

While drug abuse is the universal link in these programs, it is addressed as a symptom rather than the heart of the problem.

''The therapeutic community is a school about life,'' said Ronald Williams, a former heroin addict and armed robber who now runs New York Therapeutic Communities, which operates treatment programs in prisons in New York and Texas. ''It's teaching how to live a life that is crime free and drug free, and providing the tools to accomplish that.''

It amounts to reshaping people, and researchers say the best results usually take 12 to 18 months. But a therapeutic community at the R.J. Donovan Correctional Facility, a medium security prison in southern California, has shown a striking impact after only 9 to 12 months. In that therapy program, the reincarceration rate has been cut by about a third. A year after leaving prison, 42.6 percent of the inmates who graduated from the program were back behind bars again—compared with 63 percent of those who had served their time merely lifting weights, playing basketball and doing chores.

The results have been even better at a therapeutic community in a Delaware prison with a program that runs 18 months.

Drug-treatment programs promise eventual savings because they reduce the recidivism rate among graduates. But they require more initial spending, raising the cost per prisoner by about $10 a day in Texas and California and $15 a day in New York. Without treatment, Texas spends $44 a day to keep an inmate in prison. In California the cost is $57, and in New York it is $71.

States try to cut costs while still offering treatment by offering lectures on the dangers of drugs—which are pretty well known to most addicts—and weekly meetings of an hour or two of Narcotics Anonymous and Alcoholics Anonymous. California and New York offer some drug education programs that run over several months, and Alabama and Florida have been providing eight weeks of intensive treatment for many prisoners. But experts say such abbreviated treatment has little lasting effect.

''It's a false economy,'' said Dr. Lewis Yablonsky, a sociologist at East Texas State University who has been working with therapeutic communities for years. ''If the states get behind the therapeutic community concept, we will cut our prison population in half over the next 25 years. That would save billions of dollars.''

SHOWING THE WAY

Once an inmate, now a counselor

Drug treatment is a glacial process. Powerful changes can occur, but they take months, not days.

In a session shortly after breakfast one Monday morning at the Donovan Correctional Facility in California, on a sun-parched plateau overlooking the Mexican border, a handful of inmates sat in a circle of armchairs in a pleasant, carpeted room with paintings and color photos on the walls.

Michael Watkins, an imposing young burglar who likes crack cocaine far too much, was hunched over, glowering.

''I dreamed I was getting high,'' he said. He was upset. He had been working to rid himself of cravings for three months, and now he worried that he was sliding back.

But across the circle, Phillip Serrato, a 25-year-old drug smuggler and heroin addict, could not have been happier with himself. He had been out on the grassy prison yard, between the plaza filled with barbells and weight lifters and the asphalt basketball courts, he said, when some friends from his old neighborhood started passing around heroin and crystal methamphetamine.

''It gave me the chills,'' he said. ''But I didn't take any, and I feel real good in my chest.''

Gregory Kuhn, a 30-year-old drug dealer, had just turned down a marijuana joint in the yard. ''Being right there, smelling it,'' he

said wistfully. ''I looked at it and I know I couldn't touch it.''

It was the start of another week of treatment at Donovan, where the drug culture that persists behind bars is so accepted that it goes unremarked upon by prisoners and counselors alike. Russell Power, who has the name Rita tattooed on his neck in small, loopy script, was leading the group. Like many of the counselors working in the program at Donovan, run by Amity, a private treatment organization also operating in Arizona and Texas, Mr. Power, 38, is a former inmate and recovering drug addict methamphetamine was his drug, manufacturing it was his crime.

Like most of America's inmates, many of the men came from households and neighborhoods where conversations about ideas, emotions and dreams were rarely held. Thinking broadly and deeply about their lives was not easy for them. And so Mr. Power's objective that morning was simply to get them talking and, in turn, thinking, first steps in recognizing and changing habits that repeatedly landed them in prison.

The addict-counselors, like Mr. Power, often seem to be participating as equals. But they are quietly suggesting ethical approaches to life, ways to get along without drugs, often using their own recovery and return from crime as illustrations.

Later that Monday, departing from his notes in a seminar dealing with truth, information, priorities and support, Mr. Power talked about using the group sessions to let off steam and tension. ''If you're dreaming about using, you need to be talking about it in groups,'' he said. ''If you're thinking about killing somebody you need to be saying it in the group.

''I use the group that way. If I talk about it, I usually won't do it.''

On another afternoon in group therapy, after watching a film about German concentration camps intended to provoke a conversation about hatred, one inmate, Jimmy Carpenter, an heroin addict and shoplifter, objected to comments from another, Larry Jones, that compared the new Republican leadership to the Nazis.

Certain that Mr. Carpenter, who has two years of college, was putting him down Mr. Jones sprang to his feet, veins pulsing in his neck, and lunged across the circle. Standing inches apart, the two men blustered and sputtered. Finally, with everyone shouting them down, they slumped into their chairs.

It has been a close call, two men at the precipice of what would have been the first fist fight since drug treatment was started at Donavan in 1991. And, as it turned out, it was not about Nazis and Republicans at all.

Mr. Carpenter and Mr. Jones had been friends for 25 years. A year ago, when they entered the treatment program, they promised each other they would stay away from drugs. But not long before the holocaust discussion, Mr. Carpenter had broken his word. He had got hold of some marijuana and crystal methamphetamine in the yard and, after everyone else went to sleep, he turned on the light by his bunk and began to party. He stayed up all night, reading, listening to music and savoring the drugs.

A guard notice the light and, in the morning, Mr. Carpenter was asked to give a urine sample, which, of course, proved he has been using drugs.

Though they try not get so close to the edge, the explosion was the sort of thing the counselors strive for.

''It teaches the inmates how to work through emotions,'' said Rod Mullen, the executive director of Amity.

''If they don't learn to control their emotions.'' he said, ''the first bad thing that happens will set them off. They'll go rob a store, beat up their girlfriend, get drunk, get into a high-speed chase and then, of course, they're right back in the institution again.''

GRADUAL ACCEPTANCE

Success brings more programs

Drug treatment in American prisons has had a rocky history. From its inception in the 1930's at Federal institutions in Lexington, Ky., and Forth Worth, it has generally been poorly administered and ineffective. By the mid-70's, criminal justice experts had come to believe that nothing works.

Some of the first convincing evidence that treatment could have a significant impact on crime came in the late 1980's from a therapeutic community in a New York State prison. Tracking inmates who had been out of the Arthur Kill state prison on Staten Island for three years, Dr. Harry K. Wexler found that of those who had spent a year in the Stay'n Out drug treatment program there, 27 percent had been in trouble with the police again, compared with 41 percent of the inmates who received no treatment.

Gradually, drug treatment in prisons began to expand as word of the success at Arthur Kill and at a prison in Oregon spread among professionals and Federal officials began financing pilot projects around the country. In a bit of horse trading in 1989, the New York State Assembly, which was Democratically controlled, agreed to go along with Gov. Mario M. Cuomo and the Republican-controlled Senate to build more prisons on the condition that drug treatment also be increased. By last year, there were eight therapeutic communities, treating about 8 percent of the state's 68,000 inmates.

Except for Stay'n Out, the therapeutic communities in the New York prisons run programs that last six months, about half as long as most experts think is the minimum necessary. Most of the inmates who go into therapeutic communities are primed with about six months of anti-drug education. But experts say the combined programs have far less impact on inmates than a full year of intensive treatment.

LIVING WITHOUT DRUGS

On his own, tempted no more

Pierre Mathurin's journey to recovery started in the Mohawk state prison in the gently rolling farmlands of central New York. He had been in prison for about a year and he had been getting high on marijuana and cocaine about every other week, depending on how supplies were running. Once in a while, he would get some heroin, he said, and sell it for 10 times its street value.

One morning at Mohawk, he said, he woke up and said to himself, ''I don't want to get high no more.''

He was not particularly interested in drug treatment. He did not think he needed it.

But he was told that the only way he could get into the work release program that would get him back on the street a year earlier was to go into treatment. So he signed up, and was sent to a therapeutic community run by a Phoenix House, the largest residential drug treatment organization in the nation at the state prison in Marcy.

He was not a model patient. Twice he became incensed in encounter groups and threatened to punch other inmates. Each time, he was punished with extra chores and required to repeat parts of the treatment. Therapeutically, that may have worked to his advantage, because he ended up with nine months of treatment, three months more than the standard in New York.

Though experts say that follow-up treatment outside prison further diminishes the likelihood of inmates' being rearrested by as much as 20 percent, Mr. Mathurin, like most inmates around the country, was not required to continue his treatment after being released.

But something had taken hold in him, and he arranged to participate in encounter groups at a Phoenix House center in Manhattan three times a week. Then it was twice a week. Then, once a week and finally, he was on his own, except for the Narcotics Anonymous meetings that he attends three times a week.

He is back with some of his old friends now, and some of them are still using drugs. One of them is the young man with whom he did his last stickup. He got away that night, was picked up for gun possession a couple of years later, but got off with five years' probation. He is still using drugs, and he and Mr. Mathurin are still close. But Mr. Mathurin said he did not feel tempted to get high with his friend.

''He doesn't do it in front of me, and we don't talk about it,'' Mr. Mathurin said. ''One day, he'll probably be like me. But I'm not going to preach recovery. He's got to want it.''

In the old days, Mr. Mathurin said, he considered himself mainly a drug dealer and had gone out to rob people only when sales were slow. There was, though, a certain amount of excitement, he said, in ''putting somebody in fear.''

''Now,'' he said, ''I don't think that was right. I'm not going to say I'm making more money now. But I'm feeling better. I may make less, but you spend more wisely when you actually earn it.''●

RECESS UNTIL 9 A.M. TOMORROW

Mr. LOTT. 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 10:07 p.m., recessed until Thursday, July 13, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 12, 1995:

DEPARTMENT OF STATE

JAMES FRANKLIN COLLINS, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR AT LARGE AND SPECIAL ADVISOR TO THE SECRETARY OF STATE FOR THE NEW INDEPENDENT STATES.

STANLEY TUEMLER ESCUDERO, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UZBEKISTAN.

JOSEPH A. PRESEL, OF RHODE ISLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL NEGOTIATOR FOR NAGORNO-KARABAKH.

OFFICE OF PERSONNEL MANAGEMENT

STEPHEN D. POTTS, OF MARYLAND, TO BE DIRECTOR OF THE OFFICE OF GOVERNMENT ETHICS FOR A TERM OF 5 YEARS. (REAPPOINTMENT.)

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. KENNETH A. MINIHAN, 000–00–0000

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624, TITLE 10, UNITED STATES CODE. THE OFFICERS INDICATED BY ASTERISK ARE ALSO NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY IN ACCORDANCE WITH SECTION 531, TITLE 10, UNITED STATES CODE:

DENTAL CORPS

To be lieutenant colonel

*ANDERSON, DAVID C., 000–00–0000

*APICELLA, MICHAEL J., 000–00–0000
BAUR, DALE A., 000–00–0000
*BECKER, TIMOTHY A., 000–00–0000
BLYTHE, GREGORY A., 000–00–0000
*BODEY, TIMOTHY E., 000–00–0000
*BRUCE, GEORGE L., 000–00–0000
CARMICHAEL, WILLIAM, 000–00–0000
COOK, BENJAMIN T., 000–00–0000
*CORBETT, MARYJO, 000–00–0000
CRIPPS, KATHRYN A., 000–00–0000
*CURETON, STEVEN L., 000–00–0000
CZERW, RUSSELL J., 000–00–0000
DUKE, JIM B., JR., 000–00–0000
DUVERNOIS, MARK F., 000–00–0000
*EARLY, CALVIN L., 000–00–0000
FERGUSON, HENRY W., 000–00–0000
*FREYFOGLE, MARIA L., 000–00–0000
*FULKERSON, MICHAEL, 000–00–0000
*GALLOUCIS, THERESE, 000–00–0000
GAWLIK, JOHN A., 000–00–0000
GIEBINK, DALE L., 000–00–0000
*GILMAN, DAVID G., 000–00–0000
*HALL, GARY L., 000–00–0000
*ISAAC, JOSEPH B., 000–00–0000
*LAVIN, DANIEL P., 000–00–0000
MALONE, KAY H., 000–00–0000
MAXWELL, MARK F., 000–00–0000
METHVIN, NATHAN F., 000–00–0000
MOON, MARTY G., 000–00–0000
*MORRIS, WALTER J., 000–00–0000
MUSE, JOHN H., 000–00–0000
OAKES, KEVIN S., 000–00–0000
PARKER, JAMES E., 000–00–0000
PIVONKA, TIMOTHY M., 000–00–0000
RADKE, MARTIN C., 000–00–0000
*RAEZ, ARLYNN G., 000–00–0000
REICHL, PETER G., 000–00–0000
ROACH, ROBERT B., 000–00–0000
*SANDLEBACK, BRET F., 000–00–0000
SMITH, ALAN D., 000–00–0000
SNYDER, HAROLD B., 000–00–0000
SOUTH, GREGORY R., 000–00–0000
*SUNDBERG, MARK A., 000–00–0000
*SWIEC, GARY D., 000–00–0000
*VAIL, MARK V., 000–00–0000
WILL, MICHAEL J., 000–00–0000
WONG, MING T., 000–00–0000
WUNSCH, KEITH A., 000–00–0000
*ZUEHLKE, ROBERT K., 000–00–0000

MEDICAL CORPS

To be lieutenant colonel

*ALITZ, CURTIS J., 000–00–0000
ANDERSON, LAWRENCE, 000–00–0000
*ANGELONI, VINCENT L., 000–00–0000
ANGUEIRA, CARLOS E., 000–00–0000
ARMSTRONG, MICHAEL, 000–00–0000
ARMSTRONG, SCOTT C., 000–00–0000
*BABCOCK, JANIINE G., 000–00–0000
*BARRAZA, EVELYN M., 000–00–0000
BARTHEL, HERMAN J., 000–00–0000
*BELBEL, ROGER J., 000–00–0000
*BELL, JAMES A., 000–00–0000
*BENIQUEZ, ENRIQUE, 000–00–0000
BLACK, JOHN F., 000–00–0000
BOLAN, CHARLES D., 000–00–0000
*BRANTNER, LINDA M., 000–00–0000
BRENT, ELAINE L., 000–00–0000
*BRITTAIN, PHILIP C., 000–00–0000
BROADHURST, RICHARD, 000–00–0000
*BROWN, BRUCE F., 000–00–0000
*BUNDY, EARL D., 000–00–0000
BURCH, HENRY B., 000–00–0000
*BURRELL, LINDA M., 000–00–0000
*CALDWELL, CHARLES M., 000–00–0000
*CALLAHAN, CHARLES W., 000–00–0000
*CAMPBELL, BRIAN S., 000–00–0000
*CANDLER, WILLIAM H., 000–00–0000
CARDINAL, PETER A., 000–00–0000
*CARPENTER, ALAN L., 000–00–0000
*CARTER, WALLACE R., 000–00–0000
CAUDLE, LESTER C., 000–00–0000
CHRISTENSON, JOSEPH, 000–00–0000
*CICERI, DAVID P., 000–00–0000
*CLEMENT, STEPHEN C., 000–00–0000
*COBB, CLARK H., 000–00–0000
*COLL, EDWARD J., 000–00–0000
*COLONNA, JOHN O., 000–00–0000
*CONRAD, STUART A., 000–00–0000
CORDTS, PAUL R., 000–00–0000
COTTER, DERMOT M., 000–00–0000
*COTTER, FRANK, 000–00–0000
*COUGHLIN, WILLIAM F., 000–00–0000
DEBO, RICHARD F., 000–00–0000
*DEMERS, DENISE M., 000–00–0000
*DEW, MICHAEL S., 000–00–0000
DICK, JOHN S., 000–00–0000
*ELG, STEVEN A., 000–00–0000
ENDY, TIMOTHY P., 000–00–0000
*EUHUS, DAVID M., 000–00–0000
FARRINGTON, CHARLES, 000–00–0000
FAUCETTE, KELLY J., 000–00–0000
*FICHTNER, KURT A., 000–00–0000
*FITCH, CHARLES P., 000–00–0000
FLYNN, ANNE M., 000–00–0000
FOLEY, JOHN P., 000–00–0000
*FORTENBERY, EDWIN J., 000–00–0000
*FRANKS, ERIC H., 000–00–0000
*FRAZIER, DUSTIN C., 000–00–0000
*FRISHBERG, DAVID P., 000–00–0000
*GAYLE, EVERETT L., 000–00–0000
*GEISSELE, ALFRED E., 000–00–0000
*GONZALEZTORRES, INE, 000–00–0000
*GOODRICH, SCOTT G., 000–00–0000
*GREEFKENS, STEPHEN, 000–00–0000
GREENE, COLIN M., 000–00–0000
*HAAK, MICHAEL H., 000–00–0000
HADLEY, STEVEN C., 000–00–0000
*HAMELINK, JOHN K., 000–00–0000
*HAMILL, RANDY L., 000–00–0000
*HAYS, JANET V., 000–00–0000
HEAVEN, RALPH F., 000–00–0000
*HEPPNER, DONALD G., 000–00–0000
*HEYER, BONNIE L., 000–00–0000
*HISE, LEO L., 000–00–0000
*HOGE, CHARLES W., 000–00–0000
*HORAN, MARY P., 000–00–0000
HOTARD, MICHAEL C., 000–00–0000
HUGHES, WILLIAM A., 000–00–0000
JACOCKS, JOHN M., 000–00–0000
*KASPER, ROBERT E., 000–00–0000
KAVOLIUS, JEFFREY P., 000–00–0000
*KELLER, RICHARD A., 000–00–0000
*KIM, YOUNGSOOK C., 000–00–0000
*KIRSHNER, DREW L., 000–00–0000
KLEMME, WILLIAM R., 000–00–0000
KNUTH, THOMAS E., 000–00–0000
*KRYWICKI, ROBERT F., 000–00–0000
*KULIK, STEVEN A., 000–00–0000
*LABUTTA, ROBERT J., 000–00–0000
*LAIRD, JOHN R., 000–00–0000
*LAWHORN, STEPHEN C., 000–00–0000
LEIBERT, BRUCE A., 000–00–0000
LIENING, DOUGLAS A., 000–00–0000
LISEHORA, GEORGE B., 000–00–0000
*LOPEZ, JUAN M., 000–00–0000
*LOUNSBERY, DOREEN M., 000–00–0000
*LOWRY, PATRICK J., 000–00–0000
*LYNGHOLM, THOMAS P., 000–00–0000
*MACDONALD, DAVID C., 000–00–0000
*MAGILL, ALAN J., 000–00–0000
*MAHER, CORNELIUS C., 000–00–0000
*MAHONEY, MICHAEL C., 000–00–0000
MALAVE, DAVID, 000–00–0000
*MALIK, ANWAR K., 000–00–0000
*MALONE, RICKY D., 000–00–0000
*MARINO, CHRIS J., 000–00–0000
*MARSH, JOHN O., 000–00–0000
*MARTIN, BRYAN L., 000–00–0000
*MASON, CARL J., 000–00–0000
*MC CARTER, DALE L., 000–00–0000
MC DERMOTT, GLENN D., 000–00–0000
*MEGO, DAVID M., 000–00–0000
*MELLEN, PAUL F., 000–00–0000
*MOCZYGEMBA, RICHARD, 000–00–0000
*MOORES, RUSSELL R., 000–00–0000
MORGAN, ANN M., 000–00–0000
*MORRIS, JOSEPH T., 000–00–0000
MULLIN, JAMES C., 000–00–0000
NACE, MARY C., 000–00–0000
*NATTER, LONNY R., 000–00–0000
*NAUSCHUETZ, KAREN K., 000–00–0000
*NOLAN, JOHN W., 000–00–0000
*NORTH, JAMES H., 000–00–0000
*O'DONNELL, SEAN D., 000–00–0000
*OHNO, AGNES K., 000–00–0000
*PEELE, MARK E., 000–00–0000
POLLY, DAVID W., 000–00–0000
POLLY, SHIRLEY M., 000–00–0000
PORTER, CLIFFORD A., 000–00–0000
POWELL, JOHN A., 000–00–0000
*PROCTOR, JON A., 000–00–0000
*RAEZ, EDUARDO R., 000–00–0000
*RAMOS, AUGUSTO, 000–00–0000
RANDOLPH, RICHARD J., 000–00–0000
RENOMDELABAUME, HEN, 000–00–0000
*ROBIE, DANIEL K., 000–00–0000
RONNINGEN, LELAND D., 000–00–0000
ROVIRA, MIGUEL J., 000–00–0000
*SANTIAGOMARINI, JUA, 000–00–0000
SCHLATTER, MARGARET, 000–00–0000
*SCHMIDT, HOWARD J., 000–00–0000
SEAY, WALLACE J., 000–00–0000
SEDLAK, RICHARD G., 000–00–0000
*SHAFFER, RICHARD T., 000–00–0000
SILKOWSKI, PETER A., 000–00–0000
*SIMMONS, GARY E., 000–00–0000
SLACK, MICHAEL C., 000–00–0000
SMITH, GEORGE R., 000–00–0000
*SMITH, PAUL D., 000–00–0000
*SMOLEN, HARRY G., 000–00–0000
*STEVENS, EDWARD L., 000–00–0000
STPIERRE, PATRICK, 000–00–0000
*SUDDUTH, LYNN S., 000–00–0000
*SUDDUTH, ROBERT H., 000–00–0000
SWANN, STEVEN W., 000–00–0000
*THEROUX, JOHN F., 000–00–0000
TSUFIS, MARC P., 000–00–0000
*UNDERWOOD, PAULA K., 000–00–0000
*VAUGHAN, THOMAS K., 000–00–0000
WALTERS, TERRY J., 000–00–0000
*WARD, THOMAS P., 000–00–0000
WATERHOUSE, WILLIAM, 000–00–0000
*WELLER, ROBERT W., 000–00–0000
*WELLFORD, ARMISTEAD, 000–00–0000
*WESCHE, DAVID L., 000–00–0000
*WESTPHAL, KENNETH W., 000–00–0000
*WILLIAMS, GUY P., 000–00–0000
*WILSON, FREDERIC B., 000–00–0000
*WILSON, JON J., 000–00–0000
*WILSON, STEVEN S., 000–00–0000
*WONG, ROLAND W., 000–00–0000
ZEFF, KARL N., 000–00–0000
*ZIMMERMAN, GRETA C., 000–00–0000

THE FOLLOWING-NAMED LIEUTENANT COMMANDERS IN THE STAFF CORPS OF THE NAVY FOR PROMOTION TO THE PERMANENT GRADE OF COMMANDER, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 624, SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW:

MEDICAL CORPS OFFICERS

To be commander

ACOSTA, JOSE A., 000–00–0000
AGEE, KIMBERLY, 000–00–0000
ALFORD, PHILIP P., 000–00–0000
ARMSTRONG, CHRISTOPHER R., 000–00–0000
BALEIX, JOHN C., 000–00–0000
BARR, RICHARD S., 000–00–0000
BILDSTEN, SCOTT A., 000–00–0000
BONGIOVANNI, MICHAEL S., 000–00–0000
BOYD, HAROLD D., 000–00–0000
BRAATZ, STEVEN E., 000–00–0000
BRAZEE, SYLVIA Y., 000–00–0000
BRINGS, HANS A., 000–00–0000
BROOKS, KEVIN E., 000–00–0000
BRYANT, PAULETTE C., 000–00–0000
BULGER, ROSE M., 000–00–0000
BURKE, ROBERT J., 000–00–0000
CANADY, MICHAEL R., 000–00–0000
CENTNER, DONALD J., 000–00–0000
CHIMIAK, JAMES M., 000–00–0000
CHINN, COLIN G., 000–00–0000
CHRISTEN, BRUCE R., 000–00–0000
CLAPPER, LAURA M., 000–00–0000
COHILL, EDWARD N., 000–00–0000
COLLE, GREGG J., 000–00–0000
COMBEST, DAVID C., 000–00–0000
COOK, JOEL P., 000–00–0000
CRUFF, DENNIS M., 000–00–0000
CUSHMAN, JERRY F., 000–00–0000
DAELEY, MARK A., 000–00–0000
DALY, KAREN A., 000–00–0000
DARLING, ROBERT G., 000–00–0000
DEEDMAN, ROBERT A., 000–00–0000
DOYLE, JOSEPH G., 000–00–0000
DWYER, TERRENCE X., 000–00–0000
ELIAS, WALTER, III, 000–00–0000
ELWOOD, WILLIAM S., 000–00–0000
FITZGERALD, DEBORAH M., 000–00–0000
FLAX, STEPHEN H., 000–00–0000
FLEMMING, DONALD J., 000–00–0000
FORSYTH, JOHN C., 000–00–0000
GACCIONE, DANIEL R., 000–00–0000
GALLAGHER, KEVIN L., 000–00–0000
GASS, FREDERICK C., 000–00–0000
GERLACH, STEPHAN O., 000–00–0000
GERSTENFELD, TAMMY S., 000–00–0000
GILLIS, ROBERT B., 000–00–0000
GRIFFIN, LORRAINE J., 000–00–0000
GRIFFIN, RICHARD L., 000–00–0000
HANSEN, DAVID A., 000–00–0000
HARRELLBRUDER, BEVERLY G., 000–00–0000
HATLEY, THOMAS E., 000–00–0000
HENDRIX, STEPHEN L., 000–00–0000
HERDEN, MARY J., 000–00–0000
HERMAN, BARRY E., 000–00–0000
HIGGINS, JAMES C., 000–00–0000
HOEKSEMA, GREG W., 000–00–0000
HOLMBOE, ERIC S., 000–00–0000
HONIG, MARK P., 000–00–0000
HUFFORD, DENNIS L., 000–00–0000
HULLANDER, ROBERT M., 000–00–0000
HUNTER, ROBERT B., III, 000–00–0000
HURST, WILLIAM, 000–00–0000
JANKIEWICZ, JOSEPH J., 000–00–0000
JOHNSTON, MARK H., 000–00–0000
JONES, SHAUN B., 000–00–0000
KANE, EDWARD J., JR., 000–00–0000
KARL, ROBERT L., 000–00–0000
KEEFE, KELLY S., 000–00–0000
KEMPF, DOUGLAS P., 000–00–0000
KNIGHTLY, JOHN J., 000–00–0000
KNITTEL, DOUGLAS R., 000–00–0000
KNOIZEN, KERRY K., 000–00–0000
KOBERNIK, TIMOTHY, 000–00–0000
KUHN, JEFFERY J., 000–00–0000
LAMB, CHARLES L., 000–00–0000
LANE, JOHN I., 000–00–0000
LEWIS, ANDREW W., 000–00–0000
LIBERMAN, MARK A., 000–00–0000
LIGHT, JERRY T., 000–00–0000
LIM, ALAN 000–00–0000
LIPTON, JAMES A., 000–00–0000
LOCKE, RONALD 000–00–0000
LOWE, ROBERT R., JR., 000–00–0000
MAC DONALD, MARIAN L., 000–00–0000
MACYKO, CATHERINE A., 000–00–0000
MANDIA, STEPHEN E., 000–00–0000
MARRON, JAMES A., 000–00–0000
MARSHALL, ROBERT C., 000–00–0000
MARSHALL, SHARON A., 000–00–0000
MARTIN, GREGORY J., 000–00–0000
MARTIN, LAURA M., 000–00–0000
MASCOLA, JOHN R., 000–00–0000
MAXWELL, DANIEL L., 000–00–0000
MC BRIDE, WAYNE Z., 000–00–0000
MC CANN, DERVILLA M., 000–00–0000
MC CLATCHEY, SCOTT K., 000–00–0000
MC DONALD, ERIC C., 000–00–0000
MC DONOUGH, JOHN L., 000–00–0000
MC MAHON, ROBERT W., 000–00–0000
MEVORACH, ROBERT A., 000–00–0000
MICHALSKI, JOHN A., 000–00–0000
MINER, DAVID W., 000–00–0000
MOELLER, KATHLEEN H., 000–00–0000
MOELLER, MICHAEL S., 000–00–0000
MOQUIN, ROSS 000–00–0000
NOWICKI, MICHAEL J., 000–00–0000
NUTAITIS, MATTHEW J., 000–00–0000
O'BRIEN, THOMAS J., IV, 000–00–0000
OLIVOS, GUILLERMO 000–00–0000
O'MALLEY, TIMOTHY P., 000–00–0000
OOSTERMAN, STEPHAN E., 000–00–0000
PARKER, RICHARD L., 000–00–0000
PARRY, ROBERT L. 000–00–0000
PATTI, MICHAEL J., 000–00–0000
PERLA, TODD A., 000–00–0000
PESQUEIRA, MICHAEL J., 000–00–0000
PETERSON, DREW A., 000–00–0000
PINTO, FRANK J., JR., 000–00–0000

PITMAN, KAREN T., 000–00–0000
PIZARRO, PABLO D., 000–00–0000
POTTER, PAUL, 000–00–0000
PRATT, DENNIS, 000–00–0000
PROCTOR, JEFFREY G., 000–00–0000
REBAGLIATI, GERARD S., 000–00–0000
RECTOR, JAMES T., 000–00–0000
REDMOND, BILLY, 000–00–0000
ROBERTS, DAVID, 000–00–0000
ROBINSON, WILLIAM P., JR., 000–00–0000
ROHLEDER, KATHLEEN A., 000–00–0000
ROSS, MARCO A., 000–00–0000
SALTZMAN, ANDREW K., 000–00–0000
SARGENT, BRIAN E., 000–00–0000
SCHNEIDER, JAMES J., 000–00–0000
SCHOEM, SCOTT R., 000–00–0000
SEGNA, RUDY A. 000–00–0000
SHOWS, DONALD E., 000–00–0000
SIEFERT, JOHN A., 000–00–0000
SMITH, JAMES F., JR., 000–00–0000
SNEAD, THOMAS A., 000–00–0000
SORENSON, ROBERT B., 000–00–0000
SOUTHER, STEPHEN D., 000–00–0000
SPAW, RAYMOND G., 000–00–0000
STEDWELL, RAY E., 000–00–0000
STEELE, KIRTH W. 000–00–0000
SUAREZ, ERIC S., 000–00–0000
SWARTWORTH, WILLIAM J., 000–00–0000
SWEGLE, JAMES R., 000–00–0000
TACORONTI, RUDOLPH V., 000–00–0000
TEMERLIN, STEVEN M., 000–00–0000
THOMAS, CORNELIUS W., 000–00–0000
THOMAS, DAVID E., 000–00–0000
TOBIN, MICHAEL L. 000–00–0000
TYSON, JOHN W., 000–00–0000
ULRICH, GEORGE G., 000–00–0000
UNGER, DANIEL V., IV, 000–00–0000
VALENTE, JAMES D., 000–00–0000
VUKOVICH, JONATHAN G., 000–00–0000
WALL, ROBERT S., 000–00–0000
WANDEL, ANY G., 000–00–0000
WEBSTER, NICHOLAS L., 000–00–0000
WETSMAN, HOWARD C., 000–00–0000
WILSON, BRITT C., 000–00–0000
WILSON, JAMES S., 000–00–0000
WINGLER, KENNETH A., 000–00–0000
WOYTASH, JAMES J., 000–00–0000
YOUNG, ROBERT P., 000–00–0000
ZAUSMER, GLENN, 000–00–0000
ZUKOWSKI, MARK L., 000–00–0000

SUPPLY CORPS OFFICERS

To be commander

AHERN, MICHAEL G., 000–00–0000
ANDERSON, BERNIE J., JR., 000–00–0000
ASSELIN, ROBERT R., 000–00–0000
AVRAM, GEORGE P., 000–00–0000
BATES, BASIL B., 000–00–0000
BETHMANN, THOMAS S., 000–00–0000
BIANCHI, ROBERT J., 000–00–0000
BIRDWELL, ROBERT J., 000–00–0000
BRENNER, GERARD F., 000–00–0000
BROWN, MARK A., 000–00–0000
BURTON, CHESTER O., 000–00–0000
CAMPBELL, RICHARD D., 000–00–0000
CARLSON, MICHAEL P., 000–00–0000
CHOJNOWSKI, KIM C., 000–00–0000
COOPER, DAVID L. JR., 000–00–0000
COX, WAYNE A., 000–00–0000
COYNE, JOHN W., 000–00–0000
CRAFT, MICHAEL J., 000–00–0000
CRAWFORD, KEVIN P., 000–00–0000
CURRY, WILLIAM S., 000–00–0000
CUSKEY, JEFFREY R., 000–00–0000
DAVIS, HARRY W., 000–00–0000
DEMANN, PETER J., 000–00–0000
DESMARAIS, CAROL J., 000–00–0000
DEXTER, MARK D., 000–00–0000
DOWNS, DANIEL L., 000–00–0000
DUCHOW, DARBY J., 000–00–0000
DUNN, JAMES L., 000–00–0000
DUNNEHAYES, ANNE, 000–00–0000
FALLON, JAMES S., 000–00–0000
FLONDARINA, PAUL V., 000–00–0000
FRASER, HEATHER A., 000–00–0000
FREEBURN, GREGORY H., 000–00–0000
GORDON, MICHAEL E., 000–00–0000
GRAFF, DAVID J., 000–00–0000
GRAU, CHARLES V., 000–00–0000
GREEN, BRUCE E., JR., 000–00–0000
GREEN, TIMOTHY F., 000–00–0000
GUEVARA, JOY M., 000–00–0000
HAY, ROBERT W., JR, 000–00–0000
HAYWARD, JOHN A., 000–00–0000
HITSON, ROBERT L., 000–00–0000
JACUNSKI, WALTER W., 000–00–0000
JORGENSEN, HERMAN J.M., IV, 000–00–0000
KAMMERER, RONALD G., 000–00–0000
KELLY, GARY E., 000–00–0000
KERBER, JAMES L., 000–00–0000
KERTZ, GARY W., 000–00–0000
KOMPANIK, MICHAEL P., 000–00–0000
KUHM, FREDERICK G., 000–00–0000
LAMBERT, MARIE S., 000–00–0000
LAWRIMORE, JANICE A., 000–00–0000
MANNA, JOSEPH F., 000–00–0000
MARCINEK, ROBERT D., 000–00–0000
MC CARTHY, JOHN P., 000–00–0000
MC CLELLAN, MOLLY J., 000–00–0000
MELTON, WALTER H., 000–00–0000
MENDEZ, RICHARD A., 000–00–0000
MILLER, DONALD C., 000–00–0000
MILLER, JONATHAN D., 000–00–0000
MILLER, ROBERT W., 000–00–0000
MONETTE, ROBERT L., 000–00–0000
MOON, KYUNG C., 000–00–0000
MORGAN, CHARLES W., 000–00–0000
MUCK, STEVEN R., 000–00–0000
MURPHY, ROBERT P., 000–00–0000
NAPOLI, JOSEPH A., JR., 000–00–0000
O'CONNOR, KEVIN T., 000–00–0000
PADDOCK, CHRISTOPHER D., 000–00–0000
PAGE, ASA H. III, 000–00–0000
PINKERTON, KIM G., 000–00–0000
RACKLIFFE, JOHN A., 000–00–0000
REIDY, DONALD J. JR., 000–00–0000
RITCHIE, MARY G., 000–00–0000
ROE, RUSSELL G., 000–00–0000
ROMANO, STEVEN J., 000–00–0000
ROSS, TIMOTHY J., 000–00–0000
RULE, GADSDEN E., 000–00–0000
SEIDL, MARK F., 000–00–0000
SERGESON, ROBERT B., 000–00–0000
SICARI, JAMES J., 000–00–0000
SMALL, CHRIS W., 000–00–0000
SNYDER, ROBERT J., 000–00–0000
SPEAR, CHARLES O., IV, 000–00–0000
STAGGS, CARL S., 000–00–0000
STYRON, ERNEST L., 000–00–0000
SULLIVAN, LOREN C., 000–00–0000
SWEENEY, EDWARD J., 000–00–0000
SWEENEY, RICHARD F., 000–00–0000
SWERCZEK, ANTHONY G., 000–00–0000
TALWAR, PAUL, 000–00–0000
TIFFANY, MURRAY L., III, 000–00–0000
TILLSON, PATRICK A., 000–00–0000
TROJAN, GREGORY C., 000–00–0000
VANHAASTEREN, CLEVE J., 000–00–0000
VITT, CHRISTOPHER M., 000–00–0000
WARREN, GRIFFIN L., 000–00–0000
WIGGS, DAVID B., 000–00–0000
WISE, MICHAEL S., 000–00–0000
WRIGHT, WALTER F., 000–00–0000
ZAK, GARY W., 000–00–0000
ZUCKER, JANET F., 000–00–0000

CHAPLAIN CORPS OFFICERS

To be commander

ARNOLD, RALPH W., JR., 000–00–0000
BARTZ, WILLIAM J., 000–00–0000
BUENAVENTURA, CESAR V., 000–00–0000
BURRELL, HAROLD W., 000–00–0000
CASH, TIERIAN, 000–00–0000
DOUGLAS, RALPH S., 000–00–0000
DOUGLASS, WILBUR C., III, 000–00–0000
EVANS, ROBERT D., 000–00–0000
FUNG, KARL K., 000–00–0000
KLOAK, DAVID G., 000–00–0000
LOOBY, JAMES F., 000–00–0000
MILTON, NATHANIEL, 000–00–0000
PUTTLER, JAMES D., 000–00–0000
SHAFER, DAVID W., 000–00–0000
THIES, THOMAS E., 000–00–0000
VILLANUEVA, FELIX C., 000–00–0000
VINSON, JAMES E., JR., 000–00–0000
WAUN, WILLIAM G., 000–00–0000
WILLIAMS, ROBERT L., JR., 000–00–0000
WOHLRABE, JOHN C., JR., 000–00–0000
WYRICK, PHILIP A., 000–00–0000
ZUFFOLETTO, MICHAEL P., 000–00–0000

CIVIL ENGINEER CORPS OFFICERS

To be commander

BALK, DAVID M., 000–00–0000
BANHAM, STEPHEN R., 000–00–0000
BELLIS, CHRISTINA A., 000–00–0000
BERSSON, THOMAS F., 000–00–0000
BROWN, JOHN R., 000–00–0000
CHASE, HENRI G., 000–00–0000
COLEMAN, BRYCE C., 000–00–0000
COOK, PAUL S., 000–00–0000
COWELL, JAMES W., JR., 000–00–0000
DAVIS, HULEN M., JR., 000–00–0000
FEILER, PHILIP S., 000–00–0000
HUBBARD, EUGENE F., 000–00–0000
INGALLS, JON W., 000–00–0000
ISELIN, STEVEN R., 000–00–0000
JACKSON, JAMES R., 000–00–0000
JENNISON, STEPHEN D., 000–00–0000
KING, DANIEL P., 000–00–0000
LORD, STEPHEN J., 000–00–0000
MAFFETT, GREGORY L., 000–00–0000
MC KERALL, WILLIAM C., 000–00–0000
MILLER, CHARLES C., III, 000–00–0000
MONACHINO, JOSEPH A., 000–00–0000
PARKER, ROBERT F., 000–00–0000
PECK, JAMES T. V.L., 000–00–0000
PEEK, MICHAEL A., 000–00–0000
POELKER, SCOTT D., 000–00–0000
RAMSAY, ROBERT A., 000–00–0000
RIEGER, MICHAEL N., 000–00–0000
ROTH, RICHARD D., JR., 000–00–0000
SARLES, MARK V., 000–00–0000
SCHLESINGER, R.D., 000–00–0000
SHOPE, BRUCE G., 000–00–0000
STEWART, DAVID J., 000–00–0000
THACKSON, RUSSELL C., 000–00–0000
WATTS, EDWIN B., 000–00–0000
WHITE, KEVIN M., 000–00–0000
WIEGAND, FRANCIS P., JR., 000–00–0000
ZINK, JOHN W., 000–00–0000

JUDGE ADVOCATE GENERAL'S CORPS OFFICERS

To be commander

ALLRED, KEITH J., 000–00–0000
ARGALL, DENNIS J., 000–00–0000
ARMSTRONG, ERICK L., 000–00–0000
BATTIN, PATRICIA J., 000–00–0000
CARBER, FRANK H., JR., 000–00–0000
CLEMENT, DAVID B., 000–00–0000
CRAWFORD, JAMES W., III, 000–00–0000
DART, BEVERLY R., 000–00–0000
DONOVAN, DANIEL G., 000–00–0000
GAASCH, CAROLE J., 000–00–0000
HOUCK, JAMES W., 000–00–0000
MAC KENZIE, BRUCE W., 000–00–0000
MASON, MICHAELEEN, 000–00–0000
NEHER, PATRICK J., 000–00–0000
WALTMAN, BURTON J., 000–00–0000

DENTAL CORPS OFFICERS

To be commander

ARAGON, JOHN R., 000–00–0000
AUSMUS, MATHEW S., 000–00–0000
BABINEC, ROCCO M., 000–00–0000
BEATTY, DEAN A., 000–00–0000
BUCK, JOHN S., 000–00–0000
DICKINSON, JAMES, 000–00–0000
DURY, DOROTHY C., 000–00–0000
EHRICH, DANIEL G., 000–00–0000
FOSS, ROBERT D., 000–00–0000
FUENTES, FRANCISCO, 000–00–0000
GARRITY, PATRICIA M., 000–00–0000
GLYNN, DAVID W., 000–00–0000
HANKS, ROGER E., 000–00–0000
HERNANDEZ, ARTHUR J., 000–00–0000
HOYT, LISA G., 000–00–0000
HUBER, TIMOTHY R., 000–00–0000
LUNDGREN, JOHN P., 000–00–0000
MC CRAVY, LAURIER L., 000–00–0000
MC LEOD, BRUCE C., 000–00–0000
MEARS, KEVIN J., 000–00–0000
PADGETT, THOMAS B., 000–00–0000
PARREIRA, FRANCIS R., 000–00–0000
PASTUOVIC, MILAN N., 000–00–0000
REAGAN, PAUL D., 000–00–0000
REEVES, NANCY L., 000–00–0000
ROUTIER, DONALD D., 000–00–0000
RUSSELL, DAVID A., 000–00–0000
SCHAFER, DUANE R., 000–00–0000
SELLERS, VERNON, 000–00–0000
SMITH, PAUL R., 000–00–0000
SZAL, RICHARD L., 000–00–0000
THOMAS, BRUCE J., 000–00–0000
THOMPSON, THOMAS M., 000–00–0000
TODD, ALLEN D., 000–00–0000
WALKER, CAROL L., 000–00–0000
WATKINS, DALE V., JR., 000–00–0000
WATTS, JOHN H., 000–00–0000
WEBBER, CAROLINE M., 000–00–0000
WILSON, TIMOTHY J., 000–00–0000
YOUNGBLADE, CHARLES J., JR., 000–00–0000

MEDICAL SERVICE CORPS OFFICERS

To be commander

ANDERSON, EDWARD W., JR., 000–00–0000
ANDERSON, THOMAS J., 000–00–0000
BATCHELOR, ROGER A., 000–00–0000
BAYSINGER, MARK O., 000–00–0000
BRANNMAN, PAMELA S. H., 000–00–0000
BRESHIKE, KEVIN J., 000–00–0000
CHURCH, COLE J., 000–00–0000
CLIPPER, ROBERT W., JR., 000–00–0000
CORWIN, ANDREW L., 000–00–0000
DEVINE, RONALD J., 000–00–0000
EICHNER, RYAN B., 000–00–0000
FOGARTY, MICHAEL B., 000–00–0000
FRANCIS, JOSEPH P., 000–00–0000
FRANKE, EILEEN D., 000–00–0000
HIGGINS, GARRY A., 000–00–0000
JONES, TREVOR R., 000–00–0000
KANOUR, WILLIAM W., JR., 000–00–0000
LEIBOLD, VIRGINIA E., 000–00–0000
LEMM, MICHAEL E., 000–00–0000
LUND, PAUL W., 000–00–0000
LUZ, JAMES T., 000–00–0000
MANN, MICHAEL O., 000–00–0000
MASON, RICHARD P., 000–00–0000
MUNSON, MARK R., 000–00–0000
MURDOCH, DONNA M., 000–00–0000
OCKER, KENNETH R., 000–00–0000
OLSEN, CHARLES N., 000–00–0000
PATTERSON, ERIN E., 000–00–0000
POBLETE, RICARDO Q., 000–00–0000
ROBINSON, CHARLES A., 000–00–0000
ROBINSON, STEVEN E., 000–00–0000
SCHWALM, MICHAEL A., 000–00–0000
SLATER, RANDALL A., 000–00–0000
STEVENSON, FRANCINE S., 000–00–0000
TAYLOR, DEAN A., 000–00–0000
THOMPSON, TIMOTHY E., 000–00–0000
TINLING, WALTER W., 000–00–0000
UPDEGROVE, CHARLES D., 000–00–0000
VALENTIN, ELEANOR V., 000–00–0000
WEBER, DENISE E., 000–00–0000
WILKINSON, MICHAEL O., 000–00–0000

NURSE CORPS OFFICERS

To be commander

ALDRICH, DIANNE J., 000–00–0000
ANDERSON, MARY A., 000–00–0000
ATCHISON, JOAN R., 000–00–0000
BACKMAN, MARY P., 000–00–0000
BANKSTARR, SHARON E., 000–00–0000
BARENDSE, BARNEY R., 000–00–0000
BURKE, DARLENE M., 000–00–0000
CARRIO, JAN M., 000–00–0000
CHERRY, JOHN W., 000–00–0000
CHRISTENSEN, SOREN, 000–00–0000
CLOSS, MARGARET M., 000–00–0000
CULVER, PATRICIA M., 000–00–0000
DONOVAN, DENDY D., 000–00–0000
ESPINOSA, JULIO S., JR., 000–00–0000
FRICKER, DIANA L., 000–00–0000

FRYSLIE, ARLETTA R., 000–00–0000
GIL, JOSIE I., 000–00–0000
HAND, WALTER R., JR., 000–00–0000
HEINDEL, LOUIS J., 000–00–0000
HIGGINS, LINDA W., 000–00–0000
JACKSON, MARY K., 000–00–0000
KOHL, JAMES E., 000–00–0000
LAMPO, BONNY J.C., 000–00–0000
LUNDGREN, KARIN E., 000–00–0000
MADDEN, LORETTA A., 000–00–0000
MARTINSANDERS, SUSAN L., 000–00–0000
MC CARTHY, DAVID R., 000–00–0000
MC CLOSKEY, JUDITH A., 000–00–0000
MC CORMICKBOYLE, REBECCA J., 000–00–0000
MC DOWELL, DENISE S., 000–00–0000
MC KINSEY, KAREN T., 000–00–0000
MOORING, ELIZABETH M., 000–00–0000
MORRIS, SANDRA E., 000–00–0000
MURPHY, PAMELA L., 000–00–0000
NOGGLE, VANESSA A., 000–00–0000
PEARLMAN, HELEN V., 000–00–0000
PENDRICK, PAULA A., 000–00–0000
PEPPARD, SANDRA W., 000–00–0000
PIERCE, KATHLEEN M., 000–00–0000
RADERSTORF, VIRGINIA M., 000–00–0000
RICE, BILLY J., 000–00–0000
ROARK, PAMELA K., 000–00–0000
ROSEMOND, ANDREA B., 000–00–0000
RUFFRIDGE, SUSAN B., 000–00–0000
SAUNDERS, SANDRA K., 000–00–0000
SCHMIDTGEARY, MARGARET J., 000–00–0000
SENZIG, MARIE S., 000–00–0000
SPENCER, JOHN G., 000–00–0000
SWANSON, NANCY A., 000–00–0000
TOLTON, ELLEN S., 000–00–0000
ULBRICHT, STEPHEN M., 000–00–0000
WARREN, NANCYE K., 000–00–0000
WEIBERT, SHEILA M., 000–00–0000
WILLOUGHBY, DONA M.R., 000–00–0000
YAKSHAW, RONALD A., 000–00–0000
YAREMA, DEBRA D., 000–00–0000

LIMITED DUTY OFFICERS (STAFF)

To be commander

ROSADO, GILBERTO, 000–00–0000
TICHY, THOMAS N., 000–00–0000

EXTENSIONS OF REMARKS

TRIBUTE TO CHARLES McCLAIN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1995

Mr. SKELTON. Mr. Speaker, I take this opportunity to pay tribute to an exceptional Missourian, Charles McClain, for dedicating 41 years of his life to the education of the young people of Missouri. After 6 years as the commissioner of higher education [CBHE] for the State of Missouri, Charles McClain is stepping down.

Educated at Southwest Missouri State University, he received his bachelor's degree in 1954. He received his doctorate from the University of Missouri-Columbia in 1961.

From 1954 until 1959, Charles was a teacher and administrator in public schools throughout Missouri. In 1961, he became the assistant dean in the College of Education at the University of Missouri-Columbia.

Charles accepted the challenge of becoming the founding president of Jefferson College in 1963. Within 4 years of its establishment, the college received full accreditation.

In 1970 Charles became the president of Northeast Missouri State University. While he was president, Northeast received nationwide recognition. In 1987 Northeast was ranked as one of the five most innovative colleges and universities in the country in a U.S. News & World Report survey of college university presidents. It was also selected as one of the Nation's best of the bargain colleges by Changing Times magazine and a panel of education professionals in March, 1988.

Charles took over as the State commissioner of higher education in July, 1989. As the board's chief executive officer, the commissioner advises the board on policies and action decisions, administers all programs that are mandated by Missouri statute for CBHE implementation, and oversees the functions of the Department of Higher Education. During his time as commissioner he was responsible for the development of a core curriculum that will be required of all first-time, full-time freshmen starting in fall, 1996. Also during Charles McClain's tenure, the CBHE adopted teacher education goals to ensure that Missouri's teachers are highly qualified. Charles also worked to trim administrative expenses and improve accountability of institutions.

I know that my colleagues join me in congratulating Charles McClain for an outstanding career and best wishes in his retirement.

RETIREMENT OF TRAVIS B. KUYKENDALL

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1995

Mr. COLEMAN. Mr. Speaker, I wish to pay tribute to Travis B. Kuykendall on the occasion of his retirement which became effective June 30, 1995. I am especially indebted to this individual because he has dedicated the past 5 years of his life as Assistant Special Agent in Charge of the Drug Enforcement Administration, El Paso Sector.

Mr. Kuykendall, a native Texan, had a 33-year career in law enforcement which was distinguished by his decency, commitment to the principles of justice, and his concern for his community. Of the 33 years, he served 29 of those years at the Federal level.

He began his law enforcement career in 1962 as chief deputy sheriff of Maverick County, TX. In 1966, he began his Federal law enforcement career as a Special Agent for the Customs Service. In 1973, he transferred to the Drug Enforcement Administration where he served in various capacities culminating with his appointment in El Paso.

In 1990, Mr. Kuykendall was appointed as Assistant Agent in Charge of the Drug Enforcement Administration for the El Paso Sector. As a Federal law enforcement agent, Mr. Kuykendall has participated in various high-level drug enforcement operations including Operation Intercept, Operation Clearview, Operation Falcon, Operation Snowcap, and the restoration of democratic government in Panama after Operation Just Cause.

During his tenure in El Paso, Mr. Kuykendall faced an extraordinary challenge: dramatic increases in drug trafficking across the southwestern border while losing resources due to budget constraints. He rose to the occasion, and displayed courage, fortitude, and leadership. I was always proud to work with him.

Travis Kuykendall has two grown children, Travis and Vanessa, and a patient and supportive wife, Raquel. I am sure he will continue to be active in his community in the future.

Mr. Speaker, I urge my colleagues to join me in paying tribute to an outstanding American, a devoted public servant, and a family man.

TRIBUTE TO BRIG. GEN. MICHAEL R. LEE

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1995

Mr. KLECZKA. Mr. Speaker, I rise today to pay tribute to Brig. Gen. Michael R. Lee, the departing commander of the 440th Airlift Wing at General Mitchell International Airport. General Lee has guided this Air Reserve Station superbly over the years. It is with fond memories and deep gratitude that we wish him well on his new assignment at Dobbins Air Force Base in Georgia.

As we all know, reassignments, transfers, and reorganizations are a fact of life in the military. Still, I find it no easier to have to say good-bye to a gentleman who is the epitomy of a dedicated, talented, and revered career Air Force officer.

General Lee is an accomplished military man and a master navigator logging more than 5,500 flying hours. He is also a goodwill ambassador for the Air Force and the U.S. Armed Forces at large.

I truly believe that an individual's character and inner strength are best measured during times of adversity and uncertainty. The last few months were such a time for the general and the 440th, and both fared exceptionally.

Under General Lee's leadership, the 440th successfully survived its placement on the Base Closure and Realignment Commission's list of C–130 bases under examination for possible realignment or closure. In true form, General Lee rallied his staff, pulled together the 440th's Community Council and each and every civilian, and presented the best possible case to the Commission.

Just a few weeks ago the Commission echoed the widely held view that the 440th deserves its reputation as the best of the best. Based on all the 440th's merits and value to our national defense, and in large part due to the general's round-the-clock efforts, the base will remain open.

Mr. Speaker, the 440th and Wisconsin's loss will truly be Georgia's gain. I join the men and women of the 440th Tactical Airlift Wing in wishing General Lee continued success in his new assignment.

NATIONAL MERCY, LOVE, AND COMPASSION MONTH

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1995

Mr. BENTSEN. Mr. Speaker, I rise today to submit a proclamation endorsed by the Houston City Council to recognize September as National Mercy, Love, and Compassion for the Handicapped Month. I support these efforts to recognize and better understand the special needs of the physically challenged. Such efforts will help ensure that all people have the opportunity to live up to their full potential.

During the month of September, community leaders in Houston will spend a working day with a physically handicapped individual. Participants include Mayor Bob Lanier, members of the Houston City Council, business leaders and religious leaders. National Mercy, Love, and Compassion Month will culminate on October 7, 1995, with a day long celebration at Sam Houston Park.

National Mercy, Love, and Compassion Month is a program promoted by the Hear O' Israel International organization and its founder Olivia Reiner, and I would like to commend her for her tireless efforts to increase awareness of the challenges these individuals face. Therefore, I submit the following proclamation:

PROCLAMATION

Whereas, Hear O' Israel International is raising up a standard and sounding the

alarm bringing awareness by calling September, 1995, as National Mercy, Love, and Compassion Month, following with our sixth annual Feast of Joy celebration at Sam Houston Park, for the physically challenged, the elderly, the fatherless, the abused children, and the widows around the world about our duty to take care of these individuals and meeting their special needs.

Whereas, Hear O' Israel and the physically challenged are adopting Mayor Lanier and all the city councilmen of Houston, TX and are also wanting to adopt any willing business and pastors for 1 day during the National Mercy, Love, and Compassion Month of September, 1995. Mayor Lanier and all the city councilmen want to issue a challenge to all businessmen and pastors to participate during National Mercy, Love, and Compassion Month.

Whereas, Hear O' Israel International, a nonprofit and nondenominational organization, will conduct an awareness project called National Mercy, Love, and Compassion Month, throughout the month of September, 1995.

Whereas, National Mercy, Love, and Compassion Month is to call attention to the plight of tens of thousands of physically challenged, the elderly, the fatherless, the abused children, and the widows around the world who have been forgotten and many times rejected by our communities.

Whereas, Hear O' Israel International, and the physically challenged want to challenge all churches, synagogues, businesses, and schools around the world of our duty to take care of these individuals and meeting their special needs.

Whereas, Hear O' Israel International, wants to encourage people to wear a blue ribbon on their lapel during the month of September as a symbol of support and sounding the alarm for the physically challenged, the elderly, the fatherless, the abused, and the widows.

Whereas, we need to execute true judgment by showing mercy and compassion every man to his brother and oppress not the widow, nor the fatherless, the stranger, nor the poor and let none of you imagine evil against his brother in your heart. We need to give of ourselves to help others that are less fortunate, those who cannot repay us.

Whereas, we need to motivate our small children and youth to do good deeds, visit nursing homes, etc., so that they can focus on compassion, and the violence that has come upon small children and youth would cease.

THE VILLAGE OF SOUTH GLENS FALLS CELEBRATES ITS CENTENNIAL

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1995

Mr. SOLOMON. Mr. Speaker, every day when I am home I have the privilege of driving through one of the most appealing communities on my way to and from my house in Glens Falls and main district office in Saratoga.

The most important community between those two cities is the Village of South Glens Falls, which will celebrate its centennial this year. It is a village with an interesting heritage and, at the same time, all the resources needed for an equally exciting future. I'd like to say a few words this morning about South Glens Falls.

Like the city across the river, South Glens Falls takes its name and has built its life around the falls in a bend of the Hudson River. There, also, is the site of the famous cave mentioned in James Fenimore Cooper's ''Last of the Mohicans.''

And like many other communities in the area, the birth of South Glens Falls was intimately tied to the lumber and paper-making industries. It's official beginning as a distinct entity was on August 8, 1895. Voters petitioned the formation of the Village to find a source of wholesome water for its inhabitants. Funding was approved by a local bond vote in early 1896, and the village began building a water system fed by a series of springs, pumps, standpipes, and distribution piping.

A new sewer system was constructed during the 1920's and 1930's, but more stringent regulations in the 1970's and 1980's led to major reconstruction projects.

The village is justifiably proud of its success in cleaning up the Hudson River for future generations to enjoy. Adding to the quality of life was the inclusion of a walk/bike trail along the river and refurbishing the old brick treatment plant into a museum, which will be dedicated this summer.

The village is also known for its excellent school system, and other amenities that enhanced living, but it has never lost its small-town character. Mr. Speaker, the character of America was forged in exactly such small towns and villages, where such virtues as thrift, hard work, and care for one's neighbors abound.

All summer long those small-town virtues and 100 years of existence will be celebrated in South Glens Falls. The highlight will be the week of August 7 to 13, featuring a parade and museum dedication.

Mr. Speaker, I ask all Members to join me in saluting the people of South Glens Falls, with all our best wishes toward a second century of growth and prosperity.

DUTY COMMISSIONS UPON SERVICE ACADEMY GRADUATIONS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1995

Mr. UNDERWOOD. Mr. Speaker, I am pleased to join my distinguished colleagues, Congressman JACK REED of Rhode Island and Congressman BOB DORNAN of California, as original cosponsors to introduce a bill to restore regular, active duty commissions upon graduation to members of the service academies. Beginning with the class of 1997, academy graduates will receive the same reserve commission that ROTC and OCS graduates receive. These young men and women work too hard and sacrifice too much not to be given the proper reward for their dedication.

There are those that would argue that it is fair to give the same commission to all officers regardless of their commissioning source. However, some comparisons shed light on the different nature of the commissioning sources and highlight why it is fair to give regular commissions to academy graduates. I will use the Army as an example for these comparisons.

Graduates of the U.S. Military Academy now have a 6 year active duty obligation to the Army after graduation. ROTC graduates have, at the most, a 4 year active duty requirement; nonscholarship and partial scholarship ROTC graduates only have 3 years. OCS graduates also only have a 3 year obligation.

Cadets at West Point also give up a lot more personal freedom. Underclassmen are restricted to the post limits every day during the week and are further restricted to the cadet area and academic buildings during the evening study periods. Privileges on weekends are also limited. Even at times when cadets are authorized by regulations to leave, they must obtain final permission from their tactical officers. ROTC cadets do not have to live under such strict standards.

In today's Army, there is very little difference, some would say none, between regular and reserve commissions, so service academy graduates are not and would not be given any real advantage. What they would be given is recognition for their devotion to serve their country and their willingness to sacrifice so much.

The academies play a vital role in providing quality officers who will lead the military for our Nation. This country can not afford to lose these institutions. By taking away the regular commissions from the academy graduates, Congress takes away just one more thing that distinguishes them from other programs and risks the eventual closing of the academies. If that were to happen, this seemingly minor event will be considered the first step toward the demise of the academies.

For the past two summers, I have had West Point cadets interning in my office. I have seen first hand the professionalism and ability they possess. Because of his tremendous pride in and concern for the U.S. Military Academy, Cadet Christopher S. Kinney, one of the cadets I have had assisting in my office, brought this issue to my attention. If he is any indication of the type of officers West Point develops, then I know this bill is the right thing to do.

This is not a contest to determine which program trains better officers; it is an effort to let the young men and women who attend the academies, like Chris, know that we appreciate what they are doing for this great country.

SMALL BUSINESS OPPORTUNITIES FOR VETERANS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1995

Mr. CUNNINGHAM. Mr. Speaker, today I rise to support the creation of small business opportunities for veterans.

Veterans are invaluable to the American economy and represent about 20 percent of the small business owners in this country. Veterans have much to offer to our work force. They are well trained, dedicated, and extraordinarily disciplined workers. Despite having endured the trials and tribulations of war, veterans are resilient and eager to tackle new tasks. With all this in mind, it does not make sense that veterans are continuously discriminated against in the business world.

There is a perception in the banking and financial industries that veterans are a higher

credit risk than non-veterans. Therefore, time and again, veterans are turned down for small business loans. I simply ask why? Nobody seems to know the answer. In fact, Mr. Frederick Terrell, managing director of First Boston Corp., testified before the House Committee on Veterans Affairs on March 13, 1993, that veterans are considered high risk loan applicants. However, when Mr. Terrell was asked for his reasoning, he could not fully explain his rationale. I do not understand why such discrimination exists in society. Shouldn't we have more respect for the men and women who helped America maintain its freedom?

Mr. Speaker, many of my colleagues present today are veterans. As you may know, I am proud to be a Vietnam veteran. Not long ago, I experienced the difficulty of returning to a country that was divided over our endeavors in Vietnam. I was one of the lucky ones. All the veterans serving in Congress today are lucky to assist the people of the United States. It is no surprise, however, that most veterans are not so fortunate.

I believe that veterans deserve fair or equal opportunities in the area of small business. Many young soldiers lost their lives in war. Others, often fighting for a cause they did not fully understand, returned from battle either emotionally or physically impaired. They were not always welcomed home with open arms. Rather, veterans were forced to endure years of persistent and obvious discrimination. I believe that the time has come to rectify this situation. First, we must respond by giving veterans the treatment they deserve with respect to their disabilities. Second, priority should be given to disabled veterans, Vietnam veterans, and P.O.W. veteran business owners, equal to that of other special consideration groups deemed worthy of Government assistance. Now is the time to return the spirit of freedom to the hearts of those who fought so valiantly for our country.

In closing, I ask you to join me in support for national veterans business ownership opportunities.

PORTUGAL TO INCREASE ITS UNITED NATIONS PAYMENTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1995

Mr. HAMILTON. Mr. Speaker, Congress has pushed hard to reduce the U.S. assessment for U.N. peacekeeping. That can only happen when other countries increase their payments.

I was therefore pleased to learn that Portugal has voluntarily agreed to increase its U.N. peacekeeping assessments, by moving from the group C category, where it pays about 0.04 percent of U.N. peacekeeping costs, to the higher-paying group B category. This change will be implemented over a 5-year period.

I congratulate Portugal on taking this step, and urge other appropriate group C countries to follow Portugal's lead.

I ask that this correspondence relating to this decision be included in the RECORD.

EMBAIXADA DE PORTUGAL
Washington, June 29, 1995.

Hon. LEE H. HAMILTON,
International Relations Committee, U.S. House of Representatives, Washington, DC.

DEAR MR. HAMILTON: Please find herewith the U.N. SG press release stating his appreciation for the Portuguese Government decision to increase its share in the financing of the peace-keeping operations of that organization.

In responding favorably to the appeal of the U.N. Secretary-General, Portugal will come to feature in Group ''B'', which encompasses the countries that provide increased financial assistance for those operations, thus contributing proportionally to its share for the U.N. regular budget. In practical terms, this means an increase of 500%, phased-in over the next five years.

This measure, a great burden though it may be for Portugal, derives from the wish of the Portuguese Government to alleviate the difficult financial situation besieging the United Nations, not least in the area of peace-keeping. It also sends a clear signal about Portugal's commitment to finding solutions, through the United Nations, to the vital questions which confront the international community. Moreover, it underlines unequivocally a serious and full commitment to the principles and objectives enshrined in the Charter.

With this decision, the Portuguese Government wishes to reiterate both its support for the U.N. activities and reaffirm the expanded role it has been assuming in multilateral fora. This is also a step toward achieving solutions to the serious financial crisis with which the United Nations is faced as well as responding in a meaningful way to the imperative need for an overhaul of that organization's financial system.

Sincerely,
FERNANDO ANDRESEN GUIMARÃES,
Ambassador of Portugal.

THE FOLLOWING STATEMENT IS ATTRIBUTABLE TO THE SPOKESMAN FOR THE SECRETARY-GENERAL, JUNE 13, 1995

The Secretary-General is pleased to announce that the Government of Portugal has responded positively to the initiative he took last year inviting Governments to consider increasing their contribution to peacekeeping operations.

Ambassador Catarino of Portugal met with the Secretary-General on Friday, 9 June 1995, to convey a letter from his Minister of Foreign Affairs, expressing the willingness of the Government of Portugal to increase its support to peace-keeping operations by accepting that its assessment for peace-keeping operations should be at the same rate as for the regular budget.

Currently a member of Group C—the Group of countries that contribute to peace-keeping operations on the basis of 20 per cent of their regular budget scale of assessments—Portugal has agreed to move voluntarily to Group B, the time-frame for such a change to be agreed upon. Group B is the group of countries that contribute to peace-keeping operations on the basis of the same scale as their regular budget assessment. The competition of these Groups was established by the General Assembly some twenty years ago.

The Secretary-General expressed his deep appreciation to the Government of Portugal and stated that he felt encouraged by this tangible demonstration of Portugal's commitment to the work of the United Nations, particularly at a time when the financial situation of the Organization was so precarious.

ON THE CHANGE OF COMMAND OF COL. JESSE L. BROKENBURR

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1995

Mr. HANSEN. Mr. Speaker, Col. Jesse L. Brokenburr, U.S. Army, has served his Nation faithfully as commander, Tooele Army Depot [TEAD], Tooele, UT, from July 1993 through July 1995. As such, he commanded a multimission industrial complex spread over seven installations, in four different States. Under Colonel Brokenburr's command, the depot complex has remained responsive, flexible, environmentally responsible, and cost efficient. His leadership contributed directly to the fine reputation TEAD enjoys throughout the Army and the Department of Defense.

During Colonel Brokenburr's tenure, the depot complex has faced many challenges, including the BRAC directed closure of the Sacramento Depot Activity [SADA] and the downsizing of the Pueblo Depot Activity, CO, and the Umatilla Depot Activity, OR. As a direct result of his efforts, SADA became the first BRAC installation to sign a basewide record of decision for environmental cleanup, and was also the first economic conveyance of Federal property under President Clinton's five part plan for base reuse. At Pueblo and Umatilla, the difficult BRAC directed downsizing was accomplished efficiently while protecting the surety and safety of the ongoing chemical weapons stockpile storage mission.

BRAC effected the Tooele Army Depot work force as well. Realignment of TEAD's wheeled maintenance mission has resulted in drastic reductions of personnel. Colonel Brokenburr remained responsive throughout to the impact the depot's release of people would have on the surrounding community and the State of Utah. Even as TEAD faced its greatest challenges in over 40 years, Col. Jesse Brokenburr continued to stress the importance of the employee's quality of life, the morale of his work force and the welfare of their families. He possesses the rare quality of leadership that unites all who work for him into a cohesive unit in good times and bad. Colonel Brokenburr made an effort to know all of his people personally. The people that work with him and for him have described him as scrupulous, fair, gentle, understanding, considerate, and honest. Colonel Brokenburr embraces the principle that loyalty runs in two directions.

The following comments were also received from TEAD personnel: ''Colonel Jesse Brokenburr distinguished himself as a good Commander, with the qualities of quick comprehension, prompt attention, and sterling integrity in all of his dealings with the depot work force. He is a great American with faith in the United States Army, the United States Government and the American people. His convictions and faith showed through in everything he said and did. Colonel Brokenburr is a true, selfless citizen and a loyal public officer. He possesses the types of qualities we should all try to emulate. Though he leaves Tooele Army Depot, he leaves behind his unforgettable advice and legacy—stay focused and flexible.''

PAYING TRIBUTE TO CHERRY HILL FARM'S 150TH ANNIVERSARY

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1995

Mr. DAVIS. Mr. Speaker, my colleague, Mr. MORAN, and I rise today to pay tribute to the Cherry Hill Farm in Falls Church, VA. On Sunday, July 16, 1995, it will celebrate its 150th anniversary. In 1845 William Harvey purchased the 66-acre tract of land that would become known today as Cherry Hill Farm. Cherry Hill Farm is listed on the National Register of Historic Places and is open to the public. The site interprets antebellum family life in Virginia on a small but productive farm. Both the 1845 farmhouse and the 1850's hand hewn timber barn remain on their original sites.

On Sunday, July 16, 1995, from noon to 6 p.m., Cherry Hill will hold on an old-fashioned anniversary celebration. Reenactors will portray antebellum life as they prepare for a mid-19th century wedding. In addition, there will be music from that period, crafts and old fashioned games for children and adults. The barn will also be open and its antique tool collection will be on display.

Mr. Speaker, we know our colleagues join us in honoring Cherry Hill's Farm's 150th anniversary. We also invite and encourage any of our distinguished colleagues to attend this truly historic event at a truly historic place.

INTRODUCTION OF FIRE LEGISLATION

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1995

Mrs. KENNELLY. Mr. Speaker, I rise today to introduce legislation that would create three additional enterprise zones targeted toward the financial institutions, banking and real estate or ''FIRE'' industries. I have consistently supported enterprise zones and think the competition for both the zone and community designation provides ample evidence of the broad support for these efforts.

My city of Hartford, CT, applied for designation as an enterprise community but was denied. But when I started looking at the details, it was clear to me that while empowerment zones/enterprise communities are excellent economic development tools, they just do not quite fit all areas.

The tax incentives in empowerment zones include a wage credit, expensing of up to $75,000 and a lossening of restrictions on tax-exempt bonds—all incentives seemingly geared to manufacturing. Hartford and a number of other cities around the Nation, however, are different—our base is services and we would frankly benefit from a different mixture of tax incentives.

Let me talk about Hartford for a moment. Hartford has long been known as the insurance capital of the world. We have also traditionally been a center for financial services. However, any reader of the Wall Street Journal would know of the consolidation in the banking industry in New England and the collapse of the real estate market. On top of this, we are in the midst of unprecedented change in the insurance industry. In just one 10-day period recently, a number of announcements were made in Hartford: Connecticut Mutual Life Insurance was being acquired by Mass Mutual, the Travelers was selling its stake in Metrahealth—the last vestige of its health business, ITT would spin off its ITT/Hartford insurance division effective January 1st and Business Week listed Security-Connecticut as one of the hottest take-over targets in the insurance business.

But because this proposal is not just about Hartford. In the past decade, we have seen unprecedented change in our financial services industries. We have had banking and S&L problems, face increasing competition in the global marketplace, and later in the year will debate allowing banking, and other service industries including securities and insurance to affiliate. In addition, we have seen Bermuda attract over $4 billion in insurance capital in the past few years. It is certainly a beautiful place, but most importantly, it is also a tax haven.

And while change can certainly be good, it does create a tremendous amount of uncertainty. With each and every merger or spin-off, every major and every city council, not mention the thousands of affected employees ask the name two questions: What does this mean for jobs; and what impact does this have on the property tax base and real estate values?

This legislation would create three additional zones and with tax incentives targeted to services. Specifically, these FIRE zones would be patterned after existing enterprise zones, but could encompass an entire city or municipality, and more important, could include central business districts. Eligibility would be the same as for existing enterprise zones, with an additional requirement that an eligible city would have to have experienced the loss of at least 12 percent of FIRE industry employment, or alternatively, 5,000 jobs.

In lieu of traditional enterprise zone tax incentives, new or existing businesses in FIRE zones would receive a range of tax incentives.

First, to deal with jobs, there would be a wage credit for the creation of new jobs within the zone. This would encourage businesses to hire displaced and underemployed insurance, real estate, and banking workers as well as to create entry level jobs for clerks and janitors.

Second, to deal with the high commercial vacancy rate problem that plagues many cities, there would be unlimited expensing on FIRE buildouts and computer equipment. The proposal would also remove the passive loss restrictions on historic rehabilitation.

Next, to provide an incentive for investors, the proposal would provide for a reduction in the individual capital gains rate for zone property held for 5 years to 10 percent. In addition, capital gains on zone property would not be considered a preference item for individual alternative minimum tax purposes. The corporate capital gains tax rate would also be reduced, to 17 percent.

Finally, many big cities are not always as safe as we would like. Therefore, the proposal would provide for a double deduction for security expense within the zone. This should give employers an added stake in the safety of our cities.

I would urge my colleagues to support this legislation.

TRIBUTE TO THE ITALIAN-AMERICANS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1995

Mr. SHAW. Mr. Speaker, I rise today to pay tribute to the Italian-Americans, pillars of our great Nation.

Since the landing on the shores of this continent by a brave and daring sailor from Genova known to us as Christopher Columbus, Italian-Americans have played a vital role in forming our country.

From the signing of the Declaration of Independence by the Italian William Paca, a declaration that contained the words ''and all men were created equal,'' it is no wonder that this great Nation should be named America, after the Florentine explorer Amerigo Vespucci.

More than 23 million Italian immigrants have come to this country. They worked in the coal mines, they dug our subway systems, they planted our vineyards, and they were foremost in their appreciation of family values. Constantine Brumidi spent his life in America painting the inside of the dome of our Capitol—16 months of it on his back.

They also formed the Garibalde Guard, a fighting unit made up of mostly Italian-Americans who scored victories in numerous battles from Bull Run to Appomattox; and Gen. Luigi di Cesnola, Civil War hero and winner of the Medal of Honor.

The achievements and contributions of Italian-Americans continued into the 20th Century. Amadeo Giannini founded the Bank of America, turning it into the largest, privately-owned banking institution in the world. Angelo Siciliano became America's Charles Atlas, Silvestre Poli started 20th Century Fox, Amadeo Obici founded Planter's Peanuts, Theresa DeFrancischi posed for the Miss Liberty head on our silver dollars, Charles Bonaparte founded the FBI, Rudolph Valentine was the star of the silent screen, and war hero Sgt. John Basilone who was the only one in history to receive our Nation's two highest honors, the Medal of Honor and the Navy Cross.

The tapestry of America is deeply woven with the contributions by Italian-Americans; Joe DiMaggio, Frank Sinatra, Vince Lombardi, Mario Andretti, Rocky Marciano, Frank Capra, Lee Iacocca, Guy Lombardi, Bila Grasso, and Supreme Court Justice Antonin Scalia, are just a few.

The Italian contribution to America spans a history of 503 years. It is a contribution that has continuing residuals that benefit every American every day, and it should not be overlooked, but revered.

Mr. Speaker, today I am happy to join the Governor of the great State of Florida, along with many county commissioners, city mayors and councils, in declaring the month of October 1995, as Italian Heritage and Cultural Month.

TRIBUTE TO PHILIP HUSS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1995

Mr. GILLMOR. Mr. Speaker, I rise today to pay tribute to an old friend and outstanding citizen of Ohio who is no longer with us. Philip Huss of Fremont, OH, was in many ways the epitome of a model citizen and patriot.

Many people in the Fremont area remember Phil as ''Smoky'' the clown. His death was mourned by the whole community because his love touched so many people. Smoky's charming smile and humorous demeanor delighted children of all ages for many years. You could hardly attend a parade, festival, or community event without witnessing Phil's delightful presence.

Philip Huss served his Nation during World War II as a sailor in the Pacific. He was the Pacific Fleet's Heavyweight Boxing Champion in 1944 and won several Golden Gloves titles in the sport over his lifetime. After the war, Phil joined the Fremont Police Department and worked many years as a detective and juvenile officer. During his tenure on the department, he received numerous awards for outstanding service to the community.

Despite his successful career with the police department, Phil will always be remembered as Smoky. He began clowning in 1954 at the Fremont Speedway. In his rag-tag clown outfit and scooter, he brought countless smiles to children, parents, and grandparents over the next 40 years.

Mr. Speaker, Philip Huss distinguished himself as a reliable and dedicated public servant and a genuine role model in his private life. I ask my colleagues to join me in expressing our deepest sympathies to Phil's wife Martha, and in joining the community of Fremont in remembering and celebrating Philip's accomplishments. We will always miss him.

SUPPORTING H.R. 1868

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1995

Mr. FATTAH. Mr. Speaker, I rise to make it a matter of the official record of this body that I strongly support the policy established in H.R. 1868 of continuing full financial support to Israel and the Middle East. I voted against this legislation, however, because it contains deplorable and unjust provisions affecting the poorest countries in the world.

The total appropriation under H.R. 1868 is $12 billion for fiscal year 1996. This is $1.6 billion less than was appropriated fiscal year 1995, and nearly 50 percent of this reduction was taken from funds for Africa. This bill follows the Republican tradition of taking funds from those who can least afford it, and who have the fewest options.

Adding insult to injury, the bill gratuitously undermines the fledgling Haitian democracy by placing conditions on the distribution of funds to Haiti which assume that its democracy will not succeed. The bill is profoundly isolationist in that it reduces funds for bilateral and multilateral development assistance by one-third, and reduces support for international financial institutions by 40 percent. These funds encourage many of the world's poorest countries to adopt open market reforms, promote private sector development, and focus on poverty reduction. Development banks like the IDA help create jobs and economic security in the United States by making the world's 5.5 billion people better customers for our exports. Cutting funds to these programs will only serve to isolate us from a world in political and economic transition.

I understand that there are people in my district who are strong supporters of aid to Israel and the Middle East. But many of these same people support aid to Africa, and I could not, in the best interest of my constituents, vote for legislation which so disproportionately slashes aid to Africa. I will follow the progress of this legislation as it moves through the Senate, and I look forward to the opportunity to vote for a better bill as it emerges from the House and Senate conference committee.

TRIBUTE IN HONOR OF AMADEO FLORES OF ALICE, TX

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1995

Mr. TEJEDA. Mr. Speaker, I am proud to recognize a distinguished resident of the city of Alice, TX. Mr. Amadeo Flores of Alice was inducted into the Tejano Music Hall of Fame on May 12 in San Antonio at the 15th Annual Tejano Conjunto Festival. It is a well-deserved honor, coming after 50 years of accomplished musicianship on the accordion and the bajo sexto. Mr. Flores is a pioneer of the diatonic accordian, an instrument vitally important to the development of the rich and diverse tradition of Conjunto music.

During his career, Amadeo Flores traveled widely, playing in dance halls throughout the Southwest with many trailblazing Conjunto bands, including Tony de la Rosa and Los Sombra. Even in his retirement, Amadeo Flores plays music with Ruben Naranjo y Los Gamblers.

Amadeo Flores, with his lifelong dedication to this music, exemplifies what is best about Conjunto. His talent and hard work and persistence are unmistakable. Despite years of arduous and constant travel and having to take jobs in other fields to support his family, Amadeo Flores contributed mightily to the history of a vibrant form of music. He stands as a vital link in the history of a music that stretches from the cotton fields and factories of the Southwest to the modern success of such artists as Emilio Navaira and Selena Quintanilla Perez.

The music of a people is more than a collection of pleasant sounds and rhyming words. Taken as a whole, a tradition of music is the history of a people's thoughts and feelings and aspirations. Musicians like Mr. Flores, despite many hardships, worked hard to preserve the Conjunto tradition for future generations. With their talent and creativity, they kept the music alive for everyone to enjoy. Mr. Flores is still, to this day, playing music that moves people and helps express their emotions.

The people who do the everyday work of helping keep a culture vibrant and growing are often forgotten. I am just taking a few moments to remark on a hard-working American, Mr. Amadeo Flores, who is receiving appropriate recognition, a place in the Tejano Music Hall of Fame.

EXTENDING MOST-FAVORED-NATION TREATMENT TO CAMBODIA

SPEECH OF

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 1995

Mr. HORN. Mr. Speaker, I strongly support the extension of MFN for Cambodia. The people of Cambodia have undergone more than 20 years of unimaginable horror to reach a point where they could decide their own fate. After years of bloodshed, a government that they elected now represents the people of Cambodia. With the improvement of its political institutions, the people of Cambodia are also attempting to bring reform to its markets. Rising from the starvation and brutality of the recent past, Cambodians are struggling to build a strong country, with solid political institutions and an economic foundation that will allow stability to replace insecurity.

Trade is an important vehicle for creating opportunity and strengthening relations. Trade represents a symbolic recognition between countries of shared goals. An important goal of the United States is to see progress in Southeast Asia. This is happening. On July 11, President Clinton may announce the normalization of relations with Vietnam. Thailand has undergone another peaceful election in which the opposition party won a plurality of votes. On July 10, Burma announced the release of Nobel-laureate Aung San Suu Kyi. Important changes are taking place throughout the region, and it is right that the United States continue to encourage reforms in Cambodia.

Cambodia. for all its reforms, still must go further. On July 10, the Cambodian parliament approved a new law that sends disturbing signals on its commitment to free speech. These are the kinds of actions that the United States must constructively work to discourage, while also supporting the many positive reforms that have taken place. Cambodia is seeking ways to rejoin and participate in regional and global arrangements. Extending Most-Favored-Nation tariff treatment to Cambodia sends a positive signal to that country's reformers, while also reserving the right to reevaluate this status should it be necessary to do so in the future.

THE INTRODUCTION OF THE ACCESS TO EMERGENCY MEDICAL SERVICES ACT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 1995

Mr. CARDIN. Mr. Speaker, I rise today to introduce the Access to Emergency Medical Services Act. This legislation would end health plans' ability to deny coverage and payment

for appropriate emergency room visits. In addition, it would require health plans to pay emergency physicians and hospital emergency departments for federally required evaluation and screening exams.

I'm sure most of you have heard stories from friends, relatives, or the press of people who received care in the emergency room, but their health plan refused to cover that care. Health plans are able to do this by claiming that the patient's diagnosis did not meet the health plan's definition of emergency. I have attached a recent New York Times article which highlights the problem.

A 1992 study of Medicare's HMO claims denials conducted for the Health Care Financing Administration determined that emergency department visits were dispute prone. In fact, the study showed that 40 percent of the claims denied by Medicare HMO's were for emergency care services. The study's author concluded that this was because HCFA's definition of emergency was regulatory and placed patients in the untenable position of having to make quasi-medical judgments about the severity of their symptoms. Unfortunately, for many patients, while their symptoms may suggest that they are experiencing a medical emergency, only a qualified health professional can ultimately make that determination after an appropriate medical evaluation.

The State of Maryland has put an end to many of these after-the-fact denials by establishing a uniform definition of emergency that requires payment determinations to be based upon the patient's symptoms, rather than the patients ultimate diagnosis. Virginia and Arkansas have also adopted this definition. My legislation would take this prudent layperson definition of emergency and make it the national, uniform definition. In addition, the bill would do the following:

Prohibit health plans from requiring prior authorization for emergency services or requiring that the health plan have a contractual arrangement with the hospital emergency department in order for care to be provided to the plan's enrollees.

Require health plans to pay emergency physicians and hospital emergency departments for services they are required by Federal law to provide.

Ensure 24-hour access and timely authorization—30 minutes—from health plans for needed care for an enrollee being treated in an emergency department.

Assure that health plans promote the appropriate use of 911 emergency telephone numbers and do not create barriers to their appropriate use.

Apply these same standards to Medicare and Medicaid.

The Access to Emergency Medical Services Act is supported by both health care providers and consumer organizations. First, I would like to thank the American College of Emergency Physicians [ACEP] who have documented the need for this reform, and worked closely with me to develop this legislation. The bill is also supported by Consumers Union, the National Association of EMS Physicians, Citizen Action, the Coalition for American Trauma Care, Public Citizen, the American Ambulance Association, the International Association of Firefighters, and the Emergency Medical Services Section of the International Association of Fire Chiefs.

The Access to Emergency Medical Services Act enables those in need to be assured of access to emergency medical care. This legislation provides a reasonable definition that may be applied to emergency situations, and safeguards patients both medically and financially. It is imperative that this Congress join in bipartisan support on this issue.

Access to emergency medical service is fundamental to ensuring a viable health care system. What is at stake here is not an issue of governmental regulation, but an issue of protecting patient safety. I urge you, my colleagues, to join me in supporting the Emergency Medical Services Act.

[From the New York Times, July 9, 1995]

H.M.O.'S REFUSING EMERGENCY CLAIMS, HOSPITALS ASSERT—2 MISSIONS IN CONFLICT

MANAGED CARE GROUPS INSIST THEY MUST LIMIT COSTS—DOCTORS ARE FRUSTRATED

(By Robert Pear)

WASHINGTON.—As enrollment in health maintenance organizations soars, hospitals across the country report that H.M.O.'s are increasingly denying claims for care provided in hospital emergency rooms.

Such denials create obstacles to emergency care for H.M.O. patients and can leave them responsible for thousands of dollars in medical bills. The denials also frustrate emergency room doctors, who say the H.M.O. practices discourage patients from seeking urgently needed care. But for their part, H.M.O.'s say their costs would run out of control if they allowed patients unlimited access to hospital emergency rooms.

How H.M.O.'s handle medical emergencies is an issue of immense importance, given recent trends. Enrollment in H.M.O.' doubled in the last eight years, to 51 million in 1994, partly because employers encouraged their use as a way to help control costs.

In addition, Republicans and many Democrats in Congress say they want to increase the use of H.M.O.'s because they believe that such prepaid health plans will slow the growth of Medicare and Medicaid, the programs for the elderly and the poor, which serve 73 million people at a Federal cost of $267 billion this year.

Under Federal law, a hospital must provide ''an appropriate medical screening examination'' to any patient who requests care in its emergency room. The hospital must also provide any treatment needed to stabilize the patient's condition.

Dr. Tom A. Mitchell, director of emergency care at Tampa General Hospital in Florida, said: ''I am obligated to provide the care, but the H.M.O. is not obligated to pay for it. This is a new type of cost-shifting, a way for H.M.O.'s to shift costs to patients, physicians and hospitals.''

Most H.M.O.'s promise to cover emergency medical services, but there is no standard definition of the term. H.M.O.'s can define it narrowly and typically reserve the right to deny payment if they conclude, in retrospect, that the conditions treated were not emergencies. Hospitals say H.M.O.'s often refuse to pay for their members in such cases, even if H.M.O. doctors sent the patients to the hospital emergency rooms. Hospitals then often seek payment from the patient.

Dr. Stephen G. Lynn, director of emergency medicine at St. Luke's-Roosevelt Hospital Center in Manhattan, said: ''We are getting more and more refusals by H.M.O.'s to pay for care in the emergency room. The problem is increasing as managed care becomes a more important source of reimbursement. Managed care is relatively new in New York City, but it's growing rapidly.''

H.M.O.'s emphasize regular preventive care, supervised by a doctor who coordinates all the medical services that a patient may need. The organizations try to reduce costs by redirecting patients from hospitals to less expensive sites like clinics and doctors' offices.

The disputes over specific cases reflect a larger clash of missions and cultures. An H.M.O. is the ultimate form of ''managed care,'' but emergencies are, by their very nature, unexpected and therefore difficult to manage. Doctors in H.M.O.'s carefully weigh the need for expensive tests or treatments, but in an emergency room, doctors tend to do whatever they can to meet the patient's immediate needs.

Each H.M.O. seems to have its own way of handling emergencies. Large plans like Kaiser Permanente provide a full range of emergency services around the clock at their own clinics and hospitals. Some H.M.O.'s have nurses to advise patients over the telephone. Some H.M.O. doctors take phone calls from patients at night. Some leave messages on phone answering machines, telling patients to go to hospital emergency rooms if they cannot wait for the doctor's offices to reopen.

At the United Healthcare Corporation, which runs 21 H.M.O.'s serving 3.9 million people, ''It's up to the physician to decide how to provide 24-hour coverage,'' said Dr. Lee N. Newcomer, chief medical officer of the Minneapolis-based company.

George C. Halvorson, chairman of the Group Health Association of America, a trade group for H.M.O.'s, said he was not aware of any problems with emergency care. ''This is totally alien to me,'' said Mr. Halvorson, who is also president of HealthPartners, an H.M.O. in Minneapolis. Donald B. White, a spokesman for the association, said, ''We just don't have data on emergency services and how they're handled by different H.M.O.'s.''

About 3.4 million of the nation's 37 million Medicare beneficiaries are in H.M.O.'s. Dr. Rodney C. Armstead, director of managed care at the Department of Health and Human Services, said the Government had received many complaints about access to emergency services in such plans. He recently sent letters to the 164 H.M.O's with Medicare contracts, reminding them of their obligation to provide emergency care.

Alan G. Raymond, vice president of the Harvard Community Health Plan, based in Brookline, Mass., said, ''Employers are putting pressure on H.M.O.'s to reduce inappropriate use of emergency services because such care is costly and episodic and does not fit well with the coordinated care that H.M.O.'s try to provide.''

Dr. Charlotte S. Yeh, chief of emergency medicine at the New England Medical Center, a teaching hospital in Boston, said: ''H.M.O.'s are excellent at preventive care, regular routine care. But they have not been able to cope with the very unpredictable, unscheduled nature of emergency care. They often insist that their members get approval before going to a hospital emergency department. Getting prior authorization may delay care.

''In some ways, it's less frustrating for us to take care of homeless people than H.M.O. members. At least, we can do what we think is right for them, as opposed to trying to convince an H.M.O. over the phone of what's the right thing to do.''

Dr. Gary P. Young, chairman of the emergency department at Highland Hospital in Oakland, Calif., said H.M.O.'s often directed emergency room doctors to release patients or transfer them to other hospitals before it was safe to do so. ''This is happening every day,'' he said.

The PruCare H.M.O. in the Dallas-Fort Worth area, run by the Prudential Insurance Company of America, promises ''rock solid

health coverage,'' but the fine print of its members' handbook says, ''Failure to contact the primary care physician prior to emergency treatment may result in a denial of payment.''

Typically, in an H.M.O., a family doctor or an internist managing a patient's care serves as ''gatekeeper,'' authorizing the use of specialists like cardiologists and orthopedic surgeons. The H.M.O.'s send large numbers of patients to selected doctors and hospitals; in return, they receive discounts on fees. But emergencies are not limited to times and places convenient to an H.M.O.'s list of doctors and hospitals.

H.M.O.'s say they charge lower premiums than traditional insurance companies because they are more efficient. But emergency room doctors say that many H.M.O.'s skimp on specialty care and rely on hospital emergency rooms to provide such services, especially at night and on weekends.

Dr. David S. Davis, who works in the emergency department at North Arundel Hospital in Glen Burnie, Md., said: ''H.M.O.'s don't have to sign up enough doctors as long as they have the emergency room as a safety net. The emergency room is a backup for the H.M.O. in all it's operations.'' Under Maryland law, he noted, an H.M.O. must have a system to provide members with access to doctors at all hours, but it can meet this obligation by sending patients to hospital emergency rooms.

To illustrate the problem, doctors offer this example: A 57-year-old man wakes up in the middle of the night with chest pains. A hospital affiliated with his H.M.O. is 50 minutes away, so he goes instead to a hospital just 10 blocks from his home. An emergency room doctor orders several common but expensive tests to determine if a heart attack has occurred.

The essence of the emergency physician's art is the ability to identify the cause of such symptoms in a patient whom the doctor has never seen. The cause could be a heart attack. But it could also be indigestion, heartburn, stomach ulcers, anxiety, a panic attack, a pulled muscle or any of a number of other conditions.

If the diagnostic examination and tests had not been performed, the hospital and the emergency room doctors could have been cited for violating Federal law.

But in such situations, H.M.O.'s often refuse to pay the hospital, on the ground that the hospital had no contract with the H.M.O., the chest pain did not threaten the patient's life or the patient did not get authorization to use a hospital outside the H.M.O. network.

Representative Benjamin L. Cardin, Democrat of Maryland, said he would soon introduce a bill to help solve these problems. The bill would require H.M.O.'s to pay for emergency medical services and would establish a uniform definition of emergency based on the judgment of ''a prudent lay person.'' The bill would prohibit H.M.O.'s from requiring prior authorization for emergency services. A health plan could be fined $10,000 for each violation and $1 million for a pattern of repeated violations.

The American College of Emergency Physicians, which represents more than 15,000 doctors, has been urging Congress to adopt such changes and supports the legislation.

When H.M.O.'s deny claims filed on behalf of Medicare beneficiaries, the patients have a right to appeal. The appeals are heard by a private consulting concern, the Network Design Group of Pittsford, N.Y., which acts as agent for the Government. The appeals total 300 to 400 a month, and David A. Richardson, president of the company, said that a surprisingly large proportion—about half of all Medicare appeals—involved disagreements over emergencies or other urgent medical problems.

COST OF GOVERNMENT DAY

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1995

Mr. BALLENGER. Mr. Speaker, July 9—the Cost of Government Day—marks the point at which the average American worker finally begins to earn money he can keep for himself—in order to pay for food, housing, living expenses, and savings. Thanks to direct taxes, deficit spending, and excess regulation, our oversized and overpriced government takes 52 cents for every dollar we earn. Hard to believe but true.

It is not difficult to see why it now takes Americans almost 190 days to pay off annual costs to Uncle Sam. For example, Federal regulations cost Americans an estimated $700 billion in 1994 alone. The flow of unfunded mandates issued by the White House has caused substantial increases in State and local taxes. And we continue to feel the effects of the 1993 Clinton tax hike.

I do not believe that it was ever the intent of our Founding Fathers for Americans to work more hours for the government than they work for themselves. I urge my colleagues to continue the progress begun in the Contract With America—such as the passage of the Unfunded Mandate Reform Act—and fight to bring this outrageous trend under control. By reducing the size of our bloated bureaucracy and judging the effects of new Federal regulations in a more responsible manner, we can ensure that the Cost of Government Day rolls around a little sooner each year.

RECOGNITION OF JAMAINE A. FRY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1995

Mr. THOMPSON. Mr. Speaker, I stand today to recognize Jamaine A. Fry of Tutwiler, MS. Jamaine was a 12-year-old student at the West District Middle School in Sumner MS. Shortly after midnight on June 6, 1995, this young man was awakened to discover the living room wall in the family's apartment was in flames. He quickly alerted his mother and other family members, and helped them escape to safety. Jamaine died from smoke inhalation after re-entering the apartment thinking a family member was still inside.

Today, I salute Jamaine A. Fry for bravery. The example of his courage and love will remain as a source of continued inspiration to his family, friends, and the community of Tutwiler, MS.

TRIBUTE TO STAFF AND PLAYERS OF THE MOODY HIGH SCHOOL BASEBALL TEAM

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1995

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to the players, coaches, principal and superintendent of the Moody High School State finalist baseball team in Corpus Christi, TX.

Reaching the State finals in the university interscholastic league State tournament in South Texas is a difficult and arduous task, yet the Moody High Trojans proved they could achieve this ultimate goal. They have brought great pride to the south Texas area and I am very proud of their courage and tenacity.

I would like to congratulate the people who have made this accomplishment possible: Parents, coaches, friends, fans, and the entire community. Head coach Steve Castillo has been instrumental in his team's success. He has taught his players the fundamentals of the game as well as the importance of sportsmanship and fair play. These lessons are also true in life. His dedication to the game and to his players is to be commended.

In my entire life, the best feeling I have ever experienced is playing ball with my friends. Participating in athletics not only builds character, but it fosters life-long friendships. Playing ball with your friends, making the big plays, digging in and giving your all—that is what teamwork is all about. Teamwork teaches an individual some of the most important lessons of life: Cooperation, commitment, and hard work.

The baseball team at Moody High School has demonstrated these commendable qualities throughout their season. Their success was undoubtedly due to their hard work and dedication to the sport.

Members of the Moody High School Trojans are: Pete Angel, Roel Rocha, Michael Hebert, Larue Gonzalez, Aaron Gonzalez, Merce Garcia, Freddy Garcia, Jacob Perez, Andrew Gonzalez, Mike Medina, Arnold Padron, Ricky Hernandez, Jimmy Vera, Eric Cabrera, Johnny Gonzalez, Ramsey Reyes, Danny Ledesma, Jesse Hinojosa, Omar Trevino, Chris Bernal, Danny Quintanilla, Rene Hernandez, Joe Luis Lopez, and James Polanco.

I hope my colleagues will join me in paying tribute to the Moody High Trojans for their tremendous accomplishments.

A SALUTE TO THE FULTON COUNTY DEMOCRAT: 140 YEARS OF COMMUNITY SERVICE AND LEADERSHIP

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1995

Mr. EVANS. Mr. Speaker, today, I want to salute the Fulton County Democrat, which this month is observing its 140th year of publishing.

This historic and excellent weekly newspaper, which is the oldest continuous business in Fulton County, has provided invaluable

community service to its readers and maintained the highest principles of journalism.

The Democrat is also unique in that it has remained in the same family since its founding. That is a real tribute to the Martin family, which started the paper. It is also a tribute to the citizens of Fulton County and their values.

Throughout the years, the Democrat has continually promoted the community and served the citizens of our area with great commitment and dedication.

I applaud its publisher, Robert L. Martin, Jr., for his leadership; its editor, Ruth W. Lynn, for her hard work and dedication; and everyone who works at the paper for their commitment and service.

The Fulton County Democrat is an integral part of our area's proud heritage and tradition. It is with great pride that I join the Fulton County community in recognizing this historic anniversary.

HONORING DENNY AND ROSE HEINDL

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1995

Mr. CLINGER. Mr. Speaker, I rise today to pay tribute to Denny and Rose Heindl of Ridgway, PA.

On Thursday, July 20, the citizens of Ridgway will gather to dedicate a new fieldhouse and sports pavilion. It is through the generosity and leadership of Denny and Rose Heindl that this day was made possible.

Not only did Denny and Rose provide the funding for materials necessary for the yearround sports facility, but they also contributed their time and energy in its construction. By example, they led what became a true community effort in building the fieldhouse. Since March, as many as 30 volunteers have gathered nightly to make the fieldhouse a reality.

But this is not an isolated instance. It is one shining example of the Heindls' boundless community spirit and selflessness.

Last year, they donated funds for materials to rebuild the high school annex building into a community sports complex. Most recently, they announced that they will fund the replacement of lights at the field around the sport pavilion.

Denny and Rose Heindl have helped to build facilities that the youth of Ridgway will enjoy and that the entire community will treasure. In so doing, they have also brought people together and strengthened Ridgway's sense of unity and civic pride.

Thank you, Mr. Speaker, for the opportunity to recognize these very special people. Congratulations to them and to all of Ridgway's dedicated volunteers.

RECOGNITION OF DR. JUAN ANGEL SILEN

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1995

Mr. GUTIERREZ. Mr. Speaker, I rise to recognize Juan Angel Silen, Ph.D., of Puerto Rico, one of the island's most prolific writers of the last half century, upon the publication of his 25th book, and upon his designation as the Puerto Rico delegate of the internationally prestigious Association of Spanish Writers and Artists, founded in 1872.

Born in 1938, Dr. Silen has distinguished himself in the areas of education, the social sciences, history, and Puerto Rican literature.

A teacher, college professor, and above all, an educator, Dr. Silen has been recognized by a resolution of the Puerto Rico Senate (1993), a resolution of the Puerto Rico House of Representatives (1994), was nominated for the Juan Rulfo Latin American and Caribbean Literature Prize (1994), and appointed as writer in residence of the Barbara Ann Rossler Academy.

His insightful, albeit controversial book ''We, The Puerto Rican People'' has seen six printings in the United States, and has been used in countless college and graduate level courses, where it has helped challenge conventional wisdom and develop critical thinking about the complexities of Puerto Rican history and reality.

Dr. Silen's work of many years has now taken him to the field of literature where he has contributed seven historical novels, several important essays and books on literary criticism and history, and a most beautiful book of stories for children.

Mr. Chairman, in these times of a culture of violence, of instant gratification, consumerism and banality, the cultural accomplishments of a dedicated scholar, and writer such as Dr. Silen must not be forgotten. They should, rather, be lifted by us all as an example for our youth and our society as a whole.

THOMAS MONTEIRO

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1995

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to Prof. Thomas Monteiro, a product of the New York City school system and a graduate of Winston-Salem State University, Queens College [CUNY] and Fordham University. In addition, to his strong academic credentials, Professor Monteiro has always recognized the need to reach back and educate others.

A teacher, for more than 30 years, Thomas Monteiro has supervised a variety of programs at the secondary school and college level. He served as the first president of the Jamaica Branch of the N.A.A.C.P. and as a former Co-Chairperson of New York City's African American Teachers Association.

Recently, he was appointed by the Commission of Education to the New York Task Force on Minorities, Equity and Excellence. Not only has Professor Monteiro taken an active role in educating our youth; he continued to shine his light on the community by also taking an active role in community affairs.

On a daily basis Thomas touches many lives. He has worked continuously by inspiring and mobilizing many of his peers. His vitality flows out of these experiences. The energy he projects represents a coming together of a personal and professional commitment to enhance educational opportunities for young people. Certainly, it is no coincidence that Prof. Thomas Monteiro is being honored as a result of his retirement from Brooklyn College [CUNY], by his colleagues, family, students, and friends on Sunday, October 29, 1995.

I want to wish him the best of luck in the future and I hope others will follow the example of service and dedication by this distinguished citizen, Prof. Thomas Monteiro.

CONGRATULATIONS TO THE GRADUATES OF THE 12TH CONGRESSIONAL DISTRICT

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1995

Ms. VELÁZQUEZ. Mr. Speaker, it pleases me to congratulate some special graduates from the 12th Congressional District of New York. I am certain that this day marks the culmination of much hard work and many valiant efforts for these students, work and efforts which have led and will continue to lead them to success. They have overcome the obstacles of overcrowded and dilapidated classrooms, antiquated and insufficient instructional material, and the all too frequent distractions of random violence and pervasive drug activity. But these students have persevered despite the odds. Their success is a tribute not only to their own strength, but also to the supportive parents and teachers who have encouraged them to make it.

These students have learned that education is priceless. They know that education will provide them with the tools and opportunities to be successful in any endeavor they pursue. In many respects, this is the most important lesson they will carry with them for the rest of their lives.

In closing, I'd like to say that the best and brightest youths in America must be encouraged to stay on course so they can pave the way for a better future of this Nation. Mr. Speaker, I ask my colleagues to join me in congratulating the following graduates who have triumphed despite adversity.

Congratulations to the 1995 graduates of the 12th Congressional District:

Cindy Pargan and Frolan Cancel—Eastern District H.S.; Christine Jackson and Jaime Dottin—W.H. Maxwell H.S.; Monica Mera and Willie Guzman—Bushwick H.S.; Robert Jacobs and Takisha Duggan—Murray Bergtraum H.S.; Ana Ferrin and Aida Markisic—Lower East Side Prep H.S.; Madelin Luna and Wilson Perez—J.H.S. 22; Mia Fowler and Jason Garcia—J.H.S. 56; Luis Barret and Tenaja Middleton—J.H.S. 296; Michael Lebron and Deborah Perez—I.S. 111; Nathaniel Foreman and Naiema Townsley—I.S. 383; Ruth Solis and Raymond Viera—I.S. 291; Rita Salas and Jasmine Velazquez—P.S. 86K; Keziah Ramirez and Erica Morel—P.S. 297; Denise Lebron and Armando Luquis—Transfiguration School.

RECOGNITION OF PRESIDENT LEE TENG-HUI

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1995

Mr. THOMPSON. Mr. Speaker, I rise today in recognition of President Lee Teng-hui. Following many months of congressional support, President Lee Teng-hui of the Republic of China on Taiwan was allowed the opportunity to give the Olin lecture at Cornell University on June 9, 1995. He spoke of his student days at Cornell and especially of the many accomplishments of his country.

President Lee touched upon Taiwan's economic triumphs, political reforms, respect for human rights and prospects for reunification with the Chinese mainland. He remarked:

Today, the institutions of democracy are in place in the Republic of China; human rights are respected and protected to a very high degree. Democracy is thriving in my country. No speech or act allowed by law will be subject to any restriction or interference. Different and opposing views are heard every day in the news media. * * * Thus the needs and wishes of my people have been my guiding light every step of the way. I only hope that the leaders in the mainland are able one day to be similarly guided, since then our achievements in Taiwan can most certainly help the process of economic liberalization and the cause of democracy in mainland China.

President Lee delivered an outstanding lecture at Cornell University. His heart was always with his country and with his people. President Lee extended his love to his Chinese compatriots on the Chinese mainland:

We believe that mutual respect will gradually lead to the peaceful reunification of China under a system of democracy, freedom and equitable distribution of wealth. * * * To demonstrate our sincerity and goodwill, I have already indicated on other occasions that I would welcome an opportunity for leaders from the mainland to meet their counterparts from Taiwan during the occasion of some international event, and I would not even rule out the possibility of a meeting between Mr. Jiang Zemin and myself.

I believe President Lee is absolutely sincere in reaching out to the leaders in Beijing. I too hope that Taiwan and the mainland will one day end their ideological struggles and be reunited as one free democratic country. Thank you.

TRIBUTE TO STAFF AND PLAYERS OF THE CALALLEN HIGH SCHOOL BASEBALL TEAM

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1995

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to the players, coaches, principal, and superintendent of the Calallen High School State finalist baseball team in Corpus Christi, TX.

Reaching the State finals in the University Interscholastic League State tournament in south Texas is a difficult and arduous task, yet the Calallen High Wildcats proved they could achieve this ultimate goal. They have brought great pride to the south Texas area and I am very proud of their courage and tenacity.

I would like to congratulate the people who have made this accomplishment possible: parents, coaches, friends, fans, and the entire community. Head coach Steve Chapman has been instrumental in his team's success. He has taught his players the fundamentals of the game as well as the importance of sportsmanship and fair play. These lessons are also true in life. His dedication to the game and to his players is to be commended.

In my entire life, the best feeling I have ever experienced is playing ball with my friends. Participating in athletics not only builds character, but it fosters lifelong friendships. Playing ball with your friends, making the big play, digging in and giving your all—that is what teamwork is all about. Teamwork teaches an individual some of the most important lessons of life: cooperation, commitment, and hard work.

The baseball team at Calallen High School has demonstrated these commendable qualities throughout their season. Their success was undoubtedly due to their hard work and dedication to the sport. I hope my colleagues will join me in paying tribute to the Calallen High Wildcats for their tremendous accomplishments.

Members of the Calallen High School Wildcats are: Lucas McCain, Kelby Jauer, Jesse Foreman, Casey Pearce, Daniel Henderson, Brent Klosterman, Isaac DeLeon, John Blahuta, Bert Gamez, Justin Home, Dickie Gonzales, Terrence Jacobi, Ryan Vaughn, Tim Ramon, Chip Houston, Casey Doran, Woody Chambers, Marvin Parker, Ray Chapa, C.J. Carroll, and Kevin Mitchell.

I hope my colleagues will join me in paying tribute to the Calallen High Wildcats for their tremendous accomplishments.

TRIBUTE TO GERALD MELLVYN SIMMS

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1995

Mr. MARTINI. I rise to pay tribute to an extraordinary person who passed away over the weekend, Gerald Mellvyn Simms of Passaic, NJ.

Gerry's departure has left an unfillable void in his community, and a deep sorrow in the hearts of his loved ones. He was an invaluable citizen and a good friend, and to say he will be missed would understate his importance in those lives he touched.

Gerry was a fixture in my hometown of Passaic. A lifelong Republican, he was a staunch defender of civil rights and equal opportunity. Gerry enjoyed many different roles in Passaic City government, and was even the first member of the black community to run for mayor. Although he lost his bid for office, he remained committed to helping the city he loved, and stayed active in city affairs until the end of his life. But he shared himself with the city of Passaic in so many more ways than through work in the public sector. As both a member of the Bethel A.M.E. Church and owner of Kelly Construction Co., Gerry Simms exemplified the highest qualities of civic virtue. Indeed, this was a unique gentleman who demonstrated to everyone how an individual should conduct oneself in both private and public life.

On a personal note, I will always cherish the special relationship forged with Gerry with respect to our family history. I can still recall with great warmth the day I met him at 663 Main Avenue in Passaic nearly 20 years ago when he sought me out in order to lend his help as I was beginning my law career. That day resumed the special and treasured relationship long established by Gerry's family and mine which we mutually cherished. His counsel and loyal friendship will be fondly remembered.

In a very real sense, with the loss of Gerry, Passaic loses a hero; here was a hometown boy who not only made good, but made life better for thousands of others as well. In an era in which this city and this Nation searched desperately for role models, Gerry Simms offered himself as a cut above the rest. To all that watched, he was a model to emulate for young and old alike. He was a man who knew the meaning of the words compassion and respect, and exuded them in everything he did. We were blessed to have been touched by his grace, and will never forget his warmth and compassion. My deepest condolences to his mother, Mrs. Marion West, and to all those who loved and knew him. While Gerry has passed on, his life has left an indelible imprint on our hearts, an imprint that will provide us the strength to live our own lives in a more meaningful and fulfilling way.

THE GROUNDBREAKING FOR THE MEMORIAL MONUMENT

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 12, 1995

Mr. WELLER. Mr. Speaker, today we witness a very sentimental and historic moment in Streator, IL—the groundbreaking for the Memorial Monument honoring the hundreds of civilian volunteers of the Illinois Valley area who operated a free canteen at the railroad depot during World War II. During this time volunteers from Streator and surrounding areas provided sandwiches, coffee, fruit, and cookies—in spite of food and gas rationing—for more than 1.5 million men and women in uniform who came by train through Streator. In some cases, the volunteers honored requests by the soldiers to call their families to let them know they were OK.

At the darkest hours of the war—when young soldiers were being sent to the frontline to fight—this community came to the aid of the soldiers. The canteen was one of the greatest morale builders for our soldiers, and the efforts of the volunteers deserve to be immortalized in this statue.

Many letters have been written to the canteen memorial fund since an article ran in Reminisce magazine highlighting how important the canteen was to soldiers. In some cases, soldiers who remember Streator and the free canteen wrote to thank the volunteers for the food and the memories.

One veteran from Florida wrote ''I have never forgotten that troop train ride as it was a very uncomfortable trip, but the short stop at the Streator Station made up for the discomfort . . .''

And, another veteran wrote ''Your letter in the Jan/Feb 1995 issue of the Reminisce

Wednesday, July 12, 1995

Daily Digest

HIGHLIGHTS

House passed the Energy and Water appropriations bill.

Senate

Chamber Action

Routine Proceedings, pages S9727–S9826

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 1023–1027, and S. Res. 149.

Pages S9801–02

Measures Reported: Reports were made as follows:

S. 1023, to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996. (S. Rept. No. 104–111)

S. 1026, to authorize appropriations for fiscal year 1996 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces. (S. Rept. No. 104–112)

Page S9801

Comprehensive Regulatory Reform Act: Senate continued consideration of S. 343, to reform the regulatory process, taking action on amendments proposed thereto, as follows:

Pages S9733–69, S9775–92, S9794

Adopted:

By 69 yeas to 31 nays (Vote No. 301), Johnston Amendment No. 1504 (to Amendment No. 1487), to provide that risk assessments conducted to support proposed rules may be used to support final rules that are not substantially different with respect to the risk being addressed.

Pages S9781–82

Rejected:

(1) By 49 yeas to 51 nays (Vote No. 302), Daschle Amendment No. 1505 (to Amendment No. 1487), to protect public health by ensuring timely completion of the United States Department of Agriculture's rulemaking on ''Pathogen Reduction: Hazard Analysis and Critical Control Point (HACCP) Systems''.

Page S9782

(2) Kohl Amendment No. 1506 (to Amendment No. 1487), to protect the public from the dangers of Cryptosporidium and other drinking water hazards by ensuring timely completion of rulemaking to protect the safety of drinking water from microbial and other risks. (By 50 yeas to 48 nays (Vote No. 303), Senate tabled the amendment.)

Pages S9783–91

Withdrawn:

(1) Hatch Amendment No. 1498 (to Amendment No. 1487), to strengthen the agency prioritization and comparative risk analysis section of the bill.

Pages S9734–35, S9741

(2) Hatch Amendment No. 1499 (to Amendment No. 1498), in the nature of a substitute.

Pages S9735–36, S9741

(3) Hatch (for Roth) Amendment No. 1500, to establish risk-based priorities for regulation.

Pages S9736–37, S9741

(4) Hatch (for Roth) Amendment No. 1501 (to Amendment No. 1501), in the nature of a substitute. **Pages S9737–38, S9741**

(5) Daschle Amendment No. 1502 (to Amendment No. 1487), to protect public health by ensuring timely completion of the United States Department of Agriculture's rulemaking on ''Pathogen Reduction: Hazard Analysis and Critical Control Point (HACCP) Systems.'' **Pages S9741–48, S9777**

(6) Johnston Amendment No. 1503 (to Amendment No. 1502), to establish that rules proposed prior to April 1, 1995, are not subject to certain provisions of the bill. **Pages S9748–77**

Pending:

(1) Dole Amendment No. 1487, in the nature of a substitute. **Page S9733**

(2) Roth/Biden Amendment No. 1507 (to Amendment No. 1487), to strengthen the agency prioritization and comparative risk analysis section of the bill. **Page S9791**

A motion was entered to close further debate on Amendment No. 1487, in the nature of a substitute and, in accordance with the provisions of Rule XXII

of the Standing Rules of the Senate, a vote on the cloture motion will occur on Friday, July 14.

Page S9794

Senate will resume consideration of the bill on Thursday, July 13, 1995.

Messages From the President: Senate received the following message from the President of the United States:

Transmitting a report on the national emergency with respect to Libya; referred to the Committee on Banking, Housing, and Urban Affairs. (PM–64).

Pages S9800–01

Nominations Received: Senate received the following nominations:

James Franklin Collins, of Illinois, to be Ambassador at Large and Special Advisor to the Secretary of State for the New Independent States.

Stanley Tuemler Escudero, of Florida, to be Ambassador to the Republic of Uzbekistan.

Joseph A. Presel, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during his tenure of service as Special Negotiator for Nagorno-Karabakh.

Stephen D. Potts, of Maryland, to be Director of the Office of Government Ethics for a term of five years. (Reappointment)

1 Air Force nomination in the rank of general.

Routine lists in the Army and Navy.

Pages S9823–26

Messages From the President: **Page S9800**

Messages From the House: **Page S9800**

Measures Referred: **Page S9801**

Statements on Introduced Bills: **Pages S9802–11**

Additional Cosponsors: **Page S9810**

Amendments Submitted: **Pages S9811–17**

Authority for Committees: **Page S9817**

Additional Statements: **Page S9817**

Record Votes: Three record votes were taken today. (Total—303) **Pages S9781–82, S9782, S9791**

Recess: Senate convened at 9 a.m., and recessed at 10:07 p.m., until 9 a.m., on Thursday, July 13, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S9794).

Committee Meetings

(Committees not listed did not meet)

TELEVISION VIOLENCE

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine the effects of violence in television programming, after receiving testimony from Senators Simon and Conrad; Representatives Spratt, Markey, and Moran; Wayne Luplow, Zenith Electronics Corporation, Glenview, Illinois; Jim Brian, Protelcon, Inc., Califon, New Jersey; Andrew Andros, Technidyne, Coconut Grove, Florida; Paul Dawes, Sybase Corporation, Emeryville, California; Elizabeth Thoman, Center for Media Literacy, Los Angeles, California; Edward Donnerstein, University of California, Santa Barbara; Robert Lichter, Center for Media and Public Affairs, and Shirley Igo, National Parent and Teacher Association, both of Washington, D.C.; Mark Covey, Concordia College, Moorhead, Minnesota; Leonard Eron, University of Michigan, Ann Arbor, on behalf of the American Psychological Association; Jonathan Freedman, University of Toronto, Toronto, Ontario; Robert M. O'Neil, University of Virginia School of Law, Charlottesville, on behalf of the Thomas Jefferson Center for Free Expression; and William S. Abbott, National Foundation to Improve Television, Boston, Massachusetts.

POWER MARKETING ADMINISTRATIONS PRIVATIZATION

Committee on Energy and Natural Resources: Committee held hearings on proposed legislation to authorize the Secretary of Energy to provide for the sale or transfer of the Southeastern, Southwestern, and Western Area Power Administrations from Federal ownership, management, or control, and proposed legislation to authorize the Secretary of Energy to provide for the sale of the Alaska Power Administration, receiving testimony from Robert R. Nordhaus, General Counsel, Department of Energy; Edward L. Watson, Texas Utilities Electric, Dallas, on behalf of the Edison Electric Institute; Alan H. Richardson, American Public Power Association, and Glenn English, National Rural Electric Cooperative Association, both of Washington, D.C.; Richard Bad Moccasin, Crow Creek Sioux Tribe, Rapid City, South Dakota, on behalf of the Mni Sose Intertribal Water Rights Coalition; Leland R. Gardner, Sunnyvale, California, on behalf of the Navajo Tribal Utility Authority and the Colorado River Indian Tribes; and Robert G.

Dawson, Southern Electric International, Atlanta, Georgia, on behalf of the Alliance for Power Privatization.

Hearings were recessed subject to call.

PROPERTY OWNERS COMPENSATION

Committee on Environment and Public Works: Committee held oversight hearings on the effects of certain proposals to statutorily redefine the constitutional right to compensation for property owners, including related provisions of S. 605, H.R. 9, H.R. 925, and H.R. 961, receiving testimony from former Senator Paul Tsongas; Alice M. Rivlin, Director, Office of Management and Budget; Michael L. Davis, Chief, Regulatory Branch, United States Army Corps of Engineers; Gary S. Guzy, Deputy General Counsel, Environmental Protection Agency; John Shanahan, Heritage Foundation, Dean Kleckner, American Farm Bureau Federation, and Jonathan H. Adler, Competitive Enterprise Institute, all of Washington, D.C.; C. Ford Runge, University of Minnesota, Minneapolis; Richard J. Lazarus, Washington University School of Law, St. Louis, Missouri; and Steven J. Eagle, George Mason University School of Law, Arlington.

Hearings were recessed subject to call.

MEDICAID

Committee on Finance: Committee resumed hearings to examine ways to control the cost of the Medicaid program, focusing on the flexibility States have under the current program, including the extent of Federal waiver requests and the program experience of States granted such waivers, receiving testimony from Bruce C. Vladeck, Administrator, Health Care Finance Administration, Department of Health and Human Services; William J. Scanlon, Associate Director, Health Financing, General Accounting Office; Donna Checkett, Missouri Division of Medical Services, Jefferson City, on behalf of the American Public Welfare Association; Robert E. Hurley, Medical College of Virginia/Virginia Commonwealth University, Richmond; Richard C. Ladd, Ladd and Associates, Austin, Texas; and Nelda McCall, Laguna Research Associates, San Francisco, California.

Hearings continue tomorrow.

HAITI ELECTIONS

Committee on Foreign Relations: Subcommittee on Western Hemisphere and Peace Corps Affairs concluded hearings to examine certain aspects of the legislative and municipal election process in Haiti, after receiving testimony from Senators McCain and Graham; Representatives Goss, Rangel, Oberstar, Donald Payne, and Hastings; James Dobbins, Coordinator, Haiti Working Group, Department of State; Mark Schneider, Assistant Administrator for Latin America and the Caribbean, Agency for International Development; and R. Bruce McColm, International Republican Institute, Jeff Fischer, International Foundation for Electoral Systems, and Gay McDougall, International Law Group, all of Washington, D.C.

STUDENT GRANT PROGRAM ABUSE

Committee on Governmental Affairs: Permanent Subcommittee on Investigations held hearings to examine problems of abuse and fraud within the management and oversight of Federal student financial aid programs, receiving testimony from Alan Edelman, Counsel to the Minority, and R. Mark Webster, Staff Investigator to the Minority, both of the Permanent Subcommittee on Investigations; Cornelia Blanchette, Associate Director, Education and Employment Issues, Health, Education, and Human Services Division, General Accounting Office; John P. Higgins, Jr., Acting Inspector General, Department of Education; and David A. Longanecker, Assistant Secretary of Education for Postsecondary Education.

Hearings were recessed subject to call.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee will meet again on Wednesday, July 19.

House of Representatives

Chamber Action

Bills Introduced: Eight public bills, H.R. 2017–2022, 2024–2025; and one private bill, H.R. 2023, were introduced. **Page H6913**

Reports Filed: Reports were filed as follows:

H.R. 2020, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain

Independent Agencies, for the fiscal year ending September 30, 1996 (H. Rept. 104–183);

H. Res. 187, providing for consideration of H.R. 1977, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996 (H. Rept. 104–184; and

H. Res. 188, providing for consideration of H.R. 1976, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996 (H. Rept. 104–185).

Page H6912–13

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Quinn to act as Speaker pro tempore for today. **Page H6835**

Energy and Water Appropriations: By a yea-and-nay vote of 400 yeas to 27 nays, Roll No. 494, the House passed H.R. 1905, making appropriations for energy and water development for the fiscal year ending September 30, 1996. **Pages H6838–83**

Agreed To:

The Klug amendment that earmarks $45 million from the energy supply research and development funds for the implementation of the Innovative Renewable Energy Technology Transfer Program as authorized by the Energy Policy Act of 1992 (agreed to by a recorded vote of 214 ayes to 208 noes, Roll No. 488); **Pages H6840–47**

The Ward amendment that strikes $1 million in funding from energy supply, research and development activities (agreed to by a recorded vote of 276 ayes to 141 noes, Roll No. 489); **Pages H6847–49**

The Traficant amendment that expresses the sense of Congress that to the greatest extent practicable, equipment and products purchased with funds in this bill should be American-made; **Pages H6878–79**

The Bereuter amendment that prohibits the use of funds to revise the Missouri River Master Water Control Manual when it is made known that the revision provides an increase in the springtime water release program during heavy spring rainfall and snowmelt periods, in States that have rivers draining into the Missouri River below the Gavins Point Dam; **Pages H6880–82**

The Pallone amendment that reduces by $1,000 the amount provided for the Nuclear Waste Disposal Fund; and **Pages H6882–83**

The Gunderson amendment that provides that none of the funds used for the Army Corps of Engineers Upper Mississippi River-Illinois Waterway System Navigation Study may be used to study any portion of the Upper Mississippi River located above Lock and Dam 14 at Moline, Illinois, and Bettendorf, Iowa. **Page H6883**

Rejected:

The Obey amendment that sought to reduce by $40 million funding for energy supply, research and development activities (rejected by a recorded vote of 191 ayes to 227 noes, Roll No. 487); **Pages H6838–40**

The Volkmer amendment that sought to reduce by $8 million funding for energy supply, research and development activities (rejected by a recorded vote of 148 ayes to 275 noes, Roll No. 490); **Pages H6850–55**

The Klug amendment that sought to eliminate funding for the Appalachian Regional Commission (rejected by a recorded vote of 108 ayes to 319 noes, Roll No. 491); **Pages H6855–70**

The Klug amendment that sought to eliminate funding for the Tennessee Valley Authority (rejected by a recorded vote of 144 ayes to 284 noes, Roll No. 492); and **Pages H6870–78**

The Markey appeal of a ruling of the Chair (rejected by a recorded vote of 255 ayes to 167 noes, Roll No. 493). Previously, the Chair sustained a point of order against the Markey amendment that sought to reduce by $211 million the funding for energy supply, research and development activities and increase its funding for the Nuclear Waste Disposal Fund and Nuclear Regulatory Commission by $200 million and $11 million, respectively. **Pages H6879–80**

The Sanders amendment was offered but subsequently withdrawn that sought to strike language that provided funding for nuclear weapon activities. **Page H6847**

Committee Resignation: Read and accepted a letter from Representative Mascara, wherein he resigned from the Committee on Government Reform and Oversight effective July 11. **Page H6884**

Committee Elections: House agreed to H. Res. 186, electing Representative Mascara of Pennsylvania to the Committee on Transportation and Infrastructure; and Representative Holden of Pennsylvania to the Committee on Government Reform and Oversight. **Pages H6884–85**

Select Committee on Intelligence: The Speaker appointed Representative Skaggs as a member of the Select Committee on Intelligence to fill the existing vacancy thereon and to rank after Representative Coleman of Texas. **Page H6885**

Interior Appropriations: By a recorded vote of 192 ayes to 238 noes, Roll No. 496, the House failed to agree to H. Res. 185, providing for consideration of H.R. 1977, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996. Agreed to order the previous question on the resolution by a

yea-and-nay vote of 235 yeas to 193 nays, Roll No. 495. Pages H6885–95

Motion To Adjourn: By a yea-and-nay vote of 177 yeas to 238 nays, Roll No. 497, the House failed to agree to the Volkmer motion to adjourn.

Pages H6894–95

Presidential Message—National Emergency in Libya: Read a message from the President wherein he transmits a report on the developments concerning the national emergency with respect to Libya—referred to the Committee on International Relations and ordered printed (H. Rept. 104–95).

Pages H6896–97

Recess: House recessed at 11:31 p.m. and reconvened at 12:30 a.m. Page H6912

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H6913–15.

Quorum Calls—Votes: Three yea-and-nay votes and eight recorded votes developed during the proceedings of the House today and appear on pages H6840, H6846–47, H6849, H6854–55, H6869–70, H6877–78, H6880, H6883, H6893–94, H6894, and H6894–95. There were no quorum calls.

Adjournment: Met at 10 a.m. and adjourned at 12:31 a.m., Thursday, July 13.

Committee Meetings

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Ordered reported the Treasury, Postal Service and General Government appropriations for fiscal year 1996.

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Appropriations: Subcommittee on the District of Columbia held a hearing on Procurement and Contracting Practices. Testimony was heard from the following officials of the District of Columbia: Russell A. Smith, Auditor; Thomas E. Brown, Jr., Acting Inspector General; Cellerino Bernardino, Deputy Director, Public Works; Jill Lane, Procurement Officer, Public Schools; and James Gaston, Director, Department of Administrative Services; and a public witness.

NATIONAL SECURITY APPROPRIATIONS

Committee on Appropriations: Subcommittee on National Security met in executive session and continued markup of appropriations for National Security for fiscal year 1996.

Will continue tomorrow.

COMMEMORATIVE COIN ISSUE

Committee on Banking and Financial Services: Subcommittee on Domestic and International Monetary Affairs held a hearing dealing with the Commemorative Coin issue. Testimony was heard from Philip N. Diehl, Director, U.S. Mint, Department of the Treasury; and public witnesses.

HIGH-LEVEL NUCLEAR WASTE DISPOSAL LEGISLATION

Committee on Commerce: Subcommittee on Energy and Power held a hearing on the following bills: H.R. 1020, Integrated Spent Nuclear Fuel Management Act of 1995; H.R. 496, Nuclear Waste Policy Reassessment Act of 1995; H.R. 1032, Electric Consumers and Environmental Protection Act of 1995; H.R. 1174, Nuclear Waste Disposal Funding Act; and H.R. 1924, Interim Waste Act. Testimony was heard from Daniel Dreyfus, Director, Office of Civilian Radioactive Waste Management, Department of Energy; Dennis Bechtel, Commissioner, Board of County Commissioners, County of Clark, State of Nevada; Emmit J. George, Jr., Commissioner, Utilities Board, State of Iowa; and public witnesses.

MEDICARE PROGRAM FUTURE

Committee on Commerce: Subcommittee on Health and Environment continued hearings on the Future of the Medicare Program. Testimony was heard from Gail Wilensky, Chair, Board of Directors, Physician Payment Review Commission; Stuart Altman, Chairman, Prospective Payment Assessment Commission; Rodney Armstead, Director, Office of Managed Care, Health Care Financing Administration, Department of Health and Human Services; Jonathan Ratner, Associate Director, Health Financing and Policy Issues, Health, Education and Human Services Division, GAO; and public witnesses.

OVERSIGHT—NLRB REFORM

Committee on Economic and Educational Opportunities: Subcommittee on Oversight and Investigations held an oversight hearing on National Labor Relations Board Reform. Testimony was heard from the following officials of the NLRB: William B. Gould, IV, Chairman; and Fred Feinstein, General Counsel; and public witnesses.

INTELLIGENCE AUTHORIZATION ACT

Committee on Government Reform and Oversight: Subcommittee on Civil Service approved for full Committee action amended H.R. 1655, Intelligence Authorization Act for fiscal year 1996.

DISTRICT OF COLUMBIA CONVENTION CENTER PRECONSTRUCTION ACT; DISTRICT OF COLUMBIA SPORTS ARENA FINANCING ACT

Committee on Government Reform and Oversight: Subcommittee on the District of Columbia held a hearing on the following bills: H.R. 1862, District of Columbia Convention Center Preconstruction Act of 1995; and H.R. 1843, District of Columbia Sports Arena Financing Act of 1995. Testimony was heard from the following officials of the District of Columbia: David A. Clarke, Chairman, City Council; Charlene Drew Jarvis, member, Council; Michael Rogers, City Administrator; and Michelle D. Bernard, Chairwoman, Redevelopment Land Agency; Jeffery C. Steinhoff, Director, Planning and Reporting, Accounting and Information Management Division, GAO; Abe Pollin, Chairman, Center Group U.S. Air Arena; and public witnesses.

OSHA'S REGULATORY PROCESSES

Committee on Government Reform and Oversight: Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs held a hearing on OSHA's Regulatory Processes and Activities Regarding Ergonomics. Testimony was heard from the following officials of the Department of Labor: Joseph A. Dear, Assistant Secretary, Occupational Safety and Health; and Joseph M. Woodward, Associate Solicitor, Occupational Safety and Health Division, Office of the Solicitor; and public witnesses.

VIETNAM: WHEN WILL WE GET A FULL ACCOUNTING?

Committee on International Relations: Held a hearing on Vietnam: When Will We Get a Full Accounting? Testimony was heard from Ambassador Winston Lord, Assistant Secretary, Asian and Pacific Affairs, Department of State; James Wold, Deputy Assistant Secretary (POW/MIA Affairs), Department of Defense; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 782, amended, to amend title 18 of the United States Code to allow members of employee associations to represent their views before the U.S. Government; and H.R. 1445, to amend rule 30 of the Federal Rules of Civil Procedure to restore the stenographic preference for depositions.

The Committee also began markup of H.R. 1833, Partial-Birth Ban Act of 1995.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: S. 268, to authorize the collection of fees for expenses for triploid grass carp certification inspections; H.R. 1296, amended, to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer; H.R. 629, Fall River Visitor Center Act of 1995; and H.R. 1675, amended, National Wildlife Refuge Improvement Act of 1995.

AGRICULTURE APPROPRIATIONS

Committee on Rules: Granted an open rule providing for one hour of general debate on H.R. 1976, making appropriations for the Agriculture, Rural Development, Food and Drug administration, and Related Agencies programs for the fiscal year ending September 30, 1996. The rule waives clause 2 (prohibiting unauthorized appropriations and legislative provisions in an appropriations bill) and clause 6 (prohibiting reappropriations in an appropriations bill) of rule XXI against provisions in the bill. The rule provides for the reading of the bill by title rather than by paragraph for amendment, and each title shall be considered as read. The rule provides for consideration of an amendment printed in the report on the rule. The amendment is considered as pending, is considered as read, is not subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole, and is debatable for 10 minutes divided between the chairman and ranking minority member of the Appropriations Committee. If adopted, the amendment is considered as part of the base text for further amendment purposes. The rule accords priority in recognition to Members who have preprinted amendments in the CONGRESSIONAL RECORD. Finally, the rule provides one motion to recommit, with or without instructions. Testimony was heard from Representatives Skeen, Hansen, Roberts, Zimmer, Durbin, Collins of Illinois, Harman and Watt of North Carolina.

INTERIOR APPROPRIATIONS

Committee on Rules: Granted an open rule providing one hour of general debate on H.R. 1977, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996.

The rule waives the following sections of the Budget Act: section 302(f) (prohibiting consideration of a measure containing new entitlement authority which exceeds a committee's allocation); section 306 (prohibiting matters within the jurisdiction of the Budget Committee in a measure not reported by it); and section 308(a) (prohibiting the consideration of a measure containing new entitlement authority if the report does not contain a CBO cost estimate on such entitlement authority).

Further, the rule waives clause 2 (prohibiting unauthorized appropriations and legislative provisions)

and clause 6 (prohibiting reappropriations in an appropriations bill) of rule XXI against provisions in the bill. The rule provides that the bill shall be read by title rather than by paragraph for amendment and that each title shall be considered as read.

The rule provides for the automatic adoption of an amendment printed in section 2 of the rule (striking a directed scorekeeping provision at page 57, line 21 through page 58, line 2; and changing a mandatory salary provision into a discretionary provision at page 75, line 24); and inserting language at pages 72 and 73 making availability of NEA appropriations subject to House passage of an authorization bill.

The rule waives all points of order against the amendment printed in section 3 of the rule (striking provisions at page 57, line 9 through line 21, relating to the sale of oil from the Strategic Petroleum Reserve), if offered by Representative Schaefer of Colorado or Representative Tauzin of Louisiana.

The rule permits the Chair to accord priority in recognition to Members who have pre-printed their amendments in the CONGRESSIONAL RECORD. The rule waives clause 2(e) of rule XXI (prohibiting non-emergency amendments to be offered to a bill containing an emergency designation under the Budget Act) against amendments to the bill. Finally, the rule provides one motion to recommit, with or without instructions.

REDUCTION OF AIRLINE TICKETS SALES COMMISSION—IMPACT ON SMALL TRAVEL AGENCIES

Committee on Small Business: Held a hearing on reduction of airline ticket sales commission and its impact on small travel agencies. Testimony was heard from David Edgell, Commissioner of Tourism, U.S. Virgin Islands; and public witnesses.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

SAN DIEGO COASTAL CORRECTIONS ACT

Committee on Transportation and Infrastructure: Ordered reported H.R. 1943, San Diego Coastal Corrections Act of 1995.

MISCELLANEOUS TAX REFORMS

Committee on Ways and Means: Concluded hearings on miscellaneous tax reforms. Testimony was heard from Senator McConnell; Representative Jefferson; former Representative Barber B. Conable of New York; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, JULY 13, 1995

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services, to hold a closed briefing on the recent F–16 shoot-down in Bosnia, 9:30 a.m., SR–222.

Committee on Banking, Housing, and Urban Affairs, to hold hearings to examine the proposed use of a one dollar coin, 10 a.m., SD–538.

Committee on Energy and Natural Resources, Subcommittee on Forests and Public Land Management, to hold hearings on S. 884, to designate certain public lands in the State of Utah as wilderness, 9:30 a.m., SD–366.

Committee on Environment and Public Works, Subcommittee on Drinking Water, Fisheries, and Wildlife, to hold hearings on proposed legislation authorizing funds for programs of the Endangered Species Act, 9 a.m., SD–406.

Subcommittee on Transportation and Infrastructure, to hold hearings on S. 1005, to improve the process of constructing, altering, purchasing, and acquiring public buildings, and on pending Government Services Administration building prospectuses and public buildings cost-savings issues, 2 p.m., SD–406.

Committee on Finance, to continue hearings to examine ways to control the cost of the Medicaid program, focusing on Medicaid beneficiaries and provider groups, 9:30 a.m., SD–215.

Committee on Foreign Relations, to hold hearings to examine U.S. national goals and objectives in international relations in the year 2000 and beyond, 10 a.m., SD–419.

Subcommittee on Near Eastern and South Asian Affairs, to hold hearings to examine economic development and U.S. assistance in Gaza/Jericho, 2 p.m., SD–419.

Committee on Labor and Human Resources, Subcommittee on Aging, to hold hearings on S. 593, to amend the Federal Food, Drug, and Cosmetic Act to authorize the export of new drugs, 9:30 a.m., SD–430.

Committee on Small Business, business meeting, to mark up S. 895, to revise the Small Business Act to reduce the level of participation by the Small Business Administration in certain loans guaranteed by the Administration; to be followed by hearings on the future of the Small Business Investment Companies program, 9:30 a.m., SR–428A.

Committee on Indian Affairs, to hold hearings on S. 479, to provide for administrative procedures to extend Federal recognition to certain Indian groups, 9:30 a.m., SR–485.

NOTICE

For a listing of Senate Committee Meetings scheduled ahead, see page E1427 in today's RECORD.

House

Committee on Agriculture, Subcommittee on Resource Conservation, Research, and Forestry, hearing on the following: H.R. 714, Illinois Land Conservation Act of 1995; H.R. 701, to authorize the Secretary of Agriculture

to convey lands to the city of Tolla, MO; and other similar legislation, 9:30 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on National Security, executive, to continue markup of appropriations for fiscal year 1996, time and room to be announced.

Committee on Commerce, to mark up H.R. 1872, Ryan White CARE Act Amendments of 1995, 10 a.m., 2123 Rayburn.

Committee on Economic and Educational Opportunities, Subcommittee on Early Childhood, Youth and Families, to continue hearings on Education Reform, 9:30 a.m., 2261 Rayburn.

Subcommittee on Employer-Employee Relations, to mark up H.R. 1594, Pension Protection Act of 1995, 9 a.m., 2175 Rayburn.

Committee on International Relations, executive, briefing on the Situation in Bosnia, 2 p.m., 2172 Rayburn.

Subcommittee on Africa, hearing on The Path Toward Democracy in Angola, 10 a.m., 2200 Rayburn.

Subcommittee on Asia and the Pacific, to consider the following: H. Res. 158, congratulating the people of Mongolia on the fifth anniversary of the first democratic multiparty elections held in Mongolia on July 29, 1990; H. Res. 181, encouraging the peace process in Sri Lanka; and H. Con. Res. 80, expressing the sense of Congress that the United States should recognize the concerns of the peoples of Oceania and call upon the Government of France to cease all nuclear testing at the Moruroa and Fangataufa atolls, 9:30 a.m., 2255 Rayburn.

Committee on the Judiciary, Subcommittee on Commercial and Administrative Law, hearing on H.R. 234, Boating and Aviation Operation Safety Act of 1994, 10 a.m., 2226 Rayburn.

Subcommittee on Courts and Intellectual Property, to continue hearings on H.R. 989, Copyright Term Extension Act of 1995, 10 a.m., 2237 Rayburn.

Subcommittee on Immigration and Claims, to consider private claims bills; and to mark up H.R. 1915, Immigration in the National Interest Act of 1995, 9:30 a.m., B–352 Rayburn.

Committee on National Security, Subcommittee on Military Procurement, hearing on chemical demilitarization, 9:30 a.m., 2118 Rayburn.

Committee on Resources, Subcommittee on Water and Power Resources, to mark up H.R. 1743, to amend the Water Resources Research Act of 1984 to extend the authorizations of appropriations through fiscal year 2000, 10 a.m., 1334 Longworth.

Subcommittee on Legislative and Budget Process and the Subcommittee on Rules and Organization of the House, joint hearing on the Budget Process, following full Committee, H–313 Capitol.

Committee on Science, Subcommittee on Basic Research, hearing on Graduate Level Science and Engineering Education: An Assessment of the Present; a Look into the Future, 9:30 a.m., 2318 Rayburn.

Permanent Select Committee on Intelligence, executive, hearing on the Future of Technology–IC21, 9 a.m., H–405 Capitol.

Next Meeting of the SENATE

9 a.m., Thursday, July 13

Senate Chamber

Program for Thursday: After the recognition of eight Senators for speeches and the transaction of any morning business (not to extend beyond 10:45 a.m.), Senate will resume consideration of S. 343, Comprehensive Regulatory Reform Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 13

House Chamber

Program for Thursday: Continue consideration of H.R. 1977, Interior Appropriations for fiscal year 1996 (open rule, 1 hour of general debate).

Extensions of Remarks, as inserted in this issue

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